

Delta County, Colorado Pretrial Policies and Bond Guidelines

A Collaborative Effort to Enhance Pretrial Justice

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Delta County
Criminal Justice Services



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Pretrial Services ▪ Adult & Juvenile Diversion ▪ Useful Public Service

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(Formed pursuant to Section 16-4-106 (3) C.R.S.)

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DELTA COUNTY PRETRIAL SERVICES MISSION STATEMENT

Delta County Pretrial Service's mission is to assist judicial officers in making pretrial decisions and to provide the court with a range of pretrial release options by providing complete, accurate, and timely information and appropriate bond recommendations to the Judicial Officer, District Attorney's Office, and the Public Defender's Office via written report, through the use of an empirically developed pretrial risk assessment tool. Based on risk, arrestees for whom alternatives to pretrial incarceration are appropriate, and are released by the court on pretrial supervision, will be monitored to ensure compliance with court-ordered conditions designed to maximize release, court appearance, and public safety while also minimizing the detrimental collateral consequences of pretrial detention.

GUIDING PRINCIPLES

Principle One: Reliability and Objectivity

Delta County Pretrial Services will assemble accurate, reliable, and objective information that is relevant to the courts' determination concerning pretrial release or detention. Release and detain decisions for all defendants will be risk-based, individualized, and will consider the safety and needs of the community. Release decisions shall be informed by an empirically validated pretrial risk assessment.

Principle Two: Due Process and the Presumption of Innocence

The presumption of innocence of the pretrial defendant should lead to the least restrictive release consistent with community safety and return to court, and preventive detention only as a last resort based on a judicial determination of the risk of non-appearance in court and/or danger to any person or the community.

Principle Three: Non-Financial Conditions of Release

Non-financial conditional release based on the history, characteristics, and reliability of the defendant, is more effective than financial release conditions. Reliance on money bail discriminates against indigent defendants and cannot effectively address the need for release conditions that protect the public.

Principle Four: Pro-Social Interventions

Pro-social interventions that address substance abuse, employment, housing, medical, educational, and mental health issues afford defendants the opportunity for personal improvement and decrease the likelihood of criminal behavior.

Principle Five: Innovation, Effective Use of Technology, and the Development of Human Capital

Innovation, effective use of technology, and the development of human capital lead to organizational excellence, transparency, high professional and ethical standards, and accountability to the public.

Principle Six: Collaboration

Delta County Pretrial Services will strive to achieve common goals of Maximizing Court Appearance, Public Safety, and Release rates by creating and maintaining working relationships within an adversarial system. All other essential elements flow from this defining principle.

THE SIX CORE FUNCTIONS OF DELTA COUNTY PRETRIAL SERVICES PROGRAM

Reviewed below are the six core functions of the Delta County Pretrial Services Program, as derived from national standards.

1. Impartial Universal Screening of All Defendants, Regardless of the Charge, Before the Initial Appearance in Court

Delta County Pretrial Services shall interview, before the initial appearance in front of a judicial officer, everyone arrested with an offense over which the court it serves has jurisdiction, with the following possible exception:

- Those arrested solely on a probation or parole violation;

In all cases in which a defendant is in custody and charged with a criminal offense, an investigation about the defendant's background and current circumstances will be conducted by Delta County Pretrial Services before a defendant's first appearance, to provide information relevant to decisions concerning pretrial release that will be made by the judicial officer presiding at the first appearance. (*NAPSA Pretrial Release Standard 3.3*)

2. Verification of Interview Information and Criminal History Checks

An essential function of the Delta County Pretrial Services Program is to collect, verify, and document information about the defendant's background and current circumstances that are pertinent to the court's decision concerning release or detention of the defendant. Much of the information used to assess the risk of pretrial misconduct and to contact defendants after release relies upon the accuracy of the information provided by the defendant during the interview. If the information provided by the defendant is inaccurate, the risk assessment may be invalid, and it may be difficult to locate the defendant after release. As a result, a key function of pretrial services is to seek to verify the information obtained in the interview, to the extent possible, a lot of which will be based upon capacity. (*NAPSA Pretrial Release Standard 3.2 (a)*)

3. Assessment of Risk of Pretrial Misconduct Through Objective Means and Presentation of Recommendation to the Court Based Upon the Risk Level

Delta County Pretrial Services will use an empirically developed risk assessment tool that consistently and equitably assesses the defendant's risks of failing to appear at future court hearings and posing a

risk to community safety, where statutorily prescribed. The assessment will place the defendant at a risk level and identify any condition or combination of conditions designed to address the identified risks. A range of options will be available, such as release on recognizance, least restrictive non-financial conditions, and as the last resort, financial conditions. Conditions shall be recommended on a graduated basis from least to most restrictive. The information gathered in the investigation of the pretrial service will be demonstrably related to the purposes of the pretrial release decision, and will include factors shown to be related to the risk of nonappearance or of a threat to the safety of any person or the community and selection of appropriate release conditions. (*NAPSA Pretrial Release Standard 3.4 (a)*)

4. Follow-Up Reviews of Defendants Unable to Meet the Conditions of Release

Delta County Pretrial Services will review the status of detained defendants on an ongoing basis to determine if there are any changes in eligibility for release options or other circumstances that might enable the conditional release of the defendants. The program will take such actions as may be necessary to provide the court with needed information and to facilitate the release of defendants under appropriate conditions. (*NAPSA Pretrial Release Standard 3.6*)

5. Accountable and Appropriate Supervision of Those Released, Including Proactive Court Date Reminders

Supervision shall include contact supervision and referral to or provision of services. Compliance of defendants in supervision shall be monitored. Supervision will be individualized and based on a scheme of graduated contacts /sanctions and level of supervision dependent on conditions imposed. The conditions of release will be related to the risk identified in each case and shall be the least restrictive necessary to reasonably assure the defendant's appearance and community safety. If adjudicated guilty, a final report on the defendant's compliance with release conditions will be prepared to assist in the compilation of pre-sentence report information. The effectiveness and reliability of services provided by the Delta County Pretrial Services Program to which defendants are referred shall be regularly monitored by the program. The Delta County Pretrial Services Program will: (i) monitor the compliance of released defendants with assigned release conditions; (ii) promptly inform all parties to the case of facts concerning compliance or noncompliance that may warrant modification of release conditions and any arrest of a person released pending trial; (iii) recommend modifications of release conditions, consistent with court policy, when appropriate; (iv) maintain a record of the defendant's compliance with conditions of release; (v) assist defendants released before trial in securing employment and in obtaining any necessary medical services, drug or mental health treatment, legal services, or other social services that would increase the chances of successful compliance with conditions of pretrial release. (*NAPSA Pretrial Release Standard 3.5*)

6. Reporting of Progress and Outcome Measures

The collection and reporting of outcomes are key to a quality pretrial services program. Outcome measures that will be collected include safety rate, concurrence rate, success rate, and pretrial detainee length of stay among others. There are also performance measures such as recommendation rate, response to defendant conduct, intervention rate, and other output measures. These measures will be used to continually improve the pretrial services program. (*NAPSA Pretrial Release Standard 3.7 (c)*)

PRETRIAL POLICIES AND BOND GUIDELINES

Statement of Purpose and Collaboration

These bond guidelines and pretrial policies are intended to promote, collaborate, and accomplish the adoption of evidence-based assessment of risk in setting pretrial release conditions and advocate for the presumptive use of non-financial release conditions to the greatest degree consistent with the evidence-based assessment of flight risk and a threat to public safety and victims of crime. These guidelines and pretrial policies were formed collaboratively with input from various stakeholders in the 7th Judicial District, including the Delta County Court Judge, the Public Defender's Office, the District Attorney's Office, the Delta County Sheriff's Department, and Delta County Pretrial Services, among others. Over the past several months, representatives from these agencies and organizations have collaborated to develop these Pretrial Policies and Bond Guidelines which are consistent with EBDM research, constitutional principles, and Colorado statutes.

Purpose of Pretrial Policies and Bond Guidelines

1. **Cost-effectiveness:** With risk assessment information provided to the judge on a timely basis and with supervisory options available in the community, substantial taxpayer costs can be saved by reducing unnecessary pretrial detention. Operating a jail is expensive, and community supervision is appreciably less expensive. It will be important to demonstrate actual savings likely to be achieved through system change as outlined in these Pretrial Policies and Bond Guidelines.
2. **Ratify** the bond guidelines and pretrial policies to current Colorado statutes and case law.
3. **Take** additional steps toward minimizing pretrial detention due to monetary conditions of bond for low to medium risk defendants when a judge has determined that such defendant is appropriate for pretrial release with appropriate non-monetary bond conditions.
4. **Clarify** that a monetary condition that results in pretrial detention for medium to high-risk defendants is appropriate, in certain cases when a Judge has decided that no non-monetary conditions of bond are sufficient to address the defendant's pretrial risk.
5. **Fair and effective pretrial release policies** are an essential component of equal justice. Pretrial release/detention policies and decisions have very important implications for society's capacity to achieve the ideal of equal justice under law. By providing judicial officers with essential information for decision-making, and by helping to supervise released defendants, pretrial services programs help courts reduce discrimination based on wealth and other factors not related to the risk of flight or danger to the community.

Legal Philosophy and Principles of Pretrial Services

Pretrial services agencies and programs perform functions that are critical to the effective operation of local criminal justice systems by assisting the court in making prompt, fair, and effective release/detention decisions, and by monitoring and supervising released defendants to minimize risks of nonappearance at court proceedings and risks to the safety of the community and individual persons. In doing so, the agency or program also contributes to the fair and efficient use of detention facilities. "In our society liberty is the norm, and detention before trial or without trial is the carefully limited exception." (*U.S. v. Salerno*, 481 U.S. 739 (1987))

Purpose of Bond Conditions

The two equally important purposes of bond conditions are : 1) to reasonably ensure the appearance of the person as required, and 2) to protect the safety of any person or the community, taking into consideration the individual characteristics of each person in custody, including the person's financial condition, § 16-4-103 (3)(a) C.R.S. These two purposes of bond conditions have been approved as constitutional in *Salerno* and are explicitly stated in Colorado's new bond statutes, § 16-4-103 (3) (a) C.R.S.

Least Restrictive Conditions

The current Colorado bond statutes require that courts use the least restrictive bond conditions necessary to address a particular defendant's pretrial risk. § 16-4-103(4) (a) C.R.S. A monetary condition of the bond should only be used if necessary to address the defendant's pretrial risk. If a judge has decided that pretrial release is appropriate and a defendant's pretrial risk can be addressed with non-monetary conditions of bond, then a monetary condition of the bond should not result in the continued pretrial detention of a defendant.

Monetary Conditions of Bond That Result in the Pretrial Detention of the Defendant

Under the bond guidelines that follow, a judge may impose a monetary condition of bond that may result in the defendant's pretrial detention, and such bond condition may be reasonable if no other non-monetary conditions of the bond would adequately address pretrial risk. As indicated above in the *Salerno* case, purposeful pretrial detention can be constitutional and is used in other jurisdictions with appropriate due process safeguards not presently required by Colorado statutes. Pretrial detention is also approved of and recommended by the American Bar Association's pretrial Standards, Part V. Standards 10-5.1- 5.16, with Due Process safeguards.

Colorado courts have also upheld monetary conditions of bonds that result in the pretrial detention of defendants. See *People v. District Court*, 529 P.2d 1335, 1336 (Colo. 1974) "[N]either the Eighth Amendment or the Fourteenth Amendment requires that everyone charged with a state offense must be given his liberty on bail pending trial."; *People v. Jones*, 489 P.2d 596, 599 (Colo. 1971) "The right to bail does not amount to a guarantee that every defendant who is charged with a crime will be released without bail if he is indigent."

Cash Only Bonds

The court may require a "cash only" monetary bond condition. Pursuant to § 16-4-104 (l) (c), C.R.S., the court may impose a monetary condition of the bond if such condition "is necessary to ensure the appearance of the person in court or the safety of any person, persons, or the community..." and may specify that the monetary condition is "...by a deposit with the clerk of the court of an amount of cash equal to the monetary condition of the bond." This type of bond is commonly referred to in Colorado, and in these bond guidelines, as a "cash only" bond or a "cash only" monetary bond condition. Additionally, courts may require that the cash only monetary bond condition be posted only by the defendant, or may allow another specific person to post such monetary condition, or may allow any person to post such monetary condition.

If the court elects to impose a cash only bond, an advantage of such a bond is that the court maintains more control over whether the defendant is released or detained pending disposition of the charges than if the court were to allow a bail bonding agent to decide whether a defendant should be released or detained. Additionally, if a defendant is released upon deposit of cash in any amount or upon deposit of any stocks or bonds and the defendant is later discharged from all liability under the terms of the bond, the clerk of the court shall return the deposit to the person who made the deposit, § 16-4-111 (l) (a), C.R.S. Finally, if the depositor of the cash bond is the defendant and the defendant owes court costs, fees, fines, restitution, or surcharges at the time the defendant is discharged from all liability under the terms of the bond, the court may apply the deposit toward any amount owed by the defendant in court costs, fees, fines, restitution, or surcharges if the defendant voluntarily agrees in writing to the use of the deposit for such purpose. A defendant shall not be required to agree to apply the deposit toward any amount owed by the defendant as a condition of release. If any amount of the deposit remains after paying the defendant's outstanding court costs, fees, fines, restitution, or surcharges, the court shall return the remainder of the deposit to the defendant. § 16-4-111 (l) (b), C.R.S.

§ 16-4-109, C.R.S. Reduction or increase of monetary conditions of bond - change in the type of bond or conditions of bond - definitions

- (1) Upon application by the district attorney or the defendant, the court before which the proceeding is pending may increase or decrease the financial conditions of bond, may require additional security for a bond, may dispense with security heretofore provided, or may alter any other condition of the bond.
- (2) Reasonable notice of an application for modification of a bond by the defendant shall be given to the district attorney.
- (3) Reasonable notice of application for modification of a bond by the district attorney shall be given to the defendant, except as provided in subsection (4) of this section.
- (4) (a) Upon verified application by the district attorney or a bonding commissioner stating facts or circumstances constituting a breach or a threatened breach of any of the conditions of the bond, the court may issue a warrant commanding any peace officer to bring the defendant without unnecessary delay before the court for a hearing on the matters outlined in the application. Upon issuance of the warrant, the bonding commissioner shall notify the bail bond agent of record by electronic mail to the agent if available within twenty-four hours or by certified mail not more than fourteen days after the warrant is issued. After the hearing, the court may enter an order authorized by subsection (1) of this section. If a bonding commissioner files an application for a hearing pursuant to this subsection (4), the bonding commissioner shall notify the district attorney, for the jurisdiction in which the application is made, of the application within twenty-four hours following the filing of the application.
- (b) As used in this subsection (4), "bonding commissioner" means a person employed by a pretrial services program as described in section 16-4-106 (3), and so designated as a bonding commissioner by the chief or presiding judge of the judicial district.
- (5) The district attorney has the right to appear at all hearings seeking modification of the terms and conditions of bond and may advise the court on all pertinent matters during the hearing.

EXPLANATION OF PRETRIAL POLICY DOCUMENTS AND BOND GUIDELINES

Pretrial Services Report - Including CPAT-R Risk Assessment

The Pretrial Services Report is designed to highlight the CPAT-R Risk Assessment. **The Colorado Pretrial Assessment Tool-Revised (CPAT-R) is an evidence-based risk assessment tool administered to identify a risk profile for Colorado defendants during the pretrial phase by estimating a defendant's risk to re-offend and risk of failing to appear for future court proceedings.** The CPAT-R score is one of several factors to consider when making bond decisions. The Pretrial Services Court Report will continue to contain biographical information about the defendant, the defendant's criminal history, and other financial, contact, employment, and residential history information.

Bond Guidelines

The Bond Guidelines document may be used by judges and attorneys to inform decisions regarding the type, amount, and conditions of the bond. The bond guidelines provide a presumptive type of bond and level of pretrial supervision. These presumptions are based on a consideration of the CPAT-R risk score of the specific defendant, and the crime category or column within which the defendant's case is categorized based on the most serious crime charged. The judges and attorneys should also consider the other factors specified in §16-4-103(5) C.R.S., when setting the type, amount, and conditions of bond in any specific case. The various boxes and colors are the same as the boxes and colors in the Pretrial SMART Praxis. To understand the requirements of a specific level of pretrial supervision, the Pretrial SMART Praxis document should be consulted.

Crime Column Appendix

The Crime Column Appendix identifies and defines which crimes are included in each of the seven crime columns on the Bond Guidelines and SMART Praxis.

Pretrial SMART Praxis

The SMART Praxis is designed to specify what level of supervision is recommended for a particular case, based on the defendant's CPAT-R risk score and the most serious crime charged. The boxes and colors on this document are the same as the colors and boxes on the Bond Guidelines, providing stakeholders with an understanding of how Pretrial Supervision will be recommended and applied. The various possible supervision levels are: 1) no pretrial supervision (green), 2) Basic (yellow), 3) Enhanced (orange), and 4) Intensive (red). Judges may also order additional conditions of supervision not automatically included in a particular level of supervision, such as substance testing, monitoring, and treatment.

Pretrial Services (PTS) Response to Violations Guide

The Pretrial Services Response to Violations Guide is designed to bring consistency and transparency to the policies and procedures which PTS will follow when there has been a violation of the terms and conditions of PTS. This document will primarily be used by the staff of PTS, but it is being included with this packet of information so that all parties involved in the 7th Judicial District Criminal Justice System will have an understanding of the possible violation responses.

APPENDIX TO CRIME COLUMNS

All crimes listed include the related inchoate crimes of attempt, conspiracy, and solicitation.

If a case could be classified in more than one column due to multiple charges, the more restrictive classification should be chosen.

Column #1 – Domestic Violence DVSI 11 or Greater

Includes all misdemeanor or felony DV with a DVSI score of 11 or greater.

DVSI – Domestic Violence Screening Instrument – this instrument is validated on offenders in Colorado. It predicts a specific risk to re-offend with Domestic violence. Lower risk is 0-10 and medium to higher risk offenders will have scores that are 11-24. The state of Colorado has historically recognized offenders with a score of 11 or greater as needing a higher level of attention.

Column #2 – Felony VRA Crimes – as listed in C.R.S. 24-4.1-302 – summarized below and Felony DV DVSI 10 or Less:

Murder	Manslaughter
Criminally Negligent Homicide	Vehicular Homicide
Assault, 1 st & 2 nd degree	Vehicular Assault
Menacing	Kidnapping – 1 st & 2 nd degree
Sexual Assault – 1 st & 2 nd degree	Sexual Assault on a Child
Sexual Assault by Psychotherapist	Invasion of Privacy - Sexual
Robbery	Incest
Child Abuse	Sexual Exploitation of Children
Crimes against at-risk Victims	Stalking
Bias motivated crimes	Indecent Exposure
Failure to Stop at Scene – the death of another person	Burglary – 1 st degree
Tampering with Victim/Witness	Intimidation of Victim/Witness
Retaliation against a Victim/Witness	Retaliation against a Judge/Juror
Violation of Protection Order – see assault victim	Human Trafficking
Felony Domestic Violence	

Column #3 – Drug Felonies 1, 2 & 3

Drug felonies include Special Offender charges and charges classified as DF1 through DF3.

Column #4 – Felony DUI & Aggravated DUI

‘Aggravated DUI’: Prior DUI conviction and/or open DUI cases. The term ‘DUI’ includes all drug and alcohol-related driving offenses such as DUI, DWAI, DUID, and DWAIID.

Column #5 – Other Felony Crimes & DF4 Drug Felonies

This column will include all other felony crimes not categorized in Columns 1 through 4.

Column #6 – Misdemeanor VRA Crimes – as listed in C.R.C. 24-4.1-302 & Misdemeanor DV DVSI 10 or Less:

Assault, 3 rd degree	Child Abuse
Sexual Assault, 3 rd degree/Unlawful Sexual Contact	Indecent Exposure
Menacing	Bias Motivated Crimes
Careless Driving Causing Death	

Column #7 – Misdemeanor & Traffic

This column will include all other misdemeanor and traffic crimes, including DM1 and DM2 charges.

DELTA COUNTY PRETRIAL SMART PRAXIS
(SMART = Supervision Matrix Assessment & Recommendation Tool)

CPAT Risk Level	<u>These bond guidelines are recommendations. Deviation from these recommendations may be appropriate based on case-specific circumstances.</u>						
	1	2	3	4	5	6	7
	Domestic Violence DVSI 11 or Greater (felony & misd.)	Felony VRA (C.R.S. 24-4.1-302) & Felony DV DVI 10 or Less	Drug Felonies DF 1, 2 & 3	Felony DUI & Agg. DUI (prior arrest or BAC of .15+)	Other Felonies & DF 4 Drug Felonies	Misd. VRA (C.R.S. 24-4.1-302) & Misd. DV DVSI 10 or less	Other Misdemeanor & Traffic Offenses
Cat 1	Basic	Basic	Basic	Basic	No Supervision	No Supervision	No Supervision
Cat 2	Enhanced	Basic	Basic	Basic	No Supervision	No Supervision	No Supervision
Cat 3	Enhanced	Enhanced	Enhanced	Enhanced	Basic	Basic	No Supervision
Cat 4	Intensive	Intensive	Intensive	Intensive	Enhanced	Enhanced	Basic

PRETRIAL SUPERVISION LEVELS				
Pretrial Supervision Description	No Supervision (Unless Judge Override)	Basic	Enhanced	Intensive
No Supervision Fees charged to the Defendant	No Fee	No Fee	No Fee	No Fee
CPAT-R Assessment	✓	✓	✓	✓
Criminal History & Background Information	✓	✓	✓	✓
Court Reminders before each pretrial court date		✓	✓	✓
Intake within 24 hours of release from jail		✓	✓	✓
Orientation with Intake/Pretrial Staff		✓	✓	✓
Notification of New Arrest		✓	✓	✓
In-Office Check-In with Pretrial after Court appearances		✓	✓	✓
Treatment evaluation by Court order or client request		✓	✓	✓
Check-In to Pretrial App minimum of 2x p/month		✓	✓	
Check-In to Pretrial App minimum of 1x p/week				✓
Check-In to Pretrial Office minimum of 2x p/month			✓	
Check-In to Pretrial Office minimum of 1x p/week				✓

DUI GUIDELINES (DUI includes DUI, DWAI, DUID, DWAI)	
Non-Aggravated DUIs: <ul style="list-style-type: none"> First DUI arrest in lifetime 	<ul style="list-style-type: none"> Release and summons at the discretion of law enforcement No Pretrial Supervision is recommended
Aggravated DUIs: <ul style="list-style-type: none"> Pending open DUI cases and/or Prior DUI Conviction 	<ul style="list-style-type: none"> Alcohol monitoring (specifically ordered OR at the discretion of DCCJS). Substance screens could include one or more of the following: electronic alcohol devices, urine screens, or other available chemical tests. DUID cases: Minimum of two substance screens per month. Any confirmed, positive screen for Schedule 1 or 2 drugs will result in a notice of violation & notice sent to the DA. Upon first and second, confirmed, positive screen (including alcohol, marijuana, and Schedule 3-5 drugs), Supervision will be increased (including the possible use of alcohol ankle monitor). Upon third or more positive screens, a request for a NO BOND warrant will be forwarded to the DA for filing with the court. Successful compliance for two months may result in the decreased intensity of Supervision and substance monitoring per DCCJS discretion without formal action by the Court.

SMART PRAXIS – ADDITIONAL INFORMATION

ADDITIONAL COURT ORDERED SUPERVISION SERVICES	
These additional supervision services must be ordered by the Court if appropriate for a particular defendant (see CRS 16-4-105)	
Electronic Home Monitoring (EHM)	EHM is a home curfew monitoring only and may involve a SmartPhone device. Curfew times should be specified.
High Risk/Competency	Clients deemed high risk will be referred to the High-Risk Case Manager (HRCM) for therapeutic supervision. Clients with either competency raised before or during assignment to pretrial supervision will be placed with HRCM as well. The purpose of this is to reduce incarceration for high-risk detainees and the use of the jail as an institution until a competency evaluation can take place. Services will include financial assistance for food and medication as well as limited transitional housing. This may include day-to-day therapeutic monitoring, connection to and help in maintaining mental health and substance use services, as well as transportation to and from restoration services.
GPS Monitoring	<p>Global Positioning System (GPS) Monitoring should not be considered infallible protection for a victim. GPS monitoring relies on technology that may fail or that can be manipulated by defendants.</p> <p>GPS Monitoring involves the electronic tracking of defendants’ geographical locations. The court may specify “Active” or “Passive” monitoring. “Active Monitoring” is the active, real-time monitoring of a defendant’s location and is only reliable where cell service is available. “Passive Monitoring” provides historical geographical information, but it is not real-time. Pretrial Services will not be able to actively (real-time) monitor defendants outside of active monitoring zones.</p> <p>Exclusion zones should be specified and a minimum of 1,000 yards distance from exclusion zones should be ordered. Pretrial Services may decline to monitor defendants on GPS if conditions for monitoring present an unreasonable risk, or if there is no service available in the defendant’s community-based home or work locations.</p> <p>If GPS Monitoring is ordered, attorneys may choose to consider moving the court for removal of the condition.</p> <p>GPS units are not always available, so the court should be specific if it wants the defendant detained pending a GPS Unit. It may take up to three business days for Pretrial Services to review cases with GPS orders and obtain available GPS equipment.</p>
Substances Monitoring	<p>Pretrial Services may utilize the following methods: Urine screens, mouth swabs, and Electronic Devices (Continuous Alcohol ankle Monitoring, In-Home Breathalyzers, Smart Phone Technology, etc.)</p> <p>Unless otherwise ordered by the court, Pretrial Services will decide the method and frequency of the substance monitoring, which will be no less than one time per month and no more than three times per week. This excludes DUI supervision levels, which are specified in the DUI supervision guidelines.</p>

OTHER INFORMATION	
Adjustment of Supervision Levels	If a defendant is compliant for at least two months, Pretrial Services may adjust supervision and substance testing based on performance. If competency is raised, the defendant will be placed in a high-risk case management program. If a DUI defendant participates in treatment and has at least two months of negative substance screens, then supervision may be lowered, but not to less than one drug screen per week.
Treatment Referrals	<p>Pretrial Services may refer defendants for treatment evaluations for treatment based on a court order or voluntary participation. The evaluations may include substance abuse, mental health, domestic violence, etc.</p> <p>Voluntary participation in treatment may help defendants avoid violations of their bond.</p>
Response to Violations	Violation response will be per the Delta County Pretrial Services Response to Violations Guide.

DELTA COUNTY PRETRIAL SERVICES RESPONSE TO VIOLATIONS GUIDE

Minor Violations	Moderate Violations	Severe Violations
<i>Violations that show a lapse in judgment and do not cause harm to themselves or others.</i>	<i>Violations that appear to show a disregard for court orders and Pretrial supervision, but did not cause hard or potential harm to others.</i>	<i>Violations that appear to show a willful and/or repeated disregard for court orders and Pretrial Supervision, and/or violations that cause or present a risk of harm to themselves and/or others.</i>
New Charges – Traffic infractions	Failure to Report a New Arrest	New Misdemeanor and Felony Criminal Charges
Failure to Report Police Contact	Failure to Appear in Court	Failure to comply with Protection Orders
Missing a Check-In	Home Curfew Violation	Failure to Report for Initial Intake within 24 hours of release from custody
Failure to Call in at Designated Date/Time	Leaving State w/o Authorization	Unable to locate client for compliance
Missed Case Manager Meetings	Missed Multiple Case Management Meetings	GPS Severe Violations
GPS Minor Violations	GPS Moderate Violations	Tampering with an Electronic Monitoring Device
Failure to Report Address or Phone Number Changes	Failure to Comply with Special Bond Conditions (includes failure to produce substance tests, fail to submit BAs, positive THC tests, alcohol tests, etc.	Positive schedule 1 & 2 Controlled substance screen
Failure to Answer Calls from Pretrial		Tampering with a urine sample
Failure to Report after Court	Repeated Minor Level Violations	Repeated Moderate Level Violations

DELTA COUNTY PRETRIAL VIOLATION RESPONSE GUIDELINES MATRIX

Supervision Levels (based on the SMART Praxis)	Minor Violation	Moderate Violation	Severe Violation
Basic	Low Response	Low to Medium Response	Medium to High Response
Enhanced	Low to Medium Response	Medium to High Response	High Response
Intensive	Low, Medium, or High Response	Medium to High Response	High Response

DEFINITIONS OF RESPONSE

Low Response	<ul style="list-style-type: none"> Verbal warning; May consult with attorneys; Consult with family members and friends, etc.
Medium Response	<ul style="list-style-type: none"> Meet with & counsel client; Increase services or supervision levels (increase drug screens, etc.) Referral to treatment; May consult with Attorneys; Mandatory contact with attorneys on positive schedule 1 & 2 substance screens; Request an imposed curfew; etc.
High Response	<ul style="list-style-type: none"> Meet with and counsel client; Must send Notice paperwork to the DA & notify defense; Contact law enforcement; Request treatment as a condition of bond; etc.