

Chief Judge Directive 14-1

11<sup>th</sup> JUDICIAL DISTRICT STATE OF COLORADO

DIRECTIVE CONCERNING FORMATION OF A COMMUNITY ADVISORY BOARD FOR THE PURPOSE OF ESTABLISHING A PRETRIAL SERVICES PROGRAM FOR THE 11<sup>TH</sup> JUDICIAL DISTRICT

I. Introduction

The goal of this Directive is to establish a community advisory board (hereinafter the Board) for the purpose of formulating a plan for the establishment of a pretrial services program in the 11<sup>th</sup> Judicial District consistent with H.B. 13-1236 and more specifically C.R.S. section 16-4-106.

The Board should strive to formulate a plan that establishes a pretrial services program that is reliable, objective, impartial, and data driven to improve pretrial release and supervision while maintaining the safety of the community.

The Board is strongly encouraged to consult with the Chief Judge, County Commissioners and other community based stakeholders in the formulation of the plan.

The Board is strongly encouraged to formulate a plan for a pretrial services program that reduces barriers to the pretrial release of persons in custody whose release on bond with appropriate conditions reasonably assures court appearances and public safety.

The Board is strongly encouraged to formulate a plan for pretrial services that is consistent with the statutory criteria for pretrial services programs described in C.R.S. 16-4-106(4).

The Board is strongly encouraged to formulate a plan that is consistent with Evidence Based Decision Making principles, including the use of the least restrictive means necessary to achieve the dual purposes of ensuring the defendant's presence at future court appearances and maximizing public safety by minimizing pretrial misconduct.

II. Legal Authority

1. H.B. 13-1236. H.B. 13-1236 was signed into law on May 11, 2013. The bill repeals and reenacts the provisions of the criminal procedure code related to bail bonds. The new provisions place a greater emphasis on evidence-based and individualized decision-making during the bond-setting process and discourages use of monetary conditions for bond.

2. C.R.S. 16-4-106. C.R.S. 16-4-106 describes the creation process, program criteria, and reporting requirements for any pretrial service program established after May 11, 2013.
3. Colorado Constitution Article II, Section 20: “That excessive bail shall not be required.”
4. United States Constitution, Eighth Amendment. See *Stack v. Boyle*, 342 U.S. 1 (1951) (bail set with a purpose to detain is excessive and constitutionally invalid)

### III. Appointment of Board Members

The following individuals are hereby appointed to serve on the community advisory board for the purpose of formulating a plan for the establishment of a pretrial services program in the 11<sup>th</sup> Judicial District:

Hon. Ramsey Lama (District Court Judge), Co-chairperson

Daniel Zettler (Chief Public Defender), Co-chairperson

Hon. Brian Green (Park County Court Judge)

Thom LeDoux (District Attorney)

Sheriff Jim Beicker (Fremont County Sheriff)

Roger Larsen (Attorney/Community at Large Representative)

David Platt (Bondsman)

Date: February 13, 2014

/s/ Charles M. Barton

Chief Judge 11<sup>th</sup> Judicial District