

**CJD 15-03**  
**Pre-Trial Services Plan 11<sup>th</sup> Judicial District<sup>1</sup>**  
**Modified 3/2/20**

The following cases will not be eligible for pre-trial release prior to an in court advisement and bond hearing to be held the business day after the arrest at 1:15 pm:

Class 1-3 Felonies  
Class 1-3 Drug Felonies  
Sexual Offenses  
Domestic Violence Offenses  
Stalking Offenses  
Felony DUI Offenses  
Felony Drug Offenses  
Felony VRA Offenses

This provision applies to warrantless arrests and to arrest warrants.

All other cases are eligible for pre-trial release prior to an in Court bond hearing as follows:

The Court may set a bond or issue a summons at the time of the issuance of an arrest warrant.<sup>2</sup>

Unless certain conditions are identified as per C.R.S. 16-4-113(1)(a-c)<sup>3</sup>, the Fremont County Sheriff's Department (hereinafter Sheriff) shall release a Defendant on a PR bond as follows:

Class 3 misdemeanors, traffic, petty offenses, and unclassified offenses, in which the maximum penalty does not exceed 6 months incarceration (regardless of CPAT score).

CPAT category 1 or 2 charged with a class 1-2 misdemeanor<sup>4</sup> (except VRA cases).

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<sup>1</sup> This Pre-Trial Services Plan for the 11<sup>th</sup> Judicial District supersedes and eliminates the prior Fremont County District and County Court Bail Bond Schedule.

<sup>2</sup> A summons shall be issued instead of a warrant in all petty offenses, class three misdemeanors, and all unclassified offenses punishable by a maximum penalty of six months imprisonment or less unless the court finds the conditions listed in C.R.S. 16-5-207(1)(a)-(c). Except in class 1, class 2, and class 3 felonies or level 1 or level 2 drug felonies, the general policy shall favor issuance of a summons instead of a warrant for arrest of the defendant unless findings are made consistent with C.R.S. 16-5-208(2).

<sup>3</sup> Including 16-4-113(1):

(c) The continued detention or posting of a surety bond is necessary to prevent imminent bodily harm to the accused or to another; or

(d) The arrested person has no ties to the jurisdiction of the court reasonably sufficient to assure his or her appearance, and there is substantial likelihood that he or she will fail to appear for trial if released upon his or her personal recognizance; or

<sup>4</sup> Including Drug Misdemeanors.

CPAT category 1 or 2 charged with DUI/DWAI and no prior alcohol/drug related driving convictions.

CPAT category 3 or 4 with DUI/DWAI and no prior alcohol/drug related driving convictions, shall receive a PR bond with a 30 day period of monitored sobriety.

CPAT category 1 charged with a Drug Misdemeanor.

CPAT category 2 charged with a Drug Misdemeanor, shall receive a PR bond with a 30 day period of monitored sobriety.

For all other cases in which pre-hearing release is authorized, the Sheriff will provide the probable cause statement and the CPAT report to a duty Judge as designated by the Chief Judge. The reviewing ex-parte Judge has the option to continue the setting of a bond until a bond hearing at 1:15 on the next business day, or to set a bond and conditions.

As to all bond settings, the Courts shall apply the provisions of C.R.S. §16-4-103, 104, 105, and 113. The Courts shall also apply the results of the CPAT (an evidence based pre-trial risk assessment tool) to the 11<sup>th</sup> JD Bond Guidelines (Matrix). Where appropriate, and exercising their professional judgement, judicial officers may deviate from the guidelines set forth in the Matrix based upon the individual circumstances of the defendant and the case.

For all cases that remain in custody the initial bond return date shall be 1:15 pm on the next business day, for Advisement and Bond Hearing. For cases that have been released from custody the initial bond return date shall be set on the next available docket for the appropriate court division, for Advisement and Appearance on Bond.

Regarding conditions of bond as set by the Court pursuant to C.R.S. §16-4-105, Courts are encouraged to only impose conditions of bond that are necessary based upon the individual circumstances of the defendant, the victim and/or the case, and that the Court intends to subsequently enforce. All bond conditions will be administered and monitored by the Sheriff starting January 1, 2016.<sup>5</sup> The Sheriff shall notify the District Attorney's Office and Counsel of Record of violations of bond conditions as soon as practicable following the violation. In addition, the Sheriff shall provide a report regarding compliance with bond conditions to the Court, District Attorney's Office and Counsel of Record prior to each court appearance.

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<sup>5</sup> Waiver of fees shall be available based upon a finding of indigency by the Court based on form JDF208.