

DISTRICT COURT SEVENTH JUDICIAL DISTRICT
ADMINISTRATIVE ORDER 96-05
(Amended and Effective January 1, 2012)

BONDS AND RELEASE FROM CUSTODY POLICY

WHEREAS, in the interests of fair and consistent management and handling of persons who are detainees or arrestees in the 7th Judicial District, there is a need for uniformity among the various jails and counties in the district with respect to bond procedures and jail release of said persons when they are placed in custody;

AND WHEREAS, in situations in which a person detained or arrested by law enforcement is intoxicated or incapacitated by alcohol and/or drugs and is clearly dangerous to the health and safety of himself/herself or others, it is desirable to utilize the provisions of § 27-81-111, CRS and § 27-82-107, C.R.S. to implement the additional civil procedures for holding the person in protective custody for as long as is necessary to prevent injury to himself/herself or others or to prevent a breach of the peace.

NOW THEREFORE IT IS ORDERED, that all persons taken into custody in the 7th Judicial District on or after January 1, 2012, shall be held and processed in accordance with this Administrative Order and the bond schedule attached as Schedule A. to this order. A high risk crime is defined in the attached schedule. Both the law enforcement officer who detains or arrests a person and the jail custodian where said person is held shall comply with the following guidelines governing administration of the bond schedule and the release of detainees and/or arrestees, to wit:

1. All bonds shall be cash or surety only, unless otherwise ordered by a judge.
2. In addition to the other requirements for the posting of bond, any person arrested for a crime classified as a felony by the Colorado Revised Statutes **SHALL NOT** be released from custody until such time as the individual seeking to be release has completed and signed the WAIVER OF EXTRADITION AS A CONDITION OF BAIL BOND PURSUANT TO §16-4-103, C.R.S., JDF 231 which is attached as Form 1. Both Law Enforcement and Bondsman shall comply with this section as it relates to them.
3. No person shall be released under this bond schedule for any crime that is designated a domestic violence crime under § 18-6-800.3, C.R.S. The bond amount and conditions shall be set by the court on advisement.
4. No person shall be released under this bond schedule if he or she refuses to be fingerprinted, photographed, submit to DNA testing, or otherwise comply with booking procedures.
5. Because of the danger posed to the arrestee and others, a person taken into custody who is under the influence of drugs may not be released under this bond schedule for a period of sixteen hours or until the arrestee is no longer visibly under the influence of drugs, whichever period is longer. An arrestee shall not be brought before a judge for a bond hearing until such person is no longer visibly under the influence of drugs. If the behavior of a person who is arrested or detained in custody for any lawful reason demonstrates that he/she is intoxicated or incapacitated by drugs and is clearly dangerous to the health and

safety of himself/herself or others, then said person shall be held in protective custody in accordance with the provisions of § 27-82-107, C.R.S. even though he/she is otherwise able to post bond or is otherwise eligible for release on a summons and complaint.

6. Arrests for traffic offenses:

- a. Any person charged only with non-alcohol-related offenses may be released upon issuance of a summons and complaint, if said person has an acceptable form of identification, a Colorado residence address, and arresting officer has no reason to believe that the defendant will flee the Court's jurisdiction.

A person charged with an alcohol-related traffic offense may be released only upon the following condition: Appearance before a Judge or posting of any bond, cash or surety.

- c. Any person arrested for driving under the influence or driving while ability impaired, pursuant to § 42-4-1301, C.R.S., who has one or more previous convictions for an offense under § 42-4-1301, C.R.S., or one or more convictions in any other jurisdiction that would constitute a violation of § 42-4-1301, C.R.S. shall be released in accordance with the applicable County Court Administrative Order.

7. **Authority to hold an intoxicated person:** If the behavior of a person who is arrested or detained in custody for any lawful reason demonstrates that he/she is intoxicated or incapacitated by alcohol and is clearly dangerous to the health and safety of himself/herself or others, then said person shall be held in protective custody in accordance with the provisions of §27-81-111, CRS, even though he/she is otherwise able to post bond or is otherwise eligible for release on a summons and complaint. Said person shall be released **only** upon the following conditions:

- a. Said person shall not be released until, in the reasonable judgment of the custodian, it is no longer necessary to hold him/her in order to prevent injury to him/her or others, or to prevent a breach of the peace.
- b. A person having a BAC result of 0.05 or higher is presumed to be clearly dangerous to the health and safety of himself/herself or others; and subject to this Order, said person may be held for a minimum of six hours up to a maximum of 16 hours, with the calculation of said time to commence with the time the person is booked into the jail.
- c. If the breath test is administered prior to or at the time of booking, the custodian shall utilize the following guidelines in determining when to release a person in custody who is otherwise eligible for release:
- 1) If the results are between .05 and 0.14, then the person may be released six hours after he/she was booked into the jail.
 - 2) If the results are between 0.14 and 0.275 or higher, then the person shall be held the number of hours stated on the Release Chart attached to this administrative order as Schedule B.

- 3) If the results are 0.300 or higher, then the person should be examined by a physician before he/she is booked into the jail.
- d. Post booking test: At the end of the presumptive time limit in the Release Chart, or at any time prior thereto, another breath test may be administered, if the jail custodian wants verification regarding the person's sobriety and ability to be safely released without posing a danger to himself/herself or others or a threat to breach the peace.
 - 1) If the result is less than 0.05, then the person may be released from custody if said person is otherwise eligible for release [having posted a bond, ready for release on a summons, or is subject to a civil hold under §27-81-111 CRS] even though the full presumptive time period on the Release Chart has not elapsed, **or**
 - 2) If the result is higher than 0.05 or higher, then the jail custodian is authorized to continue to hold the person in custody beyond the presumptive time period indicated in the Release Chart and for such additional time as is necessary to reasonably assure that the person can be safely released without posing a danger to himself/herself or others or a threat to breach the peace.
8. All persons posting bond for Title 18 violations shall sign a bond form, or other document (if the bond form does not so provide), showing they agree, as a condition of the bond, that they must obey the restraining order issued pursuant to CRS 18-1-1001 which prohibits them from harassing, molesting, intimidating, retaliating against or tampering with any witnesses or any victim of the acts charged against them.
9. The Judicial District Administrator for the 7th Judicial District shall distribute a copy of this Administrative Order to each County Jail and to each law enforcement agency within the 7th Judicial District.

DONE BY THE COURT, this 9th day of December 2011.



J. Steven Patrick
Chief Judge

xc: per paragraph 9 above

SCHEDULE A TO
ADMINISTRATIVE ORDER 96-05 (as Amended)

BOND SCHEDULE FOR THE 7TH JUDICIAL DISTRICT

FELONY OFFENSES:

Class	Bond Amount	High Risk Crimes (see definition @ 3 rd ¶ of Admin Order) Bond Amount*
Class 1	No Bond	No Bond
Class 2	\$25, 000	\$150,000
Class 3	\$15,000	\$ 60,000
Class 4	\$ 5,000	\$ 25,000
Class 5/6	\$ 2,500	\$ 10,000
Unclassified	\$ 2,500	\$ 10,000

MISDEMEANOR OFFENSES:

Class	Bond Amount
Class 1	\$ 1,500
Class 2	\$ 1,000
Class 3	\$ 750
Unclassified	\$ 500
DUI/DWAI (CRS 42-4-1301)	\$ 750

PETTY OFFENSES:

Class	Bond Amount
Class 1	\$ 100
Class 2	\$ 100

TRAFFIC OFFENSES:

Class	Bond Amount
Class 1	\$ 750
Class 2	\$ 300
NPI	\$ 500

MISCELLANEOUS OFFENSES:

Offense While out on Bond	\$10,000
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Bail Bond Violation	\$10,000
Felony or DUI/DWAI with eluding CRS 16-4-103 (1)(b.5)	\$50,000 (HB 1377 signed May 14, 2008)
Vehicular eluding and DUI	\$50,000
Alcohol related DUR	\$10,000

***High Risk Crimes**

<u>Murder</u>	<u>Vehicular Eluding Resulting in Death or Injury</u>
<u>Manslaughter</u>	<u>Menacing with a Deadly Weapon</u>
<u>First Degree Arson</u>	<u>Incest</u>
<u>Vehicular Homicide</u>	<u>Child Abuse</u>
<u>Vehicular Assault</u>	<u>Trafficking in Children</u>
<u>First or Second Degree Assault</u>	<u>Sexual Exploitation of a Child</u>
<u>Kidnapping</u>	<u>Procurement of a Child</u>
<u>Sexual Assault</u>	<u>Child Prostitution</u>
<u>Aggravated Robbery</u>	<u>Intimidating a Witness/Victim</u>
<u>First Degree Burglary</u>	<u>Retaliation against a Judge</u>
<u>Escape</u>	<u>Crimes Against at Risk Adults or Juveniles</u>
<u>Criminal Extortion</u>	<u>Felony Stalking</u>
<u>Drug Offense (Schedule I or II Controlled Substance only)</u>	
<u>Distribution of a Schedule I or II Controlled Substance</u>	

Schedule "B" to
Administrative Order 96-05

**RELEASE CHART
For Alcohol-Related Offenses**

<u>B.A.C. When Tested</u>	<u>May be Released after Following Number of Hours (After Booking)</u>
0.05 to 0.14	6 hours *
0.155 or less	7
0.17 or less	8
0.185 or less	9
0.20 or less	10
0.215 or less	11
0.23 or less	12
0.245 or less	13
0.26 or less	14
0.275 or less	15
Above 0.275	16

* The above number of hours represent presumptive time periods for persons with B.A.C. levels at or above the amounts stated respectively to be held in custody before being released from custody, if they are otherwise eligible for release by virtue of having posted a bond, or are entitled to release on a summons and complaint, or because they are in custody on a civil hold under C.R.S. 25-1-310(1) without having been arrested for an alleged offense, all in conformity with Administrative Order 96-05.

Adopted this day of September, 2011.

/s/

J. Steven Patrick

Chief Judge, 7th Judicial District

Form 1 to
Administrative Order 96-05

District Court _____ County, Colorado Court Address: _____	
People of the State of Colorado v. Defendant: _____	▲ ▲ COURT USE ONLY
Attorney or Party Without Attorney (Name and Address): Phone Number: E-mail: FAX Number: Atty. Reg. #:	Case Number: Division Courtroom
WAIVER OF EXTRADITION AS A CONDITION OF BAIL BOND PURSUANT TO §16-4-103, C.R.S.	

I _____ (name of Defendant) have been arrested for a
Felony offense on _____ (date) and as a condition of my bail bond
consent to the following:

1. I understand if I am arrested in another state I have violated the terms of my bail bond.
2. I will not resist or fight any effort by any state to return me to Colorado and waive all formal extraditions proceedings.
3. I understand I shall not be admitted to bail in any other state pending extradition to Colorado.
4. I agree to waive any right I may have to contest my extradition and I waive this right freely, voluntarily and intelligently.

Date: _____

Signature of Defendant

Print Full Name

I certify the foregoing Waiver of Extradition as a Condition of Bail Bond was executed and subscribed before me.

Date: _____

Signature

Title