



Colorado: An Example of Pretrial Justice Reform in Progress

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June 2014



What's been happening in CO?



1. Colorado Pretrial Assessment Tool (CPAT)
2. Statutory Pretrial Performance Measurement
3. Money Bail Research Study
4. New Bail Statute

1. CPAT

- CO's first empirically-derived pretrial risk assessment instrument
- 12 items that measure (a) criminal history/system involvement and (b) stability/community ties
- Fully implemented in 5 counties
 - Includes release and detention guidelines
- Dozens more counties are in progress



CPAT Results

Pretrial Risk Category	Risk Score	Public Safety Rate	Court Appearance Rate	Percent of Defendants
1 (lower)	0 to 17	91%	95%	20%
2	18 – 37	80%	85%	49%
3	38 – 50	69%	77%	23%
4 (higher)	51 - 82	58%	51%	8%
Average	30	78%	82%	100%

- “The defendant has a CPAT risk score consistent with other Colorado defendants whose average public safety rate is ##% and whose average court appearance rate is ##%.”

Integrate Risk into Decision-Making

Pretrial Risk Category	Most Serious Charge					
	Less Serious Misdemeanor	More Serious Misdemeanor	Less Serious or Non-Violent Felony	Driving Under the Influence	Domestic Violence	Serious or Violent Felony
Lower	Recognizance Release with Court Reminder	Recognizance Release with Court Reminder	Recognizance Release with Court Reminder	Recognizance Release with Basic Supervision	Recognizance Release with Basic Supervision	Detained, or Recognizance Release with Enhanced Supervision if Released
Medium	Recognizance Release with Basic Supervision	Recognizance Release with Basic Supervision	Recognizance Release with Basic Supervision	Recognizance Release with Enhanced Supervision	Recognizance Release with Enhanced Supervision	Detained, or Recognizance Release with Enhanced Supervision if Released
Higher	Detained, or Recognizance Release with Enhanced Supervision if Released	Detained, or Recognizance Release with Enhanced Supervision if Released	Detained, or Recognizance Release with Enhanced Supervision if Released	Detained, or Recognizance Release with Enhanced Supervision if Released	Detained, or Recognizance Release with Enhanced Supervision if released	Detained, or Recognizance Release with Enhanced Supervision if Released







2. Performance Measurement

- Statute updated in 2012
- County Programs report to State Judicial and General Assembly
- Tracks:
 - # of risk assessments
 - % of Bond Types
 - Public Safety Rate
 - Court Appearance Rate
 - Technical Compliance Rate
- Future: Separate by Risk Category



3. CO Money Bail Study

The type of money bail mattered only for jail bed use and not for public safety and court appearance, while controlling for risk.

-  Public Safety: Unsecured bonds = secured bonds
-  Court Appearance: Unsecured bonds = secured bonds
-  Jail Bed Use: Unsecured bonds > secured bonds in release rate and lower time to release
-  Higher secured dollar amounts did not improve court appearance, but they increased jail bed use
-  Fugitives: Unsecured bonds = secured bonds
-  Many never-released defendants returned to the community upon case disposition (50%) or local jail sentence (84%)

4. New CO Bail Statute

- Product of state criminal justice commission
- Enacted in May 2013; Cleaned-up in 2014
- Does several good (L & E-B) things:
 - De-emphasizes money & schedules
 - Encourages empirical risk assessment
 - Has presumption of release and least restrictive conditions
 - Maintains and strengthens judicial discretion
- Follow-up:
 - Educated many judges and attorneys
 - Public Defender's initiative





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