



Mesa County  
Evidence-Based Pretrial Implementation Guide

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## Project Overview

Mesa County serves as a model of successful Pretrial reform efforts that have resulted in significant positive changes. The following guide will provide advice from Mesa County stakeholders regarding the steps that were most effective in creating an environment of change and sustaining implementation efforts. Helpful tips are included from our efforts that may be beneficial to any jurisdiction endeavoring to conform its Pretrial justice system to align with current research and known best practices in the field.

### Old Methodology in Mesa County (The Traditional System)

Mesa County, Colorado, historically operated a pretrial bail system much like most other jurisdictions in the United States. Cash and surety bonds served as the primary decision-makers regarding a defendant's release, while empirical information was not available or used. Mesa County also operated a pretrial services program for the past 20 years, but until recent years it was mediocre at best – operating on standards set by tradition, rather than evidence-based research.

The pretrial justice system worked as follows: defendants were arrested and booked into the jail. If they had money to bond out of jail, they paid the bond schedule amount or utilized a commercial surety bondsman to be released. If they did not have money, they remained in jail. Therefore, many high risk defendants were bonding out of jail, and many low risk defendants were being detained—based on money alone. For those defendants who could not pay to get out of jail, Mesa County Pretrial Services completed a Pretrial Report, which judges utilized at the bond hearings. However, the scoring methods for this report had been arbitrarily established and never validated for predictive accuracy. After the judge set the money bond, the defendants' release from jail depended on their ability to post the money bond 76% of the time, while 24% of the time they were being released on their own recognizance. Thus, the majority of the time, the decision to release was deferred to 1) the defendant's ability to come up with the arbitrary money amount, 2) the defendant's ability to pay a bail bondsman a percentage of the money bond and 3) a bail-bondsman's willingness to release the particular defendant.

Although this may sound absurd, Mesa County's bond practices were not unlike the other jurisdictions in Colorado and many from around the country. In fact, this is still how many jurisdictions in Colorado operate, even after changes to state statutes occurred in 2013 and 2014. Many other jurisdictions around the country have a similar money-based methodology.

After identifying the significant problems with this practice, the system stakeholders in Mesa County agreed that we could do better, and it was determined that evidence should be reviewed and our practices should be adjusted. Thus, the process of a reformed pretrial system in Mesa County began.

### Reform Overview

Things began to dramatically change in 2010 with technical assistance from the National Institute of Corrections (NIC). Mesa County was chosen as one of seven sites in the United States to receive technical assistance from NIC to analyze our current practices and make evidence-based upgrades to our system. It is important to note that this support provided technical assistance only and did not come with additional funding. Some of the technical assistance Mesa County received for this project is largely available to any jurisdiction who desires to implement evidence-based practices.

This guide will walk you through Mesa County's recommended steps for reform within your system, along with specific examples from our experience.

## Planning Steps

### Step 1: Problem Analysis

A very basic system analysis is an important first step to planning. Assembling your system leaders with mid-level system experts to outline your current pretrial process will be valuable (see Step #4).

Each jurisdiction should ask the following questions and provide some basic answers for its planning process:

- a. How does our current Pretrial system operate from arrest to defendants' first appearance in court? A basic mapping of this process would be beneficial for some baseline groundwork.
- b. What is the primary decision-maker regarding why a defendant is held or released from jail Pretrial?
- c. Does the system currently utilize any empirical information in the decision process?
- d. Does your current method of operation seem like the most rational way to decide how some of your most expensive and restrictive local jail beds should be utilized?

#### **Step 1: The Mesa County Experience – Problem Analysis:**

An analysis of Mesa County's pretrial justice system revealed a lack of evidence-based decision-making throughout the pretrial process. The program's pretrial risk tool did not have objective, empirically-derived criteria, but rather subjective and non-standardized criteria. The pretrial supervision methods were not based on risk, but rather on crime class. The system's bond schedule was also based on crime class alone with arbitrary money amounts assigned to various crime types. The Pretrial program's response to violations was not based on best practices, but rather on local tradition. There was not adequate statistical tracking of pretrial outcomes. Since Mesa County had no mechanism to determine empirical risk, it was unknown how many lower risk individuals charged with lower level crimes were being held for an indeterminate amount of time simply because they didn't have a few hundred dollars. The jail commander commented that he held one inmate in jail for three months on a \$100 bond for a misdemeanor crime and that this was a common occurrence in the jail. The Mesa County jail was populated with an unknown group of Pretrial defendants, all of whom were being held solely based on their inability to afford the money bond, which was usually assigned from the pre-determined bond scheduled.

To address these problems, a committee of system stakeholders was formed that included judges, prosecutors, defense attorneys, and detentions, law enforcement, and pretrial services representatives. Over the past two years, this group collaboratively developed a new bond process and accompanying tools that have dramatically improved the pretrial justice system in Mesa County. They began by creating a local pretrial vision statement. A validated risk instrument that was developed for the State of Colorado was implemented. A risk-based pretrial release and supervision guide was developed. Meaningful process and outcome measures were implemented and used to guide policy discussions and program improvements in the future. From these efforts, Mesa County's pretrial program and process has become a model for Colorado and other states.

### Step 2: Project Goals

An important step in planning Pretrial reform efforts is to identify realistic, collaborative goals for the project. These goals should focus on "the low-hanging fruit" for shorter-term implementation efforts.

Your longer term goals should focus on a more pure system that may have to be obtained in progressive steps, as well as longer-term outcome measures. The heart of the goals should focus on how empirical information can be utilized to inform judges in making detention or release decisions in the jail.

**Step 2: The Mesa County Experience – Project Goals:**

- 1) Develop a collaborative vision statement for pretrial practice in Mesa County.
- 2) Identify and implement an evidence-based pretrial assessment tool.
- 3) Develop an operational model to apply the assessment tool (SMART Praxis –Supervision Matrix Assessment & Recommendation Tool).
- 4) Develop evidence-based bond guidelines to replace the existing money bond schedule.
- 5) Develop a violation and incentives model incorporating evidence-based principles.
- 6) Implement a response to violations system that is consistent with best practices in this area.
- 7) Develop an advanced data tracking system to measure outcomes with regular statistical updates.

**Step 3: Identify Necessary Resources**

A jurisdiction should answer the following questions regarding resources:

- a. Do we have the existing resources to assess risk levels coming into the jail? This will require a minimum of approximately 10 minutes per defendant for each screen. Can the current jail booking staff add this to their booking duties?
- b. If the jurisdiction has an existing Pretrial Services program, what upgrades will need to be made to the current practices?
- c. What resources are available to supervise defendant bond conditions in the community? Can an existing Pretrial Services staff complete this task? Can Probation or the Sheriff's Department complete this task?
- d. If private providers are considered, the jurisdiction will need to consider factors involved in for-profit supervision. Is this a cheaper option than trying to expand existing resources or creating new resources? Should defendants be required to pay for some of their services?
- e. Do we have the data tracking capability to measure outcomes? Mesa County was able to utilize simple spreadsheets to track many of our reported outcomes without an additional database system, but a database system is ideal.

**Step 3: Mesa County's Experience – Identifying Necessary Resources**

Mesa County determined that our local government already had the existing resources to make this happen without asking the County for further dollars. The Pretrial Services program was able to develop and incorporate the new CPAT tool at no cost to the County. Some members of the pretrial group had various levels of technical expertise and were able to develop the computerized documents reflecting the desires of the system stakeholders.

**Step 4: Establish Essential Partners**

**Formation of a Criminal Justice Leadership Group (CJLG)**

It is highly recommended that any jurisdiction attempting to bring Pretrial reform have a functional leadership group that includes key stakeholders, such as the Chief Judge, the District Attorney, the head of the Public Defender's Office, private defense lawyers, the Police Chief, the Sheriff, the Probation Chief, and other key leaders. If you have an existing pretrial services program, it should be represented at the table as well. This group of leaders should take the lead in bringing about system-wide change and focus on building commitment to improve the criminal justice system. They should appoint a Pretrial work group to work on the pretrial process and they should review the work group's product as it progresses.

**Step 4: The Mesa County Experience – Establishing Essential Partners:**

In 2010, the Mesa County Criminal Justice Leadership Group formed an Executive Committee to specifically focus on the area of evidence-based decision making in the local criminal justice system. One of the key focus areas identified for improvement was Mesa County's bail system where numerous problems were identified with our current bond system. There was significant concern that our current system discriminated against the poor, and was holding lower-risk poor defendants in jail, while allowing higher risk defendants who had money to be released, solely based on their ability to find money. Furthermore, growing research has shown that there is no correlation between money bonds based on criminal charges and public safety rates, which has created a demand to establish an empirically-based pretrial decision process.

**Appointment of Pretrial Work Group**

It is important to have a more targeted Pretrial justice group that includes more ground-level members and technical experts. The CJLG appointed a Pretrial Work Group. The various perspectives of these stakeholders proved to be very important when building a balanced system incorporating best practices and legal guidelines.

**Step 4 Continued: The Mesa County Experience – Appointment of Pretrial Work Group:**

The Mesa County Pretrial Work Group was one of several work groups created for an evidence-based decision making initiative. Members of the Pretrial Work Group included Judges, Public Defenders, District Attorneys, Private Defense Lawyers, Pretrial Services Officials, Mesa County Jail Officials, and Victim Advocates. The criminal justice system is by nature adversarial, and the goal of collaborating to improve pretrial justice practices at the time seemed daunting. The above tasks had never been done before in our local jurisdiction, and most of the goals had never been pursued anywhere in Colorado. Tip: Our system leaders purposely did not involve bondsmen in this group for a number of important reasons. If you don't want to drive with your emergency brakes on, consider leaving them out of this work group.

The Pretrial Committee included (Membership):

- Judge Craig Henderson, Committee co-chair (County Court)
- Dennis Berry, Committee co-chair (Criminal Justice Services)
- Chief Judge David A. Bottger (District Court)
- Rich Tuttle (District Attorney's Office)
- Bo Zeerip (District Attorney's Office)
- Thea Reiff (Public Defender's Office)
- Alexander Vitale (Public Defender's Office)
- Ed Nugent (Private Criminal Defense Attorney)
- Leslie Castro (Private Criminal Defense Attorney)
- Patrick Gentzler (Private Attorney)
- Joel Bishop (Criminal Justice Services)
- Steve Farlow (Captain, Sheriff 's Department)
- Jennifer Sheetz (Data Analyst)

### Step 5: Identify a Vision Statement

- a. Identify key values from your Pretrial Committee through a discussion and brainstorming session.
- b. Assign a specific group member or members with good writing skills to incorporate those values into a Vision Statement.
- c. Bring the draft back to the committee for revisions and finalization.

#### **Step 5: The Mesa County Experience – Developing a Collaborative Pretrial Vision Statement**

The group began by working on a vision statement to create common ground for the rest of the project in the fall of 2011. Much conflict was involved in this process and there was little hope that the group could even agree upon a common vision statement. To help resolve this conflict and determine if these stakeholders had common ground, we first identified applicable research and agreed to review these documents. From about June of 2011 through December of 2011, the group reviewed the available research and began to gain a better understanding of legal and evidence-based pretrial practices. This process revealed that the group had much more in common than initially thought. By December 2011, the group developed a vision statement that was ultimately accepted by the Mesa County Criminal Justice Leadership Group. The vision statement laid the foundation for accomplishing subsequent goals. The group was pleased that so many different and competing perspectives could come to common ground on key and critical issues surrounding the pretrial justice system. This collaborative success would prove to be the first of many throughout this project.

### Step 6: Identify Data Targets

Basic data targets should include the following:

- a. Regular empirical risk profiles of the local jail(s).
- b. Safety rate outcomes: The rate at which defendants released with or without conditions in the community are charged with a new misdemeanor or felony while on bond.
  - i. This should be tracked by empirical risk level, as well as overall outcomes.
  - ii. Both the supervised and unsupervised groups should be tracked.
- c. Appearance Rate outcomes: The rate at which defendants appear in court.
  - i. This should be tracked by empirical risk level, as well as overall outcomes.
  - ii. Both the supervised and unsupervised groups should be tracked.
- d. Release Rates: The rate at which defendants are released from jail by empirical risk level and type of bond granted.

**Step 6: Mesa County has provided numerous outcomes later in this report. See Step 11, System Evaluation.**

In addition to tracking the outcomes in Step 11, Mesa County also tracks the following Pretrial Outcomes. These are outcomes for your consideration and discussion.

Total interviews completed, average daily interviews, felony interviews completed, misdemeanor interviews completed, the percent interviewed of the eligible population, interviews by Risk Category, bonds ordered by risk category, bonds ordered by type of offense; grouped by risk category, fees, collected, collection rates, program completion rate, technical compliance rate, total intakes/releases, average daily population, average length of supervision, percentage of pretrial program costs by risk category and supervision level, and average length of supervision. Other statistics are also tracked and our spreadsheets are available by request.

## Developing the Tools

### Step 7: Identify an Empirically–Based Pretrial Risk Assessment

This is a crucial step in this process, as this is the heart of adding empirical information to assist decision-making. Does your jurisdiction or state have an existing validated tool? If not, what other immediate options exist?

**Step 7: The Mesa County Experience: Identifying an Empirically-Based Pretrial Risk Assessment Tool**

The Pretrial Justice Institute in conjunction with the JFA Institute released the research on the Colorado Pretrial Assessment Tool (CPAT) in March of 2012. Mesa County Pretrial Services (PTS) program developed a computerized version of the CPAT assessment using Microsoft Excel, which was implemented on July 1, 2012. The automaton of the new risk tool is unique in a number of ways. It contains tips to ensure that staff maintains fidelity to the questions. It auto-calculates the total score, and from the total score it auto-enters the defendant’s empirically-based risk profile. The tool also has built-in drop-down boxes, which assist staff in entering consistent and accurate data.

This tool was presented to the Pretrial Workgroup, and for several meetings the group modified and adjusted the pretrial report to fit the needs and desires of the Mesa County stakeholders. Through much debate and discussion, the group agreed upon a format, and the protocol was finalized and implemented on July 1, 2012. Mesa County’s pretrial program became the first program in Colorado to implement the CPAT, and it serves as a model for other Colorado counties moving forward with their own evidence-based pretrial initiative.

Mesa County’s Bond Guidelines, an Administrative Order signed by the Chief Judge, recommends that all defendants arrested on new criminal charges be held until they can be assessed with the CPAT and a report can be provided to the Judge and relevant attorneys for an arraignment. A two-page report is completed on each defendant that is booked into the jail for new criminal charges. This report is used by attorneys to make bond arguments and judges to make bond decisions.

**Page 1 of the Pretrial Services Report:** Defendant Bio information; Defendant empirical risk profile; Cash or Personal Recognizance (OR) presumptions from the Bond Guidelines; Recommended Bond Conditions.

**Page 2:** Criminal History, Employment Information, Contacts & Local ties.



Step 8: Developing a Utilization Praxis

After system stakeholders identify an empirical risk tool, a methodology of utilizing the tool should be developed. “Praxis” is a fancy term for a method of operation within a system. Each system should develop a basic guide for the utilization of an empirical risk instrument. This step will be critical in driving utilization, consistency and outcome measures for the risk assessment.

This involves four key steps:

- a. Identify which defendants will be screened;
- b. Identify a way to ensure that all targeted defendants are screened;
- c. Identify a method of operation regarding how the tool is used (see SMART Praxis on page 8); and
- d. Identify how empirical information can be utilized to adjust current bond schedules (see updated Bond Guidelines).

**Step 8: The Mesa County Experience – SMART Praxis (Supervision Matrix Assessment & Recommendation Tool**

<b>MESA COUNTY PRETRIAL SMART PRAXIS</b> Version 4 (SMART = Supervision Matrix Assessment & Recommendation Tool)							
CPAT Risk Category	1 Felony VRA Crimes (C.R.S. 24-4.1-302)	2 Drug Distribution	3 Aggravated DUI & DARP	4 Domestic Violence DVSI 11 or Greater	5 Domestic Violence DVSI 10 or Less	6 Other Felony Crimes & Misdemeanor VRA (C.R.S. 24-4.1-302)	7 Other Misdemeanor, and Traffic Offenses
1	Basic	Basic	Basic	Basic	Court Reminder Calls Only	Court Reminder Calls Only	Court Reminder Calls Only
2	Basic	Basic	Basic	Enhanced	Court Reminder Calls Only	Court Reminder Calls Only	Court Reminder Calls Only
3	Intensive	Intensive	Enhanced	Intensive	Basic	Basic	Court Reminder Calls Only
4	Intensive	Intensive	Intensive	Intensive	Enhanced	Enhanced	Basic

It became apparent during the development process of the CPAT tool that our system would need a mechanism that brought consistency regarding how the tool was to be utilized. Therefore, at the same time the tool was being developed, the Supervision Matrix Assessment and Recommendation Tool (SMART Praxis) was developed. (See Appendix #2). The SMART Praxis identifies which defendants would be supervised and at which level of supervision. It provided a way for the first time for the program to be able to allocate its resources where they were most needed. That is, expensive staffing and monitoring resources were no longer expended on lower risk defendants, but were reserved for defendants who posed a higher risk to public safety and for not appearing in court. This tool incorporated not only the level of stakes of the crime charged, but also the empirical risk level derived from the CPAT tool to offer presumptive supervision methods, which were collaboratively developed by the system stakeholders in the Pretrial Workgroup. The SMART Praxis was implemented in conjunction with the CPAT risk assessment on July 1, 2012. This Praxis provides a methodology to the continuum of supervision, based on crime type and empirical risk. This involves much more than this matrix, including the defined supervision levels of the defendants, a separate guideline for driving under the influence, and many other definitions and explanations.

Since it was developed, several other Colorado counties, and counties outside of Colorado, have adapted it for their own use. Finally, the development of the SMART Praxis led to the conception of the idea to replace the money bond schedule, and also to incorporate another evidence-based practice: response to pretrial violations of bond conditions.

**Step 8 Continued: Response to Pretrial Violations**

Once a utilization matrix is developed, a Response to Pretrial Violations guide can be developed. This guide should be collaboratively developed by the appointed Pretrial Committee.

Considerations to violations should include primarily:

- a. The empirical risk level of the defendant.
- b. The stakes of the crime of the defendant.
- c. The severity of the violation committed.

The Response to Pretrial Violations guide should also consider outlining discretion for the Pretrial Services program to respond to some violations with intermediate interventions. Intermediate supervision adjustments should be allowed to award positive pretrial performance, and to intervene for violations to avoid bond revocations.

**Step 8 Continued: The Mesa County Experience – Response to Pretrial Violations**

The Pretrial Services Program developed a draft of a Violation Response guide utilizing the SMART Praxis supervision levels to create four levels of violation responses. When it was completed, the guidelines allowed for a proportionate response based on the supervision level and the level of violation committed.

Responding to pretrial violations was originally viewed by the workgroup to be the most contentious task of this whole project. However, when this draft was presented to the Pretrial Workgroup it was modified and adjusted with little controversy. To the surprise of the group, this task proved to be one of the least controversial in the entire process. We attributed this lack of controversy to the collaborative culture that had increasingly built up over the past two years. For the first time in Mesa County’s history, we now had a collaboratively-agreed upon Violation Response guide.

<b>MESA COUNTY PRETRIAL VIOLATION RESPONSE GUIDELINES MATRIX</b>			
<b>Supervision Levels</b> <small>(Based on the SMART Praxis)</small>	<b>Minor Violation</b>	<b>Moderate Violation</b>	<b>Severe Violation</b>
<b>Basic</b>	Low Response	Low to Medium Response	Medium to High Response
<b>Enhanced</b>	Low to Medium Response	Medium to High Response	High Response
<b>Intensive</b>	Low, Medium or High Response	Medium to High Response	High Response

<b>DEFINITIONS OF RESPONSE</b>	
<i>Responses may include one or more of the following actions:</i>	
<b>Low Response</b>	Verbal warning; May consult with attorneys; Consult with family members and friends; etc.
<b>Medium Response</b>	Meet with and counsel client; Increase services or supervision levels (increase UA's, BA's, etc); Referral to treatment; May consult with attorneys; Mandatory contact with attorneys on positive schedule 1 and 2 substance screens; Request an imposed curfew; etc.
<b>High Response</b>	Meet with and counsel client; Must send Notice paperwork to the D.A. & notify defense; Contact law enforcement; Request treatment as condition of bond; Request Pretrial Work Release; etc.

**Step 9: Replace Existing Money Bond Schedule with Evidence-Based Bond Guidelines**

A jurisdiction should identify the methodology to incorporate evidence-based information into its current Bond Guidelines. This may involve a major overhaul of your current practices. What methodology currently drives your system’s bond guidelines or bond schedule? Is it merely crime-based and money-based?

For any form of credible evidence-based bond schedule, money must be removed as the primary decision-maker regarding who is in or out of jail. This must be replaced by a judge’s professional judgment based on empirical risk factors and any other required statutory consideration.

Detention or release decisions should not be based on the defendant’s ability to pay money. Under Colorado statute, judges currently must use money to hold defendants in jail only if they think their risk cannot be mitigated within a release decision. Mesa County’s Bond Guidelines outline the legality of this methodology. Mesa County looks forward to potential future statutory changes which would allow Judges to detain higher risk individuals who pose a serious threat to public safety without relying on money while still ensuring the defendant’s rights to due process.

**Step 9: The Mesa County Experience – The Replacement of a Money Bond Schedule with new Evidence-Based Bond Guidelines:**

The Chief Judge of the 21<sup>st</sup> Judicial District (Mesa County) made it clear that he was going to revoke the current money bond schedule and replace it with something evidence-based. He is a member of the Pretrial workgroup and the group agreed that this was a critical task. So, a draft was developed and presented to the committee and modified based on the committee’s feedback. The new Guidelines were developed collaboratively, albeit through many heated and confrontational meetings. The group stuck with the project and ultimately developed a new system of guidelines, which was implemented on April 29, 2013 (see chart). The heart of the new guidelines was the following matrix.

<b>ADMINISTRATIVE ORDER 13-01: MESA COUNTY BOND GUIDELINES</b>							
The type and amount of bond indicated by the guidelines are presumptions, and the parties should also consider: The factors enumerated in CRS 16-4-105, the facts of the case, and the specific circumstances of the individual defendant. <i>See the Crime Column Appendix for details regarding the specific crimes included in each column.</i>							
CPAT Risk Category	1	2	3	4	5	6	7
	Felony VRA Crimes (C.R.S. 24-4.1-302)	Drug Distribution & Aggravated DARP	Domestic Violence DVSI 11 or Greater	Domestic Violence DVSI 10 or Less	Other Felony Crimes	Misdemeanor VRA Crimes (C.R.S. 24-4.1-302)	Misdemeanor & Traffic
<b>Cat 1</b>	Cautionary Bond w/PTS	PR with PTS	PR with PTS	PR No Supervision	*PR No Supervision	PR No Supervision	*PR No Supervision
<b>Cat 2</b>	Cautionary Bond w/PTS	Cautionary Bond w/PTS	PR with PTS	PR with PTS	PR No Supervision	PR No Supervision	*PR No Supervision
<b>Cat 3</b>	Cautionary Bond w/PTS	Cautionary Bond w/PTS	Cautionary Bond w/PTS	PR with PTS	PR with PTS	PR with PTS	*PR No Supervision
<b>Cat 4</b>	Cautionary Bond w/PTS	Cautionary Bond w/PTS	Cautionary Bond w/PTS	Cautionary Bond w/PTS	Cautionary Bond w/PTS	Cautionary Bond w/PTS	PR with PTS
Cash Only Range	\$100 - \$100,000	\$100 - \$50,000	\$100 - \$10,000	\$100 - \$1,000	\$100 - \$10,000	\$100 - \$1,000	\$0
Secured Bond Range	\$1,000 - \$1,000,000	\$1,000 - \$500,000	\$1,000 - \$100,000	\$1,000 - \$10,000	\$1,000 - \$100,000	\$1,000 - \$10,000	\$0

Explanations and an appendix to the crime categories were also published. The Chief Judge, the District Attorney and the Sheriff signed this document, which showed a strong collaborative framework. The public and private defenders also showed support in the development and implementation of this document. As can be seen in the above document, money ranges were used in lieu of specific money amounts, but these money ranges were still presumptive. This was controversial, as some group members did not want any reference to money. However, the group viewed this as one big step in the right direction, with many more to come. The group committed to reviewing the outcomes from each cell in the above chart, and making data-driven adjustments to the chart as soon as the data became available.

## Step 10: Sustaining Implementation

Sustaining implementation must be considered during the planning phases. Implementation efforts should consider the following steps to ensure implementation success.

- a. Stakeholders from each constituency who are part of building the project and planning for implementation should be involved in the training and on-going coaching and mentoring plans.
- b. Follow-up system training should be planned and executed within six months of implementation. The training should focus on building confidence in best practices surrounding Pretrial.
- c. Commitments to track data outcomes and report key outcomes regularly to the system stakeholders should be established from the beginning. This will help build confidence in the project and bring a level of comfort to those who are concerned about the outcomes of change efforts.

### **Step 10: The Mesa County Experience – Sustaining Implementation**

When the CPAT risk assessment implementation training was planned, Mesa County arranged for specific training with the public defenders and the private defense bar, the district attorney's office and the judges. Each training group had experts on the tool and representatives of each constituent group advocating the change during the training. This proved to be very successful in building confidence in the updated empirically based risk assessment.

A CPAT expert attended court arraignments following the implementation and followed up with attorneys if the CPAT was being misapplied or questions arose about how to apply the tool. This person also provided updates to attorneys who were not as familiar with the changes to help broaden the scope of understanding of the CPAT.

The same arrangements were made when the new bond guidelines were implemented in April of 2013. Furthermore, the Chief Judge solicited feedback from the other judges ahead of time to ensure that they all had their input and recommendations in advance. This also took place with the prosecution and defense. A follow-up training was conducted as well, which proved to be helpful in getting buy-in. Mesa County noted no open dissension in the implementation process and received much support.

Mesa County followed up after the implementation within six months by bringing in nationally recognized experts to present on best practices and to encourage the stakeholders to continue in the right direction.

Mesa County has also provided regular statistical updates to stakeholders which help sustain confidence in the system changes.

## Step 11: System Evaluation

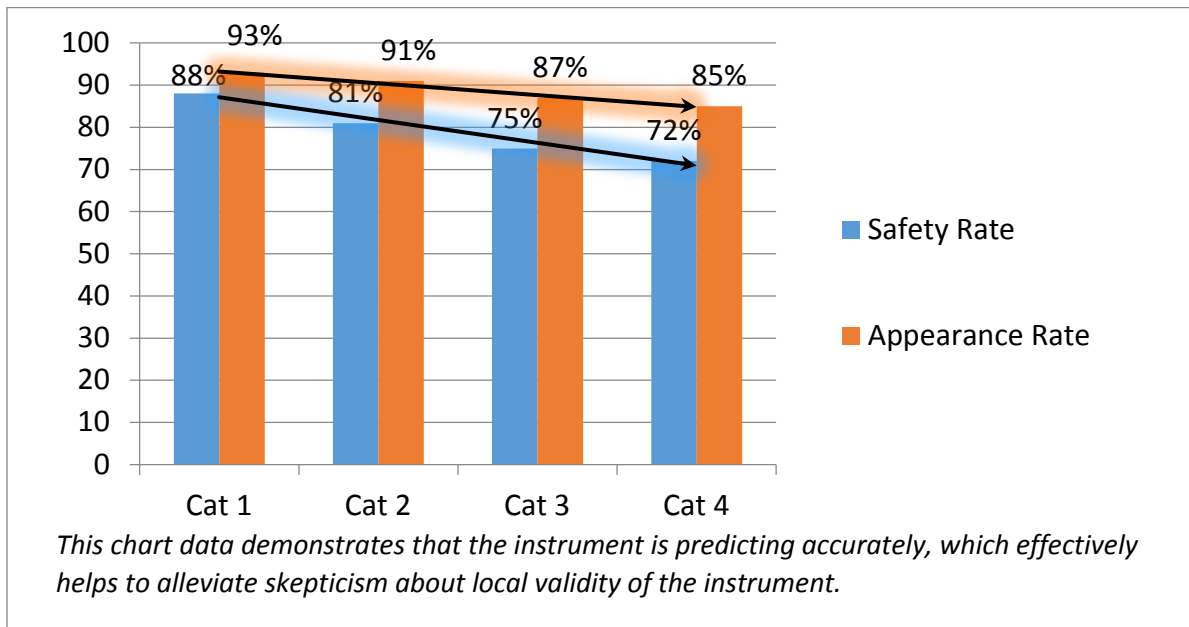
### Data Tracking

During each task, Pretrial Services was busy developing statistical tracking spreadsheets that would be critical in evaluating the results of this new pretrial justice system. The system originally set statistical goals, such as spending 30% fewer dollars on lower risk defendants and an 80% concurrence rate with the bond guidelines (*i.e.* judicial adherence to bond recommendations in 80% of cases or more). This and other data would have to be statistically tracked. Pretrial Services was ultimately able to develop an in-depth and thorough data tracking system that has been implemented. Program goals, stakeholder input, Colorado statutes, and publications on nationally recognized pretrial performance measurement standards were used to develop the measures.

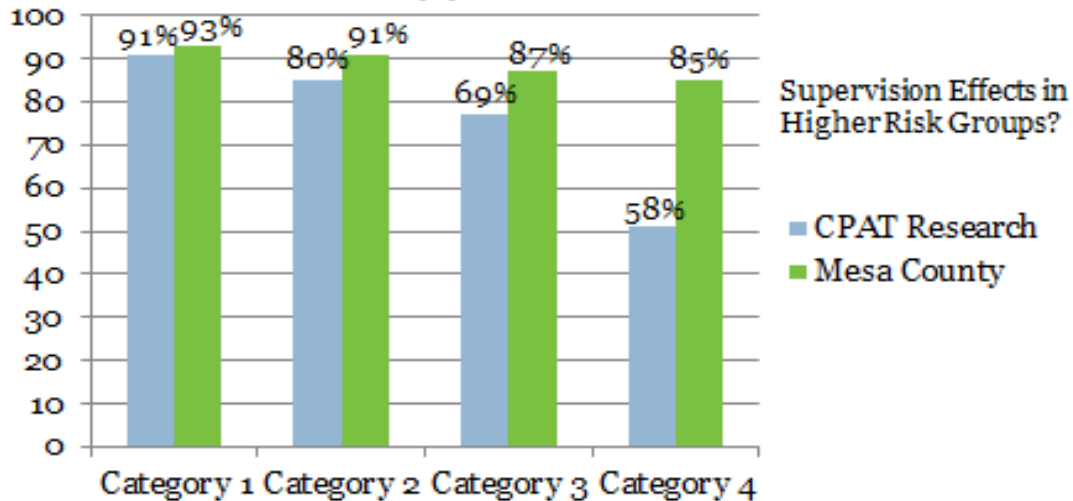
Some key factors that Mesa tracks are as follows:

- a. Local predictive value of the CPAT;
- b. Court Appearance Rates: The rate at which defendants are appearing in court with no missed court dates;
- c. Safety Rates: The rate at which defendants are not re-offending while under pretrial supervision;
- d. Release Rates: The rate at which defendants are being released from jail after bond has been set by the court;
- e. Concurrence Rate: To what extent do each judge's decisions match the release guidelines;
- f. Risk Levels of Pretrial Jail Defendants: What is the risk level of those defendants who remain in custody; and
- g. Violation Rates: The rate of violations incurred while under pretrial supervision.

Evidence that the CPAT is predicting accurately at the local level (2014 CPAT Prediction Outcomes)



## Colorado CPAT Outcomes Vs. Mesa (2014) Court Appearance Rates



*Note: The Colorado Data also included a significant percentage of unsupervised individuals. The Mesa data includes supervised individuals only.*

It should not be expected that secured bonds would have a positive effect on safety rates because there is no connection between money bonds posted and new crimes committed. That is, if a defendant posts a secured bond and commits any new crime, he/she does not lose his/her money, so no connection exists. This dispels the myth that somehow secured bonds affect public safety. The only way they do affect public safety is if money is the only effective means to hold a defendant who poses a significant public safety threat.

Risk Category	Safety Rate MESA (YTD November 2014)		Safety Rate COLORADO (CPAT study)	
	Unsecured	Secured	Unsecured	Secured
<b>Cat 1</b>	89%	84%	93%	90%
<b>Cat 2</b>	82%	81%	84%	79%
<b>Cat 3</b>	77%	72%	69%	70%
<b>Cat 4</b>	73%	72%	64%	58%
<b>Average</b>	<b>80%</b>	<b>74%</b>	<b>85%</b>	<b>76%</b>

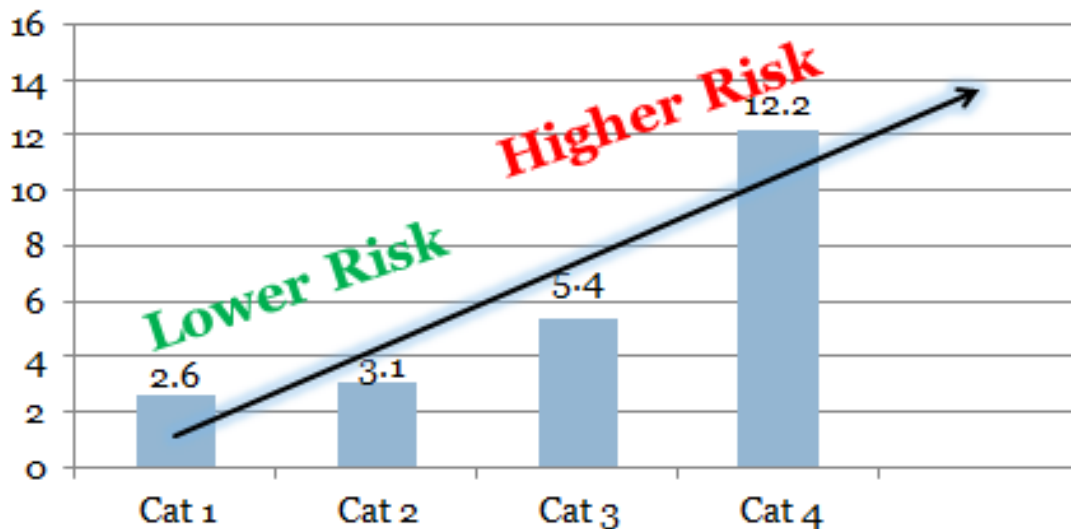
*This chart illustrates that secured versus unsecured bonds do not seem to have an impact on public safety rates in Colorado or Mesa County. The Colorado's study group included both supervised and unsupervised defendants, whereas Mesa County's group only included supervised defendants.*

**Concurrent Rates:**

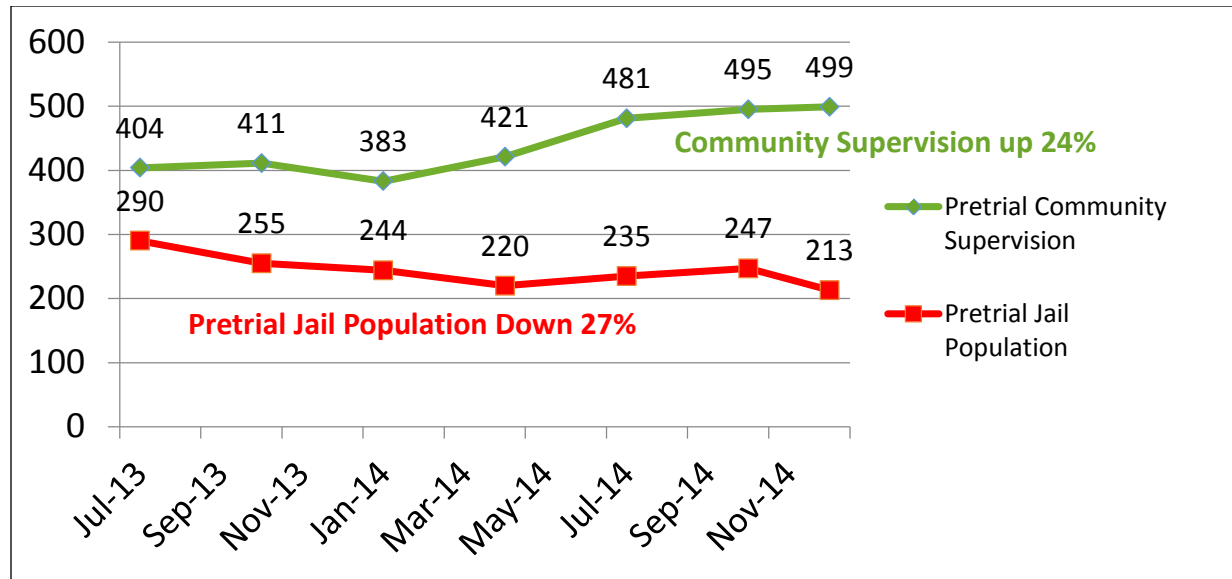
Our system does not expect or desire 100% concurrence with the Bond Guidelines. This is because we value the professional judgment of the judges to assess the individual factors of each case to determine an appropriate bond. This may result in some lower risk defendants being detained based on the severity of their crimes or for other reasons, and some higher risk defendants being released due to the unique circumstances of the individual defendant. Therefore, overrides to the Bond Guidelines are expected. Our system set the goal of an 80% concurrence rate with the Bond Guidelines and our actual rate is currently at 79%.

## 2014 Release Rates By Risk Category

**Days To Release From Booking Time**



**How did these changes affect jail beds?**

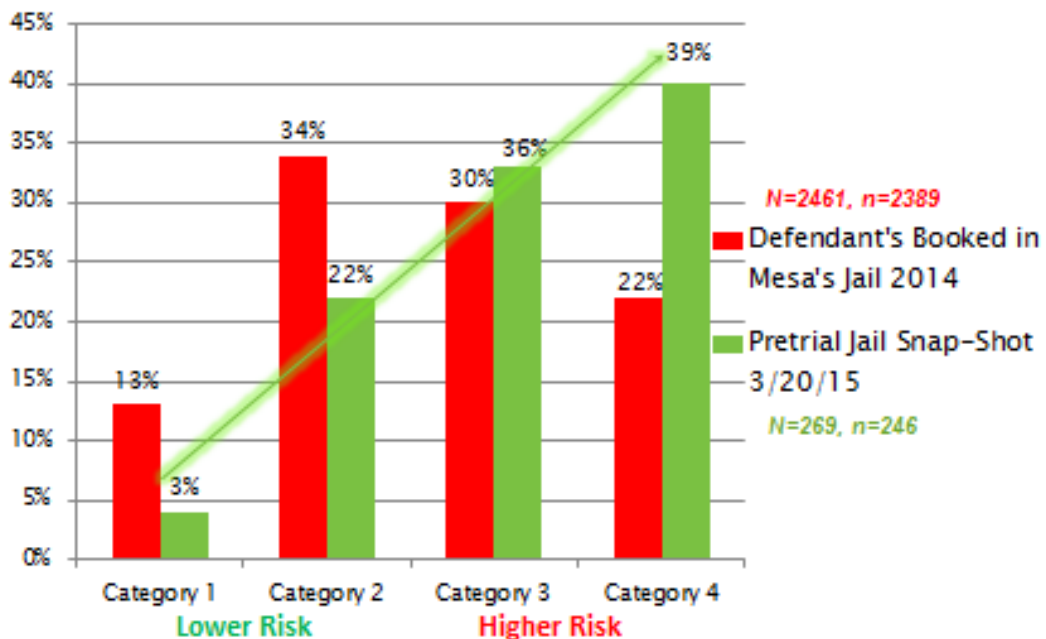


The above chart shows a decreasing jail population and an increasing pretrial supervision population since the implementation of the new bond guidelines.



**Defendant's Booked in Mesa's Jail (2014)  
versus**

**A Snap-Shot of Mesa's Pretrial Population (3/20/15)**



The above chart shows that judges are making more risk-based decisions regarding how bonds are set with the intent of holding higher risk defendants in jail, while releasing lower risk defendants on their own recognizance.



Step 12: Implementation Adjustments

Stakeholders must commit to reviewing the data outcomes of the practice changes and based on those outcomes, make data-driven updates to the system guidelines. This type of a review process should occur within 18 months of a significant change. This commitment to review the outcomes regularly must be clear from the beginning and should help alleviate skepticism about the change process. However, this does require a commitment to tracking the key outcomes outlined in the project goals.

**The Mesa County Experience – Implementation Adjustments: Updated Data-Driven Bond Guidelines**

In the fall of 2014, the data became available, and outcomes from each cell in the above matrix were presented to the group. This resulted in the following adjustments, which were implemented on January 1, 2015. The new matrix could now truly be called “data-driven”.

**Updated Bond Guidelines based on initial data outcomes in each of the 28 cells:**

21 <sup>st</sup> JUDICIAL DISTRICT BOND POLICY AND GUIDELINES - ADMINISTRATIVE ORDER 15-01							
	These bond guidelines are presumptions. Deviation from the presumptions may be appropriate based on case specific circumstances.						
	1	2	3	4	5	6	7
CPAT Risk Category	Felony VRA Crimes (C.R.S. 24-4.1-302)	Drug Distribution	Aggravated DUI & DARP	Domestic Violence DVSI 11 or Greater	Domestic Violence DVSI 10 or Less	Other Felony Crimes & Misdemeanor VRA (C.R.S. 24-4.1-302)	Other Misdemeanor, and Traffic Offenses
Cat 1	PR or Cash Only w/ PTS	PR with PTS	PR with PTS	PR with PTS	PR	* PR	* PR
Cat 2	PR or Cash Only w/PTS	PR or Cash Only w/PTS	PR or Cash Only w/PTS	Cash Only w/PTS	PR	* PR	* PR
Cat 3	Cash Only w/PTS	Cash Only w/PTS	Cash Only w/PTS	Cash Only w/PTS	PR or Cash Only w/ PTS	PR or Cash Only w/ PTS	*PR
Cat 4	Cash Only w/PTS	Cash Only w/PTS	Cash Only w/PTS	Cash Only w/PTS	Cash Only w/PTS	Cash Only w/PTS	PR or Cash only w/ PTS

In this version, there are no money ranges or amounts. This is because the judges are now encouraged to make hold or release decisions in this framework without pre-established arbitrary money amounts driving their decisions. In addition to the matrix upgrades, the group updated the legal wording in the bail documents to reflect updates in Colorado statutes, research and best practices in pretrial. The wording was much more direct in encouraging judges to make hold or release decisions, and the legal backing to do it. These updates are considered by the Mesa County Pretrial workgroup to be the very best that can be done at this time given the confines of the current law in Colorado. There is a general consensus in the group that a preventative detention statute should be implemented in Colorado, allowing judges to hold some dangerous defendants without having to rely on arbitrary money amounts. This will encourage much higher release rates of defendants, while safely holding the highest risk defendants in custody. In Colorado, this will require amending the Constitution through a vote of the people.

Tip: If at all possible try to avoid the temptation of placing money ranges in your bond guidelines. This has no basis in science and will only serve to continue to allow money to be the primary driver in pretrial release decisions.

Tip: The system stakeholders must create a chart with presumptive guidelines, which are developed by key stakeholders, who pre-determine bond recommendations. These recommendations should be followed unless there are mitigating or aggravating circumstances to override the presumptions. The above chart reflects how Mesa County successfully accomplished this concept.

## The Future of the Model & Lessons Learned

Given Colorado's statutes that still force judges to utilize money to hold defendants, stakeholders in Mesa County believe that our current bond system is as far as we can go until there is a statutory change that allows for preventative detention for some defendants with appropriate due process.

Mesa County's experience in upgrading our Pretrial justice system has proven to be a lesson of trial and success in development and implementation of new practices. Some key points to consider:

- a. It is very important to ensure that all relevant stakeholders have a voice and part in developing the various tools. Change of this nature must have the fingerprints of all stakeholders within the change in order to obtain buy-in and implementation success.
- b. Key representatives from each group can help to implement and train their colleagues.
- c. Change sometimes needs to come in stages, and that large steps may begin with small victories; change is a process not an event. For example, our first Bond Guidelines still included money but with broad ranges rather than specific amounts. Although the money ranges were not a best practice, we knew that our system was not yet ready for a step as significant as taking all reference to money away because of how inculcated it was in our culture. We were able to accomplish the next phase only after a little more than 18 months of adjustment to the new system, including the first stage of data outcomes.
- d. Exercising patience and respecting each other's perspectives was important, and learning to collaborate within an adversarial system was crucial.

We believe that our experience serves as an example that if we can make this happen, so can anyone else if there is determination and persistence.

## Appendices

[Appendix #1: Mesa County Bond Guidelines Attachment](#)

[Appendix #2: Supervision Matrix Assessment and Recommendation Tool \(SMART Praxis\)](#)

[Appendix #3: Response to Pretrial Violations](#)