

EL PASO COUNTY SHERIFF'S OFFICE SPEAKS OUT AGAINST ASSUMPTIONS CONCERNING PROPOSITION 102

Proposition 102 proposes amending the Colorado Statutes to prohibit the release of a defendant on an unsecured bond to a pretrial services program unless the defendant is arrested for a first offense that is also a non violent misdemeanor. Primary advocates for this legislation are bond agencies who argue that defendants are more likely to appear in court if they are required to post a secured bond.

Some of these advocates are attempting to use El Paso County as an example to support their position stating that once the Pre-Trial Services Program was eliminated in El Paso County in 2008 due to budget reductions that the inmate population incarcerated in the El Paso County jail was reduced the first three months.

Sheriff Maketa said in response, "I am very disheartened by the misrepresentation of our local success with regard to reducing our jail population. Our staff has worked diligently to develop and implement programs to target reducing recidivism and the inmate average length of stay; both of which are major contributing factors to jail population growth. To make the assertion that our population decline is in anyway related to the elimination of the El Paso County Pretrial Service program is ludicrous, a blatant misrepresentation of fact and intended to misguide the voters of this great State for the purpose of Bail Bond industry gain and personal profit. Their claim is simply not true and only one of mere coincidence."

In 2006, Sheriff Terry Maketa placed a moratorium on accepting defendants who were arrested for new misdemeanor charges that did not mandate incarceration due to the overcrowded conditions in the jail. Even with this population control measure, there was only a slight decrease in the jail population. When the Pre-Trial Services Program was eliminated in 2008, there was no significant change in the jail population as the advocates of this proposal claim.

In 2009, the jail population decreased significantly for the first time in several years from an Average Daily Population (ADP) in 2008 of 1535 to an ADP in 2009 of 1499. There are a few factors that appear to have a correlation to this reduction. First and foremost the Reintegration and Recovery Program implemented in August of 2007 appears to have a significant impact on the recidivism or (return to custody) rate thereby reducing the inmate population. The recidivism rate amongst these sentenced inmates is currently about 23% compared to national averages of 60 to 70% and has reduced the overall recidivism rate in the El Paso County jail from 68 to 59%. Other population control measures that have reduced the population include great cooperation with the Department of Corrections who quickly transfer those inmates sentenced to prison from the jail. Additional recent measures include modifying the processes on defendants who are due to be extradited to other detention facilities in other states by expediting the waiver of extradition.

Should Proposition 102 pass, the pre-trial defendants booked into jails will not be able to bond out without a secure bond therefore, he or she must post the bond or go through a bond agency to be released. If the defendant cannot afford to post the bond either individually or through a bond agency, he or she will remain in jail until trial that could be months away. Pre-Trial Service Programs will no longer have the option to recommend a Personal Recognizance (PR) bond where the defendant is monitored to the court nor will the judges have the authority to release a defendant on a PR bond. The decision will rest solely with the defendant and the bond agencies that will ultimately have the market on bonds which certainly explains their advocacy for this Proposition as they could potentially realize significant financial advantages. The jail and county budgets will face additional significant financial burdens as those defendants who do not have the financial resources will remain in jail; some for months on end until trial. This creates a distinct disparity amongst those defendants who can afford to pay and those who cannot.

The El Paso County Sheriff's Office strongly opposes Proposition 102 as it removes the authority and supervision over Pre-trial defendants from the Judicial System specifically the courts and places it in the hands of bond agents who have a financial interest in the outcome. It discriminates against those who are financially disadvantaged and shifts the intent of bonding from an argument of "innocent until proven guilty" which our justice system is predicated upon, to "paying for your freedom." If this proposition passes, the taxpayers will pay as the jails face additional financial burdens as the population for those who cannot afford to pay remain incarcerated.