

Review & Response to ACLU Case Study

As you are aware, the American Civil Liberties Union Colorado Chapter (ACLU) issued a report last week entitled “Justice Derailed,” which focused on the operations and practices of Alamosa’s Municipal Court. This document is an effort to examine many of the assertions and allegations made in that report, and address what the City of Alamosa might do to remedy perceived problems or inequities in the administration of justice at the municipal court level. Under Alamosa’s charter, Council is directly responsible for the appointment and oversight of the municipal court judge. Therefore, it is fitting that Council be the first to receive this background. However, pursuant to the City’s commitment to openness and transparency, we do plan on making this document open to public review.

The City has taken the allegations in the case study very seriously and it is unfortunate that the ACLU chose to use such a dramatic communication technique rather than communicating directly with the City during its two-year investigation in an honest attempt to address the perceived injustices. It is important to note the many improvements that Municipal Court has made the last several years are in no way captured in the case study including the creation of a Youth Diversion Program, Adult Diversion Program, issuance of a court order that allows the County Jail to issue automatic PR bonds for defendants who are booked in on a bond of \$500 or less, current negotiations for alternative sentencing options, and a possible application for financial support of a LEAD program.

The goal of City staff was to be objective and fair in reviewing the information provided in the case study. Consistent with that goal, City Council will find many recommended changes for improvement contained below. It is important to know that these recommendations come from discussions amongst the City Clerk, Municipal Judge, City Attorney, and City Manager. Additionally, it is important for City Council to understand that a significant amount of the consternation of the ACLU case study stems from philosophical differences on how tough a court should be, which may warrant continued discussions between Council and the Municipal Judge.

The ACLU’s Role

The City of Alamosa holds the values and mission of the ACLU in high esteem, which is why the nature of this case study has been so very disappointing. The combination of inflammatory language, desolate pictures, and narrow focus of the report casts a dramatically different light on Alamosa that we feel hurts the very community that the ACLU purports to protect. Not only does City staff disagree with much of the information included in the case study, but it takes exception at the sensationalist wording and tactics that the ACLU utilized in its efforts to garner support for its political agenda. The City of Alamosa has never shied away from initiating and engaging in the challenging community discussions that are often warranted in any community including drug use/addiction, crime prevention, homeless needs, unemployment, etc. As in every community, the opinions on how to solve these complex societal issues vary greatly based upon individual values, and in the case of rural communities, can be hampered by the lack of resources. Moreover, prior to release of this report, the ACLU made absolutely no attempt to

discuss their purported findings with the City, to address perceived problems or discuss practical solutions.

Insensitive to Poverty and Drug Abuse

The Municipal Judge assesses fines and penalties far below the amounts allowed by State Statute and takes under advisement any information presented by defendants on their ability to pay or failure to appear. What the report does not take into consideration is that when asked for documentation on the information presented in order to determine if it is credible that many times the defendants do not offer such documentation. Additionally, the report does not take into consideration the full criminal background of defendants and the nature of the facts that the Judge has utilized in setting his penalties. Judges across the state are struggling with meeting the public desire for reduced crime (a “tough on crime” mindset), deterring further criminal behavior from repeat offenders, and connecting defendants with other community services to address addictions and other hindrances. The case study pays no attention to the victims of the crimes that were perpetuated and their desire to see justice. However, staff recommends continued discussions between City Council and the Judge on the type of examples provided in the report and its expectations.

Alamosa has been using a Youth Diversion Program since January 1, 2014 and has added an Adult Diversion Program February 1, 2017. Additionally, staff began negotiations with a private community corrections provider approximately five months ago to allow for better sentencing options that include wrap-around services to assist certain offenders. Finally, staff has been working in partnership with Alamosa County and the District Attorney’s Office for an application for LEAD funding that would provide additional diversion services and connections to wrap-around services. The Judge has been instrumental and involved in all of these discussions and changes.

Defendant Highlights

Unfortunately, the individual stories presented in the case study are not fully reflective of all the facts surrounding the offenses, nor the full criminal history of the offenders. See Attachment A for a more comprehensive review of each defendant example. Staff feels that it is unfortunate to have to provide this type of detailed information on individual defendants, but given the nature of the case study, the City has been left with little choice but to ensure that all relevant facts are shared.

Arrest Warrants for Failure to Appear Even if There is a Valid Excuse

Contrary to the picture that the ACLU Case Study attempts to portray, many offenders who appear in court are not always trustworthy and most present excuses for either their crime and/or their ability to handle the consequences. Judges are faced with what is a regular pattern of dishonesty and are expected to be able to identify the few times there is a valid excuse. In every instance, the Judge or the Municipal Court staff request documentation that can support the excuse offered, and more often than not, nothing is provided. However, in the future, Municipal Court will utilize the Prosecuting Attorney to better coordinate continued court dates for

offenders with valid reasons for failure to appear when supporting documentation is available. Council should discuss with the Judge what sort of excuses may be recognized as valid (assuming proper documentation is provided), for example, voluntary or involuntary entry into residential rehab programs, incarceration or detention in other venues, inability to secure child care or parenting help, etc.

Lengthy Jail Stays

Court dates are held five times a month and extra days have been added when needed. The longest lag time between court dates is at most 11 days. It is important to understand that defendants are rarely in jail on *municipal only* offenses. The Judge has regularly made himself available by phone if a defendant is incarcerated and potentially eligible for a PR bond. On May 11, 2017, the Judge issued a standing court order, Attachment B, that allowed the County Jail to issue automatic PR bonds for defendants who are booked in on a bond of \$500 or less. This order has dramatically reduced the number of days in custody (Attachment C). If a *municipal only* defendant is booked in who does not qualify for that automatic release, the Judge is available by phone to process a PR release if applicable. This standing order was not addressed in the ACLU report.

County Jail Overcrowding Headlines & Cost to the City of Alamosa

Unfortunately the ACLU relied on inaccurate information provided to the newspaper and provided by County records in overstating the total amount of time being served by *municipal only* offenders and the cost thereof to the City. The crux of these inaccuracies stems from inadequacies of the County Jail software that only recently has seen improvements. The County Jail has struggled to identify and track inmates that are held on charges from multiple courts, compared to those inmates that are *municipal only*. These inadequacies have often given the grossly inaccurate misperception that *municipal only* offenders represent a much larger percentage of the jail population and have resulted in erroneous billings for many years.

For example, in 2016 the County Jail sent invoices for \$159,714.42 of which only \$108,731.60 were valid charges for *municipal only* offenders. Unlike the “over 65%” reported by the ACLU, this represents 36% of the Municipal Court budget. Additionally, the highest number of *municipal only* offenders in jail on any given day in 2016 was 3, compared to the over 120 inmates regularly held by the County Jail. See Attachment C for more details. The figure of 258 inmates spending over 9 years in jail solely on a municipal hold is vastly overstated. The total number of inmates who spent days on *municipal only* holds in 2016 was 230 for 4.7 years.¹

No Meaningful Consideration of Ability to Pay at Sentencing

This is an uncomfortable and challenging topic for courts and society to address. Courts are often faced with offenders who have not made the best life-choices and their ability to pay is often hindered by those voluntary choices. Philosophically, at what point is a defendant’s ability

¹ Note, this is not a correct average, as the City’s records reflect number of prisoners in each month, so the record may double-count prisoners, giving a higher number of prisoners (and therefore lower average stay) than actually exists. The City did not have time to unpack this statistical issue for the Response.

to pay out of their control versus the direct result of having made voluntary choices that are not in their best interest? Not captured in the case study are the questions that the Judge asks defendants to assess their ability to pay, nor the full criminal background of the defendant. For example, on a first offense, the Judge very often imposes just a fine, costs, and not getting new charges for a period of time, typically one year. However, when a defendant is appearing before the Judge on their third, fourth, etc. shoplifting charge; it is clear that a stronger message is needed.

In regards to escalating court debt through fines, fees and bond forfeiture, the case study misses the point that the defendant committed a crime and has failed to honor their commitments. The Judge has routinely granted extensions on pay schedules when presented with valid justification. Contrary to the report's assertion that the Judge does not advise defendants sentenced to a fine that they cannot be jailed for failure to pay if they lack the ability to pay, the payment plan form itself, attached as Attachment D, spells out that that instruction, as well as the other two required by C.R.S. § 18-1.3-702 (2), in the verbatim language of the statute.

In regard to the amount of the fines typically assessed, see Attachment E, which breaks down the traditional sentencing for multiple offenses. Staff recognizes that ability to pay is a relevant question in setting appropriate payment schedules, and the Municipal Court will research incorporating that consideration into the establishment of payment schedules. Any defendant who has requested a court appointed attorney is required to complete a court appointed attorney request form which has the defendant provide information to determine indigence.

Unreasonably High Fines & Out of Proportion for the Crime

The practice of levying fines in Alamosa Municipal Court is intended for deterrence, not strictly punishment. State Statute allows for up to \$2,650 in court fines in municipal courts, and State Courts have an even higher fine schedule for many of the charges that the case study found fault (see attachment E). For example, the state sentencing guidelines provide that for theft under \$50, a Class 1 petty offense (C.R.S. § 18-4-401(2)(b), the fine is up to \$500 (C.R.S. § 18-1.3-503(1)). The fines and penalties typically assessed in the Alamosa Municipal Court are far below that, normally around \$100. As described above, the individual defendant highlights provided in the case study present a picture of someone receiving a fine, jail sentence, and/or community service for a theft under \$100, but what the case study neglects to include is that in many instances, the defendant has already received previous convictions and/or is on probation already while picking up new charges. The purpose of the fine is to deter future illegal activity and thus the Judge regularly increases the penalty, all within the legal fine schedule, to match the criminal history and facts of the case. Whether a fine for theft should be minimal solely because the value of the item stolen was minimal or merely because the thief is indigent is something that City Council should discuss with the Judge. Staff recommends that the Municipal Court Office research the fine schedules in other courts and provide an analysis for Council consideration.

Debtor's Prisons

Municipal Court records do not support the assertion made in the ACLU case study that arrest or detainer warrants have been issued for failure to pay. There were fourteen warrants issued in

2014 for failure to pay with the last warrant issued on 5/23/14, prior to the passage of HB 14-1061 which was signed on May 9, 2014. There were no warrants issued for failure to pay in 2015, 2016, and 2017. Additionally, staff has begun the process of identifying a collection agency for court costs. Warrants have been issued for other items such as FTA on arraignment and FTA on a scheduled court hearing (trial date, sentencing date, pre-trial date, or a revocation or review hearing date). Review Hearings are only scheduled for those defendants who are on conditions of probation, not on any in regards to payments.

Additionally, the case study does not provide information on the notices that are provided prior to a warrant being issued. A defendant is given an initial appearance date, also known as an arraignment date, at the time of issuance of their summons. Upon that date passing, if the defendant has not come in, the Court sends a Late Notice to the defendant that they have missed their arraignment date and are given a two-week extension to come in for their arraignment. If a defendant has been scheduled for a Review Hearing and they have missed this date, it has become recent practice to send notice to the defendant of their missed date and to provide them a new date and opportunity to come before the court again before the warrant is issued. The case study references the disruptive court appearances that are required without explaining that those appearances are only required when the defendant has not met conditions of their sentence such as completion of Useful Public Service (UPS), reporting to RMOMS or the defendant has obtained new charges.

The case study asserts that municipal courts, including Alamosa's, are substituting Failure to Appear warrants (FTA's) as a substitute for failure to pay warrants that became prohibited in 2014. After June 10, 2016, the use of FTA's was prohibited where the failure to appear was at any post-sentencing appearance required for failure to pay a monthly amount, pursuant to C.R.S. § 18-1.3-207(3)(e). Since January 1 of 2017, the Municipal Judge has not issued any FTA's for failure to appear at scheduled payment reviews. A handful may have been erroneously issued between June 10, 2016 and January 1, 2017.

Warrant for Arrest if the Underlying Offense was a Non-Jailable Offense

Warrants have not been issued for non-jailable offenses. Rather, warrants have been issued when probation and/or (pre 1/1/2017) payment agreements have not been met. This is a very important distinction. The provision of the traffic code cited by the case study for the proposition that "a court is forbidden from ever issuing a warrant or order a defendant into custody for [traffic] infractions," C.R.S. § 42-4-1710(4)(b), actually provides that

In no event shall a bench warrant be issued for the arrest of any person who fails to appear for a hearing pursuant to subsection (1.5) or (2) of this section or for a final hearing pursuant to subsection (3) of this section. Except as otherwise provided in section 42-4-1716, entry of judgment and assessment of the penalty and surcharge pursuant to paragraph (a) of this subsection (4) and any penalties imposed pursuant to section 42-2-127 shall constitute the sole penalties for failure to appear for either the hearing or the final hearing.

The referenced sections address paying of a fine in lieu of appearing at a hearing on the underlying violation, and provide that a court cannot issue an arrest warrant for failing to appear after not paying the fine by the scheduled deadline. The section does not prohibit issuing FTA's for failing to pay the fine once it has been assessed, and a payment schedule entered into, which is what was done in the cases complained of, but rather prohibits them from being issued for failure to show up at the hearing on the underlying traffic ticket itself, which was not done in the cases referenced. Issuance of FTA's for failure to appear at a scheduled payment review hearing is governed by the provisions of C.R.S. § 18-1.3-207(3)(e), discussed in the section on debtor's prisons, above, and is no longer done.

Using Post-Conviction Bond to Collect Debt

Post-conviction warrants are only issued by the Court when it appears that a defendant has failed to comply with the terms and conditions, other than payment, of the sentence that has been imposed by the Court. When it appears that the defendant is not in compliance, as when the Court receives a report that the defendant has failed to complete ordered Useful Public Service Hours, a notice is sent to the defendant directing that he/she appear for a Review Hearing. At that Hearing, the defendant is given an opportunity to show that they are actually in compliance, or if not, why they are not in compliance. Typically, at that time the Court will grant any request for an extension of time to comply. If the defendant fails to appear for that Hearing, the Court is now sending a second Notice to Appear on another date. (Previously, the Court had been issuing an FTA Warrant if the defendant failed to appear for the Hearing). If the defendant fails to appear on the second date, a Warrant may issue setting bond, generally at \$500 so as to fit within the Automatic PR Bond Order. This is the only type of post-conviction bond now issued by the Court. Alternatively, in the last couple of months, the Court has been requesting the City Prosecutor to review the file, and to file a Motion with the Court, making a request to issue a Warrant, or whatever other request the City Prosecutor deems appropriate.

If the defendant fails to appear on the date set in his/her Bond for appearance. The Bond is revoked. If it is a PR Bond, judgment is entered against the defendant for the amount of the Bond, and Notice is sent to the defendant advising of the failure to appear on the Bond, that a judgment has been entered against them as a result, and advising them that they can request a hearing. A new Warrant will issue for this second failure to appear, with a Bond requirement of \$600.00, so as to not qualify for the automatic PR Bond Order, but still in an amount that is near the lowest amount that a surety bond can, generally, be issued (\$500.00). Bonds are thus not "continued," from the pre-trial bond, but rather are established each time a post-conviction defendant is picked up on a warrant in order to assure appearance at the post-conviction hearing for which the warrant was issued. A post-conviction Bond posted as a result of one of these FTA Warrants, can be, and often is, continued at the time of the first appearance on the Bond, to the date for the Review Hearing. Additionally, the Bond can then be continued to succeeding Review Hearing dates, if the Court has determined that there is a need to monitor compliance by the Defendant with the Court's Sentencing Orders.

If no hearing is requested by the defendant, the amount of the judgment is added to the balance then owing by the defendant for any fines, costs, fees and/or prior bond judgments. If a

defendant ultimately pays all of the fines, costs and fees imposed, the Court typically waives the amount of any bond judgments.

Regularly Tacks on a Jail Sentence that is “Suspended”

It is certainly true that the Municipal Court has imposed suspended sentences on condition of completion of probation and payment of fines in appropriate cases. It is also true that in appropriate cases, where the conditions of probation have not been met, the suspended sentence has been imposed. The report did not point to any instances of resentencing someone to jail where they had formerly been sentenced only to fines, a practice the report asserts is prohibited by Supreme Court precedent. The cited instance was, instead, one involving precisely imposition of the suspended sentence, where the condition of probation was violated.

Unconstitutional Guilty Pleas

While the Judge had continued the practice of allowing defendants the ability to change their plea during their sentencing hearing, the Municipal Court will be modifying the Advisement of Rights form and adding an arraignment date for all defendants considering a potential guilty plea, so that it is clear that guilty pleas are knowing and voluntary.

Denied Appointed Counsel for Indigent Defendants

Defendants are advised of their right to counsel in the Advisement of Rights Form. The City spent \$16,502.75 in 2017 for 29 indigent defendants (a total of 84 combined cases), \$9,796 in 2016 for 50 indigent defendants (a total of 176 combined cases), and \$5,203.05 in 2015 for 9 indigent defendants. It should be noted that the cost in 2017 is higher due to defendants who were appointed counsel in 2016 moving forward with their cases or picking up new cases in 2017. Appointed counsel can always move to have the original plea set aside, and any such request would be routinely granted by the Court. The Municipal Court Office is going to modify several processes to better meet this expectation, including the provision of the application for an attorney at the initial point of contact with the presentation of Advisement of Rights (Rule 11) form, modification of the Rule 11 form, and the addition of arraignment dates where the appointment of counsel will be explained.

Moving Forward and Recommendations

- Staff recommends that City Council consider creating a Judicial Performance Advisory Board that can assist in the monitoring and evaluation of the Municipal Court operations. Additionally, staff recommends that this board be convened soon in order to provide a second, outside review of the case study, recommended changes, and potential further modifications. This would provide more due diligence and a six-month report should be requested.
- Staff recommends that an arraignment hearing be added to provide in-court counsel of the defendant’s rights prior to acceptance of a potential guilty plea.

- The Municipal Court Office had already been collecting Rule 11 Forms from other courts with the intent to modify the existing form. These modifications will be made within a month.
- Staff recommends that the City's *Code of Ordinances* be amended to remove jail as an option until the point that the offender has multiple offenses.
- The application for a municipal defender will be provided at the first point of contact.
- Staff recommends further review of the role of the Prosecuting Attorney and Defense Attorney.
- Municipal Court has begun utilizing the Prosecuting Attorney to better coordinate continued court dates for offenders with valid reasons for failure to appear.
- Staff had already begun working on identifying a collection agency for court costs.
- Municipal Court plans to research the tools that other courts utilize to consider ability to pay in the context of establishing payment plans, and will make appropriate changes based on the findings.
- Staff has been in negotiations with ATC regarding the use of their services in lieu of the County Jail. This would provide a range of pre-trial and sentencing options including supervised probation, daily check-ins, and overnight stays with ankle monitoring for daytime movement. Additionally, the contract would allow for wrap around services to better address the reasons for the crimes, including underlying drug abuse issues that are often in play for municipal offenders. Staff anticipates that a contract will be brought before Council within a month for review.
- Staff has been working in partnership with Alamosa County and the District Attorney's Office to submit an application for the LEAD program, which is an adult diversion program that would connect certain offenders with wrap-around services with the intent of addressing the issues that drive multiple offenses.
- Staff recommends the continuation of the Youth Diversion Program and the recently created Adult Diversion Program.

DEFENDANT'S CRIMINAL HISTORY AND BACKGROUND INFORMATION

- Linda Quintana
 - Has had cases in Municipal Court beginning January 2014 (3 Theft cases and 1 Disturbing the Peace case)
 - All warrants in any case have been issued for Failure to Appear at Trial date or Bond Hearing date.
 - Criminal History in State Courts attached.
- Ashley Medina
 - Has had cases in Municipal Court beginning August 2013 (4 Theft Cases)
 - All warrants in any case have been issued for Failure to Appear at Sentencing Date, Trial Date, or Review Hearing for UPS
 - Criminal History in State Courts attached.
- Daimon Naranjo-Gallegos
 - Has had cases in Municipal Court beginning December 2015 (4 Theft Cases, 1 Disturbing the Peace and 1 Possession case)
 - All warrants in any case have been issued for Failure to Appear at Sentencing Date
 - Criminal History in State Courts attached.
- Michele Silva
 - Has had cases in Municipal Court beginning May 2013 (3 Theft Cases)
 - All warrants in any case have been issued for Failure to Appear at Review Hearing for UPS
 - Criminal History in State Courts attached.
- Holly Garcia
 - Has had cases in Municipal Court beginning March 2015 (8 Theft case and 5 Disturbing the peace)
 - All warrants in any case have been issued for Failure to Appear at Pre-Trial, Review of UPS, Review Hearing, Revocation Hearing, and Bond Hearings)
 - Criminal History in State Courts attached.
- Rebecca Archuleta
 - Has had cases in Municipal Court beginning August 2014 (3 Theft cases and 1 Traffic violation)
 - We do not have a history of any warrants being issued on this defendant.
 - Criminal History in State Courts attached.
- Brandon Bueno-Griego
 - Has had cases in Municipal Court beginning May 2014 (3 Theft Cases)
 - All warrants in any case have been issued for Failure to Appear for Review Hearing for UPS.
 - Criminal History in State Courts attached.

ATTACHMENT A

- Alexander Amato
 - Has had cases in Municipal Court beginning July 2015 (1 Theft cases and 1 Disturbing the peace)
 - All warrants in any case were issued for Failure to Appear at Sentencing, Bond Hearing, and Trial dates.
 - Criminal History in State Courts attached.

- Daniel Forshey
 - Has had one case in Municipal Court May 2016 (Theft case)
 - Warrant was issued for Failure to Appear at Sentencing date.
 - Guilty plea was entered.
 - Criminal History in State Courts attached.

- Shawn Sisneros
 - Has had cases in Municipal Court beginning March 2014 (2 Theft Cases, 1 Harrassment case, and 2 Traffic Violations)
 - Warrants were issued for Failure to Appear for Review Hearing dates.
 - OJW (Outstanding Judgement) warrants were issued on traffic violations.
 - Criminal History in State Courts attached.

- Mariah Mondragon
 - Has had cases in Municipal Court beginning January 2015 (2 Theft Cases)
 - Warrants were issued for Failure to Appear on Review Hearing and Trial dates.
 - Criminal History in State Courts attached.

Court staff was unable to pull the criminal histories and backgrounds on the following in the short time frame prior to tonight's meeting.

- Dylan Bannerman
- Isabel Loya-Baraja
- Kayla Muniz
- Angelique Sanchez
- Sharon Sisneros
- Moises Medina
- Michael Cruz
- Troy McKibben

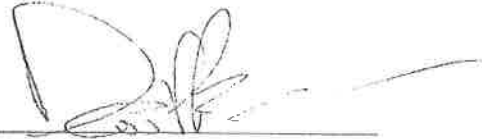
ATTACHMENT B

<p>MUNICIPAL COURT, CITY OF ALAMOSA, STATE OF COLORADO</p> <p>Court Address: 300 Hunt Avenue P.O. Box 419 Alamosa, Colorado 81101</p>	<p>COURT USE ONLY</p>
<p>ORDER REGARDING FAILURE TO APPEAR WARRANTS</p>	

IN ORDER to attempt to address overcrowding issues in the Alamosa County Detention Center, and in order to attempt to limit the amount of time that a Defendant shall spend incarcerated, when arrested upon Warrants issued by this Court for Failure to Appear, the Court hereby ORDERS AND DIRECTS that, whenever any Defendant of this Court is arrested upon a Failure to Appear Warrant, issued by this Court, which carries a Bond requirement of \$500.00 or less, and which said Defendant states that he/she cannot afford to post, the Sheriff of Alamosa County, or his duly authorized Deputy, shall be, and is hereby, authorized to release such Defendant upon the posting by the said Defendant of a Personal Recognizance Bond, in the amount of \$500.00. Said Bond shall bear an Appearance Date of 1:30 p.m. on the next Monday thereafter that this Court is in session.

DONE AT ALAMOSA, COLORADO this 14th day of May, 2017.

BY THE COURT:



Daniel P. Powell
MUNICIPAL COURT JUDGE

ATTACHMENT C

JAIL BILLS

	2015		2016		2017	
	Billed	Actual Paid	Billed	Actual Paid	Billed	Actual Paid
January	12,706.00	10,323.63	6,924.77	6,480.06	11,816.58	9,338.91
February	10,990.69	10,673.04	16,708.39	9,116.55	20,964.90	7,337.71
March	16,454.27	14,040.10	13,277.77	9,878.92	28,842.62	13,722.48
April		16,041.33	13,214.24	12,483.64	16,517.80	9,148.32
May		9,751.86	10,609.51	8,830.67	14,993.08	11,657.76
June	8,068.31	7,242.42	14,611.90	7,941.25	6,353.00	3,271.79
July	7,941.25	7,814.19	13,913.07	9,783.62	7,814.19	2,985.91
August	7,941.25	6,543.59	9,910.68	8,004.78	8,830.67	3,840.03
September	7,305.95	6,543.59	10,164.80	8,258.90	8,385.96	
October	10,037.74	8,862.44	20,583.72	12,960.12	-	-
November	10,037.74	12,070.70	18,995.47	7,464.78	-	-
December	12,070.70	11,880.11	10,800.10	7,528.31	-	-
Totals	103,553.90	121,787.00	159,714.42	108,731.60	124,518.80	61,302.91

# of Defendants in Custody Charged vs. Only in on Municipal						
	2015		2016		2017	
	Jail Billed	Actual	Jail Billed	Actual	Jail Billed	Actual
January	22	21	20	18	22	17
February	22	22	26	16	30	14
March	31	26	39	23	40	23
April			29	27	37	19
May			23	18	37	32
June	11	9	29	20	16	11
July	12	12	27	12	18	6
August	13	13	35	26	21	14
September	16	15	23	16	21	
October	23	22	28	18	-	-
November	21	20	27	18	-	-
December	14	14	24	18	-	-
Totals	185	174	330	230	242	136

# of Days in Custody Charged vs. Actual Total # of Days						
	2015		2016		2017	
	Jailed Billed	Actual	Jail Billed	Actual	Jail Billed	Actual
January	200	188	109	102	186	147
February	173	168	263	143.5	330	115.5
March	259	221	209	155.5	454	216
April		252.5	208	196.5	260	144
May		153.5	167	139	236	183.5
June	127	125	230	125	100	51.5
July	125	123	219	154	123	47
August	125	103	156	126	139	59.5
September	115	103	160	130	132	
October	158	139.5	324	204	-	-
November	158	145.5	299	117.5	-	-
December	190	187	170	118.5	-	-
Totals	1630	1909	2514	1711.5	1960	964



MUNICIPAL COURT
300 HUNT AVENUE/P.O. BOX 419
ALAMOSA, CO 81101
(719) 589-2272

ALAMOSA MUNICIPAL COURT

PAYMENT AGREEMENT

DEFENDANT: NAME

CITATION # NUMBER	DOCKET # NUMBER
FINE + COSTS \$	
RESTITUTION \$	
PAID \$	
BALANCE \$	

I, DEFENDANT NAME agree to make the first payment of \$_____ in full by DATE.

A payment of \$_____ is due on the _____ of each month.

A late fee will be added when a payment is not made on the due date.

Total balance must be paid in full within _____ months of the date the payment plan is set up.

Failure to comply with the above requirements may cause the Court to schedule a mandatory Review Hearing. Failure to appear at the Review Hearing may cause the Court to issue a Bench Warrant for your arrest, and/or the Court may enter a default judgment against your driver's license and the Division of Motor Vehicles will put a hold on your driver's license. Additional fees will also be added to your balance.

Accepted forms of payment include:

- Payments accepted between 8:00 a.m. and 4:45 p.m. Monday thru Friday
- Mailed to P.O. Box 419; Alamosa, CO 81101. Checks or money orders made payable to Alamosa Municipal Court.
 - Include the citation number on the check or money order.
- Pay Online with Visa or MasterCard:
 - <https://www.municipalonlinepayments.com/alamosaco/court/search>

Defendant's signature _____ Date _____

Parent's signature _____ Date _____



MUNICIPAL COURT
300 HUNT AVENUE/P.O. BOX 419
ALAMOSA, CO 81101
(719) 589-2272

Accepted by: CLERK NAME, Court Clerk, on DATE

NOTICE TO DEFENDANT REGARDING MONETARY PAYMENTS

The Alamosa Municipal Court has imposed a Sentence in your case which requires you to make a monetary payment or payments for fines, courts costs, fees and surcharges. You are hereby notified as follows:

- (a) If at any time you are unable to pay the monetary amount due, you must contact the Court Clerk, or appear before the Court to explain why you are unable to pay the monetary amount; and
- (b) If you lack the present ability to pay the monetary amount due without undue hardship to you, or to your dependents, the Court will not jail you for failure to pay; and
- (c) If you have the ability to pay the monetary amount due as directed by the Court but you willfully fail to pay, you may be imprisoned for failure to comply with the Court's lawful Order to pay.
- (d) You, or your dependents, are considered to suffer undue hardship if you or they would be deprived of money needed for basic living necessities, such as food, shelter, clothing, necessary medical expenses, or child support. In determining whether you are able to comply with an Order to pay a monetary amount without undue hardship to you or your dependents, the Court shall consider:
 1. Whether you are experiencing homelessness;
 2. Your present employment, income, and expenses;
 3. Your outstanding debts and liabilities, both secured and unsecured;
 4. Whether you have qualified for and are receiving any form of public assistance, including food stamps, temporary assistance for needy families, Medicaid, or supplemental security income benefits;
 5. The availability and convertibility, without undue hardship to you or your dependents, of any real or personal property owned by you;
 6. Whether you reside in public housing;
 7. Whether your family income is less than two hundred percent of the Federal Poverty Line, adjusted for family size; and
 8. Any other circumstances that would impair your ability to pay.
- (e) If the Court finds you in Contempt of Court for willful failure to pay, the Court may direct you shall be imprisoned until the monetary payment ordered by the Court is made, but the Court shall specify a maximum period of imprisonment subject to the following limits:
 1. When the monetary amount was imposed for a petty offense, a traffic violation, or a violation of a municipal ordinance, any of which is punishable by a possible jail sentence, the period shall not exceed fifteen days;
 2. There shall be no imprisonment in those cases when no imprisonment is provided for in the possible sentence; and
 3. When a sentence of imprisonment and a monetary amount was imposed, the aggregate of the period and the term of the sentence shall not exceed the maximum term of imprisonment authorized for the offense.



MUNICIPAL COURT
300 HUNT AVENUE/P.O. BOX 419
ALAMOSA, CO 81101
(719) 589-2272

- (f) Nothing in this Notice prevents the collection of a monetary amount in the same manner as a Judgment in a civil action.

Traditional Sentencing for Court Offenses

- 1st time offense:
 - Fines and costs, possible UPS (24 hrs) if facts warrant, and no violations of the law for a period of 1 year; also possible Deferred Judgement if no prior history at all (our court as well as others)
 - Fines are typically \$100 for first time
- 2nd time offense:
 - Fines and costs (may be increased slightly), UPS (24-48 hrs), Unsupervised probation for a period of 1 year
 - Fines are typically \$100 and depending on case, may increase to \$200. Amount really depends on the facts of the case.
- 3rd time offense:
 - Fines and costs (sometimes increase, sometimes not), UPS (24-48 hrs), Supervised probation for a period of 6 months to 1 year
 - Fines are typically \$300, but depend on the facts of the case.
- 4th+ time offenses: Fines and costs, Jail time is likely to be imposed, but may be suspended.
 - Highest fine typically imposed is \$500
 - Jail Time could vary from 10 days to 90 days; depending on case and circumstances.

Court Costs on all cases (except traffic) are as follows:

\$50 Court Costs
\$20 Victim Assistance
\$25 PD Surcharge

ALAMOSA MUNICIPAL COURT ADVISEMENT OF RIGHTS - ORDINANCE

*****THESE ARE IMPORTANT READ BEFORE SIGNING*****

This is an arraignment and you are expected to enter a plea to the charge(s) which have been brought against you, either guilty, not guilty, or nolo contendere (no contest).

Any plea you make must be voluntary and not the result of undue influence or coercion.

You have the right to be represented by an attorney at any stage of the proceedings. If you have not had the opportunity to talk to an attorney, you can continue your case to a later date. If a jail sentence could be imposed, the court is required to appoint an attorney to represent you if you cannot afford one. Appointment of an attorney is controlled by law and your income.

A deferred sentence may be requested at the time of your appearance with the Judge.

You have the right to a trial by the judge or jury. You may testify at your own choosing, subpoena witnesses, present evidence and cross examine witnesses. The charge(s) made against you must be proven beyond a reasonable doubt.

To request a jury trial, you must file a written request and pay a \$25 fee within 20 days after arraignment or entry of plea. If you do not file a written request and pay the fee, you waive your right to a jury trial.

To have witnesses subpoenaed you must provide names and addresses to the Court at least two (2) weeks prior to the trial date. The required fee for service will need to be paid for in advance. IF YOU PLEAD NOT GUILTY AND THIS MATTER IS SET FOR TRIAL, YOU MUST HAVE YOUR WITNESSES PRESENT AT THE TRIAL. CONTINUANCES WILL NOT BE GRANTED FOR WITNESSES WHO ARE NOT PRESENT UNLESS THEY WERE SUBPOENAED.

You have the right to remain silent, because any statement you make may be used against you. Your silence cannot be held against you.

A copy of the Ordinance upon which you are charged may be furnished upon request.

You may appeal any judgment to the District Court; however if you plead guilty, you waive your right to appeal.

MAXIMUM penalty which may be assessed by the court is \$2,650.00 and/or 365 days in jail.

COURT STAFF CANNOT GIVE ANY LEGAL ADVICE, INCLUDING HOW YOU SHOULD PLEA.

If you are under 21 years old and are convicted of Possession or Consumption of Alcohol, the conviction will be reported to the Department of Motor Vehicles which may cause your drivers license to be revoked.

By signing this form, I have read and understand the above rights.

- enter a plea of Not Guilty and set this matter for trial;
- enter a plea of Guilty; enter a plea of No Contest to the charges; (see attached definition)
- delay entering a plea in order to request a pre-trial

Date _____ Defendant's Signature _____

Parent or Guardian's signature _____

If defendant is under 18

Current mailing address: _____ Phone #: _____
