



November 27, 2023

SENT VIA E-MAIL: jspezze@chaffeesherriff.org

Re: Bond Fee Violations under C.R.S. § 16-4-102

Dear Sheriff Spezze:

We are reaching out because we believe your office is violating a state law that prohibits sheriffs' offices from charging bond fees to secure a person's release and requires staff be trained accordingly.

Pursuant to C.R.S. § 16-4-102 (2)(f), "A defendant who has posted bond must be released regardless of whether the defendant has paid any outstanding fee, cost, or surcharge, including bond processing fees." C.R.S. § 16-4-102 (2)(i)(I) puts this requirement another way: **"Bond fees, booking fees, and other fees or debts never need to be paid to secure a person's release on money bond."**

Based on the Chaffee County Sheriff's Office website and communications with your staff members, we believe your office may require payment of a \$10 bond fee in order to secure a defendant's release on bond, which directly violates the law. Specifically, in September 2023, while researching a request for bond assistance, a Colorado Freedom Fund staff member found a notation on your website that: **"A \$10.00 bond fee is required for every bond, this fee is not optional."**

Bonding:

A \$10.00 bond fee is required for every bond, this fee is not optional.

Cash bonds: the full bond amount in addition to a \$30.00 booking and \$10.00 bond fee in EXACT cash. Example: \$1,000 bond, separate from the \$40.00 in fees.

Accessed at: <https://chaffeesherriff.org/detentions-information/>, October 31, 2023.

We recognize that the complete notice of legal rights related to bonding, required by C.R.S. § 16-4-102 (2)(h)(I)(A), is posted directly below this notation. It correctly reflects: **"BOND FEES, BOOKING FEES, AND OTHER FEES OR DEBTS NEVER NEED TO BE PAID TO SECURE A PERSON'S RELEASE ON MONEY BOND."** However, the contradiction between the directions listed under the heading "bonding" and the notice of legal rights is confusing for the reader. As it currently appears, the website risks giving individuals the impression that \$40 of fees, in exact cash, must be paid in addition to the bond amount to secure a person's release. Indeed, we have reason to believe that even your own staff are confused on this point.

In September 2023, a Colorado Freedom Fund staff member called your office to inquire whether payment of a bond fee was required to secure someone's release pretrial. A Chaffee County Sheriff's employee answered the phone and confirmed this payment was required without exception.

An American Civil Liberties Union of Colorado staff member subsequently called your office in November 2023. A Chaffee County Sheriff's employee answered the phone and stated the bond fee is not required to secure someone's release from custody on money bond.

These interactions, as well as the contradictory notations on your website, clearly reflect inadequate training on the requirements of C.R.S. § 16-4-102, which has now been in effect for three years. Under C.R.S. § 16-4-102 (2)(j)(l), sheriffs "shall train all staff who process bonds or interact with inmates" on their bond policies, which must comply with the other provisions of C.R.S. § 16-4-102.

Additionally, any policy or practice requiring payment of a bond fee to secure pretrial release violates C.R.S. § 16-4-102 (2)(f). We are concerned that any such illegal practice may deny people their pretrial freedom. Even small bond fees can prevent defendants with low bond amounts from being released from jail. [Mickey Howard spent four additional days in a Denver jail for exactly this reason.](#) His experience was the basis for a lawsuit and the impetus for the bond fee provision in C.R.S. § 16-4-102.

We ask that you train your staff on this aspect of the law, correct your website, update your policy manual, and end any practice requiring payment of any fees to secure a person's release. We also urge your office to review the entirety of C.R.S. § 16-4-102, which contains several mandates directed at Colorado sheriffs related to bonding. Completing or updating your office's required certificate of compliance with the Division of Criminal Justice (DCJ) regarding C.R.S. § 16-4-102 should clarify all sheriffs' obligations under the law. More information can be found on the [DCJ webpage for jail bonding compliance.](#)

We hope this letter provides sufficient information to spur your office into immediate compliance with Colorado law. We ask that you respond to this letter by December 11, 2023 and are happy to act as a resource if you'd like to discuss this issue. Thank you for your time.

Sincerely,



Dana Steiner

Policy Counsel

COLORADO FREEDOM FUND

dana@coloradofreedomfund.org



Emma Mclean-Riggs

Senior Staff Attorney

AMERICAN CIVIL LIBERTIES UNION OF COLORADO

emcleanriggs@aclu-org.org