

Pretrial Release and Accountability

Do Current Systems Effectively Discourage Non-Compliance?

A policy-focused comparison of incentives, financial accountability, and system impact — with real-world examples from Colorado, New York, and Chicago

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SECTION 1 — WHAT IS A PR BOND?

A Personal Recognizance (PR) bond allows a defendant to be released from custody without paying any money upfront. The defendant simply signs a document promising to appear at all future court hearings.

1. Release without upfront financial requirement
2. Based on a promise to appear in court
3. Bond amount is set but not paid at release
4. Relies primarily on voluntary compliance
5. In Colorado, PR bonds are authorized under C.R.S. 16-4-104 for defendants deemed low flight risk

Colorado Example: A defendant charged with a non-violent offense in Denver may be released on a \$5,000 PR bond — signing a promise to appear, with no money collected at the time of release.

SECTION 2 — IS THE FINANCIAL ACCOUNTABILITY REAL?

PR Bonds — Key Issue: Theoretical Financial Liability

Bond amounts are assigned, but no upfront payment is required. Enforcement only occurs after a violation — and even then, collection is delayed and inconsistent.

Key Insight: *In many cases, the financial obligation exists on paper but is not actively collected unless a violation occurs — and even post-violation collection faces significant enforcement hurdles.*

Colorado-Specific: What Happens When Someone Does Not Pay?

6. A failure-to-appear (FTA) warrant is issued — but collection of the bond amount requires separate court action
7. Under C.R.S. 18-8-212, failure to appear is a separate criminal offense (6 months to 1 year imprisonment), but prosecution is rare
8. There is no private bondsman on a PR bond — law enforcement must locate and re-arrest the individual at public expense
9. Denver alone held approximately 10,000 bond hearings for serious crimes in 2022, with growing concern about repeat offenders

SECTION 3 — THE COURT INCENTIVE PROBLEM

A critical and often overlooked issue: courts and their administrative systems may have a financial incentive to set certain bond types that generate revenue.

Warning: *This creates a structural conflict of interest where the system's financial interests may not align with public safety outcomes.*

The 10% Court Deposit Revenue Model

In Illinois, state law allows clerks of courts to retain 10% of the bond deposit — meaning courts directly benefit when 10% deposit bonds are set and paid. In 2016, the total amount paid out of bail funds in Illinois was \$154.7 million. By 2020, this declined to \$121.4 million — a figure closely tracked by the courts.

10. Cook County (Chicago) historically accounts for 40% of all bail bond payments in Illinois
11. Courts that set 10% deposit bonds collect fees regardless of outcome — even if the defendant complies
12. This creates an incentive to set 10% deposit bonds over PR bonds, as they generate direct court revenue
13. In Colorado, cash deposits may be applied toward fines, fees, and restitution — making them administratively attractive to courts

Key Insight: When the institution setting bond also benefits financially from certain bond types, the selection of bond type may be influenced by revenue considerations — not just public safety.

SECTION 4 — KEY ISSUES WITH PR BONDS

1. No Upfront Financial Commitment

No immediate financial stake at release. Example: A defendant in Colorado is released on a \$5,000 PR bond without paying any portion upfront.

2. Reliance on Voluntary Compliance

System depends on individual behavior rather than enforceable incentives. Pretrial service officers cannot compel compliance — only report violations.

3. Delayed Enforcement

Consequences occur after violations, not before. A missed court date results in a warrant issued later — not an immediate consequence.

4. Public Resource Dependency

Monitoring and enforcement are entirely taxpayer-funded. Law enforcement must locate and re-arrest individuals who fail to appear at public cost.

5. Limited Supervision Capacity

High caseloads reduce real-time oversight. One officer may supervise many defendants simultaneously, reducing effectiveness.

6. Weak Deterrence Mechanism

If the cost of non-compliance is low or delayed, the deterrent effect may be limited. A defendant may prioritize other obligations over court appearance.

SECTION 5 — THE 10% COURT DEPOSIT SYSTEM

How It Works

14. Defendant pays ~10% of the bond amount upfront
15. Remaining 90% is not paid — only the 10% is at immediate financial risk
16. Deposit may be refundable upon case conclusion — but courts may retain a portion for fees
17. In Colorado, the bonding premium is set by statute at a maximum of 15%, with 10% being typical

Key Issue: 90% Discount on Accountability

On a \$5,000 bond, a defendant pays only \$500 — with the remaining \$4,500 never at immediate financial risk. This is effectively a 90% discount on the stated bond accountability.

Critical Insight: The 10% deposit system is essentially a 90% discount on financial accountability. The defendant's actual exposure is a fraction of the stated bond — severely undermining deterrence.

SECTION 6 — ALTERNATIVE BAIL POSTINGS

Beyond PR bonds and 10% deposits, courts use several alternative release mechanisms — all of which fall short of surety bail in accountability:

Electronic Monitoring (EM)

Defendant wears an ankle monitor. Cost is largely taxpayer-funded. In Chicago in January 2022, 130 people charged with murder or attempted murder were on EM — alongside 852 charged with aggravated gun possession. The Cook County Chief Judge stated he did not believe the public was as secure using electronic monitoring as he would like to see.

Unsecured/Signature Bond

Defendant signs a promise to pay if they fail to appear — but pays nothing upfront. No bondsman is responsible. No private enforcement mechanism exists.

Release on Own Recognizance (ROR)

Similar to a PR bond — no money, no private accountability. Purely based on defendant's promise.

Pretrial Supervision Programs

Government-run check-ins and monitoring. Effective only if properly resourced — and costs are borne entirely by taxpayers.

Key Pattern: All alternative bail postings share the same fundamental weakness — they shift enforcement responsibility from a private, financially motivated bondsman to an underfunded government system.

SECTION 7 — HOW INCENTIVES SHAPE BEHAVIOR

- 18. Systems influence decisions through perceived risk
- 19. Lower financial exposure reduces urgency to comply
- 20. Delayed enforcement weakens deterrence over time
- 21. When no bondsman is financially responsible, no one actively pursues for a non-compliant defendant

If the cost of non-compliance is low or delayed, the deterrent effect may be limited.

THE SURETY BAIL "CIRCLE OF TRUST" — AND WHY IT WORKS

Surety bail functions as a multi-party contract — a "circle of trust" — where every participant has real skin in the game. This is fundamentally different from PR bonds, where no one has any financial stake.

Party	Role & Accountability
The Bondsman (Guarantor)	Guarantees to the court that the defendant will appear — or pays the FULL bail amount out of pocket. Has a direct financial incentive to monitor and recover the defendant if they flee.
The Defendant	Must follow all court requirements and appear at all hearings. Their release depends on maintaining the trust of the bondsman.
The Indemnitor (Family/Friends)	Co-signers who promise to ensure the defendant appears. They put up collateral and are personally on the hook if the defendant flees — creating a powerful social accountability layer.
The Non-Refundable Fee	Typically 10% paid to the bondsman — a real, committed financial stake that creates a trusted agreement. Unlike a PR bond, this money is actually paid and is non-refundable.
If Trust is Broken	The bondsman is financially liable for the full bond amount and will deploy a fugitive recovery agent to locate and return the defendant — at no cost to taxpayers.

The Circle of Trust works because every party has something real to lose. PR bonds have no circle — just a signature on paper that no one is financially motivated to enforce.

Additionally, modern bail bond software provides a further layer of accountability — tracking court dates, monitoring compliance, and flagging violations in real time. This technology-backed oversight is entirely absent from PR bond supervision programs.

THE WARRANT CRISIS: PR BONDS AND FLIGHT FROM JUSTICE

The consequence of mass PR bond issuance is measurable — and it has overwhelmed Colorado justice system.

Statistic	What It Means
~45,000 active warrants maintained by Denver County Court Bonding & Warrants Division at any given time	The majority of these are PR bond failures — defendants who signed a piece of paper and never returned to court
70% of people arrested in Denver in 2021 had at least one prior arrest	Repeat offenders are cycling through a system that repeatedly releases them without financial accountability
30% of Denver arrestees in 2021 had FIVE OR MORE prior arrests	Nearly 1 in 3 arrested people are chronic recidivists — released on PR bonds again and again
Average 6+ months at large before a PR bond skip is re-arrested	During this time, the defendant is actively committing more crimes — with no bondsman pursuing them
Warrant only valid in Colorado	PR bond skips who flee to another state are effectively free — victims never get their day in court, and law enforcement has no budget to pursue them interstate

When a defendant on a PR bond fails to appear and flees the state, the warrant is only enforceable in Colorado. There is no bondsman to pursue them. Law enforcement does not have the resources to search for them. Victims are left without justice — often permanently.

In contrast, when a defendant skips on a surety bond, the bondsman — who is financially liable for the full amount — has every incentive to deploy a fugitive recovery agent immediately, across state lines if necessary, at zero cost to the taxpayer.

THE POLICING RESOURCE PROBLEM

A critical and often ignored reality: law enforcement simply does not have the capacity to pursue PR bond skips.

22. There are not enough officers to stop crime in progress — let alone to actively search for defendants who missed court on a PR bond
23. There is no record of judges or DAs pursuing anyone for frivolous PR bond violations in Colorado
24. Every hour a police officer spends tracking a PR bond skip is an hour not spent protecting the public from active crime
25. The bondsman profession fills this gap entirely — and does so at no cost to the taxpayer
26. Fugitive recovery agents operate privately, funded by the bondsman financial stake — a self-sustaining accountability system

The surety bail system is not just more effective — it is the only system that does not require taxpayer-funded enforcement resources to function. Every other pretrial release mechanism places the burden of accountability on already-stretched law enforcement.

THE 10% DEPOSIT WEALTH LOOPHOLE

The 10% court deposit system contains a critical flaw that surety bail does not: it can be exploited by wealthy defendants.

27. A wealthy defendant can post a 10% cash deposit and disappear — they lose only the deposit, not the full bond amount
28. Under surety bail, the bondsman requires collateral AND co-signers — creating accountability regardless of the defendant personal wealth
29. Co-signers (family/friends) are personally on the hook, creating a powerful social deterrent that cash deposits do not provide
30. Ohio precedent: In 2014, the Ohio Supreme Court ruled that mandatory 10% cash deposits were unconstitutional, finding they can limit access to more cost-effective "sufficient sureties" — i.e., surety bail

31. The courts cannot legally enrich themselves through 10% bond deposit revenue — the Ohio ruling reinforces that the deposit system exists to generate court revenue, not to serve justice

Dollar amounts printed next to PR bonds are used to give the appearance of financial accountability to the public — but they mean nothing. No money is collected, no collateral is pledged, no co-signer is on the hook. It is a number designed to trick the public into believing accountability exists.

SECTION 8 — SYSTEM COMPARISON

Factor	PR Bonds	10% Deposit	Alt. Postings (EM/ROR)	Surety Bail
Upfront Payment	None	10% only	None	Required (10-15% non-refundable)
Financial Accountability	Theoretical	Partial (90% discount)	None	Strong (100% at risk)
Incentive to Appear	Low	Low-Moderate	Low	High
Deterrence Strength	Low	Low-Moderate	Low	High
Monitoring	Taxpayer-funded	Taxpayer-funded	Taxpayer-funded	Professional bondsman
Enforcement	Law enforcement	Court-based	Gov. programs	Bondsman (fugitive recovery agent)
Court Revenue Incentive	None	YES — court retains fees	None	No court benefit

SECTION 9 — REAL-WORLD CITY EXAMPLES

The following cities demonstrate the consequences of weak pretrial accountability systems:

New York City

New York's 2020 bail reform law eliminated money bail for most misdemeanors and many non-violent felonies, significantly expanding PR-style releases. The result was a high-profile pattern of repeat offenders — arrested, released without bail, then arrested again for new crimes before their court date. The reform was rolled back three times (2020, 2022, 2023) due to public safety concerns. A peer-reviewed study in Justice Quarterly found that rates of murder, larceny, and motor vehicle theft increased following the reform.

Chicago, Illinois

Chicago's bail reform expanded PR-style releases and electronic monitoring. The Chicago Tribune found 1,264 felony defendants charged with new crimes while on electronic monitoring in 2018 and early 2019. In January 2022, 130 people charged with murder or attempted murder were on electronic monitoring. Since 2020, 87 people were murdered allegedly by defendants free on bond for a pending felony case. Illinois's SAFE-T Act, which proposed to abolish cash bail entirely, was challenged by a bipartisan group of over 50 state attorneys.

Los Angeles, California

The Los Angeles Police Department levied over \$19 billion in money bail on arrested persons between 2012 and 2016. Following DA directives to avoid seeking money bail in certain cases, the city saw increased pressure on pretrial supervision resources and public debate about repeat offense rates.

San Francisco, California

San Francisco's DA Chesa Boudin eliminated the practice of asking for cash bail in 2020. He was recalled by voters in 2022 and his successor reinstated cash bail requests in some circumstances — a direct public rebuke of the no-cash-bail policy.

Pattern: In every city that significantly expanded PR bonds and eliminated or reduced surety bail, public and political backlash followed — driven by high-profile incidents involving defendants released without financial accountability.

COLORADO SPOTLIGHT: The Ephraim Debisa Case — Weld County (2024)

This high-profile Colorado case illustrates the dangerous intersection of weak pretrial accountability laws and public safety failure.

Timeframe	Event
Early 2024	New Colorado state law enacted requiring dismissal of charges when defendants are deemed incompetent AND untreatable.
Last 6 weeks	Three judges dismissed SIX separate cases against Ephraim Debisa — charges ranging from harassment to attempted second-degree murder.
After dismissal	Democratic Governor Jared Polis criticized Weld County officials for releasing Debisa — despite his own administration having signed the law.
Same period	Republican Weld County DA Michael Rourke defended his office: prosecutors had NO legal choice but to dismiss. He called for the law to be rewritten or repealed.
Public reaction	Elon Musk publicly expressed outrage about the release, reflecting broad societal concern about the public safety consequences.

Why This Case Matters for Pretrial Accountability

32. A defendant facing attempted murder charges was released because the legal system had no enforceable mechanism to hold him
33. The 2024 Colorado law removed prosecutorial discretion entirely — once incompetency was declared, dismissal was mandatory
34. No financial accountability mechanism (like surety bail) existed to create a private enforcement backstop
35. Even the governor who signed the law recognized its dangerous real-world consequences after the fact
36. Weld County DA Rourke expressed the frustration felt by investigators and victims — the system left them powerless

Key Insight: The Debisa case is a direct Colorado example of what happens when pretrial accountability systems fail. When there is no financial stake, no private enforcement, and laws that mandate release — the community bears all the risk.

COLORADO CASE STUDIES: BOND MANIPULATION IN PRACTICE

The following real Colorado cases and booking records demonstrate what practitioners call "bond manipulation" — PR bonds with nominal or symbolic cash amounts that create the appearance of accountability while collecting nothing.

The Legislative Root Cause: HB19-1225 and HB19-1226

Colorado's 2019 bail reform legislation fundamentally changed how courts set pretrial release conditions:

37. HB19-1225 — Required courts to use the LEAST RESTRICTIVE conditions for pretrial release, prioritizing personal recognizance (non-monetary) bonds for many lower-level offenses
38. HB19-1226 — Further expanded PR bond eligibility, reducing reliance on cash bail across the board
39. The combined effect: judges are legally directed toward PR bonds first, with cash bonds as a secondary option
40. Result: Courts began issuing symbolic cash amounts (\$1, \$4, \$100) alongside PR bonds — creating the illusion of financial accountability while collecting nothing

Key Insight: When the law mandates least-restrictive release, courts respond by setting PR bonds or token cash amounts. The bond amount on paper becomes meaningless — never collected, no real deterrent.

Bond Manipulation: Real Douglas County Booking Records

Booking Record 1 — Douglas County (Booking 2024-00005425)

Bond Number	Bond Type	Bond Amount	Reality
2024-00006356	PR	\$100.00	Nothing collected upfront
2024-00006357	CS	\$500.00	Court supervision bond
2024-00006359	PR	\$3,000.00	Nothing collected upfront
TOTAL BAIL PAID		\$0.00	Despite 6 FELONY charges for Fugitive from Justice + FTA misdemeanors

This defendant had SIX felony counts of Fugitive from Justice plus multiple Failure to Appear misdemeanors — yet walked out on \$0 paid, covered by two PR bonds totalling \$3,100 that were never collected.

Booking Record 2 — Douglas County (Booking 2024-00005164)

Bond Number	Bond Type	Bond Amount	Reality
2024-00006070	CS	\$1,000.00	Court supervision bond
2024-00006071	PR	\$100.00	Nothing collected upfront
2024-00006366	CS	\$1.00	ONE DOLLAR — for a Felony charge
TOTAL BAIL PAID		\$0.00	Charges include FELONY Criminal Possession of 3+ Financial Devices + multiple FTAs

A \$1.00 bond was issued for a defendant facing a FELONY charge. This is bond manipulation in its clearest form — a nominal dollar amount that satisfies a legal requirement while providing zero real financial deterrence.

Booking Record 3 — Douglas County (Booking 2023-00000603) — Young-Anderson, Adrianna Latrice

Bond Number	Bond Type	Bond Amount	Reality
2023-00000703	CS	\$2,000.00	Court supervision bond
2023-00000704	CS	\$250.00	Court supervision bond
2023-00000710	PR	\$50,000.00	\$50,000 ON PAPER — nothing collected
TOTAL BAIL PAID		\$0.00	Charges include multiple Fugitive from Justice counts

A \$50,000 PR bond was set — one of the largest nominal amounts in these records — yet \$0 was collected. This illustrates how large PR bond amounts are purely fictitious numbers that provide zero real financial accountability.

Booking Record 4 — Douglas County (Booking 2023-00005486) — Domestic Violence / Child Abuse

Bond Number	Bond Type	Bond Amount	Reality
2023-00006519	PR	\$25,000.00	\$25,000 ON PAPER — nothing collected
TOTAL BAIL PAID		\$0.00	Charges: Domestic Violence, CHILD ABUSE, Criminal Mischief, 2nd Degree Burglary

A defendant charged with Domestic Violence AND Child Abuse was released on a PR bond — collecting \$0. A \$25,000 number on paper did nothing to protect victims or ensure accountability.

Booking Record 5 — Boulder County Daily Listing (April 12, 2026) — Swartwout, Joshua David

Booking	Charge	Bond Amount	Reality
IN2502925	Boulder FTA - Misdemeanor	\$50.00	FIFTY DOLLARS for Failure to Appear
IN2502925	Boulder FTA - Misdemeanor	\$1,500.00	Second FTA charge, same defendant

A \$50.00 bond was set for a Failure to Appear charge — demonstrating that even after a defendant has already failed to comply with the court, the system responds with a \$50 symbolic amount rather than meaningful financial accountability.

Pattern Across All 5 Booking Records

Record	Bond on Paper	Bail Paid	Charges
2024-00005425	\$3,600	\$0.00	6x Felony Fugitive from Justice + FTAs
2024-00005164	\$1,101	\$0.00	Felony Financial Crimes + FTAs + \$1 bond
2023-00000603	\$52,250	\$0.00	Fugitive from Justice (multiple counts)
2023-00005486	\$25,000	\$0.00	Domestic Violence + Child Abuse + Burglary
Boulder IN2502925	\$1,550	\$0.00	Failure to Appear x2 (already violated court)
TOTAL ACROSS RECORDS	\$83,501	\$0.00 PAID	Zero dollars collected across all cases

Across these 5 Colorado booking records, over \$83,500 in stated bond amounts resulted in \$0.00 actually collected. This is not a flaw in the system — it is how the system is designed under HB19-1225 and HB19-1226. PR bonds and token cash amounts are bond manipulation: numbers that exist on paper to satisfy legal requirements while providing no real financial deterrence.

Real Colorado Victim Cases: The Human Cost

Case 1: Denver Shooting — Nico Francis (April 2026)

Nico Francis was shot in the neck while riding a scooter in downtown Denver. Within TWO DAYS, the alleged attacker — Anthony Apodaca, charged with first-degree attempted murder — had already bonded out before the victim left the hospital. The Denver DA requested a \$100,000 cash-only bond; the judge set bond at \$75,000 with home confinement and GPS monitoring. Francis stated he did not feel safe and that releasing the suspect so quickly felt like a slap in the face — adding that there seems to be a trend of not taking crimes like this seriously.

Source: 9NEWS Denver — "Shooting Victim Fears for Safety After Suspect Bonds Out" (April 2026)

Case 2: Larimer County — Michael Fuller Fatal Attack (2024-2025)

Michael Fuller was arrested for felony assault on a police officer (Class F4 felony) after throwing rocks at a woman and attacking officers at a Loveland park. The bond commissioner recommended a \$6,000 co-signed PR bond. A judge set bail at just \$250 — placing it in the bottom 1.4% of ALL F4 bonds in Colorado in 2024 (state average: \$27,673). Weeks later, Fuller allegedly killed his own mother. Larimer County DA Gordon McLaughlin acknowledged a systemic problem in how bonds are set in serious cases — driven almost entirely by an algorithmic assessment matrix and a judicial order over which prosecutors have no control.

Source: 9NEWS Denver Investigates — "Serious Red Flags: Colorado Judge Released Suspect on \$250 Bail Before Fatal Attack" (April 2025)

These cases are not outliers — they are the predictable result of a system designed around least-restrictive release, where judges are guided by algorithmic score matrices rather than meaningful financial accountability.

SECTION 10 — REAL-WORLD SYSTEM IMPACT

System design directly affects outcomes:

- 41. Missed court dates increase administrative workload and require law enforcement re-arrests at public expense
- 42. Re-arrests require law enforcement resources — officers are diverted from other public safety duties
- 43. Supervision programs create ongoing taxpayer-funded costs
- 44. Weak pretrial systems may contribute to higher rates of repeat offending before case resolution
- 45. Denver, Colorado: approximately 10,000 bond hearings for serious crimes in 2022 alone — with growing concerns about repeat offenders on PR bonds

Pretrial systems operate with significant taxpayer-funded supervision and enforcement structures — all costs that are eliminated or reduced under a private surety bail system.

SECTION 11 — WHAT MAKES A SYSTEM EFFECTIVE?

- 46. Immediate financial consequences for non-compliance — not delayed enforcement
- 47. Clear and meaningful financial accountability — not 10% discounts
- 48. Active and consistent monitoring — with a financially motivated private party responsible
- 49. Enforceable compliance mechanisms — including professional bondsmen with authority to return defendants via fugitive recovery
- 50. No court revenue incentive to set ineffective bond types

SECTION 12 — POLICY PERSPECTIVE

Pretrial systems differ fundamentally in how responsibility and accountability are assigned:

Question	PR Bond / 10% Deposit / Alt. Posting	Surety Bail
Who pays upfront?	No one (or minimal deposit)	Defendant / bondsman
Who monitors?	Government (taxpayer cost)	Professional bondsman
Who enforces?	Law enforcement (taxpayer cost)	Bail agent (private cost)
Who is financially liable?	Defendant — theoretically	Bail agent — contractually
Court revenue incentive?	Yes (10% deposit systems)	No

Policy outcomes are directly influenced by how incentives are structured — and who bears the cost of non-compliance.

FINAL TAKEAWAY

"Pretrial systems are most effective when accountability is immediate, measurable, and meaningful — backed by a financially motivated private party, not delayed government enforcement."

PR bonds and 10% deposit systems shift cost and risk to the public while reducing deterrence. Alternative bail postings provide no financial accountability whatsoever. Cities that have eliminated surety bail have faced documented public safety consequences and political reversals. The evidence from New York, Chicago, Los Angeles, and San Francisco — and the structural incentive problems in court deposit systems — all point to the same conclusion: surety bail remains the most effective and accountable pretrial release mechanism.

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