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09/08/2004 at 09:42 AM, BOB INZER, CLERK OF COURTS

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT

OFFICE OF THE CHIEF JUDGE

AMENDED ADMINISTRATIVE ORDER NO. 2003-10

IN RE: PRETRIAL RELEASE- LEON COUNTY, FLORIDA

Whereas, the Leon County Pretrial Release Program was established as an alternative to monetary bail for those defendants who are likely to appear in court and unlikely to present a danger to the community; and

Whereas, there has been some confusion regarding the Leon County Pretrial Release Program and the Uniform Bond Schedule, and

Whereas, it is necessary to clear up any confusion that may exist,

It is Ordered as follows:

Release under the supervision of the Leon County Pretrial Release Program shall be subject to the following procedures and limitations:

A. Intake. An officer of the Leon County Pretrial Release Program shall be on duty at the Leon County Detention Center every day, twenty-four hours a day. The Pretrial Release officer shall be responsible for collecting initial information on each defendant for use in determining eligibility for pretrial release, unless the defendant has posted bond under the Uniform Bond Schedule, or unless a bond and the conditions relating thereto, if any, have previously been established by a judge of competent jurisdiction. The information shall include:

1. The defendant's identity and current residence address;
2. The defendant's prior record, including national, state and local charges;
3. The existence of any pending prosecutions or warrants;
4. Whether the defendant is on probation, parole, community control or any other form of supervision;
5. The existence of any domestic violence injunctions or history of injunctions;
6. Defendant's ties to the community;
7. Defendant's release date from the Department of Corrections, if any, to determine prison release re-offender status; and
8. An affidavit of insolvency, if applicable, for the public defender.

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B. Classification. After all of the initial information has been obtained and assembled, the pretrial release officer shall place the defendant within one of the following two (2) categories, and shall so designate on the intake interview form that the defendant:

(a) is not eligible for pretrial release before a first appearance hearing; or
(b) defendant is eligible for release under the supervision of the Leon County Pretrial Release Program.

C. Eligibility for Pretrial Release Program. The pretrial release officer shall evaluate each defendant charged with a second degree nonviolent offense or lesser offense, who has not otherwise posted bond, using the VERA point scale, attached hereto as Appendix B, to determine eligibility for pretrial release. A defendant who has made a request for pretrial release and who has a verified address in the Second Judicial Circuit and a verified point score of four (4) or greater on the VERA point scale shall be eligible for release unless one of the following conditions exist:

(a) The defendant has a present felony charge and has been sentenced to the Department of Corrections within the preceding eighteen (18) months.
(b) The defendant has another criminal charge pending.
(c) The defendant has a history of an escape or an unexcused failure to appear.
(d) The arresting officer has made a written request that the defendant be held for first appearance, stating a bona fide law enforcement reason supporting the need for a first appearance.
(e) The defendant is suffering from a mental or emotional illness and it appears that release would endanger the safety of the defendant or others.
(f) The defendant was taken into custody on a warrant that indicates that the defendant should be held without bond or that the defendant shall be held for first appearance.
(g) The defendant is currently on felony probation.

D. Conditions of Pretrial Release.

1. General Conditions

Pretrial release officers shall have the authority to require a defendant to meet any of the following conditions of release under the Pretrial Release Program:

(a) Regular contact with the pretrial release officer
(b) No contact with the alleged victim
(c) No contact with the property in question
(d) Abstinence from alcohol
(e) Surrender of passport
(f) Limitations on residence
(g) Limitations on travel

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(h) Random urinalysis or other tests for drugs or alcohol
(i) Employment search

2. Mandatory Conditions

Certain special conditions are mandatory, depending on the charge against the defendant. Special conditions shall apply in the following circumstances:

(a) Alcohol offenses. Alcohol abstinence and random testing shall be required in all DUI cases in which the defendant has at least one prior DUI.
(b) Drug offenses. Random urinalysis or other testing shall be required of any defendant charged with a violation of the Florida Comprehensive Drug Abuse Prevention and Control Act. The defendant shall bear all costs relating thereto.
(c) Crimes Against the Person. In all alleged crimes against the person of another, the pretrial release officer shall require as a condition of release that the defendant refrain from having any contact with the alleged victim, directly or indirectly.
(d) Crimes Against Property. In all alleged crimes against property, the pretrial release officer shall require as a condition of release that the defendant not return to the alleged property or premises in question.

E. Eligibility for Immediate Release on Bond.

A defendant who is eligible for release on bond under the Uniform Bond Schedule for the Second Judicial Circuit, prior to first appearance, shall be entitled to release upon posting the scheduled amount of bond, regardless of the defendant's eligibility for pretrial release.

F. Duty to Provide Information to the Court.

If the defendant is not released on bond or pretrial release before the first appearance hearing, the pretrial release officer shall assemble the following documents for the judge assigned to conduct the first appearance hearing:

1. The Pretrial Release and Indigence Review Interview Forms, attached hereto as Appendix A;
2 The VERA Point Scale Form, attached hereto as Appendix B;
3. Computer printouts of applicable offense records;
4. The Probable Cause Affidavit;
5. The alleged victim's statement, if any;
6. Summary of defendant's criminal history;
7. History of Domestic Violence Injunctions;
8 Any other documentation helpful to the Court at first appearance.

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Administrative Order 2000-1, Leon County Bond Schedule and Pretrial Release Order, is terminated.

DONE AND ORDERED in Chambers at Tallahassee, Leon County, Florida, this 24th day of August 2004.

CHARLES A. FRANCIS
Chief Judge

Copies furnished to:

All Circuit and County Judges
Clerk of Circuit Court, Leon County
Leon County Sheriff
Leon County Detention Center
Leon County Pre-Trial Program

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