

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT IN
AND FOR BROWARD COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. III-01-C-11

IN RE:

PROCEDURE FOR THE CLASSIFICATION
AND ASSIGNMENT OF INMATES TO
WORK RELEASE AND TRANSITIONAL
INCARCERATION PROGRAMS WITHIN
THE BROWARD COUNTY JAIL AND
OTHER BROWARD COUNTY DETENTION
FACILITIES; AND PROVIDING
DEFINITIONS

In accordance with the authority vested in the Chief Judge by Rule 2.050 of the Florida Rules of Judicial Administration, and

WHEREAS a serious potential overcrowding situation exists in the Broward County Detention Facilities; and

WHEREAS Broward County is subject to a stringent federal court mandate limiting County Detention Facility inmate capacity; and

WHEREAS the Broward County Commission duly designated the Sheriff of Broward County as the Chief Correctional Officer for Broward County, pursuant to Section 951.061, Florida Statutes, and Section 18-01, Broward County Code; and

WHEREAS the Sheriff of Broward County is responsible for maintaining detention facility security and ensuring public safety; and

WHEREAS it is necessary and in the public interest to establish administrative procedures to permit the Sheriff of Broward County, acting as the Chief Correctional Officer, to most efficiently, safely and effectively exercise the lawful duty of operating and maintaining the various Broward County Detention Facilities and correctional programs,

NOW THEREFORE, it is **ORDERED** that:

1. The Sheriff of Broward County, acting as the Chief Correctional Officer, is hereby authorized to classify, assign and transfer at his/her discretion all post-conviction, fully county sentenced misdemeanor and second and third degree felony Broward County Detention Facility inmates to any of the various Broward County Detention Facilities, subject to the other

provisions of this administrative order, including the limitations contained below in paragraphs 6,7 and 8, and unless otherwise specified in writing in the sentencing order by the sentencing judge.

2. "Broward County Detention Facility," as used in this administrative order, shall mean any county jail, county stockade, county work camp, county residential probation facility, and any other place, including any residential work release program and residential transitional incarceration program, secured or non-secured, wherever located, except any municipal detention facility, used by Broward County for the detention of persons charged or convicted of either felony or misdemeanor crimes.

3. "County Residential Probation Facility" as used in this administrative order, shall mean any county-operated or contracted for detention facility, secured or non-secure, including but not limited to any facilities and programs specified in Chapters 33-9 and 33-35, Florida Administrative Code, housing fully county sentenced offenders serving misdemeanor or felony sentences and providing or contracting for the provision of any work release program, transitional incarceration program, educational program, substance abuse rehabilitation program, or any other program specified in Section 951.231, Florida Statutes. Out patient drug treatment facilities, whereby the offender resides at home, are not included within this definition.

4. "Broward County Jail," as used in all judicial sentencing orders, shall mean any Broward County Detention Facility, unless (1) otherwise specified in writing in the sentencing order by the sentencing judge or (2) unless otherwise restricted by other provisions within this administrative order, including the limitations specified below in paragraphs 6, 7, and 8.

5. "Work Release Program," as used in this administrative order, shall mean a program for fully county sentenced offenders serving misdemeanor or felony sentences in a Broward County Detention Facility, whereby said offender, pursuant to judicial sentencing order, this administrative order and at the discretion of Sheriff of Broward County, is granted the privilege to leave the confines of a county detention facility during necessary and reasonable hours, subject to the rules and regulations prescribed by the court and with the consent of the Sheriff, to work at paid employment, conduct his or her own business or profession, and/or participate in an educational or vocational training program, while continuing as an inmate of the Broward County Detention Facility in which he or she shall be confined except during the period of his or her authorized release.

6. "Transitional Incarceration Program," as used in this administrative order, shall mean a transitional, supervised, rehabilitative program, for fully county sentenced offenders

...serving misdemeanor or felony sentences, whereby said offenders, after the Sheriff of Broward County determines that said offender does not pose a substantial security and safety risk to the community, is granted the privilege to leave the confines of a county detention facility during necessary and reasonable hours, subject to the rules and regulations prescribed by the court and with the consent of the Sheriff, to work at paid employment, conduct his or her own business or profession, or participate in an educational or vocational training program, while continuing as an inmate of the Broward County Detention Facility in which he or she shall be confined except during the period of his or her authorized release. An offender shall only be eligible for the privilege of assignment into the Transitional Incarceration Program during the final sixty (60) days of his or her county detention facility sentence or if specifically ordered by the sentencing judge in writing in the sentencing order. An offender shall be ineligible for assignment into the Transitional Incarceration Program if either: (1) the sentencing judge specifically prohibits said offender from Transitional Incarceration Program eligibility in writing in the sentencing order, or (2) the offender's total Broward County Detention Facility incarceration sentence is sixty (60) days or less, unless specifically ordered by the sentencing judge in writing in the sentencing order.

7. A Broward County Detention Facility inmate shall be eligible for placement into the Work Release Program, Transitional Incarceration Program or other county residential probation program only if said inmate is: (1) fully county sentenced and (2) has local ties to the community.

8. A Broward County Detention Facility inmate shall be ineligible for placement into the work release program, transitional incarceration program, or other county residential probation program if the Sheriff of Broward County, as the Chief Correctional Officer, determines that said inmate:

- (a) has open charges or detainers;
- (b) was ever convicted of sexual battery or other violent sexual offense;
- (c) was ever convicted of any violent crime(s) that would cause the inmate to be considered a threat to the community;
- (d) has a severe mental or physical disability which renders program participation unreasonable;
- (e) previously escaped from any jail, prison or work release program, or absconded from a previous community control (house arrest) sentence;
- (f) exhibited poor conduct while serving as an inmate in any Broward County Detention Facility;
- (g) was previously revoked from the work release program, transitional incarceration program or other county residential probation program due to drug or alcohol or

conduct violations and has not successfully completed a recovery program; or
(h) severe, recent criminal history.

9. In accordance with 951.032 F.S., each participant in the Work Release Program and/or Transitional Incarceration Program will be responsible for the costs of all his/her medical care, treatment, hospitalization and transportation. The Sheriff may seek reimbursement for all expenses incurred in the provision of emergent medical care, treatment, hospitalization and transportation in accordance with 951.032 F.S.

10. The provisions of this order are purely discretionary, no sentenced violator/prisoner has the "Right" to participate in this program. His/her participation is a privilege, granted by the Sheriff of Broward County.

11. This is a temporary transitional order and shall remain in effect for a period of one (1) year, and then expires unless otherwise extended by order of this court.

DONE AND ORDERED in Fort Lauderdale, Broward County, Florida on this 5th day of February, 2001.

/s/DALE ROSS
DALE ROSS, Chief Judge