

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

ADMINISTRATIVE ORDER NO. III-88-C-1

IN RE:

COMMUNITY DETENTION PRETRIAL
RELEASE PROGRAM

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

ORDERED that:

1. There is hereby created the COMMUNITY DETENTION PRETRIAL RELEASE PROGRAM, the purpose of which is to permit the release from custody of qualifying persons awaiting trial on charges not greater than second degree felonies, under certain terms, conditions, and qualifying criteria as hereinbelow set forth.

2. Said Program shall be implemented and operated by and through the Intake, Classification and Community Detention Bureau of the Broward County Sheriff's Department, hereinafter referred to as "Bureau."

3. Each individual arrested and incarcerated upon charges not greater than second degree felonies who does not post bond thereon and who is not otherwise released at First Appearance, shall be interviewed, investigated, and evaluated by the Bureau as soon as is reasonably possible. Said evaluation shall be for the purpose of determining whether the arrestee appears to be qualified for release under the Program. In making such determination, the Bureau shall be guided in substantial part by the factors listed in Rules 3.125 (c) and 3.131 (b), Fla.R.Crim.Proc.

4. Upon completing the evaluation, and if the Bureau considers the individual to meet the Program's criteria, the Bureau shall file with the Chief Judge or the Duty Magistrate its written recommendation that said accused be released into the Program. Said recommendation shall be accompanied by a written undertaking executed by the accused in which he agrees, if released, to (a) report to the office of the Bureau directly upon his release; (b) work out a Plan of Supervision with the Bureau; and (c) abide by said Plan, the Court Order of Release, and all Rules and Regulations promulgated by the Bureau.

5. The Chief Judge or Duty Magistrate shall review each such recommendation. Upon a determination that an arrestee appears to be qualified for release into the Program, such Judge may enter an Order releasing said individual from incarceration and into the Program. The Court may impose such special conditions of release as may be deemed advisable.

6. No arrestee who declines to be interviewed for evaluation by the Bureau shall be compelled or otherwise induced to cooperate with or to participate in the Program.

7. Any person who, while released into Community Detention, violates the terms and conditions of his/her Release Order, fails to maintain contact with the Bureau, fails to

comply with his/her plan of supervision or the rules and regulations promulgated by the Bureau, or who engages in criminal conduct, may be arrested and reincarcerated upon appropriate affidavit attesting to the grounds therefor and issuance of a Court Order of Arrest or Warrant based thereon. Such person shall not thereafter be considered for further participation in the Program.

DONE AND ORDERED in chambers in Fort Lauderdale, Broward County, Florida this First day of November, 1988.

/s/MIETTE K. BURNSTEIN
MIETTE K. BURNSTEIN, Chief Judge