

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR HARDEE COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 2-80.0

IN RE: HARDEE COUNTY PRE-TRIAL RELEASE PROGRAM

WHEREAS, it has become necessary to implement additional measures to prevent prisoner overcrowding in the Hardee County Jail; and

WHEREAS, the Board of County Commissioners of Hardee County has provided the Hardee County Probation Office for pre-trial supervision and monitoring services in Hardee County; and

WHEREAS, it is necessary to define the role and scope of such a program; and

WHEREAS, in accordance with Article V, section 2, Florida Constitution, Florida Rules of General Practice and Judicial Administration 2.215, and section 43.26, Florida Statutes, it is

Therefore, **ORDERED** as follows:

1. The Court authorizes the Hardee County Probation Office to be responsible for the technical supervision and administration of the Pre-trial Release Program in Hardee County (hereinafter “Hardee County Pre-trial Release Program”) under the authority of the Chief Judge or the Chief Judge’s designee consistent with and in compliance with Rule 3.131, Florida Rule of Criminal Procedure, and section 903.046, Florida Statutes. Hardee County Probation Office staff who administer the Hardee County Pre-trial Release Program are not employees of the Florida State Court System. The staff are employees of Hardee County and are subject to the requirements of Florida law and this Administrative Order.
2. That the overall goal of the Hardee County Pre-Trial Release Program is to return to society those individuals who, with a high degree of certainty, will return to Court at the specified time, thus helping to contribute to the prevention of serious inmate overcrowding in the Hardee County Jail.
3. That the Hardee County Jail Staff (hereinafter “Jail staff”), once they have completed the daily interview with selected jail inmates, will provide information to the judge assigned to preside over First Appearance Hearings to assist the judge with determining whether the defendant should be released or detained. Jail staff will provide the same information to the State Attorney and Public Defender’s Offices (or other defense counsel).

4. Once a defendant is required to be supervised by the Hardee County Pre-Trial Release Program (hereinafter “PTR staff”), the PTR staff shall promptly report alleged violations of the court-ordered conditions of release, including concerns about the defendant’s ability to comply, to the assigned judge.
5. The principal duties and responsibilities of the PTR staff, including but not limited to those delineated hereinabove, are essentially those stated in Attachment 1 (attached and incorporated herein). Attachment 1 may be revised from time to time.
6. That a monthly Pre-Trial Release Activities Report detailing the activities of each month will be completed by the PTR staff no later than the fifteenth day of the following month and provided to the Chief Judge and the Trial Court Administrator.
7. This Administrative Order is effective February 21, 2022.

DONE and ORDERED on this 7th day of February, 2022.

s/ELLEN S. MASTERS, Chief Judge

Original to:
Polk County Clerk of Courts

Copies to:
All Judges
Hardee County Clerk of Courts
Office of the State Attorney
Office of the Public Defender
Office of Criminal Conflict and Civil Regional Counsel, 2nd District Region
Hardee County Sheriff
Hardee County Probation Office
Electronic Bar Mailing

ATTACHMENT 1

PRE-TRIAL RELEASE DUTIES AND RESPONSIBILITIES

The principal duties and responsibilities of the Hardee County Pre-Trial Release Program staff (hereinafter “PTR staff”) are as follows:

1. When an arrestee is initially processed for admission into the Hardee County Jail (“jail”), Jail staff will review arresting documents and complete a Pre-Trial Release Information Sheet. A sample Pre-Trial Release Information Sheet is provided below. Jail staff will only inquire into areas such as the Defendant’s residence and the Defendant’s ties to the community. Information pertaining to the Defendant’s prior record will be obtained using other resources. Jail staff will then present the Pre-Trial Release Information Sheet, along with the probable cause affidavit or warrant information, to the judge assigned to hear first appearance hearings so that the judge may determine whether the defendant should be released or detained. Jail staff will also inform the Court Interpreter’s Office regarding defendants in need of interpreter services who will be attending the first appearance hearings. PTR staff will attend and participate in first appearance hearings held during normal business hours. PTR staff will contact Jail staff upon return to the office following weekends and/or holidays to obtain the PTR defendant list.
2. PTR staff are responsible for conducting background investigations on defendants that are interviewed at the jail. The background investigations include, but are not limited to, assessing the seriousness of the current offense, attempting to make contact with alleged victims, and gathering information pertaining to the conditions the court is required to consider pursuant to 903.046, Florida Statute, as may from time to time be amended.
3. PTR staff are responsible for the supervision of those defendants released to the program with special court-ordered conditions. A PTR staff member is assigned to each case to ensure that the defendant complies with the court order and any conditions imposed by the Court. A defendant’s failure to abide by the court-ordered conditions may result in the revocation of pre-trial release and the issuance of an arrest warrant.
4. PTR staff are responsible for tracking defendants who fail to appear for traffic, misdemeanor and felony assignments. Once an arrest warrant is issued by a judge, the PTR staff assigned to track defendants will attempt to locate these defendants as soon as possible in order to reschedule them for arraignments before a judge. These defendants will be informed that a warrant is outstanding for their arrest, which can be withdrawn if they appear before a judge on a specified date and time. All warrants remain outstanding until the defendant appears before the court.

Pretrial Release Information Sheet

Defendant's Name: _____

Part One: To be completed by HCSO Jail Staff prior to FAH.

1. Does the Defendant have an open case or is the Defendant on probation? Yes / No
If yes, case number _____
2. Does the Defendant live in Hardee County? Yes / No
If yes, how long? _____
3. Does the Defendant have a job? Yes / No
If yes, where? _____
4. Does the Defendant have family members living in Hardee County? Yes / No
If yes, how many? _____
5. Does the Defendant have a history of violating pretrial release? Yes / No
If yes, how many times? _____
6. Has the Defendant previously been convicted of a felony? Yes / No
If yes, how many times? _____
7. Was the Defendant released from Hardee County Jail within the past year? Yes / No
8. Was the Defendant released from Florida State Prison within the past three years? Yes / No

Part Two: To be completed by PTR Staff prior to FAH.

1. Does the alleged victim want contact with the Defendant? Yes / No
2. Does the alleged victim want the Defendant to return home? *(if applicable)* Yes / No
3. Is the alleged victim afraid of the Defendant? Yes / No