

IN THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR INDIAN RIVER, MARTIN, OKEECHOBEE, AND ST. LUCIE COUNTIES
STATE OF FLORIDA

ADMINISTRATIVE ORDER 2020-17

RE: PRETRIAL RELEASE PROGRAM

WHEREAS, the Florida Legislature in section 907.041, Florida Statutes, has determined that persons committing serious criminal offenses posing a threat to the safety of the community but meeting specified criteria shall be released under certain conditions until judicial proceedings are concluded and adjudication has been determined, and

WHEREAS, the court has authority under section 907.041, Florida Statutes, to release an arrested person on monetary or non-monetary conditions including, *inter alia*, GPS monitoring if the individual facts and circumstances of such case warrant such condition or release; and

WHEREAS, the St. Lucie County Pretrial Program has been providing pretrial services for defendants within the Nineteenth Circuit through GPS monitoring or standard pretrial supervision since 2007 to those counties within the Circuit which have elected to participate in a pretrial release program; and

WHEREAS, the court may find it appropriate to require pretrial conditions of release for defendants who reside outside the Nineteenth Judicial Circuit and order monitoring by the St. Lucie County Pretrial Program;

NOW, THEREFORE, pursuant to the authority vested in the Chief Judge of the Nineteenth Judicial Circuit under Florida Rule of Judicial Administration 2.215, it is hereby ORDERED as follows:

I. St. Lucie County Pretrial Program (“SLCPP”)

St. Lucie County will continue to operate a pretrial program using GPS monitoring and standard pretrial supervision in those counties within the Circuit which elect to participate in a pretrial program.

II. SLCPP Responsibilities

- A. First Appearances. SLCPP will attend all First Appearance hearings and be prepared to provide supplemental information to the Court regarding any recommendation for release, bond reduction, or use of GPS tracking consistent with F.S. 775.21 (The Florida Sexual Predators Act), 903.0351 (Restrictions on pretrial release pending probation or community control violations hearings) and 948.06 (Violations of probation or community control; revocation; modification, continuance). At the

conclusion of the proceedings, SLCPP staff shall coordinate with the Clerk of Court orders of release to be submitted to designated Sheriff's Office staff.

- B. Risk Assessment. SLCPP shall not perform risk assessment interviews prior to first appearance. The presiding judge in collaboration with SLCPP will use a validated risk assessment instrument, or established criteria, which shall be reviewed periodically by the Chief Judge or his/her designee.
- C. Recommendation of Release. The presiding judge in collaboration with SLCPP will determine eligibility for recommending a defendant's release at time of first appearance in accordance with section 907.041, Florida Statutes.
- D. GPS Monitoring. In addition to, or exclusive of, any terms of monetary or non-monetary release, the court may decide to utilize GPS monitoring of a defendant. SLCPP will ensure that there is sufficient hardware for defendants' use as may be ordered by the court. SLCPP Staff shall monitor the geolocation of the defendant and keep data of the defendant's location for use in future proceedings as may be necessary.
- E. Case Register. SLCPP will prepare and maintain a register displaying information that is relevant to defendants released through the pretrial program and which is in accord with all requirements set forth in section 907.043, Florida Statutes.

III. Eligibility for SLCPP Services

- A. Before placing a defendant on pretrial supervision, the judge in collaboration with SLCPP shall assess the defendant's suitability for pretrial services.
 - 1. The presiding judge will address:
 - a. Circumstances of defendant's family
 - b. Employment, Financial resources
 - c. Character, Mental condition
 - d. Length of residency in the community.
 - 2. SLCPP will make available to the court:
 - a. Criminal record
 - b. Failures to appear
 - c. Prior community supervision violations
 - d. Probation/parole/conditional release status
 - e. Pending charges
 - f. High risk status to include defendants identified under Anti-Murder Act, Jessica Lunsford Act and Andrew Widman Act.

- B. No person charged with a dangerous crime, as defined in section 907.041(4)(a), Florida Statutes, shall be granted nonmonetary pretrial release at a first appearance hearing; however, the court shall retain the discretion to release an accused on electronic monitoring or on recognizance bond if the findings on the record of facts and circumstances warrant such a release.
- C. No person charged with a dangerous crime, as defined in section 907.041(4)(a), Florida Statutes, shall be released on nonmonetary conditions under the supervision of pretrial release services, unless the SLCPP certifies to the court that it has investigated or otherwise verified the conditions set forth in section 907.041(3)(b), Florida Statutes.

IV. Out-of-Circuit Defendants; separate order; special considerations by court

Generally, SLCPP is only authorized to accept cases involving individuals who reside within the Nineteenth Judicial Circuit. The court may order pretrial services for defendants who reside outside the Nineteenth Judicial Circuit under limited circumstances. The court acknowledges that SLCPP's monitoring ability outside the Circuit is significantly limited, as reflected in SLCPP's requirements for such defendants.

Limitations:

- No GPS defendants (other electronic monitoring available in some cases)
- No out of circuit drug testing
- No defendants with a No Contact Order
- Defendants must report in-person weekly to a pretrial office

Accordingly, the judge must determine, in his or her discretion, whether placing an out-of-circuit defendant on pretrial supervision is an appropriate measure. For such defendants, SLCPP will develop and provide the court with a separate order containing suitable terms of supervision.

V. Effective Date; Revocation of Previous Administrative Orders

This Administrative Order shall be effective **January 1, 2021**. Administrative Orders 2006-01 and 2007-15 are hereby superseded and revoked.

DONE AND ORDERED in chambers in Stuart, Martin County, Florida this 30th day of November, 2020.



LAWRENCE MIRMAN
CHIEF JUDGE

Copies furnished to:

All Circuit Judges

All County Judges

Bruce Colton, State Attorney

Diamond Litty, Public Defender

All Clerks of Court

All Sheriffs

Daniel McIntyre, County Attorney for St. Lucie County

John Buldoc, Port St. Lucie Chief of Police

Diane Hobley Burney