

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY,
FLORIDA

ADMINISTRATIVE ORDER NO.:
04-05-B AMENDED
SUPERSEDES 04-05-B

IN RE: JAIL - CREATION OF A JAIL POPULATION OVERSIGHT COMMITTEE

WHEREAS, having been made aware that management of our jail population is necessary so that the Brevard County Detention Center may be properly and efficiently operated with due regard to this finite resource;

NOW THEREFORE, by the authority vested in me as the Chief Judge of the Eighteenth Judicial Circuit of Florida and pursuant to Rule 2.050(b)(2), Florida Rules of Judicial Administration, it is

ORDERED AS FOLLOWS:

1. There shall be hereby created a "Jail Population Oversight Committee." The committee shall be directly responsible to and under the supervision and control of the Chief Judge of the Eighteenth Judicial Circuit (Rule 2.050(b) Fla. R. Jud. Admin.).
 - A. The general purpose of the committee, which may from time to time be modified, shall be to
 - 1) Review and screen the jail population of the Brevard County Detention Center to determine which, if any, inmates should be released.
 - 2) To make recommendation to the various criminal justice authorities for relief from jail overcrowding.

- 3) Establish criteria for jail release as may be necessary from time to time.
 - 4) Advise the presiding judge and the Chief Judge on a regular basis, of the status of the Jail Population and Committee.
- B. The committee shall consist of:
- 1) The Jail Oversight Judge of Brevard County, Florida, or their designee, who shall be Chairman of the Committee.
 - 2) The Administrative Judge of the County Court of Brevard County, Florida, or their designee.
 - 3) A representative from the Office of the Clerk of the Circuit and County Courts.
 - 4) A representative of the State Attorney's Office.
 - 5) A representative of the Public Defender's Office.
 - 6) A representative from the Probation and Parole Office within Brevard County.
 - 7) A representative from Circles of Care.
 - 8) A representative from the Brevard County Sheriff's Office.
 - 9) A representative appointed by the Brevard County Commission (Jail Oversight Coordinator).
 - 10) A representative from the Jail Medical staff.
- C. The committee shall meet on an as needed basis in the Chambers of the Jail Oversight Judge at a time set by the Chairman.
- D. The information concerning the inmate population should be furnished through the cooperative efforts of the Data Processing Office of the Clerk's office, and the Brevard County Sheriff's Department. The following information should be given by the Jail Oversight Coordinator to the "oversight committee" on an as needed basis:
- 1) A list of all inmates keyed to the judge to whom each case is assigned. That initial list should also include basic information other than the name of the inmates, such as a complaint number, criminal identification number, date confined, time confined, cell number, and sex.
 - 2) Each inmate should be categorized by the highest degree of crime that he has been charged with.

The other crimes charged should also be listed. This information would frequently have to be changed once the Information is filed, since the offenses charged may be different from those the person was initially arrested for.

- 3) Then inmates should be listed under the following categories:
 - a) Those persons arraigned and awaiting trial for more than 150 days for felonies and more than sixty days for misdemeanors;
 - b) Those persons awaiting sentencing for more than sixty days;
 - c) Those persons serving sentences that have less than ten days remaining on their sentences; and
 - d) A separate list of persons who are incarcerated under a bench warrant (generally for failure to appear)
 - e) A listing of all other persons held and the reasons therefore.
- 4) The inmates should be further categorized as follows:
 - a) Those being held under a bond of less than \$1,000.00.
 - b) Inmates who have special medical or psychiatric problems.
 - c) Inmates in felony cases who are not represented by counsel.

E. Based on the information as set forth above, the Chairman, State Attorney and Public Defender shall review the status of inmates and determine releases based on the statutory criteria as noted in Florida Statutes, Chapter 903. If the State Attorney does not approve release or conditions of release or bond amounts, the Chairman may override the State Attorney, but if so must make written findings based upon the statutory criteria after a bond hearing. Objection to release by the State Attorney shall not operate to prevent a hearing. If the State Attorney continues to object after a bond hearing, the matter shall be submitted to the Criminal Administrative Judge or the

Chief Judge of the Circuit who shall have the authority to overrule the Chairman. A period of 24 hours shall be allowed for this process. Communications may be by email, telephone conference or any other means feasible. In regard to a release proposal, the pre-trial judge, if assigned, as well as the judge ordering the confinement, if applicable, shall be notified or consulted and allowed sufficient time within which to respond to the Chairman and to set conditions of release.

- F. The Chairman is hereby designated the first appearance judge for the purpose of signing these orders of release and is hereby authorized to modify or set conditions of release in said orders or release, subject to "E" above.
- G. The Jail Oversight Coordinator should prepare files to submit to the Chairman, and make recommendation for the type of release or bond.

DONE and ORDERED this 25th day of October, 2004.

JAMES E.C. PERRY
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CHIEF JUDGE

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