

**IN THE CIRCUIT COURT FOR THE TENTH JUDICIAL CIRCUIT
IN AND FOR HARDEE, HIGHLANDS AND POLK COUNTIES**

ADMINISTRATIVE ORDER 2-37.1

**JUDICIAL AUTHORIZATION FOR PRETRIAL SERVICES
TO RELEASE PRE-TRIAL DETAINEES**

Whereas, this Circuit implemented Pretrial Services in 1982 to assist in alleviating jail overcrowding in Polk County; and,

Whereas, Pretrial Services makes recommendations to the First Appearance judges to release certain pretrial detainees based on established criteria; and,

Whereas, it appears that the earlier existence of a court order to Pretrial Services would further alleviate jail overcrowding and eliminate an overnight stay for certain defendants, it is hereby:

ORDERED AND ADJUDGED that the circuit and county judges may authorize Pretrial Services to release a defendant after booking and prior to first appearance, using the procedures below.

1. When ordering a *capias*, the judge may specify that it is a "pretrial release *capias*," indicating that the defendant should be arrested and booked in, but may be released by Pretrial Services if the defendant meets the eligibility requirements in Section 3 below.
2. If such a "pretrial release *capias*" is ordered by a judge, the Clerk's Office will ensure that "PTR, AO 2-37.1" appears in the comments section of the *capias* prior to issuance. (This acronym indicates that Pretrial Services has thereby been granted pretrial release authority by the judge issuing the *capias*, pursuant to Administrative Order 2-37.1, if the defendant meets the eligibility requirements in Section 3 below.)
3. When a defendant is booked in pursuant to a *capias* indicating "PTR, AO 2-37.1," Pretrial Services has thereby been granted release authority, unless the defendant:
 - a) has plead guilty to or been found guilty of a violent felony or more than one non-violent felony in the past five years, regardless of adjudication; or,
 - b) has been incarcerated in a federal or state penal institution; or,
 - c) is currently on a pretrial release program or on bond pending the outcome of another felony matter; or,
 - d) has a history of failing to appear; or,

- e) is on probation for another offense; or,
 - f) has an obvious mental illness; or,
 - g) appears dangerous or potentially dangerous to himself/herself or other persons; or,
 - h) does not have a verifiable residence in Hardee, Highlands, Hillsborough, Orange, Osceola, or Polk County or own any real property therein.
4. If Pretrial Services determines that a defendant is not eligible for release pursuant to Section 3 above, the standard bond amount, as set by the current bond schedule, would be applicable unless otherwise indicated by the judge issuing the capias.
5. Administrative Order No. 2-37.0, dated February 6, 1995, is hereby SUPERSEDED.

DONE AND ORDERED on this 27th day of May, 2010.

J. DAVID LANGFORD, Chief Judge