

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT

IN AND FOR POLK COUNTY, FLORIDA

**ADMINISTRATIVE ORDER NO. 2-68.0**

**IN RE: ESTABLISHING RELEASE OF INMATES**

**TO AN ALTERNATIVE PROGRAM/**

**ESTABLISHING THE ELECTRONIC MONITORING PROGRAM**

**WHEREAS**, the Court, in conjunction with the Polk County Public Safety Coordinating Council has determined the need for alternative programming designed to help alleviate overcrowding in the Polk County jails, and

**WHEREAS**, as Electronic Monitoring Program has been established by the Polk County Board of County Commissioners to serve as an alternative to incarceration, and

**WHEREAS**, there is a need to allow the Polk County Sheriff's Office (PCSO) to place selected inmates, described below, into the Electronic Monitoring Program without seeking further judicial involvement in the case, it is hereby

**ORDERED** that such procedure shall be as set out below.

GENERAL PROVISION

Offenders who meet the criteria below may be placed in the Polk County Electronic Monitoring Program specified in this Order. Admission to the program herein references shall be accomplished through a contractual arrangement between each offender and the Electronic Monitoring Program. Such contract shall describe the terms and conditions for continued participation in the program and shall stipulate that failure to comply with the aforesaid terms may result in termination from the program. Such termination shall result in the offender being returned to the secure custody of the jail to complete the term of the offender's sentence.

If any judge either "recommends" electronic monitoring or indicates "no objection" to electronic monitoring, then the offender may be immediately placed on the waiting list for referral to the Electronic Monitoring Program, so long as he or she otherwise meets the criteria below as determined by the Polk County Sheriff's Office. The court shall not, however, sentence an offender directly into the program identified in Section VI of this Order. Any judges of the Circuit or County Court may prevent the release of any offender whom the judges feels should not be released to electronic monitoring by so indicating on the sentencing document.

OFFENSE CRITERIA

Offenders who are sentenced for misdemeanors and traffic offenses and second and third degree felonies will be considered eligible for participation in the Electronic Monitoring Program as established in this order. Inmates with the following charges will not be eligible under the terms of this Order:

Battery on a Law Enforcement Officer

Manslaughter or Attempted Manslaughter

Murder or Attempted Murder

Introduction of Contraband into a  
Correctional Facility

Trafficking in Controlled Substances

Aggravated Battery

Aggravated Assault

Escape

Kidnapping

Carjacking

Any First Degree Felony

Any Felony involving a weapon  
Illegal Use of Explosives  
Abuse of the Elderly or Disabled  
Robbery  
Stalking  
Home Invasion  
Any charge classified as a hate crime  
Any sexually related felony charges  
Any crime against a child who is 16 years of age or younger  
Any offense that carries with it a minimum-mandatory sentence  
No Domestic Relation Department cases

#### PRIOR RECORD

Offenders are not eligible for participation in the program if they have been previously convicted of a crime against a child 16 years of age or younger or any sexually related felony charge. Other than those two categories of offenses, an offender will not be eligible for participation in the program if they have previously been convicted of or had adjudication withheld, within seven years, on any of the categories of offenses listed in item II.

#### CLASSIFICATION CRITERIA

Only inmates classified in minimum and medium custody levels, as determined by the PCSO, will be eligible for the program. Inmates must have a "normal" security code, as determined by the PCSO, to be eligible for the program. State prisoners and inmates considered to be a management problem by the PCSO will not be eligible for the program.

#### OTHER CRITERIA

No inmate with a hold from any other jurisdiction will be eligible for participation in the program. Inmates serving a sentence for additional charges that do not meet the program requirements will not be eligible for participation in the program.

#### MONITORING PROGRAM

The organization that may accept offenders under the terms of this Order is the Electronic Monitoring Program, operated by the Polk County Probation Division, under supervision of the Polk County Board of County Commissioners.

#### MONITORING LEVEL

Offenders who meet the requirements of this Order and enter into a contractual arrangement with the Polk County Electronic Monitoring Program will be monitored by Global Positioning System offender management technology. The whereabouts of offender participants of the program will be recorded 24 hours per day, seven (7) days per week. Violations of the terms of any contractual arrangement will be reported to the Electronic Monitoring Officer each business day. Violations that occur on weekends and holidays will be reported on the next business day.

#### EXCEPTIONAL CASES

It is anticipated that occasionally offenders who do not meet the requirements of this Order may, due to other circumstances, appear to be acceptable candidates for participation in the Electronic Monitoring Program. In those cases, specific orders allowing the release from jail to the program must be obtained from the judge having jurisdiction over the case in question.

#### REVOCATIONS

Offenders who fail to comply with the conditions of the Electronic Monitoring Program are subject to be returned to jail to serve the balance of the sentence originally imposed. Officers of the Electronic Monitoring Program will present a sworn affidavit, citing violation(s) and recommendations to the PCSO and provide a copy to the sentencing judge. Should the recommendation include termination from the Electronic Monitoring Program. The PCSO should pick-up the offenders and return him or her to jail.

This Order shall become effective on October 1, 2005.

DONE AND ORDERED on this 8th day of September 2005.

RONALD A. HERRING

Chief Judge