

**AMENDED ORDER GOVERNING THE MOVEMENT OF SELECTED  
INMATES INTO COMMUNITY CORRECTIONS PROGRAMS,  
ORANGE COUNTY**

**WHEREAS**, there is a need to allow the Orange County Corrections Department to place selected inmates, described below, into certain community corrections programs administered by the Department without seeking further judicial intervention in the case;

**NOW, THEREFORE, I**, Belvin Perry, Jr., pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215, do hereby order that the following procedures and standards are amended as follows, **effective immediately**, in all matters involving the movement of selected inmates into community corrections programs of the Orange County Corrections Department:

**I. GENERAL PROVISIONS:**

Offenders who meet the criteria below, and who have served one-third or thirty (30) days, whichever is less, of the specified jail sentence, may be placed in the community corrections programs specified in this Order. If, when sentencing an offender or issuing an arrest warrant based upon an alleged violation of probation, any judge either “recommends” work release or indicates “no objection” to work release, then the offender may immediately be placed at the Work Release Center (without first serving any part of the specified sentence), so long as he or she otherwise meets the criteria below, at the reasonable discretion of the Orange County Corrections Department.

Any judge of the Circuit or County Court may prevent the release of any offender whom the judge feels should not be released into any community corrections program described in this Order by so indicating on the sentencing document.

If the Orange County Jail finds that an offender does not qualify pursuant to the criteria established in this Order, after being so ordered by the presiding judge, the jail must notify the presiding judge, in writing (including the offender's prior convictions and case numbers and any other pertinent information), with a detailed explanation of the reasons the offender does not qualify. The jail shall also copy the administrative judge for that division and the Chief Judge. Said notification may be sent via e-mail, read receipt, with copy to the court file.

**NO OFFENDER WILL BE ACCEPTED INTO ANY PROGRAM AS CONTEMPLATED BY THIS ORDER IF THE ORANGE COUNTY JAIL FINDS THAT THE OFFENDER DOES NOT QUALIFY PURSUANT TO THE CRITERIA CONTAINED HEREIN.**

**II. OFFENSE CRITERIA:**

A. **Offense:** Offenders who are sentenced for misdemeanors, traffic offenses, and second and third degree felonies will be considered eligible for participation in the Corrections Department programs, as established in this Order. However, offenders whose instant offense is of a violent nature (with the exception of battery in domestic violence cases in which the victim agrees to the release), involves the abuse of children, involves a felony sex offense, or involves the use of a deadly weapon in the commission of a crime, will not be eligible for an extension of the limits of confinement under the terms of this Order, regardless of whether adjudication was withheld. Specifically, the following crimes will not be accepted under the terms of this Order:

- Any Homicide
- Any Robbery
- Any Sexual Battery
- Any Child Abuse/Neglect
- Any Offense of Lewd Act in the Presence of a Minor
- Any Trafficking in Controlled Substances
- Any Offense involving the use of a deadly weapon

Any Criminal or Civil Contempt of Court (excluding civil contempt in child support cases and writs of attachment for Collections Court)  
Arson  
Any Offense of Extortion with an Element of Threat or Coercion

**B. Prior Record:**

1. Offender has not been convicted in the last eight (8) years of a felony offense involving violence, the use of a weapon, any felony sex offense, or any offense involving the abuse of children.

2. Offender has not been convicted of more than three (3) non-violent felony offenses in the last five (5) years, excluding the instant offense.

3. Offender has not been designated as a sexual predator pursuant to Section 775.21(5), Florida Statutes, or required to register as a sexual offender pursuant to Section 943.0435, Florida Statutes.

**III. HEALTH CRITERIA:**

A. **Physical Condition:** Offenders with a serious medical condition, requiring frequent care will not be eligible for participation in any Corrections program, as detailed in this Order.

B. Offenders who are identified as acutely psychotic, severely mentally retarded, currently suicidal, or otherwise unable to cope with the program structure or understand the program conditions, will not be eligible for any Corrections program, as detailed in this Order.

**IV. OTHER CRITERIA:**

No inmate wanted by another jurisdiction will be accepted into a program unless that jurisdiction has specified that they will not pick-up or extradite. Inmates serving a sentence for additional charges that do not meet the program requirements will not be accepted. Inmates with a current protection order (injunction for protection) will be accepted if they meet all other

criteria and the injunction was issued three (3) or more years previously; the current charge is not domestic violence; and there have been no arrests of violation of injunction or domestic violence within the past three (3) years. Additionally, any inmate who poses a security hazard for reasons including, but not limited to, disciplinary confinement or confirmed gang membership may not be accepted into a program.

**V. PROGRAMS INCLUDED:**

The only program included in the Corrections Department which may accept offenders under the terms of this Order is the Work Release Center.

**VI. DRUG COURT PARTICIPANTS:**

Drug Court participants may be placed in any Corrections program specified in this Order without having served any part of a jail sentence.

**VII. REVOICATIONS:**

Offenders who fail to comply with the conditions of the program in which they have been placed are subject to be returned to the jail to serve the balance of the sentence originally imposed. The Orange County Corrections Department must hold an administrative hearing to determine whether an offender has violated the conditions of the program, but is not required to seek an arrest warrant or capias to return the offender to jail in the case of a violation of program conditions.

**VIII. ESCAPE:**

In those cases in which the offender cannot be located to return for an administrative hearing, the Orange County Corrections Department will seek a capias or warrant for the offender's arrest. In so doing, the Work Release Center will formally advance the capias or warrant within 24 hours of the inmate's failure to return.

Administrative Order No. 07-93-58-06 is vacated and set aside and has been incorporated and/or amended herein.

**DONE AND ORDERED** at Orlando, Florida, this 2<sup>nd</sup> day of April, 2013.

\_\_\_\_\_/s/\_\_\_\_\_  
Belvin Perry, Jr.  
Chief Judge

Copies provided to:

Clerk of Courts, Orange County  
Clerk of Courts, Osceola County  
General E-Mail Distribution List  
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