

RESOLUTION R-11-250

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA URGING THE FLORIDA LEGISLATURE TO OPPOSE BILLS DESIGNED TO MODIFY, ALTER, OR OTHERWISE RESTRICT JUDGES' ABILITY TO RELEASE DEFENDANTS TO THE SUPERVISION OF THE COUNTY'S PRETRIAL SERVICES PROGRAM ADMINISTERED BY THE TWELFTH JUDICIAL CIRCUIT COURT, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 907.041(3), Florida Statutes, states that it is the intent of the Legislature to create a presumption in favor of release on non-monetary conditions for any person who is granted pretrial release, unless such a person is charged with a dangerous crime; and

WHEREAS, Rule 3.131(b) Florida Rules of Criminal Procedure, refers to a presumption in favor of release on non-monetary conditions for any person who is granted pretrial release; and

WHEREAS, Manatee County Pretrial Services, prior to First Appearance, provides the Court with defendant background information to include criminal history, current supervisory status, criminal classification/designations, and input from alleged victims; and

WHEREAS, Pretrial Services staff advises the Court at First Appearance as to the appropriateness of the defendant's eligibility for Pretrial Services supervision; and

WHEREAS, First Appearance occurs within 24 hours of arrest, making it logistically impossible for Pretrial staff to perform the investigation necessary to determine indigence prior thereto; and

WHEREAS, more than 60 percent of Manatee County's jail population consists of individuals in pretrial status, most of whom have an associated monetary bond that has not been posted; and

WHEREAS, when release into a pretrial supervision program is delayed or denied, the average daily jail population increases as evidenced by the Average Length of Stay (ALOS) and the Average Daily Population (ADP); and

WHEREAS, an increase in jail population results in increased costs to house these individuals; and

WHEREAS, raising jail expenses increases cost to taxpayers; and

WHEREAS, continued increases in population result in the need for jail expansion by either constructing new facilities or by making structural additions to existing jails; and

WHEREAS, additional cell beds result in the need to increase staff; and

WHEREAS, the Manatee County Pretrial Services program provides a point-of-contact for victims in the event defendants violate contact orders, administers drug screening of defendants, and provides effective supervision to ensure defendants attend scheduled court dates, all in a cost-effective manner; and

WHEREAS, the supervision and monitoring of defendants by the Pretrial Services program enhances the public safety and welfare of the citizens of Manatee County by holding all participants accountable.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Manatee County, as follows:

Section I. The Manatee County Commission hereby declares its opposition to proposed legislation designed to modify, alter, or otherwise restrict judges' ability to release defendants to the supervision of the Manatee County Pretrial Services program, without regard to defendants' financial status.

Section II. The Manatee County Commission requests that legislators oppose any legislation that would alter the operation of the current Manatee County Pretrial Services program administered by the Twelfth Judicial Circuit Court.

Section III. This resolution shall take effect immediately upon adoption.

ADOPTED, with a quorum present and voting this the 6TH day of Dec, 2011

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

BY: _____

Carol Whitmore, Chairman



ATTEST: R. B. "CHIPS" SHORE
CLERK OF THE CIRCUIT COURT

BY: _____

Susan P. Louise
DC,