

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT IN
AND FOR MARION COUNTY, FLORIDA**

ADMINISTRATIVE ORDER M-2015-11

**ADMINISTRATIVE ORDER ESTABLISHING ELECTRONIC MONITORING OF
CERTAIN DEFENDANTS AS A CONDITION OF PRE-TRIAL RELEASE IN
DOMESTIC VIOLENCE MATTERS**

WHEREAS, most criminal defendants accused of crimes related to or involving domestic violence (hereinafter "domestic violence defendants") are entitled to be released from custody pending disposition of the charges for which they are arrested; and

WHEREAS, the Marion County Sheriff, and the Marion County Probation Division (as used herein term means State Probation and Parole and the Salvation Army Probation Division), under Florida Rule of Criminal Procedure 3.131(b)(1)(d), have the capability to electronically monitor domestic violence defendants who are released from custody by non-intrusive means through a program known as Surviving Harmful Interactions through Electronic Location Devices (SHIELD); and

WHEREAS, electronic monitoring can provide timely information to law enforcement regarding the activities of a domestic violence defendant as they relate to compliance with conditions of their release, including abstinence from criminal activity and excluded zones of travel with certain proximities to locations of the alleged victim; and

WHEREAS, the Marion County Sheriff has requested authority to have domestic violence defendants who meet specified criteria be electronically monitored as a condition of pre-trial release, in addition to reasonable bond, but not necessarily in lieu of bond, in accordance with Florida Statute 907.041 (4)(b) if the court finds the record of facts and circumstances warrant such pretrial release; and

WHEREAS, F.S. 903.046 and Florida Rule of Criminal Procedure 3.131(b) permit the imposition of reasonable conditions of pre-trial release that will protect the alleged domestic violence victim from the risk of physical harm to their person, assure the presence of the accused at trial or assure the integrity of the judicial process; and *

WHEREAS, the Marion County Sheriff's Office reports that it is estimated that more than 12 million women and men are victims of domestic violence (rape, physical violence, or stalking) by an intimate partner each year; and the Marion County Sheriff's Office reports that in 2014 there were 1,945 domestic violence incidents investigated by the Marion County Sheriff, 932 domestic violence arrests made by the Marion County Sheriff, 1,007 domestic violence cases presented from Marion County to the State Attorney's Office, Marion County residents fell victim to 5 domestic violence-related deaths in 2014 on top of 6 in 2013 and there

have been 61 domestic violence-related deaths to Marion County residents in the past ten years; and

WHEREAS, domestic violence is pervasive throughout our society and the use of an electronic monitoring device provides a non-intrusive method of monitoring an individual;

After due consideration, it is now therefore:


ORDERED AND ADJUDGED that the following procedures and criteria shall be followed when defendants are released from custody by the Court upon the condition that they submit to electronic monitoring under the SHIELD program or other monitoring program and more specifically, shall be followed when defendants are released from custody by the Court upon the condition that they submit to electronic monitoring under the SHIELD program or similar electronic monitoring program approved by the Marion County Sheriff:

- (1) The defendant must have a residence. The residence must have an operational telephone line if the electronic monitor requires a telephone line.
- (2) The defendant must be a resident of Marion County, Florida, or have made arrangements to live in the contiguous counties of Lake, Sumter, Citrus, Levy, Alachua, or Putnam upon Court approval and verification that the electronic monitor program covers the defendant's new residence.
- (3) Defendants who have a serious medical condition that requires frequent care, or who are identified as psychotic, severely mentally retarded, currently suicidal, mentally incapable or unable to cope with the structure of electronic monitoring shall not be placed on an electronic monitor. Any defendant that the Sheriff, any police agency in Marion County, or Marion County Probation determines is not mentally capable to cope with the structure of electronic monitoring shall notify the court immediately. The defendant shall not be released until a further determination is made by the Court as to the defendant's release conditions.
- (4) Defendants who have a condition of release to participate in the SHIELD or another electronic monitoring program shall be responsible for any damage or loss to equipment issued and shall pay a per diem cost to the Marion County Sheriff.
- (5) The Marion County Sheriff's Office and Marion County Probation shall be responsible for collection of any fees related to the SHIELD program. In the event of non-payment for electronic monitoring services, the Marion County Sheriff's Office or Marion County Probation may notify the Court of the defendant's failure to pay and recommend review by the Court.

- (6) The following categories of defendants may be placed upon electronic monitoring as a condition of pre-trial release only after considering the availability of electronic monitoring equipment and the risk the defendant presents to the victim or the community:
- (a) Defendants with a pending violation of probation on a case involving domestic violence when the violation involves violence, unauthorized contact with the victim, coming onto property forbidden by the probation order or coming with a geographic vicinity prohibited by the probation order.
 - (b) Defendants who have been taken into custody for violation of an injunction for protection against domestic violence, repeat violence, or dating violence.
 - (c) Defendants who have been taken into custody for any domestic violence related offense.
 - (d) Defendants who have been charged with stalking/aggravated stalking, with notice to the victim and in accordance with F.S. 907.041 (4)(b) after consideration of the facts and circumstances of record pertaining to the accused, his or her past behavior, prior criminal record, and all other relevant facts, considerations and circumstances.
 - (e) Any defendant where the Court finds that the facts and circumstances warrant such monitoring.
- (7) Any defendant who breaches a condition of release while on electronic monitoring in a domestic violence case shall immediately be taken into custody by any law enforcement officer upon probable cause and held until first appearance as provided by F.S. 901.15(13), F.S. 903.0471, and the Fifth Judicial Circuit Administrative Order Bail Schedule. In the event of a suspected breach of a condition of electronic monitoring, the Marion County Sheriff's Office or Marion County Probation shall notify the Court in writing so that the violation may be brought before the Court for review. Defendants shall have been informed in their Court minutes/order placing them on SHIELD that violations include, but are not limited to:
- (a) Equipment tampers or removals.
 - (b) Exclusion zone violations.
 - (c) Failure to comply with any conditions of release set by the Court.
 - (d) Failure to comply with any of the program requirements set forth by the GPS Electronic Monitoring Program.

- (e) The defendant must refrain from criminal conduct of any kind.
 - (f) The defendant must not have unauthorized contact with the victim.
 - (g) All information provided to the Court, the Sheriff, and any supervising agency must be truthful.
 - (h) Payment of per diem costs to Marion County Sheriff's Office.
- (8) This Order supersedes and repeals all prior Administrative Orders on this subject of pre-trial release electronic monitoring.

22nd **DONE AND ORDERED** in Chambers at Ocala, Marion County, Florida, this day of July, 2015.



DAVID B. EDDY
ADMINISTRATIVE JUDGE
MARION COUNTY

Distribution:
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