

**IN THE SECOND JUDICIAL CIRCUIT
OF FLORIDA**

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER 2016-02

IN RE: FURLOUGH POLICY

Whereas, it is appropriate to establish a uniform policy for the granting of furloughs in the Second Judicial Circuit, it is therefore

ORDERED that:

“Furloughs” as contemplated in this order do not include escorted transportation by law enforcement for medical, dental or psychological reasons.

Furlough applications may be initiated in several different ways:

1. **Defense motion**: All motions for inmate furloughs, both medical and non-medical for both pretrial and sentenced inmates shall adhere to the following procedures:
 - a. Defense counsel shall notify the Sheriff’s designate that they will be seeking a furlough at least thirty-six (36) hours prior to the need for the furlough.
 - b. In the event that defense counsel cannot notify the Sheriff’s Department thirty-six (36) hours prior to the requested furlough time, the Sheriff will make every effort to satisfy the request, but approval will be contingent upon the Sheriff’s ability to staff the furlough under the time constraints.
 - c. Defense counsel shall first contact the Sheriff’s designate. Defense counsel shall ascertain whether there is an objection to the furlough, whether the furlough is to be escorted and what the conditions of the furlough are to be. An e-mail should be sent to the Sheriff’s designate once first contact (telephone message, e-mail or initial conversation) is made with the Sheriff’s staff member. This will allow for planning to begin without regard to any delay in ascertaining court approval.
 - d. Defense counsel shall contact the Assistant State Attorney and advise of the Sheriff’s position. Further, defense counsel shall ascertain the State’s position.
 - e. Defense counsel shall draft a motion outlining all of the particulars. The motion shall set forth the position of the State and Sheriff. It shall state who defense counsel has contacted. The motion shall state whether the furlough is to be escorted, the time of



UNOFFICIAL DOCUMENT

release and the time of return. The motion also shall state that the defendant shall bear the cost of the furlough and that this payment will be paid in advance.

f. The Assistant State Attorney and Sheriff's designate shall be copied in the Certificate of Service of all motions. Likewise, both parties shall be noticed for any hearings that are required.

g. The decision to grant or deny a furlough shall be at the sole decision of the court, after considering input from the Sheriff's Office and the State Attorney's Office.

h. Any order granting a furlough shall be copied to the Office of the State Attorney, the Defense, the applicable detention facility and the Sheriff's designate.

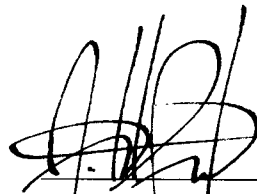
i. If following the issuance of a furlough order, circumstances significantly change which affect the sheriff's ability to carry out the order or bring into question the advisability of carrying out the furlough order and time constraints do not allow review through normal procedures, the sheriff shall directly contact the judge issuing the order, or, if unavailable, the Chief Judge (during business hours) or the duty judge (after hours) for review of the matter.

2. **Informal Inmate Request**: No Sheriff or Sheriff's designate has the authority to grant a furlough based on informal inmate requests absent specific written Court order.

3. **Law Enforcement Request**: Any request by law enforcement to release an inmate for law enforcement purposes should be directed to the responsible Assistant State Attorney. It will be up to the State Attorney's Office to provide the appropriate pleadings to be submitted to the Court for approval. No inmate shall be released for law enforcement purposes absent specific written Court order. No inmate currently sentenced to a term in the state prison can be released for law enforcement purposes.

4. **Sheriff's Authority**: The Court recognizes that the Sheriff has been granted certain authority over inmates sentenced to the county jail by Chapter 951, Florida Statutes. Nothing in this order is intended to interfere with the Sheriff's authority as provided by Chapter 951, Florida Statutes, to allow work release (with Court approval), jail labor teams or gain time.

Feb. **DONE and ORDERED** at Tallahassee, Leon County, Florida this 2nd day of _____, 2016.



JONATHAN SJOSTROM
Chief Judge



Copies furnished to:

All Circuit and County Judges, Second Judicial Circuit

All Clerks of the Courts, Second Judicial Circuit

All Sheriffs, Second Judicial Circuit

Court Administration

