

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

20020841
BLUE SHEET NO:

1. REQUESTED MOTION:
ACTION REQUESTED:

Approve Resolution of the Board of County Commissioners authorizing the Lee County Sheriff to implement and conduct a "Work-Release" Program for Lee County pursuant to section 951.24, Florida Statutes.

WHY ACTION IS NECESSARY:

Pursuant to existing Florida Law, Florida Statute 941.24, subsection (1) of that statute provides as follows: Any county shall be deemed to have a work-release program upon a motion of that county's board of county commissioners, which shall require the concurrence of the Sheriff of Lee County.

WHAT ACTION ACCOMPLISHES:

Provides for the Office of the Sheriff of Lee County to operate alternatives to incarceration.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #:

C 15 D

3. MEETING DATE:

8-6-02

4. AGENDA

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE

- (Specify)
- STATUTE
 - ORDINANCE
 - ADMIN. CODE
 - OTHER

6. REQUESTOR OF INFORMATION

- A. COMMISSIONER:
 - B. DEPARTMENT:
 - C. DIVISION:
 - D. SHERIFF:
- BY: *[Signature]*

7. BACKGROUND:

All persons sentenced to the Lee County Jail System shall be remanded to the custody of the sheriff, who shall have authority to extend the limits of confinement for certain offenders who shall meet certain specific criteria. The sheriff shall be responsible to develop and establish work programs and scheduling for offenders eligible to participate in the programs and with the needs of the various county-funded public agencies and shall have as a primary goal the benefit of the community at large for services performed by unpaid offender labor.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL

DEPARTMENT DIRECTOR	Purchasing	Human Relations	County Administration				OTHER	COUNTY ATTORNEY	COUNTY MANAGER
			OA	OM	Risk	GC			
			<i>9-17-02</i>	<i>7/2/02</i>	<i>7/17</i>	<i>7/17/02</i>	<i>[Signature]</i>	<i>7/16/02</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY
COUNTY ADMIN. *PM*
7/16/02
4:35 pm
DS
7/23 50

CO. ATTY. *7/16/02*
FORWARDED
TO CO. ADMIN.
3:00 PM

**Office of the Sheriff
Rodney Shoap**



**County of Lee
State of Florida**

July 15, 2002

Mr. David M. Owen, Esq.
Chief Assistant County Attorney
PO Box 398
Fort Myers, FL 33902

02 JUL 16 PM 1:57
LEE COUNTY SHERIFF'S OFFICE

Re: Lee County Inmate Work-Release Program

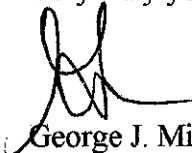
Dear David:

Pursuant to your request within your June 28, 2002, correspondence please find enclosed the bluesheet for the Lee County Inmate Work-Release Program with all appropriate attachments.

Kindly schedule same with the Board for approval and notify me accordingly. Additionally, we request your thoughts as to whether Sheriff Shoap, and/or Chief Levens, and/or myself should be present when this goes before the Board.

As always, should you have any questions please do not hesitate in contacting me.

Very truly yours,


George J. Mitar III
Captain
Legal Director

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Enclosures



LEE COUNTY RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS AUTHORIZING THE LEE COUNTY SHERIFF TO IMPLEMENT AND CONDUCT A "WORK-RELEASE" PROGRAM FOR LEE COUNTY PURSUANT TO SECTION 951.24, FLORIDA STATUTES; PROVIDING FOR A "WORK-RELEASE" PLAN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Lee County Board of County Commissioners is the governing body for Lee County, a political subdivision and charter county of the State of Florida; and,

WHEREAS, the Board of County Commissioners may authorize a County "Work-Release" Program for its County prisoners with the concurrence of its Sheriff; and,

WHEREAS, Section 951.24, Florida Statutes, provides for the implementation and utilization of such program upon a motion of the Board of County Commissioners; and,

WHEREAS, it serves a public purpose and is to the public's benefit that Lee County implement a "Work-Release Program" in conjunction with the Lee County Sheriff for its County prisoners as outlined in Section 951.24, Florida Statutes.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS that:

1. The above recitations are hereby adopted as being true and accurate, and as if set out further herein at length.
2. The Lee County Board of County Commissioners hereby authorizes and directs the Lee County Sheriff to implement a Lee County "Work-Release" Program as provided for by Section 951.24, Florida Statutes.
3. The Board of County Commissioners hereby adopts and directs for

implementation, the Lee County Sheriff's "Work-Release" Program Plan as set out in Exhibit A., attached hereto.

4. Any changes or revisions to the Lee County Sheriff's "Work-Release" Program Plan (Exhibit A., hereto), shall only be made with the approval of the Board of County Commissioners, by subsequent Resolution.
5. The Board of County Commissioners shall have the unilateral right to revoke this authorization at any time, for its convenience, if facts or circumstances warrant such revocation, in its sole determination.
6. This Resolution shall take effect immediately upon its adoption by the Board of County Commissioners by a majority vote at a regularly scheduled Board meeting.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and being put to a vote, the vote was as follows:

DOUGLAS ST. CERNY	_____
BOB JANES	_____
RAY JUDAH	_____
ANDREW COY	_____
JOHN E. ALBION	_____

DULY PASSED AND ADOPTED this ____ day of _____, 20____.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of the County Attorney

EXHIBIT A

LEE COUNTY SHERIFF'S
"WORK-RELEASE PROGRAM PLAN"

1. The Office of the Sheriff of Lee County has developed and operates the following alternatives to incarceration:

- A. County Sentenced – Work Release Program
- B. County Sentenced – Electronic House Arrest Program
- C. County Sentenced – Day

2. All persons sentenced to the Lee County Jail System shall be remanded to the custody of the sheriff, who shall have authority to extend the limits of confinement for certain offenders who shall meet certain specific criteria as described in Attachment A.

Those offenders who, after proper and thorough review, are determined to meet the eligibility requirements of Attachment A, and are not specifically excluded by the sentencing court, may be assigned by the sheriff to one of the several programs identified in Section 1(A)-(C). The sentencing court will then be notified in writing of all such placements into one of these programs. In the event a sentencing court objects to any such post-placement, the court may revoke said placement by notice to the sheriff. The court shall not, however, sentence an offender directly into any one of the programs identified in section 1 (A)-(C). Individuals who are sentenced and awaiting placement into a non-secure treatment facility shall not be excluded from the selection eligibility criteria; however before assignment to an alternative program the sentencing court must provide written approval.

3. Offenders eligible for and assigned to the Work Release Program shall, as condition of the program, be gainfully employed and shall reside in the Lee County Work Release Center until such time as they have satisfied the requirements of the program and the sentencing court.

4. Offenders eligible for and assigned to such other programs as identified in Section 1 B-C of this order shall reside in their proper residence and shall perform such community service work for the various county funded public agencies as the sheriff may determine appropriate. Each offender shall perform no more than ten (10) hours, unpaid work per day for not less than two (2) days and not more than six (6) days per work week.

5. Admission into any of the programs herein referenced shall be accomplished through a contractual arrangement between each offender and the sheriff. Such contract shall describe the terms and conditions for continued participation in a program and shall stipulate that the failure to comply with the aforesaid terms may result in termination from a 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.

6. Upon proper determination that an offender has been found to have violated the terms of the contract or is otherwise a risk to the community, the sheriff shall have the authority to immediately return said offender to the secure custody of the jail without requirement to obtain warrants, pick-up orders or other instruments which may normally be issued by the court for such purposes.

7. In consideration of satisfactory performance of the duties and requirements of the program to which an offender maybe assigned, the offender may receive gain time in accordance with section 951.21, Florida Statutes, and as approved by the Lee County

Board of County Commissioners. Any offender who is found to have violated the terms of the contract may forfeit such gain time as had been earned up to the time of said violation.

8. It shall be the responsibility of the sheriff to ensure proper review and credit of such time as may have been earned by an offender or deduct such time as may be forfeited resulting from an offender's violation of the contractual obligations. In no event shall any offender described herein be required to serve more than three hundred and sixty four (364) days per sentence of the court in the custody of the sheriff. This requirement shall in no way impinge on the court's ability to sentence an offender to consecutive terms of confinement.

9. The sheriff shall be responsible to develop and establish work programs and scheduling for offenders eligible to participate in the programs. Such scheduling shall be developed in conjunction with the needs of the various county-funded public agencies and shall have as a primary goal the benefit of the community at large for services performed by unpaid offender labor.

10. The sheriff shall only be responsible for the cost of emergency medical treatment of any offender who sustains any injury during the course of the performance of the duties required by the program to which the offender is assigned, to the extent that workers compensation coverage pursuant to chapter 440 is not available. Other routine or regular non-emergency medical and dental care shall be the responsibility for medical expenses as provided for by federal and state statutes.

11. Nothing contained herein shall abrogate pre-trial release, reduction of bond, or other procedures established by Florida Law or Rule or consideration contained in Administrative Order.

ATTACHMENT "A"

- No inmates with disciplinary problems
- No violent offenders
- No escape charges
- No trafficking offenses
- Inmates must have medical clearance
- Inmates must be willing to comply with county jail rules and regulations
- Inmates must have verifiable residence and phone number and contact person
- Inmates must have transportation and verifiable driver's license, registration and mandatory insurance