



BEST PRACTICES

Out-of-County Inmates

May 7, 2020

Introduction

This guide sets forth best practices with respect to providing due process to out-of-county arrestees during the COVID-19 pandemic.

Best Practices for Judges, State Attorneys, Public Defenders, and Law Enforcement Agencies

Reliable contacts are essential

1. Court administrative staff in each circuit must maintain an up-to-date list of statewide contacts for judges, state attorneys (SA), public defenders (PD), the Office of Criminal Conflict and Civil Regional Counsel, clerks of court (clerk), and the jail in each county to facilitate reliable communication among stakeholders.
2. Upon booking into a county jail on an out-of-county warrant or capias, it is strongly recommended that the hosting county jail or pretrial service staff send an email to the following eight contact persons: SA, PD, clerk, and the judge in both the home and holding counties. If possible, the email should include the documentation related to the arrest.
3. The first appearance judge should, after inquiry of the arrestee, make a provisional appointment of the PD in the hosting county.
4. The provisionally appointed PD should contact the home county PD and discuss options for release, plea in absentia, bond reductions, and/or pleas pursuant to section 910.035, Florida Statutes, etc., if applicable. These options include both non-transfer of venue options and transfer of venue pursuant to section 910.035, Florida Statutes.

Timeliness is key

1. All contacts and communication among stakeholders, including victim contact by the SAO, should take place as expeditiously as possible.
2. Except when charges are also pending in the host county, if an inmate remains incarcerated in a host county ten (10) days following a first appearance hearing, the judge and state attorney in the host county must re-contact their counterparts in the issuing county to verify if the state continues to desire extradition and whether the current monetary bond or other conditions of pretrial release should be modified.

The attached forms will expedite the process

1. Jails should facilitate inmates executing pleas in absentia to be entered in the home county for misdemeanor offenses.
2. The jail point of contact should be available to receive pleas in absentia from attorneys by email using the attached forms.
3. To facilitate the execution of pleas, jails should facilitate remote, private conferencing between the attorney and inmate, as well as fingerprinting and the validation of inmate identity and signature.

4. The jail should return the plea form to the hosting PD for routing to the home county.
5. Jails should assist inmates to appear virtually for the entry of pleas whenever possible.