

PETER M. WEINSTEIN  
CHIEF JUDGE  
SEVENTEENTH JUDICIAL CIRCUIT OF  
FLORIDA



BROWARD COUNTY COURTHOUSE  
201 S.E. 6TH STREET  
FORT LAUDERDALE, FL 33301  
(954) 831-5506

August 25, 2016

Honorable Howard Finkelstein  
Law Office of the Public Defender  
17<sup>th</sup> Judicial Circuit  
Broward County Courthouse  
201 SE 6<sup>th</sup> Street  
Ft. Lauderdale, FL 33301

RE: U.S. Department of Justice Letter

Dear Mr. Finkelstein

This is a response to your letter of August 16, 2016. The branch has been and is reviewing the Department of Justice's concerns as raised in the March 14, 2016. I did not provide the letter to any stakeholder as it was addressed to the courts to assist with review of local practices and procedures.

As you are aware, the Circuit revised its bond schedule which affected the number of individuals required to appear at First Appearance. If an individual is not able to post bond the First Appearance judges do consider non-monetary release and divert as many individuals as possible to the Broward County Sheriff's Pre-Trial Release Program. The judges will continue to consider non-monetary release at First Appearance or bond hearings, if appropriate.

When the bond schedule was revised, some misdemeanors were determined to require a First Appearance, e.g. domestic violence, battery, and arson. This is to ensure that the victims and public are not in additional danger. Your office at First Appearance for individuals you represent may continue to argue for non-monetary conditions of release, the State Attorney can provide his position on why non-monetary conditions for release are or are not appropriate, and the judge will make her or his decision.

In response to your unsubstantiated allegations, the judges do consider non-monetary release for individuals who are arrested. The judges have discretion to consider the charges, factual allegations, and the individual's ties to the community when considering non-monetary release conditions. An individual charged with murder is not and should not be entitled to non-monetary bond simply because she or he is indigent. Every individual who is arrested is provided with a

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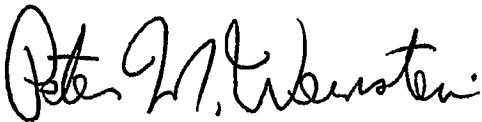
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First Appearance hearing if bond is not posted for a bondable offense to argue conditions of release. The Circuit does not and will not fail to offer every arrested individual with the right to a hearing or hearings seeking non-monetary conditions for release from jail.

As the judicial branch and Circuit continue to review the issues of bond I welcome any constructive suggestions you may have with regard to bonds, fines, and fees.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter M. Weinstein". The signature is written in a cursive, flowing style.

Peter M. Weinstein  
Chief Judge

cc:

Honorable Michael J. Satz  
State Attorney, 17<sup>th</sup> Judicial Circuit  
Jason Kaufman, Esquire  
President, BCDLA  
Antony Parker Ryan, Esquire  
Regional Counsel