

THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE ORDER NO. 4.16

CIRCUIT-WIDE CRIMINAL ALTERNATIVE SANCTIONS PROGRAM

In order to provide for successful completion of community supervision and reduce victimization and recidivism; and

WHEREAS, there is a substantial number of technical violations of probation that do not involve a new arrest or other serious violations; and

WHEREAS, arresting and incarcerating certain non-violent offenders for minor violations of probation or community control is expensive and counterproductive; and

WHEREAS, there is research that supports that recidivism can be reduced by utilizing collaborative efforts among the courts, probation and law enforcement to hold the offender accountable and apply swift and certain sanctions for technical violations of probation or community control; and

WHEREAS, an administrative option for processing technical violations has the potential to offer benefits including reducing court dockets for probation and community control violation hearings, reducing the workload of prosecutors and defense attorneys involved in technical violation hearings, reducing law enforcement time required to serve violation warrants for certain technical violations, and reducing jail population for offenders waiting for technical violation hearings, and

WHEREAS, offering the offender an alternative to a violation hearing in court permits the offender to remain employed, in school, or in treatment, and further allows the offender to accept immediate responsibility for his/her actions; it is therefore

ORDERED:

I. ALTERNATIVE SANCTIONS PROGRAM

There is created in the Eighth Judicial Circuit a program that shall be known as the Criminal Alternative Sanctions Program.

II. ELIGIBILITY

To be eligible for the program, offenders must be placed on probation or community control by the court, be under the supervision of the Department of Corrections, have strong community ties, and have a stable residence in a county within the Eighth Judicial Circuit. The program is offered only to those offenders who have committed technical violations as addressed in the Alternative Sanctions Program Violation/Sanction Matrix included in Section III of this order.

The offender’s threat to public safety is the most important factor in determining his/her eligibility. Offenders with a lengthy or violent criminal history, including sex offenders, are not eligible, nor are offenders who have committed new law violations, are absconders, or have violated a “no contact” condition of supervision. Any offender having three or more previous violations is not eligible.

III. QUALIFYING TECHNICAL VIOLATIONS AND APPROVED SANCTIONS

The following matrix lists the specific qualifying technical violations that may be addressed through the Alternative Sanctions Program process. Each technical violation includes a list of sanctions determined and approved by the Court for the probation officer to select from when reporting these technical violations, based on the individual offender’s circumstances at the time of the violation.

ALTERNATIVE SANCTIONS PROGRAM VIOLATION/SANCTION MATRIX

VIOLATION	APPROVED LIST OF SANCTIONS
Condition (1): Reported late; failed to report as instructed (Probation and DOP Cases)	<ol style="list-style-type: none">1. Report twice a month for 60 days2. Three days work crew3. Ten days work crew

Condition (2): Failed to pay Cost of Supervision (COS)	<ol style="list-style-type: none"> 1. No recreational travel 90 days 2. Three days work crew 3. Ten days work crew
Condition (3): Failed to report changes in residence or employment without first procuring the officer's consent (or notifying immediately if evicted from residence or laid off from job)	<ol style="list-style-type: none"> 1. No recreational travel 90 days 2. Three days work crew 3. Ten days work crew
Condition (3): Failed to request permission prior to leaving the county	<ol style="list-style-type: none"> 1. No recreational travel 90 days 2. Three days work crew 3. Ten days work crew
Condition (6): Found to be associating with person(s) engaged in criminal activity	<ol style="list-style-type: none"> 1. Curfew from 10pm to 6am for 90 days (probation officer can modify for treatment/work purposes) 2. Three days work crew 3. Ten days work crew
Condition (7): Positive drug test for non-prescribed drugs (first occurrence)	<ol style="list-style-type: none"> 1. Drug evaluation and successfully complete treatment determined necessary 2. Re-evaluation to determine if more intensive treatment including residential is recommended 3. Two weekends in jail
Condition (8): Failure to maintain employment and failure to comply with adequate job searches.	<ol style="list-style-type: none"> 1. Mandatory registration and participation in employment agency programs 2. Three days work crew 3. Ten days work crew
Condition (10): Failure to pay restitution or court costs (monetary obligations)	<ol style="list-style-type: none"> 1. If unemployed, daily job search and workforce registration 2. Successfully complete budgeting and finance classes 3. No recreational travel/events
Condition (11): Failure to submit to random testing as directed	<ol style="list-style-type: none"> 1. Three days work crew 2. Ten days work crew 3. Two weekends county jail
Special Condition (1): Failure to attend treatment evaluation or treatment session as scheduled	<ol style="list-style-type: none"> 1. Curfew from 10pm to 6am until evaluation completed (probation officer can modify for treatment/work) 2. No recreational travel events 3. AA/NA daily and weekly drug testing until in compliance.

Special Condition (8): Failure to complete community service hours as instructed	<ol style="list-style-type: none"> 1. Curfew from 10pm to 6 am until full compliance (probation officer can modify for treatment/work) 2. No recreational travel until in full compliance. 3. One weekend county jail
Special Condition (9): Failure to remain at residence during curfew period	<ol style="list-style-type: none"> 1. Three days work crew 2. Ten days work crew 3. Two weekends county jail
Community Control Condition (16): Failure to maintain approved schedule – unapproved absence from required location (negligence in getting home late, stopping at store on way home without permission)	<ol style="list-style-type: none"> 1. Three days work crew 2. Ten days work crew 3. Two weekends county jail

IV. ALTERNATIVE SANCTIONS PROGRAM PROCESS

The probation or community control officer shall inform offenders who have committed violations enumerated in Section III that they may participate in the Alternative Sanctions Program for administrative disposition of the violation. No offender is required to participate in the program and may opt for a formal violation of probation or community control hearing in Circuit Court.

If the offender admits the violation, agrees to accept the administrative sanction(s) recommended by the probation officer, and agrees to waive his/her formal violation hearing to modify his/her sentence, the probation officer will prepare an “Alternative Sanctions Program Technical Violation Notification,” which will provide details of the circumstances of the technical violation that occurred and the probation officer’s recommended sanction, based on the sanctions listed in the approved matrix. If the offender agrees to participate in the Alternative Sanctions Program, he/she will sign the second section of the form entitled “Alternative Sanctions Program Waiver of Formal VOP/VOCC Hearing, Admission of Violation, and Acceptance of Sanctions,” which will be submitted to the Court once it has been signed and dated by the probation officer.

The judge shall review the "Alternative Sanctions Program Technical Violation Notification" and waiver form submitted and, if the judge agrees that the technical violation should be addressed via the Alternative Sanctions Program and agrees with the recommended sanction, the judge will sign the "Order - Alternative Sanctions Program." If the judge does not support the sanction recommended by the probation officer or does not agree that the technical violation should be addressed via the Alternative Sanctions Program, the judge shall include further instructions on the order.

Upon approval by the Court, the probation officer will review the sanction with the offender, and inform the offender that failure to complete the imposed sanction as instructed will result in a violation report, affidavit and warrant being submitted to the Court.

V. ADMINISTRATION

The Criminal Alternative Sanctions Program shall be administered by the Circuit Court and the Florida Department of Corrections.

VI. EFFECTIVE DATE

The effective date of this Order is May 19, 2016.

This Order replaces Administrative Order 4.16 (v1), "Criminal Alternative Sanctions Program," dated May 27, 2015.

ORDERED ON this 10th day of June, 2016.



Toby S. Monaco., Acting Chief Judge