

THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE ORDER NO. 6.12

JUVENILE ALTERNATIVE SANCTIONS

WHEREAS, part of the legislative intent of Chapter 985 is to divert children from the traditional juvenile justice system and to provide alternatives to institutionalization (§985.03(b), Fla. Stat.), and,

WHEREAS, utilizing a juvenile alternative consequence component as part of a juvenile probation program serves the families of the Eighth Judicial Circuit by providing “swift and appropriate consequences to any noncompliance with technical conditions of probation” (§985.435(4), Fla. Stat.; § 985.439(4)(c), Fla. Stat.); and,


WHEREAS, the Effective Response Matrix (“ERM”) is an alternative consequence which includes specific consequences for specific violations of the conditions of probation, and may in the discretion of the court, be utilized in specific situations by the Department of Juvenile Justice (“DJJ”), or its designee;

IT IS HEREBY ORDERED:

Each dispositional order of probation, post-commitment probation, and conditional release in a juvenile case shall include the ERM as a judicial option for addressing certain technical probation violations.

When authorized, the ERM may be utilized by DJJ or its designee to address a technical probation violation committed by a juvenile. When the ERM has been utilized, DJJ or its designee shall not file a formal affidavit of violation of probation. In each instance that the ERM is utilized, the child’s file shall be documented to reflect the nature of the violation and the consequence imposed.

ORDERED ON this 30th day of January 2015.



Robert E. Roundtree, Jr., Chief Judge

EIGHTH JUDICIAL CIRCUIT EFFECTIVE RESPONSE MATRIX

		Risk to Re-Offend Level & JPO Intervention Options	
		Low/Moderate Youth	Moderate-High/High Youth
Seriousness of Violation	Minor	<ul style="list-style-type: none"> ▪ Verbal intervention by JPO ▪ Verbal intervention with JPO Supervisor-- a formal meeting between JPO, JPOS, youth, and guardian ▪ Community service hours (2-6 hours) ▪ Complete payment plan/schedule for fees/restitution; youth signs agreement ▪ Letter(s) of apology to impacted party ▪ Employment related tasks (ex: fill out applications, job readiness referral, etc.) ▪ JPO confirms counseling referral and scheduled appointment(s); youth signs agreement ▪ JPO confirms referral/specified class schedule; youth signs agreement ▪ JPO confirms academic/school schedule; youth signs agreement ▪ Referral to community service for restitution credit program ▪ Other (must specify): _____ 	<ul style="list-style-type: none"> ▪ Community service hours (6-10) ▪ Complete college campus tour and create 1-5 year education plan ▪ Complete research report on potential occupations ▪ Increase reporting to JPO office/reporting center for specified period of time to submit documentation of sanctions /tasks ▪ Other (must specify): _____
	Moderate	<ul style="list-style-type: none"> ▪ Youth required to complete a written assignment ▪ Youth required to complete an arts project ▪ Community service hours (6-10 hours) ▪ Increase frequency of Clerk of Court contacts for specified period of time to monitor payments ▪ Youth assigned time(s) to report to JPO office/reporting center to complete assignments (ex: letters of apology, essays, job applications, community service hours, etc.) ▪ Increase frequency of random UA testing ▪ Youth loses privileges during free time ▪ Referral to out-patient treatment ▪ Youth supplies weekly school attendance report from school administration ▪ Youth required to create plan to address school success and improvement in grades ▪ More restrictive curfew ▪ Redirection referral ▪ Other (must specify): _____ 	<ul style="list-style-type: none"> ▪ Community service hours (10-15 hours) ▪ Include law enforcement assistance with curfew monitoring ▪ Other (must specify): _____
	Serious	<ul style="list-style-type: none"> ▪ Community service hours (10-15) ▪ Meeting with family to discuss violation and youth's needs ▪ JPO makes new referral for comprehensive assessment and requires recommendations be followed ▪ Verbal intervention by judge (i.e. judicial review hearing) ▪ Increase frequency of unannounced home, community, and school contacts for specified period of time in order to monitor the youth's progress towards completion of sanctions ▪ Referral to in-patient treatment ▪ Increase frequency of curfew checks ▪ Day treatment referral ▪ House restriction ▪ Electronic Monitoring ▪ Other (must specify): _____ 	<ul style="list-style-type: none"> ▪ Youth assigned CWS hours (15+ hours) ▪ Other (must specify):- _____

All incidents described below will be responded to, investigated and evaluated by the JPO to determine if a violation has occurred. When it is determined a violation has occurred the JPO will utilize the effective response system with the intervention options for minor, moderate and serious violations.

Seriousness of the violation is determined through an assessment of the following categories:

Victim & Codefendant

- **Minor:** No Contact/ unintentional or otherwise explainable contact with victim
 - **Moderate:** Not applicable.
 - **Serious:** Nonaggressive attempt to engage victim or codefendant. Intentional contact; verbal threat; intimidate victim
- a. Victim or Codefendant contact in the Serious category will result in a Violation of Probation being filed.
 - b. Victim or Codefendant contact in the Minor category occurring two or more times will result in a Violation of Probation being filed.

Relation to underlying offense (charge youth is on Probation for) without a new law violation.

- **Minor:** behavior is unrelated to underlying offense
- **Moderate:** behavior is connected to supporting underlying behavior; engaging in similar risky behavior to underlying offense. Second violation will result in a Violation of Probation being filed.
- **Serious:** same or more serious behavior A Violation of probation will be filed.

School Attendance & school behavior

- **Minor:** isolated/one time/non-frequently/not a pattern
 - **Moderate:** second violation within 30 days and interferes with probation terms and education
 - **Serious:** pattern/all the time
- a. The third unexcused absence from school within 30 days is considered Serious and will result in a Violation of Probation.
 - b. The third school behavior referral within 30 days is considered Serious and will result in a Violation of Probation.

Curfew violation and leaving the parent/guardian residence

- **Minor:** isolated/one time/only for minutes
 - **Moderate:** more than once
 - **Serious:** reoccurring/ chronic pattern/overnight
- a. A second curfew violation within 30 days is considered moderate and will result in a Violation of Probation.
 - b. All curfew violations in the serious category will result in a Violation of Probation.
- When a youth is residing outside of the parent/guardian residence without permission but the whereabouts is known to the JPO the youth will receive direction to return home and family engagement techniques will be administered by the JPO, if this fails and the youth does not return home a Violation of Probation will be filed.

Counseling and Drug testing

- **Minor:** attends regularly and responds to counseling, rare violations
 - **Moderate:** unresponsive to counseling and therapist recommends continued or increased treatment sessions
 - **Serious:** unsuccessful, unresponsive to counseling and attendance lacking.
- a. Counseling sessions missed three times will result in a Violation of Probation
 - b. Sex Offender counseling sessions missed two times will result in a Violation of Probation
- ✓ The First Drug testing failure will result in a referral to counseling.
 - ✓ The Second Drug Testing failure will result in a Violation of Probation.

Incentive Plan	
<ul style="list-style-type: none"> ▪ Gaining employment ▪ 30-90 days of clean drug tests ▪ 30-90 days of employment ▪ 30-90 days successful EM ▪ 30-90 days perfect school attendance ▪ Completion of counseling/course ▪ GPA improvement over previous report card ▪ Obtains GED ▪ Participation in pro-social community activity ▪ 30-90 days no behavior incidents at school ▪ 30-90 days no behavior incidents at home ▪ 30-90 days mental health stabilization/ taking medication as prescribed ▪ 6 months or more of consistent fee/restitution payments ▪ Other (must specify): _____ 	<ul style="list-style-type: none"> ▪ Allow attendance at special occasion with the court's approval ▪ Verbal praise/recognition ▪ Letter of recognition ▪ Letter of support to Judge ▪ Acknowledgement to parent/guardian/school ▪ Certificate of appreciation ▪ Request early termination ▪ Reduced contact requirements ▪ Special privileges suggested by youth or parent/guardian ▪ Release from EM per court order ▪ "Behavior Change" certificate ▪ Donated gift certificate/gift card ▪ Other (must specify): _____
<ul style="list-style-type: none"> ▪ <u>JPO Notes on Use of Effective Response (optional)</u> 	