



ADMINISTRATIVE OFFICE OF THE COURTS  
INTER-OFFICE

MEMO 2016-45

TO: Honorable Carolyn Timmann  
Honorable Sharon Robertson  
Honorable Joseph E. Smith  
Honorable J.R. Smith

FROM: Thomas Genung, Trial Court Administrator

A handwritten signature in black ink, appearing to be "T. Genung", written over a horizontal line.

DATE: December 19, 2016

RE: **Administrative Order 2016-07**  
**RE: CRIMINAL ALTERNATIVE SANCTIONS PROGRAM**

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Attached please find an original **Administrative Order 2016-07** for filing with the Court.

If you have any questions regarding the above, please do not hesitate to contact me.

TG/js  
Attachment

cc w/attach: All Judges in the Nineteenth Judicial Circuit  
All Magistrates and Hearing Officers in the Nineteenth Judicial Circuit  
All Staff Attorneys in the Nineteenth Judicial Circuit  
Honorable Bruce Colton, State Attorney's Office  
Honorable Diamond Litty, Public Defender's Office  
All County Attorneys in the Nineteenth Judicial Circuit  
All Local Law Libraries  
All Local Bar Presidents  
IT

**IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR INDIAN RIVER, MARTIN, OKEECHOBEE, AND  
ST. LUCIE COUNTIES, STATE OF FLORIDA**

**ADMINISTRATIVE ORDER 2016-07**

**RE: CRIMINAL ALTERNATIVE SANCTIONS PROGRAM<sup>1</sup>**

**WHEREAS**, there are 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 is expensive and counterproductive; and

**WHEREAS**, research 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; and

**WHEREAS**, an administrative option for processing technical violations has the potential to offer benefits including reducing court dockets for probation 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;

**NOW THEREFORE**, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215, it is **ORDERED** as follows:

**I. ALTERNATIVE SANCTIONS PROGRAM**

There is created in the Nineteenth Judicial Circuit a program that shall be known as the Alternative Sanctions Program (the "Program").

**II. ELIGIBILITY**

To be eligible for the Program, offenders must be placed on probation 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 Nineteenth 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 set forth 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 individuals sentenced to community control, offenders who have committed new law violations,

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<sup>1</sup> Criminal Alternative Sanction Program applies to probation under the supervision of the Department of Corrections only.

absconders, or those who have violated a “no contact” condition of supervision. Furthermore, 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 Program process; no other violations qualify for the Program and thus are not subject to this Administrative Order. 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	<ol style="list-style-type: none"> <li>1. Report twice a month for 60 days</li> <li>2. Weekly report for 45 days</li> <li>3. Additional 25 hours community service</li> </ol>
Condition (8): Failure to maintain employment and failure to comply with adequate job searches	<ol style="list-style-type: none"> <li>1. Weekly reporting with job search logs until employed</li> <li>2. Daily reporting with job search logs until employed</li> <li>3. Curfew from 8pm to 6am for 90 days (can be modified by probation officer for treatment/work purposes)</li> </ol>
Condition (8): Failure to complete community service hours as instructed	<ol style="list-style-type: none"> <li>1. Curfew from 10pm to 6am until full compliance (probation officer can modify for treatment/work purposes)</li> <li>2. No recreational travel until there is full compliance</li> <li>3. Additional 25 hours of community service</li> </ol>
Condition (10): Failure to pay restitution or court costs (monetary obligations)	<ol style="list-style-type: none"> <li>1. If unemployed, daily job search logs until employed</li> <li>2. If employed, monthly budgeting logs</li> <li>3. No recreational travel/events</li> <li>4. Additional 25 hours of community service</li> </ol>

### IV. ALTERNATIVE SANCTIONS PROGRAM PROCESS

The probation officer shall inform offenders who have committed violations enumerated in Section III that they may participate in the 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 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" (*see* Attachment A), 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 Program, he/she will sign the second section of the form entitled "Offender's Waiver of Formal VOP 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 Program and agrees with the recommended sanction, the judge will sign the "Order – Alternative Sanctions Program" (*see* Attachment B). 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 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.

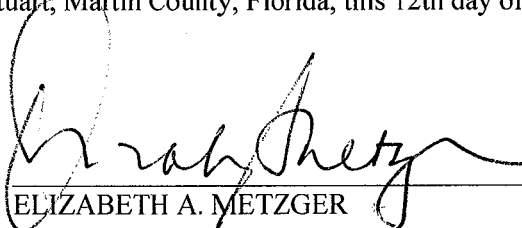
**V. ADMINISTRATION**

The Program shall be administered by the Circuit Court and the Florida Department of Correction.

**VI. EFFECTIVE DATE**

The effective date of this Order is January 3, 2017.

**DONE AND ORDERED** in quadruplicate at Stuart, Martin County, Florida, this 12th day of December, 2016.

  
ELIZABETH A. METZGER  
CHIEF JUDGE

All Judges in the 19<sup>th</sup> Judicial Circuit  
All Clerks of Court in the 19<sup>th</sup> Judicial Circuit  
~~All Law Libraries in the 19<sup>th</sup> Judicial Circuit~~  
State Attorney's Office  
Sheriffs' Departments  
Police Departments  
Department of Corrections, D. Michael Davis  
Media

**IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT OF  
THE STATE OF FLORIDA IN AND FOR \_\_\_\_\_ COUNTY**

**STATE OF FLORIDA,**

**CASE NO.:**

v.

**Defendant's Name**

\_\_\_\_\_ /

**ALTERNATIVE SANCTIONS PROGRAM TECHNICAL VIOLATION NOTIFICATION**

Original Charge: \_\_\_\_\_

Term of Supervision: \_\_\_\_\_ to \_\_\_\_\_

Offender Eligible:  Yes  No

Date of Violation(s): \_\_\_\_\_  First Violation  Second Violation

Technical violation that occurred: \_\_\_\_\_

Sanction to be imposed in the discretion of the Court: \_\_\_\_\_

**OFFENDER'S WAIVER OF FORMAL VOP HEARING,  
ADMISSION OF VIOLATION, AND ACCEPTANCE OF SANCTIONS**

By signing below, I understand that I have the right to a formal violation of probation hearing before the Court; however, I am agreeing to waive this right along with waiving the following rights to:

- a. Be represented by legal counsel, and the right to have one appointed if I cannot afford one;
- b. Subpoena and present witnesses and evidence in my defense and to present any defense I might have to the judge;
- c. See and hear witnesses testify and to confront and cross-examine the witnesses against me;
- d. Require the State to prove that I have willfully violated my probation by the greater weight of the evidence; and
- e. Appeal all matters except the legality of my sentence.

No one has coerced me, pressured me, made any threats against me, or promised me anything to convince me to give up these rights.

I am agreeing to voluntarily participate in the Alternative Sanctions Program. I am admitting to the technical violation(s) of probation listed above with the understanding that I will be required to complete the additional sanction(s) listed above, as part of my probation.

I further understand that if I fail to complete the additional sanction(s) within the time specified, a formal violation of probation action will be forwarded to the court and this form may be introduced into evidence at a subsequent hearing to establish the violation(s). I understand that if the court determines I have violated my probation, I may be sentenced as authorized by law.

**ATTACHMENT A**

**(Page 1)**

I understand the court reserves the right to accept or reject my request to participate in the Alternative Sanctions Program.

\_\_\_\_\_  
Offenders Signature/Date

\_\_\_\_\_  
Officer Signature/Date

\_\_\_\_\_  
Typed/Printed Name

\_\_\_\_\_  
Typed/Printed Name & Telephone Number

\_\_\_\_\_  
Supervisor Signature/Date

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT OF  
THE STATE OF FLORIDA IN AND FOR \_\_\_\_\_ COUNTY

STATE OF FLORIDA,

CASE NO.:

v.

Defendant's Name  
\_\_\_\_\_ /

**ORDER ON ALTERNATIVE SANCTIONS PROGRAM**

It appears that the defendant has materially violated one or more conditions of probation but has not committed a new law violation and is otherwise eligible to participate in the Alternative Sanctions Program.

\_\_\_\_\_ The Court has reviewed the Alternative Sanctions Program Technical Violation Notification Form, a copy of which is attached, and approves participation in the Alternative Sanctions Program and the sanction(s) selected. As a condition of the defendant's supervision, the defendant shall complete the sanction(s) selected. The Department of Corrections is directed to forward a violation of probation report and warrant to the Court in the event the defendant fails to satisfactorily complete the sanction(s) selected.

**OR**

\_\_\_\_\_ The Court has reviewed the Alternative Sanctions Program Technical Violation Notification Form, a copy of which is attached, and approves participation in the Alternative Sanctions Program; however, the Court does not approve the sanction(s) selected by the probation officer. Accordingly, the Court orders the following sanction(s) to be imposed:  
\_\_\_\_\_  
\_\_\_\_\_.

**OR**

\_\_\_\_\_ The Court has reviewed the Alternative Sanctions Program Technical Violation Notification Form, does not approve the use of the Alternative Sanctions Program, and directs the Department of Corrections to submit a Violation Report, Affidavit, and Warrant to address this alleged violation.

**DONE AND ORDERED** at \_\_\_\_\_, \_\_\_\_\_ County, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
CIRCUIT JUDGE

ATTACHMENT B