

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

**AMENDED
ADMINISTRATIVE ORDER 2016-07**

RE: CRIMINAL ALTERNATIVE SANCTIONS PROGRAM¹

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 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; 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

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

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 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 three or more felony convictions; who have been convicted of a forcible felony as defined in Florida Statute 776.08; or, who qualify as a violent felony offender of special concern as defined in Florida Statute 948.06(8)(b), are not eligible to participate in the Program, nor are individuals sentenced to community control, offenders who have committed new law violations, absconders, or those who have violated a “no contact” condition of supervision. Furthermore, any offender having three or more previous violations is not eligible to participate in the Program.

III. QUALIFYING TECHNICAL VIOLATIONS AND APPROVED SANCTIONS

The following matrix lists the specific qualifying technical violations that may be addressed through the 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	<ol style="list-style-type: none"> 1. Report twice a month for 60 days 2. Weekly report for 45 days 3. Additional 25 hours community service
Condition (8): Failure to maintain employment and failure to comply with adequate job searches	<ol style="list-style-type: none"> 1. Weekly reporting with job search logs until employed 2. Daily reporting with job search logs until employed 3. Curfew from 8pm to 6am for 90 days (can be modified by probation officer for treatment/work purpose)
Condition (8): Failure to complete community service hours as instructed	<ol style="list-style-type: none"> 1. Curfew from 10pm-6am until full compliance (probation officer can modify for treatment/work) 2. No recreational travel until in full compliance 3. Additional 25 hours of community service

Condition (10): Failure to pay restitution or court costs (monetary obligations)	<ol style="list-style-type: none"> 1. If unemployed, daily job search logs until employed 2. If employed, monthly budget logs 3. No recreational travel/events 4. Additional 25 hours of community service 5. Payment plan, if appropriate
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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," 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 "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 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 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 his 20th day of January, 2017.



ELIZABETH A. METZGER
CHIEF JUDGE

All Judges in the 19th Judicial Circuit
All Clerks of Court in the 19th Judicial Circuit
All Law Libraries in the 19th Judicial Circuit
State Attorney's Office
Sheriff's Departments
Police Departments
Department of Correction, 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

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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