



IN THE COURTS OF THE FOURTEENTH JUDICIAL CIRCUIT
Bay, Calhoun, Gulf, Holmes, Jackson and Washington Counties
THE STATE OF FLORIDA

ADMINISTRATIVE ORDER # 2017-00-02
Amending and rescinding 2016-00-03

RE: CRIMINAL - ALTERNATIVE SANCTIONING PROGRAM rvd 4.28.17

Whereas, Florida Statute 948.06 provides that the Chief Judge, in consultation with the state attorney, the public defender, and the Department of Corrections, may establish an alternative sanctioning program in which the Department may enforce specified sanctions for certain technical violations of supervision.

Whereas, there is a substantial number of technical violations 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 both expensive and nonproductive; and,

Whereas, there is research to support that recidivism may 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 will have the potential to offer benefits including:

- Reducing the court docket of probation and community control violation hearings;
- Reducing the workload of prosecutors and defense attorneys involved with many technical violation hearings;
- Reducing law enforcement resources required to serve violation warrants for certain technical violations;
- Reducing jail population for offenders pending violation hearings; and
- Offering the offender an alternative to a violation hearing in court, which will allow the offender to remain engaged in employment, school, treatment, etc. and allow the offender to take immediate responsibility for his/her actions and consequences of those actions.

NOW, THEREFORE, IT IS ORDERED AS FOLLOWS:

1. **ALTERNATIVE SANCTIONING PROGRAM:** There is created, pursuant to F.S. 948.06, in the Fourteenth Judicial Circuit, an Alternative Sanctioning Program.
2. **ELIGIBILITY:** To be eligible for the program, offenders must have been placed on probation or community control under the supervision of the Department of Corrections by a judge in the Fourteenth Judicial Circuit, have stable community ties, and have a stable residence in the Fourteenth Judicial Circuit.

Offenders who are eligible for the program include probation offenders, drug offenders, and community control supervision offenders.

The program only applies to offenders who have committed certain technical violations addressed in the Alternative Sanctions Program Violation/Sanction Matrix included in this order.

The threat an offender poses to public safety is the most important factor in determining eligibility. Offenders with a lengthy or violent criminal history, including sex offenders, are not eligible to be in the program.

Additionally, offenders who have new law violations, are absconders, or have violated a "no contact" condition of supervision are not eligible for the program.

No offender who has two or more previous violations is eligible for the program.

3. **QUALIFYING TECHNICAL VIOLATIONS AND APPROVED SANCTIONS:** The following matrix lists the specific technical violations that may be addressed through the Alternative Sanctioning Program process for offenders who were sentenced in the Fourteenth Judicial Circuit. 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. Weekly call in for 6 weeks. 2. Daily call in for 30 days 3. Report 2X a month for 60 days
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. Weekly call in for 6 weeks 2. Twice a month reporting for 3 months 3. Weekly reporting for 6 weeks
Condition (3): Failed to request permission prior to leaving the county	<ol style="list-style-type: none"> 1. Weekly call in for 6 weeks 2. Twice a month reporting for 60 days 3. Weekly reporting for 6 weeks
Condition (6): Found to be associating with person(s) engaged in criminal activity	<ol style="list-style-type: none"> 1. Curfew from 8 p.m. to 6 a.m. for 90 days (can be modified by PO for treatment or work purposes) 2. Weekly call in for 6 weeks 3. 25 hours public service work
Condition (7) Positive drug test for non-prescribed drugs	<ol style="list-style-type: none"> 1. Drug evaluation and successfully complete treatment determined necessary. 2. Increased level of treatment program up to and including residential. 3. Curfew 7pm -7am for 90 days (PO can modify for work or treatment purposes).

VIOLATION	APPROVED LIST OF SANCTIONS
Condition (8): Failure to maintain employment	<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 8 p.m. to 6 a.m. for 90 days (can be modified by PO for treatment or work purposes)
Condition (10): Failure to pay monthly monetary obligations as stipulated by the Court.	<ol style="list-style-type: none"> 1. If unemployed- daily job search 2. If employed- monthly budgeting 3. Curfew from 8 p.m. to 6 a.m.(can be modified by PO for treatment or work purposes) 4. Weekly call in until monetary obligations are current

	5. Extend probation to auto term upon completion of all conditions *
Condition (9): Failure to comply with officer's instructions (depending on nature of instruction and reason for not complying, consequence will vary)	1. Weekly call in for 4 weeks. 2. 8 Hours Community Service Work
Special Condition (1): Failure to attend treatment evaluation or treatment session as scheduled	1. Curfew from 8 p.m. until 6 a.m. until evaluation completed. 2. Weekly reporting until evaluation completed. 3. Daily call in until evaluation completed.
Special Condition (8): Failure to complete community service hours as instructed	1. Daily reporting until community service hours completed/current, if unemployed. 2. Weekly reporting until community service hours completed/current, if employed. 3. Enrollment in T4C, Thinking 4 Change class through DOC.
Special Condition (9): Failure to remain at residence during curfew period	1. Weekly reporting for 3 months 2. EM for 30 days
**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)	1. Electronic Monitoring for 30 days 2. 10 Hours Community Service Work

* Affidavit will be filed with this sanction to toll the supervision. Once the offender completes the supervision, the Affidavit will be dismissed.

4. **ALTERNATIVE SANCTIONS PROGRAM PROCESS**

A. The probation or community control officer shall inform offenders who have committed violations enumerated in section 3 of this administrative order that they may participate in the Alternative Sanctioning Program for administrative disposition of the violation. No offender is required to participate in the Alternative Sanctioning Program and may instead opt for a formal violation of probation or community control proceeding in Circuit Court. The offender's participation in the Alternative Sanctioning Program is voluntary. The offender may elect to waive or discontinue participation in the Alternative Sanctioning Program at any time before the issuance of a court order imposing the recommended sanction. If the offender elects to discontinue participation in the Alternative Sanctioning Program, the

offender's prior admission to the technical violation may not be used as evidence in subsequent proceedings.


- B. If the offender admits the violation, agrees to accept the administrative sanction recommended by the probation officer, and agrees to waive all their rights associated with a formal violation hearing to modify their sentence, the probation officer will prepare an "Alternative Sanctioning Program Technical Violation Notification and Offender's Waiver of Formal VOP/VOCC Hearing, Admission of Violation and Acceptance of Sanctions" form, 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. Offenders agreeing to participate in the Alternative Sanctioning Program agree to waive the right to: 1. Be represented by legal counsel, 2. Require the state to prove their guilt before a neutral and detached hearing body, 3. Subpoena witnesses and present to a judge evidence in their defense. 4. Confront and cross-examine witnesses, and 5. Receive a written statement from a fact finder as to the evidence relied on and the reasons for the sanctions imposed. If the offender agrees to participate in the Alternative Sanctioning Program, the offender will sign an "Offender's Waiver of Formal VOP/VOCC Hearing, Admission of Violation, and Acceptance of Sanctions" form, which will be submitted to the Court once the probation officer and supervisor signs and dates the form.
- C. The judge shall review the "Alternative Sanctioning 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 Sanctioning Program". If the judge does not agree with the particular sanction recommended by the officer or does not agree that the technical violation should be addressed via the Alternative Sanctioning Program, the judge shall reflect further instructions on the order.
- D. Upon court approval the probation officer will instruct the offender on the sanction imposed by the court and instruct the offender to take actions necessary to ensure the sanction is executed immediately. Failure to

complete the imposed sanction as instructed will result in a violation report, affidavit and warrant being submitted to the court.


5. **ADMINISTRATION.** The Alternative Sanctioning Program shall be administered by the Circuit Court and the Florida Department of Corrections.

This Order shall become effective August 1, 2016 and will remain in effect until rescinded by further order.

DONE AND ORDERED in Chambers, at Panama City, Bay County, this 28 day of April 2017.



ELIJAH SMILEY, CHIEF JUDGE

 A CERTIFIED TRUE COPY
BILL KINSAUL CLERK
OF THE CIRCUIT COURT
By Anna Smith
Deputy Clerk