

**IN THE TENTH JUDICIAL CIRCUIT COURT
FOR HARDEE, HIGHLANDS, AND
POLK COUNTY, FLORIDA**

ADMINISTRATIVE ORDER NO. 2-79.0

IN RE: ALTERNATIVE SANCTIONING PROGRAM

WHEREAS, in order to provide for successful completion of community supervision and reduce victimization and recidivism; and

WHEREAS, there are 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; and

WHEREAS, the Florida Legislature recognizes the value of an alternative sanctioning program for technical violations of probation and community control and has authorized trial court chief judges, in consultation with the state attorney, public defender, and the Department of Corrections to establish a local alternative sanctioning program. Ch. 2016-100, § 1, Laws of Fla.; and

WHEREAS, by the power vested in the chief judge under article V, section 2(d), Florida

Constitution; sections 43.26 and 948.06(1)(h), Florida Statutes; and Florida Rule of Judicial Administration 2.215(b)(2), it is therefore **ORDERED** that:

1. **ALTERNATIVE SANCTIONING PROGRAM.** There is created in Hardee, Highlands, and Polk County, Florida, a program that shall be known as the Alternative Sanctions 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 Hardee, Highlands or Polk County, Florida, have stable community ties, and have a stable residence in Hardee, Highland, or Polk County, Florida. 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 section (3) of 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 three 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 Sanctions Program process for offenders who were sentenced in Hardee, Highlands, or Polk County, Florida. 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 (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. Increase monthly reporting to twice a month for up to three (3) months. 2. Up to sixteen (16) hours of community service work as directed by the probation officer. 3. One (1) day Sheriff’s work crew within 30 days. 4. Refer to Day Reporting Center.
Condition (7): Positive drug test for non-prescribed drugs (first occurrence)	<ol style="list-style-type: none"> 1. Obtain drug evaluation as directed and successfully complete treatment as determined by the treatment provider.

	<ol style="list-style-type: none"> 2. Obtain a drug re-evaluation (if treatment previously completed) and successfully complete treatment as determined by the treatment provider, to include residential treatment. 3. Attend three (3) support groups per week for 60 days that focuses on alcohol and/or narcotic use.
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 and maintain contact with Department of Correction's employment specialist. 2. 10 (ten) job searches per week. 3. Refer to Day Reporting Center. 4. Up to sixteen (16) hours of community service work as directed by the probation officer.
Special Condition (1): Failure to attend treatment evaluation or treatment session as scheduled	<ol style="list-style-type: none"> 1. Curfew from 7 pm to 7 am (probation officer can modify for treatment/work) until in compliance as determined by the treatment provider. 2. Weekly drug testing until in compliance with obtaining treatment evaluation. 3. Attend three (3) support groups per week for 60 days that focuses on alcohol and/or narcotic use until in compliance with treatment evaluation. 4. Refer to Day Reporting Center.
Special Condition (8): Failure to complete community service hours as instructed	<ol style="list-style-type: none"> 1. Curfew from 7 pm to 7 am (probation officer can modify for treatment/work) until full compliance with condition. 2. No recreational travel until in full compliance with condition. 3. Full compliance with condition within 60 days or officer may increase the total hours originally ordered by up to an additional 16 hours. 4. Refer to Day Reporting Center.
Special Condition (9): Failure to remain at residence during curfew period	<ol style="list-style-type: none"> 1. Up to sixteen (16) hours Sheriff's work crew. 2. Modify curfew to 7pm – 7am until offender demonstrates compliance (probation officer can modify for treatment/work). 3. Two (2) weekends county jail or four (4)

	days. 4. Refer to Day Reporting Center.
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. Up to sixteen (16) hours of community service work as directed by the probation officer. 2. Two (2) days Sheriff’s work crew within 30 days. 3. Two (2) weekends county jail or four (4) days. 4. Refer to Day Reporting Center.

4. ALTERNATIVE SANCTIONS PROGRAM PROCESS

A. The probation or community control officer shall inform offenders who have committed violations enumerated in section 3 that they may participate in the Alternative Sanctions Program for administrative disposition of the violation. No offender is required to participate in the Alternative Sanctions Program and may opt for a formal violation of probation or community control proceeding in circuit court.

B. 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, 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 this form titled “Alternative Sanctions Program Waiver of Formal VOP/VOCC Hearing, Admission of Violation, and Acceptance of Sanctions”, which will be submitted to the Court once the probation officer signs and dates the form. ***The offender’s admission to the technical violation shall not be used as evidence in subsequent proceedings.***

C. 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 agree with the particular sanction recommended by the officer or does not agree that the technical violation should be addressed via the Alternative Sanctions Program, the judge shall reflect further instructions on the order.

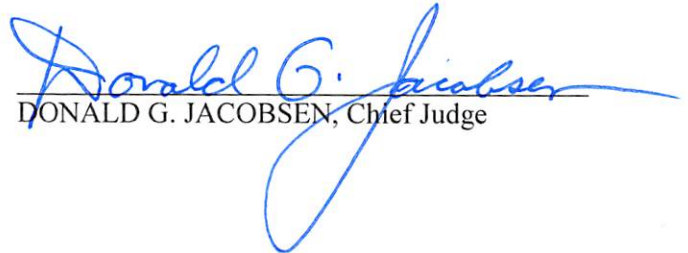
D. Upon court approval, the probation officer will instruct the offender on the sanction imposed by the court and instruct the offender to take actions necessary to ensure the sanction is executed immediately. Failure to complete the imposed sanction as instructed will result in a violation report, affidavit and Warrant and/or Notice to Appear

being submitted to the court *for the original technical violation. Failure to complete the agreed to alternative sanctions shall not be a part of any violation.*

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

6. **EFFECTIVE DATE.** This order shall take effect upon entry.

DONE and **ORDERED** in chambers at Bartow, Polk County, Florida, on this 27th day of June, 2016.


DONALD G. JACOBSEN, Chief Judge

Copies furnished to:

All Judges

Polk County Clerk of Courts

Hardee County Clerk of Courts

Highlands County Clerk of Courts

Office of the State Attorney

Office of the Public Defender

Office of Regional Conflict Counsel

Department of Corrections

Electronic Bar Mailing