

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 4.411- 09/19\*

IN RE: ALTERNATIVE SANCTIONS  
PROGRAM FOR FELONY OFFENDERS

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There are a substantial number of technical violations that do not involve a new arrest or other serious violation. 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. Alternatives to incarcerating felony offenders with technical probation violations can reduce the court docket of probation hearings; reduce the workload of prosecutors and defense attorneys involved with many technical violation hearings; reduce law enforcement resources required to serve violation warrants for certain technical violations; reduce jail population for offenders pending violation hearings; and offer the offender an alternative to a violation hearing in court, allowing the offender to remain engaged in employment, school, treatment, etc. while taking immediate responsibility for his/her actions and consequences of those actions.

A key component of the Alternative Sanctions Program is the Home Builders Institute, Inc (HBI) administered by the Florida Department of Corrections (FDC). The HBI's program prepares individuals with the skills and experience needed for successful careers through pre-apprenticeship training, job placement services, certification programs, textbooks and curricula. Participants have an opportunity to learn about careers in the construction trades, earn an industry recognized pre-apprenticeship credential, and receive assistance with job placement. HBI Offenders who wish to participate in the HBI program, must adhere to FDC's attendance, dress code, and supervision policy. Further, any unemployed offenders can voluntarily be referred to this program by their probation officer in lieu of completing court costs. Upon successful completion of the program, full credit for court costs will be given. This benefit is retroactive for offenders who have already successfully completed the HBI program.

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

1. The Alternative Sanctions Program is hereby created in the Fifteenth Judicial Circuit, Palm Beach County, for felony case types.
2. **ELIGIBILITY.** To be eligible for the program, offenders must have been placed on probation under the supervision of the Department of Corrections by a judge in the Fifteenth Judicial Circuit, have stable community ties, and have a stable residence in Florida.

- a. Offenders who are eligible for the program include probation offenders, drug offenders, **and Community Controlees.**
  - b. The program only applies to offenders charged with a non-violent third degree felony or less, and who have committed certain technical violations addressed in the Alternative Sanctions Program Violation/Sanction Matrix included in section three (3) of this order.
  - c. The threat an offender poses to public safety is the most important factor in determining eligibility. Offenders with a lengthy (three or more prior felony convictions) or violent criminal history, including sex offenders, are not eligible to be in the program.
  - d. Offenders who have new law violations, are absconders, or have violated a “no contact” condition of supervision are not eligible for the program.
  - e. 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 Palm Beach 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. **The below courses offered by the Department of Corrections are two (2) hours, excluding: Thinking for a Change (26 weeks), Life Skills Course (8 hours), and the Home Builders Institute (HBI) (6 weeks).**

**ALTERNATIVE SANCTIONS PROGRAM VIOLATION/SANCTION MATRIX**

<b>VIOLATION</b>	<b>APPROVED LIST OF SANCTIONS</b>
Condition (1): failed to report as instructed	1. Report 2x a month for 60 days 2. <b>Complete 8 hours of Community Service within 30 days</b> 3. <b>Complete Life Skills Course within 60 days</b> 4. <b>Complete 1 DOC Rules Class within 30 days</b>
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)	1. Twice a month reporting for 3 months 2. Weekly reporting for 6 weeks 3. <b>Complete 5 hours of Community Service within 30 days</b> 4. <b>Complete 1 DOC Rules Class within 30 days</b>

<p>Condition (6): Found to be associating with person(s) engaged in criminal activity</p>	<ol style="list-style-type: none"> <li>1. Curfew from <b>10</b> pm to 6 am for 90 days (can be modified by <b>DOC</b> for treatment/work purposes)</li> <li>2. <b>Complete 8 hours of Community Service within 30 days</b></li> <li>3. <b>Complete 1 DOC Rules Class within 30 days</b></li> </ol>
<p>Condition (7): Positive drug test for non-prescribed drugs (first occurrence)</p>	<ol style="list-style-type: none"> <li>1. Drug evaluation and successfully complete treatment if determined necessary</li> <li>2. <b>Re-evaluation if already in treatment and follow any recommended treatment</b></li> <li>3. <b>Complete 1 DOC Rules Class within 30 days</b></li> <li>4. <b>Attend 1 AA/NA Meeting per week for 3 months</b></li> <li>5. Curfew from <b>10</b> pm to 6 am for 90 days (can be modified by <b>DOC</b> for <b>employment/treatment</b> purposes)</li> <li>6. Weekly <b>Drug Testing</b> reporting for 6 weeks</li> </ol>
<p>Condition (7): Positive drug test for non-prescribed drugs (second occurrence)</p>	<ol style="list-style-type: none"> <li>1. Drug evaluation and successfully complete treatment if determined necessary</li> <li>2. Increase level of treatment program up to and including residential</li> <li>3. Weekly reporting for 6 weeks</li> </ol>
<p>Condition (8): Failure to maintain employment</p>	<ol style="list-style-type: none"> <li>1. Weekly reporting with job search logs for <b>90 days</b></li> <li>2. <b>Enroll and begin GED Class for at least 12 weeks within 30 days</b></li> <li>3. <b>Enroll and begin Thinking for a Change Class within 30 days</b></li> <li>4. <b>Two sessions with Employment Specialist within 30 days</b></li> <li>5. <b>Enroll and begin HBI within 30 days</b></li> </ol>
<p>Condition (10): Failure to pay monetary obligations (excludes restitution)</p>	<ol style="list-style-type: none"> <li>1. <b>Complete financial affidavit to officer within 30 days</b></li> <li>2. <b>Two sessions with Employment Specialist within 30 days</b></li> <li>3. <b>No approved travel for pleasure until monetary obligations are paid</b></li> <li>4. <b>Enroll and begin HBI within 30 days</b></li> <li>5. If unemployed – <b>complete 4 DOC Rules Classes within 90 days</b></li> </ol>

	6. Extend probation to auto term upon completion of all conditions.*
Condition (11): Failure to submit to random testing as directed	<ol style="list-style-type: none"> <li>1. <b>Drug Assessment if not in treatment within 30 days</b></li> <li>2. <b>Two sessions with Employment Specialist if not working within 60 days</b></li> <li>3. <b>Attend 2 DOC Rules Classes within 30 days</b></li> <li>4. <b>Attend 14 AA/NA Classes within 30 days</b></li> </ol>
Special Condition (1): Failure to attend treatment evaluation or treatment session as scheduled	<ol style="list-style-type: none"> <li>1. <b>Curfew from 10 pm to 6 am for 90 days (can be modified by DOC for treatment/employment purposes)</b></li> <li>2. Weekly reporting until evaluation completed</li> <li>3. <b>Attend all 4 DOC Rules Classes within 90 days</b></li> <li>4. <b>Enroll and begin Thinking for a Change Class within 90 days</b></li> </ol>
Special Condition (8): Failure to complete community service hours as instructed	<ol style="list-style-type: none"> <li>1. <b>Weekly reporting until community hours completed</b></li> <li>2. <b>Enroll and begin HBI in lieu of Court Costs within 30 days</b></li> <li>3. <b>Enroll and begin Thinking for a Change within 30 days</b></li> <li>4. <b>Enroll and begin GED Classes within 90 days (1 class per week)</b></li> <li>5. <b>Attend 2 DOC Rules Classes within 30 days</b></li> </ol>
Special Condition (9): Failure to remain at residence during curfew period	<ol style="list-style-type: none"> <li>1. Weekly reporting for 1 month</li> <li>2. <b>Letter of apology and explanation to court within 30 days</b></li> <li>3. <b>Attend 2 DOC Rules Classes within 30 days</b></li> </ol>
<b>Special Condition Bracelet Gone Alarm Community Control</b>	<ol style="list-style-type: none"> <li>1. <b>Community Control 2 for 60 days</b></li> <li>2. <b>Attend 2 DOC Rules Classes within 30 days</b></li> <li>3. <b>Attend 4 GED Classes within 30 days</b></li> </ol>

\* 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 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 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 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 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.
  - 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. The Clerk of Court shall collaborate with the Administrative Office of the Court to create a unique docket code to track each Alternative Sanctions Order entered for statistical reporting purposes.
  - e. 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 citing the original condition that was violated.
5. The Alternative Sanctions Program shall be administered by the Administrative Office of the Court and the Florida Department of Corrections.

**DONE AND ORDERED**, in Chambers at West Palm Beach, Palm Beach County, Florida, this 23 day of September, 2019.

  
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Krista Marx, Chief Judge

\*supersedes admin. order 4.411- 11/18\*