

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

ADMINISTRATIVE ORDER NO. 2-79.1

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(9), Florida Statutes; and Florida Rule of General Practice and 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 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 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 Sanctioning 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 Sanctioning 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 SANCTIONING PROGRAM VIOLATION/SANCTION MATRIX

Table: Alternative Sanctioning 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 to the Probation Officer for three months. 2. Attend and successfully complete Thinking for a Change (T4C) program as directed by the Probation Officer. 3. Curfew imposed from 8 p.m. until 6 a.m. for 90 days (may be modified by the Probation Officer for work/treatment purposes). 4. Complete 24 hours of public service work. 5. Refer to Day Reporting Center.
Condition (2): Failed to pay cost of supervision (COS)	<ol style="list-style-type: none"> 1. Report twice a month to the Probation Officer for three months. 2. Attend and successfully complete Thinking for a Change (T4C) program as directed by the Probation Officer. 3. Curfew imposed from 8 p.m. until 6 a.m. for 90 days (may be modified by the Probation Officer for work/treatment purposes). 4. Complete 24 hours of public service work. 5. Weekly reporting if unemployed with proof of job search logs submitted to the Probation Officer. 6. Participate in 3 sessions with the FDOC Employment Specialist. 7. Refer to Day Reporting Center.

VIOLATION	APPROVED LIST OF SANCTIONS
<p>Condition (3): Failed to report changes in residence or employment without procuring the Probation Officer's consent (or failing to notify the Probation Officer immediately if evicted or laid off from job)</p>	<ol style="list-style-type: none"> 1. Report twice a month to the Probation Officer for three months. 2. Attend and successfully complete Thinking for a Change (T4C) program as directed by the Probation Officer. 3. One (1) day Sheriff's work crew within 30 days. 4. Complete 24 hours of public service work. 5. Refer to Day Reporting Center.
<p>Condition (3): Failed to request permission prior to leaving the county</p>	<ol style="list-style-type: none"> 1. Report twice a month to the Probation Officer for three months. 2. Attend and successfully complete Thinking for a Change (T4C) program as directed by the Probation Officer. 3. Curfew imposed from 8 p.m. until 6 a.m. for 90 days (may be modified by the Probation Officer for work/treatment purposes). 4. Complete 24 hours of public service work. 5. Refer to Day Reporting Center.
<p>Condition (6): Found to be associating with person(s) engaged in criminal activity</p>	<ol style="list-style-type: none"> 1. Report twice a month to the Probation Officer for three months. 2. Attend and successfully complete Thinking for a Change (T4C) program as directed by the Probation Officer. 3. Curfew imposed from 8 p.m. until 6 a.m. for 90 days (may be modified by the Probation Officer for work/treatment purposes). 4. Complete 24 hours of public service work. 5. Refer to Day Reporting Center.

VIOLATION	APPROVED LIST OF SANCTIONS
<p>Condition (7): Positive drug test for non-prescribed drugs</p>	<ol style="list-style-type: none"> 1. Obtain drug evaluation as directed and successfully complete treatment as determined by the treatment provider. 2. Increase level of treatment up to and including residential treatment if deemed necessary. 3. Obtain a drug re-evaluation (if treatment previously completed) and successfully complete treatment as determined by the treatment provider, to include residential treatment. 4. Attend three (3) support groups per week for 60 days that focus on alcohol and/or narcotic use. 5. Refer to Day Reporting Center.
<p>Condition (8): Failure to maintain employment and failure to comply with adequate job searches.</p>	<ol style="list-style-type: none"> 1. Weekly reporting to the Probation Officer with Job Search logs until employed. 2. Curfew imposed from 8 p.m. until 6 a.m. for 90 days (may be modified by Probation Officer for work/treatment purposes). 3. Attend/participate in 3 sessions with FDC Employment Specialist. 4. Attend a GED program if deemed appropriate by the Probation Officer. 5. Attend a vocational program if deemed appropriate by the Probation Officer. 6. Attend and successfully complete Thinking for a Change (T4C) program as directed by the Probation Officer. 7. Complete 24 hours of public service work. 8. Refer to Day Reporting Center

VIOLATION	APPROVED LIST OF SANCTIONS
<p>Condition (9): Failure to comply with the Probation Officer’s instructions (depending on the nature of instruction and reason for not complying, consequence will vary)</p>	<ol style="list-style-type: none"> 1. If employment related, weekly reporting to the Probation Officer with proof of job search logs. 2. If employment related, participate in 3 sessions with FDC Employment Specialist. 3. Complete 24 hours of public service work. 4. Attend and successfully complete Thinking for a Change (T4C) program as directed by the Probation Officer. 5. Curfew imposed from 8 p.m. until 6 a.m. for 90 days (may be modified by the Probation Officer for work/treatment purposes). 6. Attend a GED program if deemed appropriate by the Probation Officer. 7. Attend a vocational program if deemed appropriate by the Probation Officer. 8. Refer to Day Reporting Center.
<p>Condition (10): Failure to pay monthly monetary obligations as stipulated by the Court</p>	<ol style="list-style-type: none"> 1. If unemployed, daily job search and submit documentation (job search logs) to the Probation Officer weekly. 2. Complete 24 hours of public service work. 3. Attend and successfully complete Thinking for a Change (T4C) program as directed by the Probation Officer. 4. Curfew imposed from 8 p.m. until 6 a.m. for 90 days (may be modified by the Probation Officer for work/treatment purposes). 5. Participate in 3 sessions with FDC Employment Specialist. 6. Refer to Day Reporting Center.

VIOLATION	APPROVED LIST OF SANCTIONS
<p>Condition (11): Failure to submit to random testing as directed</p>	<ol style="list-style-type: none"> 1. Obtain drug evaluation as directed and successfully complete treatment as determined by the treatment provider. 2. Increase level of treatment up to and including residential treatment if deemed necessary. 3. Obtain a drug re-evaluation (if treatment previously completed) and successfully complete treatment as determined by the treatment provider, to include residential treatment. 4. Attend three (3) support groups per week for 60 days that focus on alcohol and/or narcotic use. 5. Attend and successfully complete Thinking for a Change (T4C) program as directed by the Probation Officer. 6. Curfew imposed from 8 p.m. until 6 a.m. for 90 days (may be modified by the Probation Officer for work/treatment purposes). 7. Refer to Day Reporting Center.
<p>Special Condition (1): Failure to attend treatment evaluation or treatment session as scheduled</p>	<ol style="list-style-type: none"> 1. Weekly drug testing until in compliance with obtaining treatment evaluation. 2. Attend three (3) support groups per week for 60 days that focuses on alcohol and/or narcotic use. 3. Attend and successfully complete Thinking for a Change (T4C) program as directed by the Probation Officer. 4. Curfew imposed from 8 p.m. until 6 a.m. for 90 days (may be modified by the Probation Officer for work/treatment purposes). 5. Increase level of treatment up to and including residential treatment if deemed necessary. 6. Refer to Day Reporting Center.

VIOLATION	APPROVED LIST OF SANCTIONS
Special Condition (8): Failure to complete community service hours as instructed	<ol style="list-style-type: none"> 1. Attend and successfully complete Thinking for a Change (T4C) program as directed by the Probation Officer. 2. Curfew imposed from 8 p.m. until 6 a.m. for 90 days (may be modified by the Probation Officer for work/treatment purposes). 3. Full compliance with condition within 60 days or the Probation 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. Modify curfew to 8pm to 6am until offender demonstrates compliance (Probation Officer can modify for treatment/work). 2. Attend and successfully complete Thinking for a Change (T4C) program as directed by the Probation Officer. 3. Complete 24 hours of public service work. 4. Electronic monitoring for 90 days. 5. 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)	<ol style="list-style-type: none"> 1. Attend and successfully complete Thinking for a Change (T4C) program as directed by the Probation Officer. 2. Complete 24 hours of public service work. 3. Electronic monitoring for 90 days. 4. Refer to Day Reporting Center.

4. ALTERNATIVE SANCTIONING 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 Sanctioning Program for administrative disposition of the violation. No offender is required to participate in the Alternative Sanctioning Program and may 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(s) recommended by the probation officer, and agrees to waive all rights associated with a formal violation hearing to modify the sentence, the probation officer will prepare an Alternative Sanctions Program Technical Violation Notification, Offender's Waiver of Formal VOP/VOCC Hearing, Admission of Violation and Acceptance of Sanctions (DC3-2027) 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, he/she will sign the second section of the DC3-2027 form titled "Offender's Waiver of Formal VOP/VOCC Hearing, Admission of Violation, and Acceptance of Sanctions", which will be submitted to the Court once the probation officer and supervisor 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 Offender’s Waiver of Formal VOP/VOCC Hearing and Admission of Violation and Acceptance of Sanctions (DC3-2027) form submitted and, if the judge agrees that the technical violation should be addressed via the Alternative Sanctioning 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 Sanctioning Program, the judge shall enter 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 Sanctioning Program shall be administered by the Tenth Judicial Circuit Court and the Florida Department of Corrections.

6. **EFFECTIVE DATE.** This order VACATES and SUPERCEDES Administrative Order No. 2-79.0, entered on June 27, 2016, and shall take effect at 12:01 a.m. on April 3, 2024.

DONE and ORDERED on this 2nd day of April, 2024.

s/JAMES A. YANCEY, Chief Judge

Original to: Polk County Clerk of Courts

Copies 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