

AMENDED ORDER GOVERNING ALTERNATIVE SANCTIONS PROGRAM

There are a substantial number of technical violations that do not involve a new arrest or other serious violations. Arresting and incarcerating certain non-violent offenders for minor violations of probation or community control is both expensive and nonproductive. 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.

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 their actions and comply with the consequences of those actions.

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.

By the power vested in the chief judge under Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and Rule 2.215 of the Florida Rules of General Practice and Judicial Administration, effective **immediately**, unless otherwise provided herein, to continue until further order and superseding any provisions in prior Administrative Orders that may be inconsistent, it is **ORDERED**:

1. **ALTERNATIVE SANCTIONING PROGRAM.** There is created in the Ninth Judicial Circuit a program that shall be known as the Alternative Sanctioning Program in accordance with section 948.06(1)(h), Florida Statutes. The Alternative Sanctioning Program provides the court and the Florida Department of Corrections (FDC) an alternative, administrative method of reporting and resolving certain technical violations in lieu of submitting violation of probation affidavits and warrants to the court.

2. ELIGIBILITY CRITERIA. 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 Ninth Judicial Circuit, have stable community ties, and have a stable residence in either Orange or Osceola 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, defined as three separate felony convictions that could have multiple offenses under the same case number, or violent criminal history, and 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 the Ninth 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 SANCTIONING PROGRAM VIOLATION/SANCTION MATRIX

| VIOLATION | APPROVED LIST OF SANCTIONS |
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| Condition (1): Reported late; failed to report as instructed | <ol style="list-style-type: none"> 1. Weekly reporting if unemployed with proof of job search logs submitted to Probation Officer. 2. Report twice a month to the Probation Office for three months. 3. Electronic Monitoring for 60-90 days 4. Enter, attend and complete Thinking for Change program as directed by Probation Officer. 5. Enter, attend, and complete FACE IT program as directed by Probation Officer. 6. Participate in 3 sessions with the FDC Employment Specialist. |
| Condition: Failed to pay Cost of Supervision (COS) | <ol style="list-style-type: none"> 1. Weekly reporting if unemployed with proof of job search logs submitted to Probation Officer. 2. Report twice a month to the Probation Office for three months. 3. Enter, attend and complete Thinking for Change program as directed by Probation Officer. 4. Enter, attend, and complete FACE IT program as directed by Probation Officer. |

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| | <ol style="list-style-type: none"> 5. Participate in 3 sessions with the FDC Employment Specialist. |
| <p>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)</p> | <ol style="list-style-type: none"> 1. Weekly reporting if unemployed with proof of job search logs submitted to Probation Officer. 2. Report twice a month to the Probation Office for three months. 3. Electronic Monitoring for 90-180 days 4. Enter, attend, and complete FDC Life skills program as directed by Probation Officer. 5. Enter, attend, and complete Thinking for Change program as directed by Probation Officer. 6. Enter, attend, and complete FACE IT program as directed by Probation Officer. 7. Participate in 3 sessions with the FDC Employment Specialist 8. Curfew imposed from 8 p.m. until 6 a.m. for 90 days (may be modified by Probation Officer for work/treatment purposes) 9. Complete 24 hours of Public Service work. 10. Attend the GED program if deemed appropriate through Probation Officer. |
| <p>Condition (3): Failed to request permission prior to leaving the county</p> | <ol style="list-style-type: none"> 1. Weekly reporting if unemployed with proof of job search logs submitted to Probation Officer. 2. Report twice a month to the Probation Office for three months. 3. Electronic Monitoring for 90-180 Days 4. Enter, attend, and complete Thinking for Change program as directed by Probation Officer. 5. Enter, attend, and complete FDC Life skills program as directed by Probation Officer. 6. Enter, attend, and complete FACE IT program as directed by Probation Officer. 7. Curfew imposed from 8 p.m. until 6 a.m. for 90 days (may be modified by Probation Officer for work/treatment purposes). 8. Complete 24 hours of Public Service work. |

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| <p>Condition (6): Found to be associating with person(s) engaged in criminal activity</p> | <ol style="list-style-type: none"> 1. Weekly reporting if unemployed with proof of job search logs submitted to Probation Officer. 2. Report twice a month to the Probation Office for three months. 3. Electronic Monitoring for 60-90-180 days. 4. Enter, attend, and complete FDC Life skills program as directed by Probation Officer. 5. Enter, attend and complete Thinking for Change program as directed by Probation Officer. 6. Enter, attend, and complete FACE IT program as directed by Probation Officer. 7. Curfew imposed from 8 p.m. until 6 a.m. for 90 days (may be modified by Probation Officer for work/treatment purposes). 8. Complete 24 hours of Public Service work. |
| <p>Condition (7): Positive drug test for non-prescribed drugs (first occurrence)</p> | <ol style="list-style-type: none"> 1. Weekly reporting if unemployed with proof of job search logs submitted to Probation Officer. 2. Electronic Monitoring for 90 days 3. Enter, attend, and complete FDC Life skills program as directed by Probation Officer. 4. Enter, attend, and complete Thinking for Change program as directed by Probation Officer. 5. Enter, attend, and complete FACE IT program as directed by Probation Officer. 6. Enter, attend, and complete STEPS – Comprehensive Needs of Fathers program as directed by Probation Officer. 7. Curfew imposed from 8 p.m. until 6 a.m. for 90 days (may be modified by Probation Officer for work/treatment purposes). 8. Complete 24 hours of Public Service work. If available through M.A.D.D. or Medical Examiner’s Office as directed by your Probation Officer. 9. Attend and complete Drug evaluation and recommended treatment. 10. Complete 90 days of NA/AA meetings. |

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| | <ol style="list-style-type: none"> 11. Increase level of treatment up to and including residential treatment if deemed necessary. |
| <p>Condition (7): Positive drug test for non-prescribed drugs (second occurrence)</p> | <ol style="list-style-type: none"> 1. Weekly reporting if unemployed with proof of job search logs submitted to Probation Officer. 2. Report twice a month to the Probation Office for three months. 3. Electronic Monitoring for 180 days 4. Enter, attend, and complete FDC Life skills program as directed by Probation Officer. 5. Enter, attend and complete Thinking for Change program as directed by Probation Officer. 6. Enter, attend, and complete FACE IT program as directed by Probation Officer. 7. Enter, attend, and complete STEPS – Comprehensive Needs of Fathers program as directed by Probation Officer. 8. Curfew imposed from 8 p.m. until 6 a.m. for 90 days (may be modified by Probation Officer for work/treatment purposes). 9. Complete 24 hours of Public Service work. 10. Attend and complete Drug evaluation and recommended treatment. 11. Complete 90 days of NA/AA meetings 12. Increase level of treatment up to and including residential treatment if deemed necessary. |
| <p>Condition (8): Failure to maintain employment</p> | <ol style="list-style-type: none"> 1. Weekly reporting if unemployed with proof of job search logs submitted to Probation Officer. 2. Enter, attend, and complete FDC Life skills program as directed by Probation Officer. 3. Enter, attend, and complete Thinking for Change program as directed by Probation Officer. 4. Enter, attend, and complete FACE IT program as directed by Probation Officer. 5. Participate in 3 sessions with the FDC Employment Specialist or until gainfully employed. 6. Enter, attend, and participate in Adult Education GED prep classes or |

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| | <p>equivalent as directed by your Probation Officer.</p> <ol style="list-style-type: none"> 7. Curfew imposed from 8 p.m. until 6 a.m. for 90 days (may be modified by Probation Officer for work/treatment purposes). 8. Complete 50 hours of Public Service work at 10 hours per week until gainfully employed. |
| <p>Condition (9): Failure to answer inquiries truthfully (depending on the nature of question, response, and reason for being untruthful, consequence will vary)</p> | <ol style="list-style-type: none"> 1. Weekly reporting if unemployed with proof of job search logs submitted to Probation Officer. 2. Enter, attend, and complete FDC Life skills program as directed by Probation Officer. 3. Enter, attend, and complete Thinking for Change program as directed by Probation Officer. 4. Enter, attend, and complete FACE IT program as directed by Probation Officer. 5. Enter, attend, and complete STEPS – Comprehensive Needs of Fathers program as directed by Probation Officer. 6. If employment related, participate in 3 sessions with the FDC Employment Specialist. 7. Curfew imposed from 8 p.m. until 6 a.m. for 90 days (may be modified by Probation Officer for work/treatment purposes). 8. Attend and complete Drug evaluation and recommended treatment. If drug related. 9. Complete 90 days of NA/AA meetings. If drug related. 10. Increase level of treatment up to and including residential treatment if deemed necessary. |
| <p>Condition (10): Failure to pay restitution or court costs</p> | <ol style="list-style-type: none"> 1. Weekly reporting if unemployed with proof of job search logs submitted to Probation Officer until monetary obligations are current. 2. If employed-monthly budgeting with your Probation Officer. 3. Enter, attend, and complete FDC Life skills program as directed by Probation Officer. |

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| | <ol style="list-style-type: none"> 4. Enter, attend and complete Thinking for Change program as directed by Probation Officer. 5. Enter, attend, and complete FACE IT program as directed by Probation Officer. 6. Participate in 3 sessions with the FDC Employment Specialist. 7. Curfew imposed from 8 p.m. until 6 a.m. for 90 days (may be modified by Probation Officer for work/treatment purposes). |
| <p>Condition (11): Failure to submit to random testing as directed</p> | <ol style="list-style-type: none"> 1. Weekly reporting if unemployed with proof of job search logs submitted to Probation Officer. 2. Reporting 3 times per week by 11am. 3. Enter, attend, and complete FDC Life skills program as directed by Probation Officer. 4. Enter, attend and complete Thinking for Change program as directed by Probation Officer. 5. Enter, attend, and complete FACE IT program as directed by Probation Officer. 6. Curfew imposed from 8 p.m. until 6 a.m. for 90 days (may be modified by Probation Officer for work/treatment purposes). 7. Attend and complete Drug evaluation and recommended treatment. 8. Complete 90 days of NA/AA meetings 9. Increase level of treatment up to and including residential treatment if deemed necessary. |
| <p>Special Condition: Failure to attend treatment evaluation or treatment session as scheduled</p> | <ol style="list-style-type: none"> 1. Weekly reporting if unemployed with proof of job search logs submitted to Probation Officer until evaluation or treatment session is completed. 2. Daily call to the Probation Officer until evaluation or treatment session is completed. 3. Enter, attend and complete Thinking for Change program as directed by Probation Officer. 4. Enter, attend, and complete FACE IT program as directed by Probation Officer. 5. Curfew imposed from 8 p.m. until 6 a.m. for 90 days (may be modified by |

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| | <p>Probation Officer for work/treatment purposes)</p> <ol style="list-style-type: none"> 6. Attend and complete Drug evaluation and recommended treatment. 7. Complete 90 days of NA/AA meetings 8. Increase level of treatment up to and including residential treatment if deemed necessary. |
| Special Condition (8): Failure to complete community service hours as instructed | <ol style="list-style-type: none"> 1. Weekly reporting if unemployed with proof of job search logs submitted to Probation Officer until community service hours are complete. 2. Report twice a month to the Probation Office for three months until community service hours are complete. 3. Enter, attend, and complete Thinking for Change program as directed by Probation Officer. Upon successful completion of T4C up to 50 hours will be awarded towards community service hours. 4. Enter, attend, and complete FACE IT program as directed by Probation Officer. Upon successful completion of FACE IT (2) hours will be awarded towards community service hours. |
| Special Condition (9): Failure to remain at residence during curfew period | <ol style="list-style-type: none"> 1. Weekly reporting if unemployed with proof of job search logs submitted to Probation Officer for three months. 2. Electronic Monitoring for 90-180 Days 3. Enter, attend and complete Thinking for Change program as directed by Probation Officer. 4. Enter, attend, and complete FACE IT program as directed by Probation Officer. |
| 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. Enter, attend and complete Thinking for Change program as directed by Probation Officer. 2. Enter, attend, and complete FACE IT program as directed by Probation Officer. 3. Curfew imposed from 8 p.m. until 6 a.m. for 90 days (may be modified by Probation Officer for work/treatment purposes) 4. Complete 24 hours of Public Service work. 5. Electronic Monitoring for 90-180 Days. |

4. ALTERNATIVE SANCTIONING PROGRAM PROCESS.

A. The probation or community control officer may, after review and if deemed appropriate, 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" (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, they 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.

C. The judge shall review the "Alternative Sanctioning Program Technical Violation Notification and Offender's Waiver of Formal VOP/VOCC Hearing, 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 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 Ninth Judicial Circuit Court and the Florida Department of Corrections.

Administrative Order 2018-03 is vacated and set aside except to the extent that it has been incorporated and/or amended herein. Vacating an Administrative Order that vacates a prior Order does not revive the prior Order.

DONE AND ORDERED at Orlando, Florida, this 12th day of April, 2024.

A handwritten signature in black ink, appearing to read 'Lisa T. Munyon', written over a horizontal line.

Lisa T. Munyon
Chief Judge

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