

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

ADMINISTRATIVE ORDER NO.: 4.412-3/16

IN RE: ALTERNATIVE SANCTIONS
FOR MISDEMEANOR OFFENDERS

A substantial number of technical violations of probation by misdemeanants do not involve a new arrest or other serious violation. Court dockets can be reduced; the workload of prosecutors and attorneys involved in misdemeanor violations can be reduced; law enforcement resources can be directed to more significant public safety concerns; the jail population can be reduced; and, alternatives to incarceration can be provided by allowing an offender to remain productive in the community while taking responsibility for the offender's actions.

The alternative sanctions described herein are advisory only and are offered merely as guidelines to offenders and probation officers to resolve violations as alternatives to incarcerating offenders.

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


1. The Misdemeanor Alternative Sanctions Program is created in the Fifteenth Judicial Circuit, Palm Beach County, Florida for alleged violations as set forth in paragraph 5.
2. **ELIGIBILITY.** Participating in the alternative sanctions program for misdemeanor probation violations is within the discretion of the trial judge based upon the nature of the underlying offense, an offender's criminal history, the nature of the alleged violation, and any other factor a judge may lawfully consider.
3. Alternative sanctions are not available to offenders who have new law violations, who abscond, or who have violated a "no contact" condition of probation.
4. An offender who has participated in alternative sanctions twice during probation is ineligible to again be considered for alternative sanctions.
5. The following matrix describes the alleged violation and corresponding alternative sanction(s). All time periods (weekly, monthly) required herein run consecutively.

VIOLATION	APPROVED LIST OF SANCTIONS
A. Failing to report for the initial or any subsequent probation meeting	<ol style="list-style-type: none"> 1. Daily call-in for 10 days 2. Weekly call-in for 4 weeks
B. Changing residence or employment without prior notice to probation officer or traveling outside Palm Beach County without permission of court or probation officer	<ol style="list-style-type: none"> 1. Daily call-in for 10 days
C. Positive drug test for non-prescribed substances; alcohol use	<ol style="list-style-type: none"> 1. Frequency of random substance use tests increased 2. Substance abuse evaluation and successfully complete recommended treatment (for non-DUI underlying charge offenders) 3. 10 hours of community service
D. Failing to submit to required random substance use testing	<ol style="list-style-type: none"> 1. Will be considered as a positive test result with the sanctions described in subparagraph, C. above, applied
E. Failing to submit timely to substance use evaluation or attend treatment session(s) as recommended in an evaluation	<ol style="list-style-type: none"> 1. Weekly reporting until substance use evaluation and recommended treatment are completed 2. 10 hours of community service
F. Failing to initiate contact with, failing to submit timely to a recommended evaluation, or failing to begin or remain current with recommended treatment, or any other programmatic condition of probation not otherwise specified herein	<ol style="list-style-type: none"> 1. Weekly reporting until the programmatic condition of probation is satisfied 2. 10 hours of community service

6. The misdemeanor probation provider has agreed to inform offenders who have committed violation(s) described herein that he/she may accept and perform alternative sanctions to resolve alleged violation(s) administratively. No offender is required to participate in alternative sanctions and may contest an alleged violation(s). Accepting alternative sanctions waives preliminary hearing on a violation of probation.

7. The misdemeanor probation provider has agreed to file an affidavit of violation of probation when first becoming aware of the violation(s). The affidavit shall indicate whether the probation officer will attempt to resolve the violation(s) through alternative sanctions. If so, the court shall issue a notice to appear to the offender. The probationary term resumes upon the earliest to occur of the probation officer either filing a document withdrawing the affidavit or withdrawing the affidavit on the record.
8. If the offender admits the violation to the probation officer, this admission shall be without prejudice to the offender and cannot be used against the offender as any proof of the alleged violation(s) in any future proceeding.
9. If the offender admits the violation and accepts alternative sanctions, the probation officer and offender shall both sign and date a form indicating what sanctions have been accepted. This form shall be submitted to the court, to which will be attached a copy of the affidavit of violation of probation. If the court accepts the offender's offer to perform alternative sanctions, the court shall sign an order so indicating, and describe therein the alternative sanctions accepted. If the court does not accept the offender's offer to perform alternative sanctions, the order shall so indicate and set a date, time, and place for a preliminary hearing on the alleged violation(s). A form copy of the order is attached hereto as Exhibit "A".
10. Upon court approval, the probation officer shall inform the offender that he/she is to begin complying immediately with the alternative sanctions. The probation officer shall file a report indicating whether the offender has successfully completed alternative sanctions. Failing to comply with the alternative sanctions shall result in the offender being prosecuted under the affidavit of violation.
11. No offender shall be eligible to participate in alternative sanctions for alleged violation(s) occurring while subject to previously accepted alternative sanctions.
12. Offenders are eligible to resolve alleged violations through alternative sanctions no more than twice during probation.
13. The Clerk of Court shall create a unique docket code to track each Alternative Sanctions Order entered for statistical reporting purposes.

DONE AND ORDERED in chambers at West Palm Beach, Palm Beach County, Florida, this 8 day of March, 2016.



Jeffrey Colbath
Chief Judge

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

COUNTY CRIMINAL DIVISION: ____
CASE NO: _____

STATE OF FLORIDA,

vs.

_____,
Defendant.
_____ /

ORDER IMPLEMENTING ALTERNATIVE SANCTIONS
FOR VIOLATING PROBATION

Defendant's alleged violation of probation pursuant to the Affidavit of Violation of Probation signed by the probation officer on the ____ day of _____, 20____, has been resolved by implementing the following alternative sanction set forth in Administrative Order 4.412:

Alternative Sanctions: _____

Defendant waives preliminary and final hearings on the violation of probation. Defendant acknowledges that a violation of probation alleged to have occurred while complying with the above-specified alternative sanction(s) shall not be eligible to be resolved through additional alternative sanctions.

DONE AND ORDERED at West Palm Beach, Palm Beach County, Florida, this ____ day of _____, 20_____.

County Court Judge

Copies furnished to:

Defendant
Probation officer
Defense attorney
SAO

EXHIBIT A