

**IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO AND PINELLAS COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 2019-060 PA/PI-CIR

RE: ALTERNATIVE SANCTIONS PROGRAM

Administrative Order 2016-057 PA/PI-CIR established an Alternative Sanctions Program (“ASP”) in Pinellas and Pasco Counties through collaboration between the Sixth Judicial Circuit (“the Court”) and the Florida Department of Corrections (“DOC”). To update the criteria for participation in the program, the Administrative Order must be updated.

In 2019, the Florida Legislature amended section 948.06, Florida Statutes to require each judicial circuit to establish an Alternative Sanctions Program and established criteria for who is eligible to participate in the ASP.

In accordance with Article V, section 2, Florida Constitution, Rule of Judicial Administration 2.215, and section 43.26, Florida Statutes, it is

ORDERED:

1. The purpose of the ASP is to reduce recidivism and the significant resources expended to prosecute technical violations of probation by creating an administrative option for processing these violations that provides for immediate and court-approved sanctions.
2. Participation in the ASP is limited to offenders who:
 - a. were sentenced to felony probation in Pasco or Pinellas County;
 - b. have stable ties to the community;
 - c. have committed a qualifying technical violation as outlined in the Alternative Sanction Program Violations/Sanction Matrix, which is Attachment A to this Administrative Order; and
 - d. is not an offender described in paragraph 3 of this Administrative Order.
3. An offender may not participate in the ASP if, in his or her underlying case, the offender:
 - a. meets the definition of a violent felony offender of special concern;
 - b. committed a new violation that is a felony, misdemeanor, or criminal traffic offense
 - c. committed a new violation that is not identified as low-risk or moderate-risk in Florida Statutes or in this Administrative Order;
 - d. has a prior moderate-risk level violation during the current term of supervision;
 - e. has three prior low-risk level violations during the same term of supervision;
 - f. has a term of supervision that is schedule to terminate in less than 90 days;

- g. has terms of his or her sentence prohibit alternative sanctioning
- h. is an absconder; or
- i. violated a “no contact” condition of supervision.

4. DOC will identify offenders eligible for the ASP through their Correctional Probation Officers (“Probation Officer”). The Probation Officer will inform these offenders of their eligibility.

5. Participating in the ASP is voluntary. An offender must decide whether or not to participate in the ASP prior to the filing of an affidavit of violation of probation. For eligible offenders who decline to participate in the ASP, the affidavit of violation of probation will be filed with the Clerk of the Circuit Court and they will proceed to formal violation of probation proceedings in Circuit Court. For eligible offenders who elect to participate in the ASP, the Technical Violation Notification form, which is part of Attachment B to this Administrative Order, must be completed by the Probation Officer and submitted to the Court. The Probation Officer must use the matrix in Attachment A when completing the Technical Violation Notification form.

6. For any offender who decides to participate in the ASP, the Probation Officer and the offender must complete the “Alternative Sanctions Program Waiver of Formal VOP Hearing, Admission of Violation, and Acceptance of Sanctions” form, which is part of Attachment B to this Administrative Order, and submit it to the Court. By agreeing to proceed in the ASP, the offender waives the right to an evidentiary hearing on the violation of probation, including any determination that the violation was willful and substantial. If the offender chooses to participate in the ASP, the offender must admit the violation, accept the administrative sanction(s) recommended by the Probation Officer, and waive his/her right to a formal violation of probation proceeding in Circuit Court. The offender also must waive his/her right to appeal the sanction(s) imposed under the ASP unless the sanction(s) is/are illegal under State or Federal law.

7. Whether the ASP program is appropriate for a certain technical violation or an eligible offender is within the Court’s discretion. While the Probation Officer makes the initial determination of eligibility, judicial approval is required to participate in the ASP. In addition, the sanction(s) selected by the Probation Officer is/are within the Court’s discretion. Thus, the judge shall review the Notification and Waiver Form (Attachment B) and, if the judge agrees that the ASP is appropriate for the technical violation and the eligible offender and that the sanction(s) is/are appropriate, the judge will so indicate on an order in the format of the Order on Alternative Sanctions Program form, which is Attachment C to this Administrative Order. If the judge does not agree that the ASP program or the sanction(s) recommended by the Probation Officer is/are appropriate, the judge will so indicate on the order.

8. Upon Court approval, the Probation Officer will instruct the offender on the sanction(s) imposed by the Court and instruct the offender to take actions necessary to ensure the sanction(s) is/are executed immediately. If the offender fails to complete the imposed sanction(s), the Probation Officer must submit a violation report, affidavit, and warrant to the Court.

9. If a probationer waives or discontinues participation in the ASP or fails to successfully complete all alternative sanctions within 90 days after imposition or within the

timeframe specified in the agreed-upon sanction, the Probation Officer may submit a violation report, affidavit, and warrant to the court. A prior admission by the probationer to a technical violation may not be used as evidence in subsequent proceedings.

10. DOC will administer the ASP including compiling statistics, maintaining the necessary documents to demonstrate compliance with any funding requirements, and performing other case management functions as the Court requires.

11. Attachments to this Administrative Order may be modified without further changes to this Administrative Order.

This Administrative Order shall take effect October 1, 2019, at which time Administrative Order 2018-047 PA/PI-CIR is rescinded.

DONE AND ORDERED in Chambers, at St. Petersburg, Pinellas County, Florida this _____ day of September 2019.

ORIGINAL SIGNED ON SEPTEMBER 24, 2019
BY ANTHONY RONDOLINO, CHIEF JUDGE

- Attachment A: Alternative Sanctions Program Violation/Sanction Matrix
- Attachment B: Alternative Sanctions Program Technical Violation Notification and Offender's Waiver of Formal VOP Hearing, Admission of Violation, and Acceptance of Sanctions
- Attachment C: Order on Alternative Sanctions Program

- cc: All Judges
The Honorable Bernie McCabe, State Attorney
The Honorable Bob Dillinger, Public Defender
The Honorable Nikki Alvarez-Sowles, Clerk of the Circuit Court, Pasco County
The Honorable Ken Burke, Clerk of the Circuit Court, Pinellas County
The Honorable Chris Nocco, Sheriff, Pasco County
The Honorable Bob Gualtieri, Sheriff, Pinellas County
Gay Inskeep, Trial Courts Administrator
Ngozi Acholonu, Assistant Regional Counsel
Kimberly Thompson, Director of Criminal Courts, Pasco County Clerk's Office
Lillian Simon, Director of Administrative Services for Pasco County
Kenneth Steely, General Counsel, Florida Department of Corrections
Clearwater Circuit Office, Florida Department of Corrections
Bar Associations, Pasco and Pinellas Counties
Law Libraries, Pasco and Pinellas Counties

ALTERNATIVE SANCTIONS PROGRAM VIOLATION/SANCTION MATRIX

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.

VIOLATION	APPROVED LIST OF SANCTIONS
Condition (1): Reported late; failed to report as instructed	<ol style="list-style-type: none"> 1. Report 2 times a month for 60 days 2. Mentoring evaluation and successfully complete as determined necessary 3. Weekly report for 45 days 4. Additional 25 hours public service work 5. T4C – Cognitive Behavioral program
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. Report 2 times a month for 60 days 2. Mentoring evaluation and successfully complete as determined necessary 3. Weekly report for 45 days 4. Additional 25 hours public service work 5. T4C – Cognitive Behavioral program
Condition (3): Failed to request permission prior to leaving the county	<ol style="list-style-type: none"> 1. Report 2 times a month for 60 days 2. Mentoring evaluation and successfully complete as determined necessary 3. Weekly report for 45 days 4. Additional 25 hours public service work 5. T4C – Cognitive Behavioral program 6. Curfew from 8 pm to 6 am for 60 days (can be modified by probation officer for treatment/work purpose)
Condition (6): Found to be associating with person(s) engaged in criminal activity	<ol style="list-style-type: none"> 1. Additional 25 hours public service work 2. Mentoring evaluation and successfully complete as determined necessary 3. Curfew from 8 pm to 6 am for 90 days (can be modified by probation officer for treatment/work purposes.) 4. T4C – Cognitive Behavioral program
Condition (7): Positive drug test for non-prescribed drugs (first occurrence)	<ol style="list-style-type: none"> 1. Drug evaluation and successfully complete treatment determined necessary 2. Increase level of treatment program up to and including residential 3. AA/NA – 1 x week for 60 days 4. Curfew from 8 pm to 6 am for 60 days (can be modified by probation officer for treatment/work purposes.) 5. T4C- Cognitive Behavioral program

<p>Condition (7): Positive drug test for non-prescribed drugs (second occurrence)</p>	<ol style="list-style-type: none"> 1. Drug evaluation and successfully complete treatment determined necessary 2. Increase level of treatment program up to and including residential 3. AA/NA – 2 x week for 60 days 4. Curfew from 8 pm to 6 am for 120 days (can be modified by probation officer for treatment/work purposes.) 5. Additional 25 hours public service work 6. T4C- Cognitive Behavioral program
<p>Condition (8): Failure to maintain employment</p>	<ol style="list-style-type: none"> 1. Employment evaluation and successfully complete as determined necessary 2. Weekly reporting with 20 job search logs until employed 3. Daily reporting with 5 job search logs until employed 4. Additional 25 hours public service work 5. T4C- Cognitive Behavioral program 6. Curfew from 8pm to 6 am for 60 days (can be modified by probation officer for treatment/work purposes)
<p>Condition (10): Failure to pay restitution or court costs</p>	<ol style="list-style-type: none"> 1. Financial Assistance - Debt money management. 2. Mentoring evaluation and successfully complete as determined necessary 3. Employment evaluation and successfully complete as determined necessary 4. Additional 25 hours public service work 5. T4C- Cognitive Behavioral program
<p>Condition (11): Failure to submit to random testing as directed</p>	<ol style="list-style-type: none"> 1. Drug evaluation and successfully complete treatment determined necessary 2. Increase level of treatment program up to and including residential 3. AA/NA – 1 x week for 60 days 4. Curfew from 8 pm to 6 am for 60 days (can be modified by probation officer for treatment/work purposes.) 5. Additional 25 hours public service work 6. T4C- Cognitive Behavioral program

<p>Special Condition (1): Failure to attend treatment evaluation or treatment session as scheduled</p>	<ol style="list-style-type: none"> 1. Weekly reporting until evaluation is completed 2. Daily call in until evaluation is completed 3. Mentoring evaluation and successfully complete as determined necessary 4. Additional 25 hours public service work 5. T4C- Cognitive Behavioral program 6. Curfew from 8 pm to 6 am for 60 days (can be modified by probation officer for treatment/work purposes)
<p>Special Condition (8): Failure to complete community service hours as instructed</p>	<ol style="list-style-type: none"> 1. Additional 25 hours public service work 2. Weekly reporting until community service hours are current 3. Mentoring evaluation and successfully complete as determined necessary 4. T4C- Cognitive Behavioral program 5. Curfew from 8 pm to 6 am for 60 days (can be modified by probation officer for treatment/work purposes)
<p>Special Condition (9): Failure to remain at residence during curfew period</p>	<ol style="list-style-type: none"> 1. Mentoring evaluation and successfully complete as determined necessary 2. Report 2 times a month for 60 days 3. Weekly report for 45 days 4. Additional 25 hours public service work 5. T4C – Cognitive Behavioral program

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT OF
THE STATE OF FLORIDA IN AND FOR _____ COUNTY
CRIMINAL DIVISION**

STATE OF FLORIDA,

CASE NO.:

v.

UCN:

DIVISION:

[DEFENDANT NAME]

PID/SPN: [NUMBER], Defendant. _____/

**ALTERNATIVE SANCTIONS PROGRAM
TECHNICAL VIOLATION NOTIFICATION**

Original Charge: _____

Term of Supervision: _____ to _____

Offender Eligible: Yes No

Date of Violation(s): _____ First Violation Second Violation

Technical violation that occurred: _____

Sanction to be imposed in the discretion of the Court: _____

**OFFENDER'S WAIVER OF FORMAL VOP HEARING,
ADMISSION OF VIOLATION, AND ACCEPTANCE OF SANCTIONS**

By signing below, I understand that I have the right to a formal violation of probation hearing before the Court; however, I am agreeing to waive this right along with waiving the following rights to:

- a. be represented by legal counsel, and the right to have one appointed if I cannot afford one;
- b. subpoena and present witnesses and evidence in my defense and to present any defense I might have to the judge;
- c. see and hear witnesses testify and to confront and cross-examine the witnesses against me;
- d. require the State to prove that I have willfully violated my probation by the greater weight of the evidence;
- e. appeal all matters except the legality of my sentence; and
- f. Receive a written statement from a judge as to the evidence relied on and the reasons for the sanction imposed.

No one has coerced me, pressured me, made any threats against me, or promised me anything to convince me to give up these rights.

I am agreeing to voluntarily participate in the Alternative Sanctions Program. I am admitting to the technical violation(s) of probation listed above with the understanding that I will be required to complete the additional sanction(s) listed above, as part of my probation.

I further understand that if I fail to complete the additional sanction(s) within the time specified, a formal violation of probation action will be forwarded to the court and this form may not be introduced into evidence at a subsequent hearing to establish the violation(s). I understand that if the court determines I have violated my probation, I may be sentenced as authorized by law.

I understand the court reserves the right to accept or reject my request to participate in the Alternative Sanctions Program.

Offender Signature/Date

Officer Signature/Date

Typed/Printed Name

Typed/Printed Name & Telephone Number

Supervisor Signature/Date

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT OF
THE STATE OF FLORIDA IN AND FOR _____ COUNTY
CRIMINAL DIVISION**

STATE OF FLORIDA,

CASE NO.:

UCN:

v.

DIVISION:

[DEFENDANT NAME],

PID/SPN: [NUMBER], Defendant. _____ /

ORDER ON ALTERNATIVE SANCTIONS PROGRAM

It appears that the defendant has materially violated one or more conditions of probation but has not committed a new law violation and is otherwise eligible to participate in the Alternative Sanctions Program.

_____The Court has reviewed the Alternative Sanctions Program Technical Violation Notification Form, a copy of which is attached, and approves participation in the Alternative Sanctions Program and the sanction(s) selected. As a condition of the defendant's supervision, the defendant shall complete the sanction(s) selected. The Department of Corrections is directed to forward a violation of probation report and warrant to the Court in the event the defendant fails to satisfactorily complete the sanction(s) selected.

OR

_____The Court has reviewed the Alternative Sanctions Program Technical Violation Notification Form, a copy of which is attached, and approves participation in the Alternative Sanctions Program; however, the Court does not approve the sanction(s) selected by the probation officer. Accordingly, the Court orders the following sanction(s) to be imposed:

_____.

OR

_____The Court has reviewed the Alternative Sanctions Program Technical Violation Notification Form, does not approve the use of the Alternative Sanctions Program, and directs the Department of Corrections to submit a Violation Report, Affidavit, and Warrant to address this alleged violation.

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

CIRCUIT JUDGE