

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT,
IN AND FOR BREVARD COUNTY,
FLORIDA.

ADMINISTRATIVE ORDER NO:
17-29-B
SUPERSEDES 16-17-B

IN RE: CRIMINAL - ALTERNATIVE SANCTIONS PROGRAM

Whereas, there is 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

NOW, THEREFORE, IT IS ORDERED:

1. **ALTERNATIVE SANCTIONS PROGRAM:** There is created in Brevard County a program that shall be known as the Alternative Sanctions 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 Brevard County, have stable community ties, and have a stable residence in Brevard 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 Sanctions Program Violation/Sanction Matrix included in 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 Sanctions Program process for offenders who were sentenced in Brevard 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 SANCTIONS 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. Weekly call in for 6 weeks 2. Twice a month reporting for 3 months 3. Weekly reporting for 6 weeks 4. Attend Good will Job club class 5. Attend a Lifeskills/Career Readiness class as directed by DOC 6. Thinking for Change program through DOC 7. Participate in 3 sessions with DOC Employment Specialist. 8. Attend and complete Moral Reconation Therapy classes through DOC
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. Weekly call in for 6 weeks 2. Twice a month reporting for 3 months 3. Weekly reporting for 6 weeks 4. Attend Good will Job club class 5. Attend a Lifeskills class as directed by DOC 6. Thinking for Change program through DOC 7. Participate in 3 sessions with DOC Employment Specialist. 8. Attend and complete Moral Reconation Therapy classes through DOC 9. Attend and participate in the DOC on site GED/Adult Education classes.
Condition (3): Failed to request permission prior to leaving the county	<ol style="list-style-type: none"> 1. Weekly call in for 6 weeks 2. Twice a month reporting for 60 days 3. Weekly reporting for 6 weeks at discretion of PO.

	<ol style="list-style-type: none"> 4. Participate in one weekend at the Brevard County Sheriff's Office work farm.*
Condition (6): Found to be associating with person(s) engaged in criminal activity	<ol style="list-style-type: none"> 1. Curfew from 8 p.m. to 6 a.m. for 90 days (can be modified by PO for treatment or work purposes) 2. Weekly call in for 6 weeks 3. 25 hours public service work 4. Thinking for Change class through DOC 5. Attend a Lifeskills/Career Readiness class as directed by DOC 6. Attend the GED program if deemed appropriate through PO 7. Participate in 3 sessions with DOC Employment Specialist 8. Attend Good will job club class 9. Participate in 2 weekends at the Brevard County Sheriff's Office work farm.* 10. Attend and complete Moral Reconciliation Therapy classes through DOC. 11. Attend and participate in the DOC on site GED/Adult Education classes.
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. Curfew from 8 p.m. to 6 a.m. for 90 days (can be modified by PO for treatment or work purposes) 4. Thinking for Change class through DOC 5. Attend a Lifeskills/Career Readiness class as directed by DOC 6. Participate in 2 weekends at the Brevard County Sheriff's work farm * 7. Attend 90 days NA/AA meetings 8. Attend and complete Moral Reconciliation Therapy classes through DOC. 9. Attend and participate in the DOC on site GED/Adult Education classes.
Condition (7): Positive drug test for non-prescribed drugs (second 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. Curfew from 8 p.m. to 6 a.m. for 90 days (can be modified by PO for treatment or work purposes) 4. Thinking for Change class through DOC 5. Attend a Lifeskills/Career Readiness class as directed by DOC 6. Participate in 2 weekends at the Brevard

	<p>County Sheriff's work farm*</p> <ol style="list-style-type: none"> 7. Attend and participate in the DOC on site GED/Adult Education classes. 8. Attend 90 days NA/AA meetings. 9. Attend and complete Moral Reconciliation Therapy classes through DOC.
Condition (8): Failure to maintain employment	<ol style="list-style-type: none"> 1. Weekly reporting with Job Search logs until employed 2. Daily reporting with job search logs until employed 3. Curfew from 8 p.m. to 6 a.m. for 90 days (can be modified by PO for treatment or work purposes) 4. Attend 3 sessions with the DOC Employment Specialist 5. Attend the Good will job club class 6. Thinking for Change class through DOC 7. Participation in the GED program through DOC 8. Attend a Lifeskills/Career Readiness class as directed by DOC 9. Participate in 3 weekends at the Brevard County Sheriff's office work farm.* 10. Attend and complete Moral Reconciliation Therapy classes through DOC
Condition (9): Failure to comply with officer's instructions (depending on nature of instruction and reason for not complying, consequence will vary)	<ol style="list-style-type: none"> 1. Weekly call in for 4 weeks 2. 8 hours Community service work 3. Thinking for Change class through DOC 4. Attend a Lifeskills/Career Readiness class as directed by DOC 5. If employment related, participate in three sessions with DOC Employment Specialist 6. Attend Goodwill Job Club class 7. Participate in 1 weekend at the Brevard County Sheriff's work farm * 8. Attend and complete Moral Reconciliation Therapy classes through DOC
Condition (10): Failure to pay monthly monetary obligations as stipulated by the Court	<ol style="list-style-type: none"> 1. If unemployed-daily job search 2. If employed-monthly budgeting 3. Curfew from 8 p.m. to 6 a.m. (can be modified by PO for treatment or work purposes) 4. Weekly call in until monetary obligations are current 5. Extend probation to auto term upon completion of all conditions* 6. Attend Lifeskills/Career Readiness class as directed by DOC. 7. Attend and participate in three sessions with DOC Employment Specialist

	<ol style="list-style-type: none"> 8. Attend and participate on site GED/Adult Education program as directed by PO 9. Attend Good will job club class
Condition (11): Failure to submit to random testing as directed	<ol style="list-style-type: none"> 1. Weekly reporting by 11 am 2. Reporting 3 times per week by 11 am 3. Curfew from 8 p.m. until 6 a.m. for 90 days (can be modified by PO for treatment or work purposes) 4. Attend Lifeskills/Career Readiness class as directed by DOC 5. Substance abuse evaluation and treatment determined necessary 6. Thinking for Change class through DOC 7. Attend and complete Moral Reconciliation Therapy classes through DOC 8. Attend 90 NA/AA meetings.
Special Condition (1): Failure to attend treatment evaluation or treatment session as scheduled	<ol style="list-style-type: none"> 1. Curfew from 8 p.m. to 6 a.m. until evaluation is completed 2. Weekly reporting until evaluation is completed 3. Daily call in until evaluation is completed 4. Thinking for Change class through DOC 5. Attend and complete Moral Reconciliation Therapy classes through DOC 6. Attend and participate in on site GED/Adult Education program as directed by PO.
Special Condition (8): Failure to complete community service hours as instructed	<ol style="list-style-type: none"> 1. Weekly reporting until community service hours completed/current, if employed 2. Enrollment in Thinking for Change class through DOC 3. Requirement to serve one weekend on the Brevard County Sheriff's Office Work Farm. 4. Attend and participate in on site GED/Adult Education program as directed by PO.
Special Condition (9): Failure to remain at residence during curfew period	<ol style="list-style-type: none"> 1. Weekly reporting for three months 2. Electronic Monitoring for 30 days 3. Participate in 2 weekends at the Brevard County Sheriff's work farm* 4. Attend and participate in on site GED/Adult Education program as directed by PO.
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. Electronic Monitoring for 30 days 2. 10 Hours Community Service work 3. 20 Hours Community Service work 4. Thinking for Change class through DOC 5. Attend Lifeskills/Career Readiness class as directed by DOC. 6. Participate in 2 weekends at the Brevard County Sheriff's work farm* 7. Attend and complete Moral Reconciliation Therapy classes

	8. Attend and participate in on site GED/Adult Education program as directed by PO
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*Weekends at the work farm are to be considered a Saturday and Sunday at a minimum of 8 hours each day.

4. **ALTERNATIVE SANCTIONS 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 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 or community control 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. 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 Sanctions Program shall be administered by the Brevard County Circuit Court and the Florida Department of Corrections.

DONE and ORDERED this 28th day of June, 2017.

JOHN D. GALLUZZO
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CHIEF JUDGE

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