

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

ADMINISTRATIVE ORDER NO. 5.910- 8/2023\*

IN RE: ALTERNATIVE CONSEQUENCES  
PROGRAM FOR JUVENILE OFFENDERS

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For juvenile offenders, some technical violations of probation do not involve a new arrest or serious misconduct. Recidivism may be reduced by utilizing collaborative efforts among the court, probation, and law enforcement to hold juveniles accountable and apply swift and certain sanctions for technical violations of probation. Similarly, appropriate incentives may increase compliance with probation conditions and more quickly move juveniles towards rehabilitation and early termination of probation. In addition, if out of court consequences can be applied; judicial resources and court dockets can be reduced, as can the workload of prosecutors, defense attorneys, and law enforcement.

To address these issues, the Fifteenth Judicial Circuit, in accord with requirements laid out by the Florida Legislature in section 985.435(4), Florida Statutes (2021), is instituting an Alternative Consequences Program for Juvenile Offenders. The Program is based upon the principle that certain sanctions and incentives are appropriately handled without judicial involvement as long as they reflect the seriousness of the violation, the assessed criminogenic needs and risks of the child, the child's age and maturity level, and how effective the sanction or incentive will be in moving the child to compliant behavior.

The alternative consequences described below are **ONLY ADVISORY AND ARE NOT MANDATORY**. They are offered as guidelines to the Department of Juvenile Justice (DJJ) to incentivize compliant behavior and to address misconduct of juvenile probationers with alternatives to formal violations of probation. Nothing in this Order infringes on the discretion of prosecutors, law enforcement, and probation officers to file or not file formal violations as they deem appropriate and when they are lawfully authorized to do so.

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

1. The Alternative Consequences Program for Juvenile Offenders (the “Program”) is created in the Fifteenth Judicial Circuit, Palm Beach County, Florida.
2. **Eligibility:**
  - a. **Only those juvenile offenders whose conditions of probation or post-commitment probation include participation in the Program are eligible.**
  - b. Any juvenile offenders on probation or post-commitment probation who have committed a technical violation of probation and have five (5) or more prior alternative sanctions are no longer eligible for the Program.
  - c. Juveniles charged with new law violations, felony or misdemeanor, and any other non-technical violations of probation are not eligible for the Program.
  - d. Juveniles who have allegedly absconded or left their residence without notice for 24 hours or more are not eligible for the Program.
  - e. Juveniles who have allegedly violated any no contact order or no contact condition of probation are not eligible for the Program.
3. DJJ will notify the State Attorney and the defense attorney of record of its intention to impose any alternative sanction or incentive on a juvenile as well as the conduct underlying the sanction or incentive. The notice shall include all prior alternative sanctions and incentives imposed by DJJ on the juvenile. Upon receipt of the notice, the State Attorney and defense attorney of record will have 48 hours (excluding weekends and holidays) to inform DJJ in writing of their objection. In the event any party objects, DJJ is prohibited from imposing the sanction or incentive but may take any other action it deems appropriate, including filing or not filing a formal violation of probation. If no objection is lodged, DJJ may then impose the sanction or incentive.
4. **To ensure that the proper parties are noticed, DJJ shall provide notice of the intent to impose a sanction or incentive to the State Attorney Office General Juvenile eservice address, the Public Defender General Juvenile eservice address, the Juvenile Public Defender Supervisor’s eservice address, the Office of Regional Conflict Counsel General Juvenile eservice address, the Juvenile Office of Regional Conflict Counsel Supervisor’s eservice address, and any wheel attorney or private attorney attached to the case’s eservice address.**
5. **In the event that DJJ encounters a situation during the course of supervising a child where DJJ is unsure how to proceed, DJJ can request a Judicial Review of the situation. The JPO assigned to the child’s case, or other representative of DJJ can communicate with the supervising Judge’s judicial assistant to request a judicial review. In this instance, the following procedure shall take place:**

- a. DJJ shall email the Divisional CAD email address with a request for judicial review containing a brief summary of the issue the department seeks to have reviewed by the parties.
  - b. Counsel for the State and the Defendant shall be copied on the email request and shall receive a copy of the request for judicial review and summary of the issue.
  - c. Within 72 hours, the Court shall review the request for judicial review and, if in the Court's discretion a judicial review is appropriate, the Court shall notice the matter for a hearing. DJJ shall ensure the child and the child's parents receive notice of the judicial review hearing.
6. In the event any juvenile fails to comply with any sanction imposed by DJJ, DJJ may take any action it deems appropriate, including filing or not filing a formal violation of probation.
7. In utilizing this Program, all parties must ensure that the requirements regarding victim rights as set forth in article I, section 16, subsection (b) of the Florida Constitution are met.
8. **Incentive and Sanction Matrix**: The matrix affixed as Exhibit "A" to this order lists specific conduct that may either be rewarded with incentives or sanctioned as part of the Program. Each behavior includes a list of incentives from which a probation officer may select based on the individual juvenile's circumstances at the time and a range of potential sanctions that can be employed.
9. On an annual basis, the 15th Judicial Circuit Probation Committee shall meet to review and update the incentive and sanction matrices as warranted by their demonstrated effectiveness. The Probation Committee shall be led a judge selected by the Administrative Judge of the Juvenile Division and shall include representatives from the State Attorney, Public Defender, DJJ, Office of Regional Conflict Counsel, Legal Aid, and relevant law enforcement agencies.

**DONE and SIGNED**, in Chambers, at West Palm Beach, Palm Beach County, Florida, this 15<sup>th</sup> day of August, 2023.



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GLENN D. KELLEY  
Chief Judge

\* Supersedes Administrative Order 5.910 10/21

# **Exhibit “A”**

## **Incentive and Sanction Matrix**

## LOW RISK TO REOFFEND\*

SANCTION	LIST 1	LIST 2	VOP
<b>Community Service</b>	Less than 50% of the hours required during the 90-day YES Plan period completed within the 1 <sup>st</sup> 45 days	Less than 100% of the hours required during the 90-day YES Plan period completed by the end of the period	Less than 50% of the hours required during the <u>next</u> 90-day YES Plan period completed within the 1 <sup>st</sup> 45 days
<b>Curfew</b>	2 <sup>nd</sup> missed curfew	3 <sup>rd</sup> missed curfew	4 <sup>th</sup> missed curfew
<b>Education – Attendance</b>	2 absences during current semester	3 absences during current semester	4 absences during current semester
<b>Education – Behavior – Out-of-School Suspension (OSS)</b>		1 OSS during current semester	2 OSS during current semester
<b>Education – Behavior – Referral/ In-School Suspension (ISS)</b>	2 referrals/ISS during current semester	3 referrals/ISS during current semester	4 referrals/ISS during current semester
<b>Education – Enrollment</b>		Failure to enroll in 1 <sup>st</sup> 7 days of supervision	Failure to enroll in 1 <sup>st</sup> 14 days of supervision
<b>Mental Health/Substance Abuse Counseling</b>	2 <sup>nd</sup> failure to attend/cooperate	3 <sup>rd</sup> failure to attend/cooperate	4 <sup>th</sup> failure to attend/cooperate
<b>Mental Health/Substance Abuse Evaluation</b>	1 <sup>st</sup> failure to schedule/attend appointment	2 <sup>nd</sup> failure to schedule/attend appointment	3 <sup>rd</sup> failure to schedule/attend appointment
<b>No Contact – Other</b>	2 <sup>nd</sup> contact	3 <sup>rd</sup> contact	4 <sup>th</sup> contact
<b>No Contact – Victim</b>			Any victim contact
<b>Substance Abuse</b>	1 <sup>st</sup> positive drug test	2 <sup>nd</sup> positive drug test	3 <sup>rd</sup> positive drug test
<b>Other</b>	<i>As outlined in the YES Plan developed with parent/guardian, JPO, and JPOS.</i>		

\* If the youth is a **PROLIFIC JUVENILE OFFENDER (PJO)** or has a **FIREARM OFFENSE(S)**, use the matrix for **HIGH RISK TO REOFFEND**, regardless of the youth's actual risk to reoffend.

LIST 1 (SELECT ONE OR MORE)	LIST 2 (SELECT ONE OR MORE)
<p>Meet with parent/guardian and JPO to discuss violation, identify any barriers to compliance, and develop a plan to ensure compliance.</p> <p>Referred for MH/SA evaluation, if appropriate (e.g. new needs identified) and not previously completed, and follow recommendations.</p> <p>JPO increases frequency of contacts for up to 30 days.</p> <p>JPO increases frequency of drug tests for up to 30 days.</p> <p>Curfew reduction of at least one hour for up to 30 days.</p> <p>10-20 hours community service, as determined by JPO, in addition to any court-ordered hours.</p> <p>Referred for mentoring (behavioral), tutoring (academic), or similar service.</p>	<p>Any response shown in <b>LIST 1</b> that was not previously used as a response for the same noncompliance (i.e. no repeat responses).</p> <p>Participate in multidisciplinary staffing and follow recommendations. <i>[A school representative must be invited for school-related noncompliance.]</i></p> <p>JPO increases frequency of contacts for up to 60 days.</p> <p>JPO increases frequency of drug tests for up to 60 days.</p> <p>Curfew reduction of at least one hour for up to 60 days.</p> <p>Electronic monitoring for up to 30 days.</p> <p>Referred to Redirections, if appropriate.</p> <p>JPO requests judicial review.</p>

## MODERATE RISK TO REOFFEND\*

SANCTION	LIST 1	LIST 2	VOP
<b>Community Service</b>	Less than 33% of the hours required during the 90-day YES Plan period completed within the 1 <sup>st</sup> 30 days	Less than 66% of the hours required during the 90-day YES Plan period completed within the 1 <sup>st</sup> 60 days	Less than 100% of the hours required during the 90-day YES Plan period completed by the end of the period
<b>Curfew</b>	1 <sup>st</sup> missed curfew	2 <sup>nd</sup> missed curfew	3 <sup>rd</sup> missed curfew
<b>Education – Attendance</b>	2 absences during current semester	3 absences during current semester	4 absences during current semester
<b>Education – Behavior – Out-of-School Suspension (OSS)</b>		1 OSS during current semester	2 OSS during current semester
<b>Education – Behavior – Referral/ In-School Suspension (ISS)</b>	2 referrals/ISS during current semester	3 referrals/ISS during current semester	4 referrals/ISS during current semester
<b>Education – Enrollment</b>		Failure to enroll in 1 <sup>st</sup> 7 days of supervision	Failure to enroll in 1 <sup>st</sup> 14 days of supervision
<b>Mental Health/Substance Abuse Counseling</b>	1 <sup>st</sup> failure to attend/cooperate	2 <sup>nd</sup> failure to attend/cooperate	3 <sup>rd</sup> failure to attend/cooperate
<b>Mental Health/Substance Abuse Evaluation</b>	1 <sup>st</sup> failure to schedule/attend appointment	2 <sup>nd</sup> failure to schedule/attend appointment	3 <sup>rd</sup> failure to schedule/attend appointment
<b>No Contact – Other</b>	1 <sup>st</sup> contact	2 <sup>nd</sup> contact	3 <sup>rd</sup> contact
<b>No Contact – Victim</b>			Any victim contact
<b>Substance Abuse</b>	1 <sup>st</sup> positive drug test	2 <sup>nd</sup> positive drug test	3 <sup>rd</sup> positive drug test
<b>Other</b>	<i>As outlined in the YES Plan developed with parent/guardian, JPO, and JPOS.</i>		

\* If the youth is a **PROLIFIC JUVENILE OFFENDER (PJO)** or has a **FIREARM OFFENSE(S)**, use the matrix for **HIGH RISK TO REOFFEND**, regardless of the youth's actual risk to reoffend.

LIST 1 (SELECT ONE OR MORE)	LIST 2 (SELECT ONE OR MORE)
<p>Meet with parent/guardian and JPO to discuss violation, identify any barriers to compliance, and develop a plan to ensure compliance.</p> <p>Referred for MH/SA evaluation, if appropriate (e.g. new needs identified) and not previously completed, and follow recommendations.</p> <p>JPO increases frequency of contacts for up to 30 days.</p> <p>JPO increases frequency of drug tests for up to 30 days.</p> <p>Curfew reduction of at least one hour for up to 30 days.</p> <p>10-20 hours community service, as determined by JPO, in addition to any court-ordered hours.</p> <p>Referred for mentoring (behavioral), tutoring (academic), or similar service.</p>	<p>Any response shown in <b>LIST 1</b> that was not previously used as a response for the same noncompliance (i.e. no repeat responses).</p> <p>Participate in multidisciplinary staffing and follow recommendations. <i>[A school representative must be invited for school-related noncompliance.]</i></p> <p>JPO increases frequency of contacts for up to 60 days.</p> <p>JPO increases frequency of drug tests for up to 60 days.</p> <p>Curfew reduction of at least one hour for up to 60 days.</p> <p>Electronic monitoring for up to 30 days.</p> <p>Referred to Redirections, if appropriate.</p> <p>JPO requests judicial review.</p>

**HIGH RISK TO REOFFEND, PROLIFIC JUVENILE OFFENDER (PJO), OR FIREARM OFFENSE(S)**

SANCTION	LIST 1	LIST 2	VOP
Community Service		Less than 50% of the hours required during the 90-day YES Plan period completed within the 1 <sup>st</sup> 45 days	Less than 100% of the hours required during the 90-day YES Plan period completed by the end of the period
Curfew			1 <sup>st</sup> missed curfew
Education – Attendance		1 absence during current semester	2 absences during current semester
Education – Behavior – Out-of-School Suspension (OSS)			1 OSS during current semester
Education – Behavior – Referral/ In-School Suspension (ISS)		1 referral/ISS during current semester	2 referrals/ISS during current semester
Education – Enrollment		Failure to enroll in 1 <sup>st</sup> 7 days of supervision	Failure to enroll in 1 <sup>st</sup> 14 days of supervision
Mental Health/Substance Abuse Counseling		1 <sup>st</sup> failure to attend/ cooperate	2 <sup>nd</sup> failure to attend/ cooperate
Mental Health/Substance Abuse Evaluation		1 <sup>st</sup> failure to schedule/ attend appointment	2 <sup>nd</sup> failure to schedule/ attend appointment
No Contact – Other			1 <sup>st</sup> contact
No Contact – Victim			Any victim contact
Substance Abuse			1 <sup>st</sup> positive drug test
Other	<i>As outlined in the YES Plan developed with parent/guardian, JPO, and JPOS.</i>		

LIST 1 (SELECT ONE OR MORE)	LIST 2 (SELECT ONE OR MORE)
<p>Meet with parent/guardian and JPO to discuss violation, identify any barriers to compliance, and develop a plan to ensure compliance.</p> <p>Referred for MH/SA evaluation, if appropriate (e.g. new needs identified) and not previously completed, and follow recommendations.</p> <p>JPO increases frequency of contacts for up to 90 days.</p> <p>JPO increases frequency of drug tests for up to 90 days.</p> <p>Curfew reduction of at least one hour for up to 90 days.</p> <p>Electronic monitoring for up to 60 days.</p> <p>Referred to a probation enhancement service or Redirections, if appropriate.</p> <p>Referred for mentoring (behavioral), tutoring (academic), or similar service.</p>	<p>Any response shown in <b>LIST 1</b> that was not previously used as a response for the same noncompliance (i.e. no repeat responses).</p> <p>Participate in multidisciplinary staffing and follow recommendations. <i>[A school representative must be invited for school-related noncompliance.]</i> Intensive supervision for at least 180 days.</p> <p>Electronic monitoring for up to 90 days.</p> <p>JPO requests judicial review.</p>