

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

ADMINISTRATIVE ORDER NO. 5.910- 10/21

IN RE: ALTERNATIVE CONSEQUENCES
PROGRAM FOR JUVENILE OFFENDERS

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”). 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 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. 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.
5. 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.
6. 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.

7. **Incentive Matrix:** The following matrix lists specific conduct that may be rewarded with incentives 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.

BEHAVIOR	Underlying Misdemeanor	Underlying Felony	Underlying Crime Against Person or Gun Offense
Obtain employment	Increase curfew by up to 1 hour or reduce community service by up to 5 hours	Increase curfew by up to 30 minutes or reduce community service by up to 5 hours	Increase curfew by up to 30 minutes or reduce community service by up to 5 hours
Consistent payment of court costs/ restitution for (6) months or more	Increase curfew by up to 1 hour or reduce community service by up to 5 hours	Increase curfew by up to 30 minutes or reduce community service by up to 5 hours	Increase curfew by up to 30 minutes or reduce community service by up to 5 hours
Completion of court-ordered community service	Increase curfew by up to 1 hour or reduce community service by up to 5 hours	Increase curfew by up to 30 minutes or reduce community service by up to 5 hours	Increase curfew by up to 30 minutes or reduce community service by up to 5 hours
90 day compliance with household rules	Increase curfew by up to 1 hour or reduce community service by up to 5 hours	Increase curfew by up to 30 minutes or reduce community service by up to 5 hours	Increase curfew by up to 30 minutes or reduce community service by up to 5 hours
90 day compliance with curfew	Increase curfew by up to 1 hour or reduce community service by up to 5 hours	Increase curfew by up to 30 minutes or reduce community service by up to 5 hours	Increase curfew by up to 30 minutes or reduce community service by up to 5 hours
Extracurricular accomplishment (athletics, art, music, etc.)	Increase curfew by up to 1 hour or reduce community service by up to 5 hours	Increase curfew by up to 30 minutes or reduce community service by up to 5 hours	Increase curfew by up to 30 minutes or reduce community service by up to 5 hours

8. **Sanction Matrix:** The following matrix lists specific technical violations that may be addressed with alternative sanctions. Each violation includes a list of sanctions from which a probation officer may select based on the individual juvenile's circumstances at the time.

BEHAVIOR	Underlying Misdemeanor	Underlying Felony	Underlying Crime Against Person or Gun Offense
Substance Use			
(1) Missed drug test	Documented verbal intervention by JPO	Documented verbal intervention by JPO	Documented verbal intervention by JPO
(2) Missed drug tests	Double the number of drug tests previously ordered and subject to field testing	Double the number of drug tests previously ordered and subject to field testing	Double the number of drug tests previously ordered and subject to field testing
(3 or more) Missed drug tests	If not in treatment, substance abuse assessment; if in treatment, evaluation for residential treatment	If not in treatment, substance abuse assessment; if in treatment, evaluation for residential treatment	If not in treatment, substance abuse assessment; if in treatment, evaluation for residential treatment
Any positive/dilute drug test	If not in treatment, substance abuse assessment; if in treatment, evaluation for residential treatment	If not in treatment, substance abuse assessment; if in treatment, evaluation for residential treatment	If not in treatment, substance abuse assessment; if in treatment, evaluation for residential treatment
Admission of use	If not in treatment, substance abuse assessment; If in treatment, evaluation for residential treatment	If not in treatment, substance abuse assessment; If in treatment, evaluation for residential treatment	If not in treatment, substance abuse assessment; If in treatment, evaluation for residential treatment
Education			
Receive a behavior referral	Written notice filed to State Attorney and Defense Counsel	Written notice filed to State Attorney and Defense Counsel	Written notice filed to State Attorney and Defense Counsel
(5 or less) skipped classes	Meeting with JPO, parent and school and written notice to State Attorney and Defense Counsel	Meeting with JPO, parent and school and written notice to State Attorney and Defense Counsel	Meeting with JPO, parent and school and written notice to State Attorney and Defense Counsel

(More than 5) skipped classes	JPO to notify Court. Education Liaison to provide written attendance report to State Attorney, Defense Counsel and JPO every 15 days. JPO to reduce curfew by 1 hour	JPO to notify Court. Education Liaison to provide written attendance report to State Attorney, Defense Counsel and JPO every 15 days. JPO to reduce curfew by 1 hour	JPO to notify Court. Education Liaison to provide written attendance report to State Attorney, Defense Counsel and JPO every 15 days. JPO to reduce curfew by 1 hour
(1-2) Unexcused absences	Verbal intervention by JPO	Verbal intervention by JPO	Verbal intervention by JPO
(3 or more) Unexcused absences	Youth and Guardian check-in with Judge and JPO to notify Court. Education Liaison to provide written attendance report to State Attorney and Defense Counsel every 15 days. JPO to reduce curfew by 1 hour	Youth and Guardian check-in with Judge and JPO to notify Court. Education Liaison to provide written attendance report to State Attorney and Defense Counsel every 15 days. JPO to reduce curfew by 1 hour	Youth and Guardian check-in with Judge and JPO to notify Court. Education Liaison to provide written attendance report to State Attorney and Defense Counsel every 15 days. JPO to reduce curfew by 1 hour
Withdrawal from School	Youth, Guardian check-in with Judge	Youth, Guardian check-in with Judge	Youth, Guardian check-in with Judge
Noncompliance with services, evaluations and treatment			
(1) Missed session/class	Documented verbal intervention by JPO	Documented verbal intervention by JPO	Documented verbal intervention by JPO
(2 or more) Missed sessions	Reduction of curfew by 1 hour	Reduction of curfew by 1 hour	Reduction of curfew by 1 hour
Unsuccessful discharge/withdrawal	Youth, Guardian check-in with Judge	Youth, Guardian check-in with Judge	Youth, Guardian check-in with Judge
Failure to pay any court costs	Contact Choice to Change and written assignment on poor credit	Contact Choice to Change and written assignment on poor credit	Contact Choice to Change and written assignment on poor credit
Failure to pay restitution for 60 days or more	Youth, Guardian check-in with Judge	Youth, Guardian check-in with Judge	Youth, Guardian check-in with Judge

Association with negative peers	Reduction of curfew to 5:00pm daily	Reduction of curfew to 5:00pm daily	Reduction of curfew to 5:00pm daily
Failure to comply with household rules	Reduction of curfew by 1 hour	Reduction of curfew by 1 hour	Reduction of curfew by 1 hour
Curfew			
(1) Failure to comply with curfew	Reduction of curfew by 1 hour	Increased check in with JPO	Check in with Judge
(2) Failure to comply with curfew	Reduction of curfew by <u>additional</u> 1 hour	Reduction of curfew by <u>additional</u> 1 hour	Reduction of curfew by <u>additional</u> 1 hour
(3 or more) Failure to comply with curfew	Youth, Guardian check-in with Judge	Youth, Guardian check-in with Judge	Youth, Guardian check-in with Judge
Failure to complete community service hours			
(1) Failure to comply with community service hours	JPO written notice sent to State Attorney and Defense Counsel	JPO written notice sent to State Attorney and Defense Counsel	JPO written notice sent to State Attorney and Defense Counsel
(2) Failure to comply with community service hours	Meeting with JPO, parent, and school and written notice to State Attorney and Defense Counsel	Meeting with JPO, parent, and school and written notice to State Attorney and Defense Counsel	Meeting with JPO, parent, and school and written notice to State Attorney and Defense Counsel

DONE and SIGNED, in Chambers, at West Palm Beach, Palm Beach County, Florida, this 4th day of October, 2021.



GLENN D. KELLEY
Chief Judge