

IN THE CIRCUIT COURT OF THE 16TH
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA IN AND FOR MONROE COUNTY

Filed and Recorded in Official Records of
MONROE COUNTY KEVIN MADOK, CPA

ADMINISTRATIVE ORDER 7.007

IN RE: JUVENILE ALTERNATIVE
SANCTIONS

_____:

WHEREAS, Chapter 985, Florida Statutes, was enacted with the intent, in part, to divert children from the traditional juvenile justice system and to provide alternatives to institutionalization; and

WHEREAS, §985.435(4), Florida Statutes, allows a probation program to include alternative sanctions for children who are in violation of certain technical condition(s) of his or her probation, but who have not committed any new violations of law, as well as incentives to encourage the child toward compliant behavior; and

WHEREAS, the use of alternative sanctions and incentives in its juvenile probation program serves the families of the Sixteenth Judicial Circuit by providing, alternatively, swift and appropriate consequences for certain technical violations without requiring an actual formal violation of juvenile probation proceeding and/or reward for compliant behavior; and

WHEREAS, a juvenile probation program which includes an alternative sanctions component must detail in the disposition order which specific technical violations are subject to alternative sanctions, which alternative sanctions may apply, as well as incentives that may be used to encourage the child toward compliant behavior; and

WHEREAS, the Effective Response Matrix (“ERM”) and incentives attached hereto are useful tools in determining the availability of alternate sanctions and/or incentives to move the child toward compliant behavior; including specific alternative sanctions for specific technical violations of the conditions of probation, as well as use of incentives to encourage compliant behavior and may in the discretion of the Court be utilized in specific situations by the Department of Juvenile Justice (“DJJ”) or its designee; and


WHEREAS, Article V § 2(d), Florida Constitution and §43.26, Florida Statutes, charges the Chief Judge with the authority to promote the prompt and efficient administration of justice in the courts over which they are Chief Judge;

IT IS THEREFORE ORDERED AND ADJUDGED:

1. Each dispositional order of probation and/or post-commitment probation in a juvenile case shall make available incentives to encourage compliant behavior and alternative sanctions as determined through use of the Effective Response Matrix (“ERM”) as a judicial option for addressing certain technical probation violations.

2. Incentives, as attached hereto, shall also be available to juvenile probation officers for use to encourage compliant behavior. When the ERM is utilized by DJJ or its designee to address a technical probation violation committed by a juvenile, DJJ or its designee shall not file a formal affidavit of violation of probation. In each instance the ERM is utilized, the child's file shall be documented to reflect the nature of the violation and the consequence imposed.

DONE AND ORDERED at Key West, Monroe County, Florida this 10th day of November 2021.



Bonnie J. Helms
Chief Judge

SIXTEENTH JUDICIAL CIRCUIT PROBATION EFFECTIVE RESPONSE MATRIX

SANCTIONS

BEHAVIOR	LOW, MODERATE RISK TO REOFFEND	MODERATE-HIGH, HIGH RISK TO REOFFEND
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Substance Use

1 st missed drug test	Documented verbal intervention by JPO	Documented verbal intervention by JPO
2 nd missed drug test	Letter of apology to testing entity, immediate field test	Letter of apology to testing entity, immediate field test
3 rd missed drug test	Immediate field test, refer for a substance abuse assessment	Immediate transport to testing site (if available) immediate field test, refer for a substance abuse assessment
1 st positive drug test	Facilitate on-line drug prevention/education/intervention course	Refer for face-to -face prevention/education/intervention course
1 st admission of drug use	Facilitate on-line drug prevention/education/intervention course	Refer for face-to -face prevention/education/intervention course
2 nd or subsequent admission of drug use or 2 nd positive drug test	Refer to the juvenile drug court for assessment/admission	Refer to the juvenile drug court for assessment/admission

Education

Behavioral referral to office	Documented verbal intervention by JPO	Documented verbal intervention by JPO
5 or less skipped classes	Meeting with youth, parent and school	Meeting with youth, parent and school Reduce curfew by 30 minutes
5 or more skipped classes	Report to DJJ after school to complete make-up work	Report to DJJ after school to perform make-up work Reduce curfew by 1 hour
1-2 unexcused full -day absences	Documented verbal intervention by JPO	Documented verbal intervention by JPO Reduce curfew by 30 minutes
3 or more unexcused full-day absences	Report to DJJ after school to complete make-up work Reduce curfew by 30 minutes	Report to DJJ after school to complete make-up work Reduce curfew by 1 hour

Withdrawal from school	Refer to Career Source for GED/vocational/job placement	Refer to Career Source for GED/vocational/job placement
Services		
1 missed session/class	Letter of apology to therapist/facilitator	Letter of apology to therapist/facilitator
2 or more sessions/classes	Letter of apology to therapist/facilitator Reduce curfew by 30 minutes	Letter of apology to therapist/facilitator Reduce curfew by 1 hour
Restitution		
Failure to pay restitution for 90 days	Verbal intervention by JPO	Verbal intervention by JPO
Failure to pay restitution for 180 days	Set for status hearing with Judge	Set for status hearing with Judge
Breaking no contact order		
With codefendant	Essay	Essay
With victim	Essay and letter of apology	Essay and letter of apology
Curfew		
1 st curfew violation	Increased monitoring	Increased monitoring, reduce curfew by 30 minutes
2 nd curfew violation	Increased monitoring, reduce curfew by 30 minutes	Increased monitoring, reduce curfew by 1 hour
3 rd or subsequent curfew violation	Set for status hearing with Judge	Set for status hearing with Judge

Note: The JPO shall document all Effective Response sanctions and notify all parties in writing.

Matters may be brought before the Judge to address, but this does not preclude DJJ submitting a VOP Affidavit or the SAO from filing a VOP Petition.

SIXTEENTH JUDICIAL CIRCUIT PROBATION EFFECTIVE RESPONSE MATRIX

INCENTIVES

BEHAVIOR	LOW, MODERATE RISK TO REOFFEND	MODERATE-HIGH, HIGH RISK TO REOFFEND
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Substance Use		
Negative drug test for 90 days	Increase weekend curfew by 1 hour or reduce community service by 5 hours	Increase weekend curfew by 1 hour or reduce community service by 5 hours

Education		
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30 days of perfect attendance	Reduce community service by 3 hours	Reduce community service by 3 hours
No behavioral referrals for 90 days	Increase weekend curfew by 1 hour Reduce community service by 5 hours	Increase weekend curfew by 30 minutes Reduce community service by 5 hours

Improve GPA by .5	Increase weekend curfew by 1 hour Reduce community service by 5 hours	Increase weekend curfew by 1 hour Reduce community service by 5 hours
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Make the Honor Roll for grading period	Reduce community service by 10 hours	Reduce community service by 10 hours
Earn HS Diploma/GED/vocational training certificate	Reduce Community Service by 25 hours	Reduce Community Service by 25 hours

Accepted into post-secondary education/vocational school/military	Submit termination request if in substantial compliance	Submit termination request if in substantial compliance
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Services		
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Full attendance and participation for 30 days	Increase weekend curfew by 30 minutes or reduce community service by 3 hours	Increase weekend curfew by 30 minutes or reduce community service by 3 hours
Successfully complete counseling	Increase weekend curfew by 1 hours or reduce community service by 10 hours	Increase weekend curfew by 1 hours or reduce community service by 10 hours

Employment		
Obtain employment, maintain for 30 days	Increase weekend curfew by 30 minutes or reduce community service by 3 hours	Increase weekend curfew by 30 minutes or reduce community service by 3 hours

Maintain employment	Reduce community service by 3 hours for every 30 days of employment	Reduce community service by 3 hours for every 30 days of employment
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Community Service			
Complete all court ordered community service	Gift Card	Gift Card	
Curfew			
90 days with no curfew violations	Increase weekend curfew by 30 minutes for each 90 day compliance period	Increase weekend curfew by 30 minutes for each 90 day compliance period	

Note: The JPO shall document all Effective Response incentives and notify all parties in writing.