

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
OF FLORIDA

ADMINISTRATIVE ORDER NO:
22-16

**IN RE: JUVENILE - ALTERNATIVE CONSEQUENCE COMPONENT MATRIX AND
INCENTIVES FOR JUVENILE OFFENDERS ON PROBATION**

WHEREAS, while a juvenile is placed on probation, there are violations of probation that may occur referred as “technical violations” which do not involve a new arrest or other serious misconduct.

WHEREAS, arresting and incarcerating certain non-violent offenders for minor violations of probation is costly, and nonproductive,

WHEREAS, § 985.435(4), *Florida Statutes*, provides each judicial circuit shall develop a written plan after consultation with judges, the state attorney, the public defender, the regional counsel, relevant law enforcement agencies, and the Department of Juvenile Justice (DJJ), “specifying the alternative consequence component” is to be based upon the principle that sanctions must 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

WHEREAS, Successful completion of probation, rehabilitation, potential early termination of probation, and reduced recidivism are the goals for each juvenile which may be accomplished by utilizing the alternative sanction component as an administrative option for processing technical violations reducing the need for judicial resources, the court dockets and the workload of prosecutors, defense attorneys and law enforcement.

WHEREAS, the alternative consequence component is required accountable and apply swift and certain sanctions for a juvenile who is alleged noncompliant and has technical violations of probation.

WHEREAS, Florida Statute 985.435(4) provides each judicial circuit shall develop a written plan after consultation with judges, the state attorney, the public defender, the regional counsel, relevant law enforcement agencies, and the Department of Juvenile Justice (DJJ), “specifying the alternative consequence component based upon the principle that sanctions must 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.”

WHEREAS, the Eighteenth Judicial Circuit, in accord with the requirements laid out by the Florida Legislature, and with the agreement of the agencies whose representatives have signed below, is

instituting an Alternative Consequence Component Matrix (“ACCM”) for juvenile offenders. The matrix is based upon the principles stated above and recognizes that certain sanctions are appropriately handled without judicial involvement.

WHEREAS, the Alternative Consequence Component Matrix and Incentive Plan is a useful tool in determining the availability of alternative sanctions or incentives to move the child toward compliant behavior; it is appropriate at the discretion of the presiding judge that the ACCM and Incentive Plan developed by the Circuit be utilized in specific situations by the Department of Juvenile Justice (DJJ); and

The alternative consequences described below may be at the discretion of DJJ for the first alleged noncompliance or violation of probation. They are offered as guidelines to DJJ to address minor misconduct of juvenile probationers with alternatives to arrests or formal filings of violations of probation. Any alleged noncompliance or violation of probation shall be subject to the approval of the court if it is a second violation or more on a high risk or violent underlying offense or a third or more violation on a low or moderate risk underlying offense. This order does not infringe, however, on the discretion of probation officers to file or not file formal violations as they deem appropriate and when they are lawfully authorized to do so for any noncompliance or violation of probation rather than use the ACCM.

NOW, THEREFORE, pursuant to the authority conferred by the Florida Rules of Judicial Administration 2.215, it is ORDERED as follows:

1. The Alternative Consequences Component Matrix (ACCM) Incentive Plan for Juvenile Offenders is created in the Eighteenth Judicial Circuit, Brevard and Seminole County, Florida. This ACCM is circuit wide as required by the Legislature for consistency, yet the Alternative Consequence Component Matrix Sanction Guidelines outlined below take into account the services and consequences unique to and available in each county. The Sanction Guidelines may be amended as needed with the agreement of the juvenile administrative judge, the Office of the State Attorney, the Office of the Public Defender, Regional Conflict Counsel, law enforcement, and the DJJ.
2. Eligibility:
 - a. Only those juvenile offenders whose conditions of probation or post-commitment probation include participation in the ACCM are eligible. The disposition order shall include the Alternative Consequence Component Sanction Guidelines that details the specific technical conditions that are eligible and the potential alternative consequences.
 - b. Juvenile offenders on probation or post-commitment probation who have committed a technical violation of probation and have four (4) or more prior alternative sanctions are no longer eligible for the component
3. DJJ will notify by eservice the State Attorney and the defense attorney of record of its intention to impose any alternative sanction on a juvenile as well as the conduct underlying the sanction. The notice shall include all prior alternative sanctions imposed by DJJ on the juvenile, including what the prior assigned sanctions were, and indicate whether or not the prior sanctions were successfully completed. For a second violation or more on a high risk or violent underlying offense or a third or more violation on a low or moderate risk underlying offense, the DJJ shall notify the court, as well as the State Attorney and defense attorney of record of its intention to impose any alternative sanction on a juvenile as well as the conduct underlying the sanction. Upon receipt of the notice, the Juvenile judge shall indicate on the notice whether s/he approves of the alternative sanction, requires any addition sanction component, or disapproves of the alternative sanction and requires

a violation of probation. Should the court not approve the alternative sanction on a second or more of any noncompliance or alleged violation, DJJ is prohibited from imposing the sanction but may take any other action they deem appropriate. If no objection is lodged, DJJ may then impose the sanction.

4. In the event any juvenile fails to comply with any sanction imposed by DJJ, DJJ may take any action they deem appropriate, including filing or not filing a formal violation of probation.
5. Each disposition order of probation or post commitment probation in a juvenile case shall include the following language if the presiding judge determines the child to be appropriate for the use of the ACCM:

Violations of certain probation conditions of this order may be addressed in accordance with the attached Alternative Consequence Component Matrix (ACCM). The child is advised that the Department of Juvenile Justice may impose these consequences for such technical violations without further order of the Court for a first violation. If the child disagrees with the consequences the child is entitled to a hearing before this Court. Incentives may also be used to encourage continued compliant behavior.

The Court authorizes the Juvenile Probation Officer to utilize the local Alternative Consequence Component Matrix (see attached ACCM) in this case(s) to address instances in which the child is non-compliant with technical conditions of probation but has not committed any new violation of law unless it is second violation or more on a high risk or violent underlying offense or a third or more violation on a low or moderate risk underlying offense, which shall be subject to court approval. If the child agrees to the alternative consequence(s) offered by the Juvenile Probation Officer, the child shall complete the alternative consequence(s) as directed by the Juvenile Probation Officer.

Upon successful completion, the Department of Juvenile Justice will provide notice to the Court of the offered and completed sanction. If the child does not agree to the alternative consequence or fails to complete the alternative consequence, the Department of Juvenile Justice will file a Notice with the Court explaining the child's failure to comply or disagreement and the Department of Juvenile Justice may then proceed with filing an Affidavit for Violation of Probation.

6. In utilizing this component, all parties must ensure that the requirements of the Florida Constitution Article I Sec. 16(b) and Chapter 960 and 985 regarding victim rights are met.
7. The following sanction guidelines provide specific technical violations that may be addressed with alternative sanctions in each county. Each violation includes a list of sanctions from which a probation officer may select based on the individual juvenile's circumstances at the time. Nothing in this order prohibits the Department of Juvenile Justice from foregoing alternative sanctions and filing an affidavit for violation of probation
8. The use of incentives can be an effective means to encourage juvenile offenders to continue compliant behavior, leading towards the successful completion of probation or post-commitment probation. Should a juvenile offender engage in positive behavior that does not fall within the scope of the probation or post-commitment probation conditions ordered by the Court, DJJ may

give the juvenile offender incentives. The following incentive guidelines recite specific instances that may trigger, in the discretion of DJJ, the issuance of an indicated incentive to the juvenile offender.

DONE AND ORDERED this 20th day of April, 2022.

JESSICA RECKSIEDLER
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CHIEF JUDGE

Distribution:

All Circuit and County Judges (Brevard and Seminole Counties)
Court Administration (Brevard and Seminole Counties)
Clerk of Court (Brevard and Seminole Counties)
State Attorney (Brevard and Seminole Counties)
Public Defender (Brevard and Seminole Counties)
Regional Conflict Counsel (Brevard and Seminole Counties)
Department of Juvenile Justice (Brevard and Seminole Counties)
Sheriff (Brevard and Seminole Counties)
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SANCTIONS	
BEHAVIOR	LOW, MODERATE RISK TO REOFFEND
Substance Use	
1st or 2nd missed drug test <i>Or Instance of willful non-compliance with outpatient service provider</i>	<ul style="list-style-type: none"> • Documented verbal intervention by JPO • Documented verbal intervention by JPO and choice(s) below • Hold MDT to determine barriers to success • More restrictive curfew 1 hour 60 days • refer for a substance abuse assessment • immediate urinalysis
3rd missed drug test	<ul style="list-style-type: none"> • Immediate urinalysis, • refer for a substance abuse assessment • Consequence Alternative Sanction Unit (CASU) (if available) • community service hours (Seminole County hours must be completed through SWEAT). Must enroll in CASU or community work service hours within three business days
1st positive drug test or admission of cannabis use	<ul style="list-style-type: none"> • Increase frequency of urinalysis for 45 days when the child should test negative • Documented verbal intervention by JPO and choice(s) below • More restrictive curfew 30 days • Community restoration service 8 hours or S.W.E.A.T • Drug prevention education • attend and successfully complete a drug and alcohol class
2nd or 3rd positive drug test	<ul style="list-style-type: none"> • Documented verbal intervention by JPO and meeting with family to address youth's needs AND 2 or more choice(s) below • Increase frequency of urinalysis for at least 30 days when the child should test negative, • Attend and successfully complete a drug and alcohol class • Youth placed on JPO imposed house arrest until substance abuse eval completed. • Community restorative justice service (16) hours or referral to S.W.E.A.T. • Youth Referred for assessment and to follow recommendations • Increase frequency of unannounced home, community, and school contacts for specified period • Referral to Drug Court • Referral to community based transition services
4 th positive drug test	<ul style="list-style-type: none"> • Increase frequency of urinalysis for 45 days when the child should test negative, and refer for a substance abuse assessment (if substance abuse treatment is recommended and has not been ordered as a condition of probation, it MUST be ordered by the Court) • VOP

<p>Restitution- Failure to meet restitution payment schedule</p> <p><i>Not in 18th Plan</i></p>	<ul style="list-style-type: none"> • Documented verbal intervention by JPO and choice(s) below: • Work with youth and family to determine barrier. If legitimate barriers exist a restitution review hearing will need to be scheduled by defense attorney of record or attorney of family choice to establish alternative payment plan. • Written notice to SAO and defense counsel of either barrier or willful non-payment • If it is apparent the Restitution exceeds youth's current ability due to age or verified economic status request civil judgement
Education	
<p>4 or less unexcused class absences in a regular school schedule OR 2 or less unexcused class absences in a block school schedule</p>	<p>First Violation:</p> <ul style="list-style-type: none"> • Documented verbal intervention by JPO • JPO SHALL verify class schedule and youth provides teacher/instructor signed documentation of daily attendance for the next 15 school days and choice below • A letter to the Judge acknowledging the absence(s) with an explanation why the child missed the class(es) • Documented verbal intervention by JPO • Meeting with parent and youth • Report to DJJ office to complete make-up work • complete a written essay on potential occupations and the need for a high school diploma
<p>5-6 unexcused class absences in a regular school schedule OR 3 unexcused class absences in a block school schedule</p>	<ul style="list-style-type: none"> • JPO verifies class schedule and youth provides instructor signed documentation of daily attendance for the next 25 school days and 2 choices below • complete a written essay on potential occupations and the need for a high school diploma • Community Restorative Justice 5 hours for each missed day • Essay related to academic goals and how to achieve them • Project related to school attendance • Youth supplies weekly school attendance report from school administration • Youth assigned time(s) to report to JPO office/reporting center to complete assignments (ex: letters of apology, essays, job applications, community service hours, etc.) • Youth required to create plan to address school success and improvement in grades • More restrictive curfew 60 days
<p>1-2 unexcused full day absences in a 9 week period</p>	<ul style="list-style-type: none"> • Documented verbal intervention by JPO and choice(s) below • Essay or project related to school

	<ul style="list-style-type: none"> • Community Restorative Justice 3 hours for each missed day • Family Conference related to attendance incentives and improvement • Provide a weekly school attendance report from school administration for nine consecutive weeks AND reduce curfew from 6:00 pm to 4:00 pm for nine consecutive weeks • Consequence Alternative Sanction Unit (CASU) (if available) OR community service hours (Seminole County hours must be completed through SWEAT). Must enroll in CASU or community work service hours within three business day
3 or more full day absences in a semester	<ul style="list-style-type: none"> • Documented verbal intervention by JPO and 2 choice(s) below • More restrictive curfew 60 days • Community Restorative Justice 5 hours for each missed day • JPO verifies class schedule and youth provides instructor signed documentation of daily attendance for the next 5 weeks • Consequence Alternative Sanction Unit (CASU) (if available) OR community service hours (Seminole County hours must be completed through SWEAT). Must enroll in CASU or community work service hours within three business days <p>Also one choice below</p> <ul style="list-style-type: none"> • Youth assigned time(s) to report to JPO office/reporting center to complete assignments (ex: letters of apology, essays, job applications, community service hours, etc.) • Youth required to create plan to address school success and improvement in grades • Essay related to academic goals and how to achieve them
Disciplinary referrals	<ul style="list-style-type: none"> • Documented verbal intervention by JPO • Apology letter if appropriate to impacted party • Essay or project • Referral to counseling • Provide a weekly school attendance and disciplinary report from school administration for nine consecutive week • Consequence Alternative Sanction Unit (CASU) (if available) OR community service hours (Seminole County hours must be completed through SWEAT). Must enroll in CASU or community work service hours within three business days

Suspensions	<ul style="list-style-type: none"> • Documented verbal intervention by JPO and 3 choice(s) below • Youth required to create a plan to address school success • Written report (no less than 5 pages) on youth's 5 year plan • Provide a weekly school attendance and disciplinary report from school administration for nine consecutive weeks • Consequence Alternative Sanction Unit (CASU) (if available) OR community service hours (Seminole County hours must be completed through SWEAT). Must enroll in CASU or community work service hours within three business days. <p>Youth assigned time(s) to report to JPO office/reporting center to complete assignments (ex: letters of apology, essays, job applications, community service hours, etc.)</p> <ul style="list-style-type: none"> • More restrictive curfew for 60 days • Referral for community based transitional services
Legal Age Withdrawal from school	<ul style="list-style-type: none"> • Referral to local work force for GED/ vocational/job placement • Referral for community based transitional services
Curfew	
1st curfew violation prior to 11 pm	<ul style="list-style-type: none"> • Documented verbal Intervention by JPO and: • Reduce curfew from 6:00 pm to 4:00 pm for 30 days or • Increase Monitoring • Reduce curfew from 6:00 pm to 4:00 pm for 30 days AND participate as a volunteer in two Teen Court juries
2nd curfew violation prior to 11 pm but before 2:00 am OR a 1st curfew violation after 11 pm but before 6 am	<ul style="list-style-type: none"> • Reduce curfew from 6:00 pm to 4:00 pm for 30 to 60 days AND participate as a volunteer in two Teen Court juries • Documented verbal intervention by JPO and choice(s) below • More restrictive curfew 1 hour for 30 days • Consequence Alternative Sanction Unit (CASU) (if available) OR community service hours (Seminole County hours must be completed through SWEAT). Must enroll in CASU or community work service hours within three business days • Verbal intervention with JPO Supervisor (a formal meeting between JPO, JPOS, youth, and parent/guardian) • Community restorative justice service (2) hours
3rd curfew violation prior to 11 pm OR a 2nd curfew violation after 11 pm but before 6 am	<ul style="list-style-type: none"> • Consequence Alternative Sanction Unit (CASU) (if available) OR community service hours (Seminole County hours must be completed through SWEAT). Must enroll in CASU or community work service hours within three business days. • Documented verbal intervention by JPO and choice(s) below • Impose more restrictive curfew by 1 hour 90 days • Community Restorative Justice 5-10 hours

	<ul style="list-style-type: none"> • Essay/project
Curfew violations after 6 am or juvenile has absconded, meaning to hide, conceal, or absent oneself from the jurisdiction of the court or supervision of DJJ or transitional services to avoid prosecution or supervision, or who have left their residence without notice for 24 hours or more	<ul style="list-style-type: none"> • Documented verbal intervention by JPO and 2 choice(s) below • Increase frequency of curfew checks • Increase frequency of unannounced home, community, and school contacts for specified period to monitor the youth's progress towards completion of assigned tasks • Meeting with family to discuss noncompliance and youth's needs • More restrictive curfew 30 days • Restorative community service or referral to SWEAT
Treatment/Program/Class Violations	
1 st missed session/class	<ul style="list-style-type: none"> • Letter of apology to Therapist/facilitator/instructor • reduce curfew from 6:00 pm to 4:00 pm for up to 30 days
2 nd missed session/class	<ul style="list-style-type: none"> • Letter of apology to Therapist/facilitator/instructor AND reduce curfew from 6:00 pm to 4:00 pm for up to 60 days • Consequence Alternative Sanction Unit (CASU) (if available) OR community service hours (Seminole County hours must be completed through SWEAT). Must enroll in CASU or community work service hours within three business days
3 rd missed session/class	<ul style="list-style-type: none"> • Letter of apology to Therapist/facilitator/instructor, AND reduce curfew from 6:00 pm to 4:00 pm for 60 days AND Consequence Alternative Sanction Unit (CASU) (if available) OR community service hours (Seminole County hours must be completed through SWEAT). Must enroll in CASU or community work service hours within three business days.
Breaking no contact order	
With unauthorized persons or co-defendant	<ul style="list-style-type: none"> • Documented verbal intervention by JPO and 2 choice(s) below • Consequence Alternative Sanction Unit (CASU) (if available) OR community service hours (Seminole County hours must be completed through SWEAT). Must enroll in CASU or community work service hours within three business days. • Increase frequency of curfew checks • Increase frequency of unannounced home, community, and school contacts for specified period to monitor the youth's progress towards completion of assigned tasks • Meeting with family to discuss noncompliance and youth's needs • More restrictive curfew 30 days
With victim	<ul style="list-style-type: none"> • No alternative consequences • VOP

**18TH JUDICIAL CIRCUIT JUVENILE
ALTERNATIVE CONSEQUENCES COMPONENT (ACC)
SANCTION GUIDELINES**

(No more than three alternative consequences allowed per juvenile probationer without a prior commitment)

DJJ - Further technical violations will result in a formal Violation of Probation but this ACCM does not preclude the filing of a violation of probation by the Juvenile Probation Officer at any time it is believed ACC is not appropriate

Incentive Qualifier	Incentive options <i>JPO to document verbal acknowledgement to youth and family and may choose one incentive per positive qualifier</i>
90 day consecutive negative urinalysis	<ul style="list-style-type: none"> • Reduction of curfew by 1 hour • “Behavior Change” certificate • Allow attendance at special event • Special privileges suggested by youth or parent/guardian • donated gift card
Gain Employment and maintain for 90 days	<ul style="list-style-type: none"> • Certificate of accomplishment • Special privileges suggested by youth or parent/guardian • Allow attendance at special occasion • Reduce curfew restriction by 1 hour • Donated gift certificate/gift card
Perfect school attendance. Duration to be determined based on individual youth circumstances GPA improvement over previous report card	<ul style="list-style-type: none"> • Allow attendance at special occasion • Acknowledgement to the Judge • Acknowledgement to parent/guardian/school either verbal or written • Certificate of accomplishment • Allow attendance at special occasion • Acknowledgement to the Judge • Acknowledgement to parent/guardian/school either verbal or written • Certificate of accomplishment
Obtains GED	<ul style="list-style-type: none"> • Reduce curfew restriction by 1 hour • Allow attendance at special occasion • Acknowledgement to the Judge • Acknowledgement to parent/guardian/school either verbal or written • Certificate of accomplishment • Special privileges suggested by youth or parent/guardian
No behavior incidents at school. <i>Duration of incident free behavior to be determined based on individual youth circumstances.</i>	<ul style="list-style-type: none"> • Allow attendance at special occasion • Certificate of accomplishment • Special privileges suggested by youth or parent/guardian • “Behavior Change” certificate • Donated gift certificate/gift card

No behavior incidents at home. <i>Duration of incident free behavior determined based on individual youth circumstances.</i>	<ul style="list-style-type: none"> • Allow attendance at special occasion • Certificate of accomplishment • Special privileges suggested by youth or parent/guardian • “Behavior Change” certificate • Donated gift certificate/gift card
30-90 days mental health stabilization/ taking medication as prescribed. <i>Duration to be determined based on individual youth circumstances.</i>	<ul style="list-style-type: none"> • Allow attendance at special occasion • Acknowledgement to parent/guardian/school either verbal or written • Certificate of accomplishment • Special privileges suggested by youth or parent/guardian • “Behavior Change” certificate • Donated gift certificate/gift card
6 months or more of consistent fee/restitution payments	<ul style="list-style-type: none"> • Special privileges suggested by youth or parent/guardian • Donated gift certificate/gift card • Acknowledgement to the Judge • Allow attendance at special occasion • Reduce curfew restriction by 1 hour
<ul style="list-style-type: none"> • Submission of early termination • Allow attendance at special occasions/events • Letter of recognition • Letter of support to judge • Invitation to special recognition events 	<ul style="list-style-type: none"> • Extend/remove curfew time • Certificate of recognition • Reduction of drug screen requirements • Praise/recognition