



STATE OF FLORIDA
DEPARTMENT OF JUVENILE JUSTICE

INTEROFFICE MEMORANDUM

DATE: June 30, 2014 **PCI-14-003**

TO: Regional Directors and Chief Probation Officers

FROM: Joan M. Wimmer, Assistant Secretary, Probation and Community Intervention

SUBJECT: **Implementation of F.S. 985.435(4)**
Probation and Post Commitment Probation; community service - alternative consequences for noncompliance with technical conditions of probation (must be detailed in disposition order)

This memorandum outlines the guideline for implementation of F.S. 985.435(4), which will become effective July 1, 2014.

F.S. 985.435(4) A probation program may also include an alternative consequence component to address instances in which a child is noncompliant with technical conditions of his or her probation, but has not committed any new violations of law. The alternative consequence component is designed to provide swift and appropriate consequences to any noncompliance with technical conditions of probation. If the probation program includes this component, specific consequences that apply to noncompliance with specific technical conditions of probation must be detailed in the disposition order.

Expectations for Implementation of an Effective Response:

The application of this statute will be made as a part of probation disposition. JPOs will review the guidelines below to ensure the use of this statute is appropriately utilized.

Guidelines for Statute 985.435(4)

- ***An Alternative Consequence Component***
 - If a youth is noncompliant with technical conditions of his or her probation, but has not committed any new violations of law the court may specify in the disposition order that the Juvenile Probation Officer (JPO) may access a local alternative consequence program for youth with technical conditions of probation.
 - With the court's approval the JPO may apply the strategies within the Effective Response Matrix ([http://www.djj.state.fl.us/docs/probation-policy-memos/effective-response-matrix-\(2\).pdf?Status=Master&sfvrsn=4](http://www.djj.state.fl.us/docs/probation-policy-memos/effective-response-matrix-(2).pdf?Status=Master&sfvrsn=4)), which is designed to provide swift and appropriate consequences for noncompliance with technical conditions of probation.

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Rick Scott, Governor

Wansley Walters, Secretary

The mission of the Department of Juvenile Justice is to increase public safety by reducing juvenile delinquency through effective prevention, intervention, and treatment services that strengthen families and turn around the lives of troubled youth.

- A disposition order must include the authorization for the use of the Effective Response Matrix. Effective July 1, JPOs are not authorized to informally adjust conditions of probation supervision for technical violations without clear language allowing so in a disposition order.
- The Chief Circuit Judge may also issue a circuit wide administrative order permitting the Department's use of the Effective Response Matrix for noncompliant youth with technical conditions of probation.
- ***Disposition Hearings & Recommendations***
 - The Department representative should include the following statement language in the court ordered Pre-Disposition Report (PDR), and when presenting a verbal recommendation at the disposition hearing:
 - ✓ *Per F.S. 985.435(4) The Department respectfully recommends the court authorize the use of the Effective Response Matrix (ERM) as an alternative consequence component to address youth noncompliance with technical conditions of probation.*
 - Note: ERM strategy is intended to minimize the number of technical violations of supervision filed with the court by ensuring that all appropriate responses to noncompliance with court ordered conditions are considered prior to a formal violation or transfer staffing. The Juvenile Probation Officer (JPO) is not expected to attempt every intervention listed on the ERM. It is simply a menu that offers options to consider while exercising professional discretion to select the most appropriate option for the youth. The ERM serves as a guide to structured decision-making, it does not determine the decision.

If you have questions regarding this policy, please contact Colleene Scott at colleene.scott@djj.state.fl.us, or Sonny Peacock at ruel.peacock@djj.state.fl.us.

Attachments: *Effective Response Matrix (website version)*