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IN THE COUNTY COURT OF THE
SECOND JUDICIAL CIRCUIT, IN
AND FOR LEON COUNTY, FLORIDA

ADMINISTRATIVE ORDER 92-2

PROBATIONERS EDUCATIONAL GROWTH (PEG) PROGRAM AS A GENERAL OR SPECIAL CONDITION OF PROBATION

WHEREAS, statistics establish conclusively that education promotes a reduced rate of recidivism and an increased rate of rehabilitation; and [1]

WHEREAS, there has been created an Adult and Community Education Probationers Educational Growth (PEG) program designed for probationers to break the illiteracy-unemployment-poverty-crime cycle; and

WHEREAS, the program is free of charge and maintains convenient locations and other assistance dealing with the practical problems facing probationers; and

WHEREAS, the primary function of probation is to rehabilitate and prevent future crime; and

WHEREAS, it is the observation of the judges that persons with literacy skill problems disproportionatley pass through the legal system; and

WHEREAS, the lack of education leads to inadequate employment, which leads to crimes of petit theft, shoplifting, prostitution, bad check cases, assistance fraud, gambling; and

WHEREAS, lack of employment also leads to idle time which contributes to indulgence in alcohol leading to disorderly conduct, disorderly intoxication, criminal mischief, battery, brawling, as well as illegal use of marijuana; and

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[1] "With an education or even things such as a cooking degree ... inmates will set their goals on working legally instead of selling drugs, robbing people, or committing burglaries." Letter by three inmates, Tallahassee Democrat, February, 1991; Seventy-five percent of the incarcerated persons in Florida have no high school diploma; and a twelfth grade education is one of the four behavioral variables used by the U.S. Parole Board to predict parole success (see Prison Utilization Study: Risk Assessment Techniques and Florida's Inmates, Vol. I, Joint Legislative Management Committee of the Florida Legislature, April, 1990); Recidivism rate for those with a G.E.D. in Arkansas was 11.8% with the average rate of recidivism in Arkansas at 35% (1983 Arkansas Department of Corrections Study).

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WHEREAS, improved education and enhanced job opportunities will improve a defendant's ability to pay fines, public defender fees, restitution, court costs, and probation fees; it is therefore **ORDERED THAT**

ACCORDINGLY, the County Court, Leon County, Second Judicial Circuit of Florida hereby adopts the following procedure in all criminal misdemeanor and criminal traffic offenses within its jurisdiction:

1. As a general condition of probation an offender shall be screened for placement into the PEG program. This requires a probationer who has not obtained a high school diploma, or high school equivalency diploma, or who lacks basic or functional literacy skills, to make a good faith effort for a completion of such basic or functional literacy skills or high school equivalency diploma utilizing the PEG program as it is organized to deal with the special problems of probationers including an appropriate monitoring system.

2. The Court shall not revoke probation because of the offender's inability to achieve such skills and diploma, but may revoke probation if the offender fails to make a good faith effort to attend and cooperate with the program.

3. Probation shall develop an information sheet to be signed by the probationer acknowledging the probationer's rights and obligations regarding the PEG program.

4. The PEG program shall report to County probation which shall make a quarterly report to the judges as to the following: Number of probationers screened into the PEG program, number of probationers screened out of the PEG program, number of probationers violated for not attending the PEG program, number of probationers completing the PEG probation up to the skill level possible for the probationer, and the number of probationers obtaining a GED, high school diploma, or vocational education certificate during the period of probation.

5. Nothing herein shall prevent a probationer from applying to the Court to have the PEG program deleted or to contest any screening method or standard. Whereupon, the judge shall make a specific determination of whether the PEG program is appropriate for the probationer.

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6. Nothing herein shall prevent any judge from making an individualized determination that the PEG program should be ordered as a special condition of probation.

DONE AND ORDERED in Chambers at Tallahassee, Florida this 17th day of March, 1992.

HAL S. McCLAMMA
COUNTY JUDGE

KATHLEEN F. DEKKER
COUNTY JUDGE

TERRY P. LEWIS
COUNTY JUDGE

THOMAS H. BATEMAN III
COUNTY JUDGE

WILLIAM L. GARY
CHIEF JUDGE

cc: All Judges, Second Judicial Circuit
All Clerks of Court, Second Judicial Circuit
Leon County Probation
Office of Public Defender
Office of State Attorney
Probationers Educational Growth Program (PEG)

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