

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT,
IN AND FOR BREVARD COUNTY

ADMINISTRATIVE ORDER NO.:
23-12-B
SUPERSEDES 19-36-B

IN RE: VETERANS' TREATMENT COURT

WHEREAS, the Florida Statutes sections 394.47891; 948.08(7)(a),(b) and (c); 948.16(2)(a) and (b); and, 948.21, Florida Statutes (as amended by 2019 Fla. Sess. Law Serv. Ch. 2019-61 (S.B. 910), effective October 1, 2019), authorizes the chief judge to establish felony and/or misdemeanor pretrial and post-adjudicatory veterans' treatment intervention programs to address the military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problems of veterans and service members charged with, or on probation or community control for, criminal offenses; and

WHEREAS, the purpose of Veterans' Treatment Court (VTC) is to reduce recidivism by emphasizing treatment and rehabilitation as an alternative to incarceration, while also requiring offender accountability and increasing public safety; and

WHEREAS, there is a recognized need to bring defendants qualified to participate in the VTC before a judge assigned to expeditiously and efficiently move veterans with service-related issues from an overcrowded jail system into veteran treatment programs without compromising the safety of the public; and

WHEREAS, a centralized VTC that utilizes available Veteran Administration and Veteran Mentor Volunteer resources and support systems will increase the efficiency of the criminal court system in Brevard County and permit better access to services needed by veterans; and

WHEREAS, the U.S. Department of Veterans Affairs, Brevard County Veterans Services Office, and Brevard County Veteran Mentor Volunteer resources assist the court with the provision of services for veterans eligible to receive benefits and provide meaningful treatment for veterans as well as assisting veterans in securing housing, employment opportunities, job training, education, transportation, disability compensation claims, discharge status and other benefits available at the local, state and federal level;

NOW THEREFORE, by authority vested in me as Chief Judge and pursuant to the Florida Rules of Judicial Administration, it is ORDERED:

I. PRETRIAL INTERVENTION PROGRAM:

- A. In order to participate in the pretrial intervention program of the VTC, a defendant must meet the following criteria:
1. Misdemeanor Cases – section 948.16(2)(a), Florida Statutes
 - a. The defendant is a veteran, as defined in section 1.01, including a veteran who is discharged or released under any condition; a servicemember, as defined in section 250.01; an individual who is a current or former U.S. Department of Defense contractor; or an individual who is a current or former military member of a foreign allied country.
 - b. The defendant suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, military sexual trauma, and will complete the Application for Veterans Treatment Court provided by the Office of the State Attorney, and VA Form 10-5345 Request for and Authorization to Release Medical and Health Information.
 - c. The defendant is charged with a city or county ordinance violation or a misdemeanor offense.
 - d. The defendant voluntarily agrees to participate in VTC for a period of time based on the program's requirements and the treatment plan for the offender.
 - e. The State, in consultation with the court, shall determine if the defendant meets the statutory criteria for eligibility and also whether or not the defendant should be admitted into VTC.
 2. Felony Cases – section 948.08(7)(a), Florida Statutes
 - a. The defendant is a veteran, as defined in section 1.01, including a veteran who is discharged or released under any condition; a servicemember, as defined in section 250.01; an individual who is a current or former U.S. Department of Defense contractor; or an individual who is a current or former military member of a foreign allied country.
 - b. The defendant suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, military sexual trauma, and will complete the Application for Veterans Treatment Court provided by the Office of the State Attorney, and VA Form 10-5345 Request for and Authorization to Release Medical and Health Information.
 - c. The defendant is charged with a felony, other than a felony listed in section 948.06(8)(c), Florida Statutes.
 - d. The State, in consultation with the court, shall determine if the defendant meets the statutory criteria for eligibility and also whether or not the defendant should be admitted into VTC.

- B. Efforts should be made to identify potentially eligible defendants as early as possible. Initial identification should be the responsibility of all entities involved, including the court, the Office of the State Attorney, defense counsel, law enforcement at booking, the Brevard County jail, Veterans' organizations, and the defendant. The issue of eligibility for VTC may be raised at any court proceeding by the defendant, defense counsel, the Office of the State Attorney, or the court. Determination of eligibility shall be set for a subsequent hearing.
- C. Prior to the first hearing in VTC, the defendant's VA treatment eligibility status shall be verified by the State through the Veterans Justice Outreach Specialist.
- D. At the defendant's first hearing in VTC, the State shall determine if the defendant meets the statutory criteria for eligibility and also whether or not the defendant should be admitted into VTC.
- E. If it is determined that the defendant is not eligible for or is unwilling to participate in VTC, or the defendant is otherwise unsuccessfully discharged from VTC, the case will be transferred back to the criminal division from which it originated. If the case was not assigned to a criminal division prior to transfer to VTC, the case will be assigned to a criminal division by the clerk in accordance with the applicable administrative order.
- F. If accepted into VTC, the defendant is required to attend court hearings as ordered by the court, based on each defendant's needs. The defendant will participate in continued assessment and treatment and engage in discharge planning. This participation must include the voluntary and truthful provision of information to the court and all collaborating entities in the assessment and treatment process. All participants are required to keep a copy of the Veterans' Treatment Court Handbook and are responsible for following all rules outlined in the VTC Handbook.
- G. Participation in the pretrial intervention program will subject the defendant to a coordinated strategy developed by a veterans' treatment intervention team.
 - 1. The coordinated strategy is modeled after the therapeutic jurisprudence principles and key components in section 397.334(4) and may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules.
 - 2. The protocol of sanctions may include, but need not be limited to, placement in a treatment program offered by a licensed service provider or in a jail-based treatment program or serving a period of incarceration within the time limits established for contempt of court. A defendant may refuse any sanction and as their alternative, resign or be revoked from VTC.
 - 3. The VTC team includes the VTC Judge, Assistant State Attorney, Assistant Public Defender, Veterans Justice Outreach Specialist, Court Managers, VTC Coordinator, Mentor Coordinator, and others approved by the court.
 - 4. The defendant must be under the supervision of Probation and Parole for all felony cases and Professional Probation Services for all misdemeanor

cases.

- H. At the end of the pretrial intervention period, the court shall consider the recommendation of the treatment program and the recommendation of the State Attorney as to disposition of the pending charges.
 - 1. The court shall determine whether the defendant has successfully completed the pretrial intervention program while in VTC.
 - a. If the court finds that the defendant has not successfully completed the pretrial intervention program, the court may order the defendant to continue in education and treatment or return the charges to the criminal docket for prosecution.
 - b. The court shall dismiss the charges upon a finding that the defendant has successfully completed the pretrial intervention program.
 - 2. Any defendant whose charges are dismissed after successful completion of the pretrial intervention program, if otherwise eligible, may have his or her arrest record of the dismissed charges expunged under section 943.0585.

II. POST-ADJUDICATORY PROGRAM:

- A. To be eligible to participate in the post-adjudicatory program of the VTC, a defendant must meet the following criteria:
 - 1. Military veterans and servicemembers court programs - section 394.47891, Florida Statutes
 - a. The defendant is a veteran, as defined in section 1.01, including a veteran who is discharged or released under any condition; a servicemember, as defined in section 250.01; an individual who is a current or former U.S. Department of Defense contractor; or an individual who is a current or former military member of a foreign allied country and will so state by completing the Application for Veterans Treatment Court provided by the Office of the State Attorney, and VA Form 10-5345 Request for and Authorization to Release Medical and Health Information.
 - b. The defendant suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, psychological problem, or military sexual trauma.
 - c. The defendant is charged with or convicted of a criminal offense.
 - d. The defendant must be under the supervision of Probation and Parole for all felony cases and Professional Probation Services for all misdemeanor cases while in VTC.
 - 2. Entry into the post-adjudicatory program
 - a. Must be in accordance with chapter 921, Florida Statutes, in a manner that appropriately addresses the severity of the mental illness, traumatic brain injury, substance abuse disorder, or psychological problem through services tailored to the individual needs of the participant.

- b. The State, in consultation with the court, shall determine if the defendant meets the statutory criteria for eligibility and also whether or not the defendant should be admitted into VTC.
- B. The court shall determine whether the probationer or community controllee has successfully completed the post-adjudicatory program. All parties shall have notice and a fair opportunity to be heard before such determination.
1. If the court finds that the probationer or community controllee has successfully completed the post-adjudicatory program, the court may consider withholding adjudication of guilt or early termination of probation.
 2. If the court finds that the probationer or community controllee has unsuccessfully completed the post-adjudicatory program, the VTC court must find the defendant in violation of their supervision and the VTC court must sentence or modify the supervision of the defendant in accordance with all relevant laws, after hearing input from all parties.

DONE AND ORDERED this 9th day of February, 2023.

JESSICA RECKSIEDER
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CHIEF JUDGE

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