

IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

Order Number 2012-35-Crim

**ADMINISTRATIVE ORDER ESTABLISHING
VETERANS TREATMENT INTERVENTION COURT PROGRAM**

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- (a) Florida Rule of Judicial Administration 2.215(b)(3) states the chief judge shall "considering available resources, ensure the efficient and proper administration of all courts within [this] circuit."
- (b) The United States Department of Veterans Affairs (Department) is able to assist the court with the provision of services for veterans eligible to receive benefits from the Department who are arrested for municipal ordinance violations, misdemeanors, and felonies. The services provided by the Department will provide meaningful treatment for veterans that is anticipated will reduce recidivism and improve public safety.
- (c) The Department has agreed to provide the Circuit with a Veterans Justice Outreach (VJO) Coordinator one (1) day per week to develop individualized treatment plans for each veteran in an effort to alleviate the problems that resulted in the veteran's arrest.
- (d) Individuals have also agreed to provide a volunteer mentor program comprised of specially trained volunteers to assist veterans with the treatment plan and other needs available from the Department.
- (e) In accordance with the authority vested in the chief judge by Florida Rule of Judicial Administration 2.215, it is ordered:
- (1) General Provisions.
- a. A Veterans Treatment Intervention Court Program (court program) is established for county and circuit criminal cases effective May 7, 2012.
 - b. The judge assigned to preside over this court program shall establish the day and time of the hearings.
 - c. The VJO Coordinator shall be at all court hearings and case staffing.
 - d. An individual (defendant) must be a veteran or servicemember to be transferred to this court program.
 - e. At the time of booking at a jail or at first appearance, an attempt shall be made to determine if the defendant is a veteran or servicemember. If the defendant is identified as a veteran, his or her name shall be provided to the VJO Coordinator to determine eligibility for services from the Department.

- f. The Clerk of Courts shall assign all cases to a county or circuit criminal division subject to entry of a transfer order to this court program.
 - g. The division judge and court program judge must sign a written court order of transfer for cases sent to this program.
 - h. The Clerk of Courts shall designate, after transfer, county cases with the division alpha MVC and circuit cases with the division alpha VF.
 - i. If a defendant is terminated from this court program for any reason, the case shall be transferred to the originally assigned division for further proceedings.
 - j. The defendant must suffer from a military-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem.
 - k. The number of participants may be limited subject to funding for community programs and Department programs.
 - l. Impact Broward is responsible for implementing a mentor program in conjunction with the services provided by the Department.
 - m. After hearing, and with the agreement of the State, cases not otherwise qualified for this court program, may be transferred.
- (2) Felony Pretrial Intervention Programs.
- a. A defendant is eligible for a pretrial intervention program if he or she meets the requirements of §948.08, Fla. Stat.
 - b. A transfer to this court program may not be ordered until arraignment to allow the defendant sufficient time to consult with counsel, voluntarily agree to enter the court program, waive the right to a speedy trial, and review the proposed coordinated strategy while in a pretrial intervention program.
 - c. The State, defendant, or court may make the motion for transfer to this court program.
- (3) Misdemeanor Pretrial Intervention Programs.
- a. A defendant is eligible for a pretrial intervention program if he or she meets the requirements of §948.16, Fla. Stat.
 - b. A defendant may be eligible for a pretrial intervention program for other charges agreed to by the State Attorney.
 - c. The State may object to a case being transferred to this court program as authorized by §948.16, Fla. Stat.
 - d. A transfer to the court program may not be ordered until arraignment to allow the defendant sufficient time to consult with counsel, voluntarily agree to enter the court program, waive the right to a speedy trial, and review the proposed coordinated strategy while in a pretrial intervention program.

- e. The State, defendant, or court may make the motion for transfer to this court program. A hearing shall be held with the State, defense counsel (if any), and defendant present to provide evidence or argument that supports transfer to this court program.
- (4) Felony Post Adjudicatory Program.
- a. The defendant is eligible for probation or community control pursuant to Chapter 921, Fla. Stat.
 - b. The defendant is convicted of a criminal offense and sentenced pursuant to Chapter 921, Fla. Stat., by a division judge.
 - c. A defendant seeking a downward departure may be transferred to this program if:
 - i. a plea of guilty or no contest is entered before the division judge;
 - ii. a waiver of the right to be sentenced by the division judge is entered on the record;
 - iii. files a written motion for downward departure as required by law and the criminal rules of procedure; and
 - iv. agrees that if the motion is denied the judge assigned to this court program may sentence the defendant.
 - d. If a defendant is placed on probation or community control, he or she shall be supervised as all other defendants.

DONE AND ORDERED in chambers at Fort Lauderdale, Broward County, Florida on May 7, 2012.

s/Peter M. Weinstein
Peter M. Weinstein, Chief Judge