



Travis County Veterans Court

PARTICIPANT HANDBOOK

Welcome to the Travis County Veterans Treatment Court Program

Welcome to the Travis County Veterans Treatment Court Program. The Veterans Court is designed to help you address some of the risk factors that have led to your involvement in the criminal justice system. The Veterans Court is offering you this opportunity because we believe that each veteran in this court has demonstrated commitment, courage and self-discipline in their role as a member of the United States military. We expect that you will demonstrate these same characteristics in fulfilling the expectations of the Court.

We recognize that deployment to combat or other hazardous duty zones may have an impact that makes post-deployment life challenging. We also recognize that there is often a correlation between such deployment and psychological issues that may manifest themselves in behavior that is out of character for those who served. Our goal is to assist you in addressing these issues so you can interrupt or avoid this aberrant behavior. Furthermore, it is our responsibility to ensure that you no longer pose a risk to the community, as well as to yourself. The way to achieve this is by helping you recognize and correct the thinking, behavior and other risk factors that have brought you in contact with the criminal justice system.

You have taken part in the development of a strategic action plan (SAP) that is designed to help identify the steps you will be expected to take as you address your risk factors. This will include mental health counseling and, possibly, substance abuse counseling. Other goals we will help you with may include education, employment, housing, family counseling and social support.

We recognize that change can be difficult. No matter what behavior or habits we seek to change, change is seldom easy. There are various stages that we all go through as we attempt to develop healthier, more productive patterns for ourselves. We will do whatever we can to help you recognize the benefit of change and support you during this process.

One of the ways the Court will support you is by providing you with a series of rewards (incentives) to reinforce your progress. You can expect to be rewarded with verbal praise, advancement through the levels in court, reduction in the frequency of required court appearances, removal of certain restrictions and, ultimately, in dismissal of your case if you successfully complete the program.

The court may also require you to wear a SCRAM alcohol ankle monitor or have either an In-HOM or Ignition Interlock Device installed for a period of time, as well as undergo random urinalysis. The court staff will communicate closely with your treatment providers. Please be aware that information will be shared openly between these entities.

In some cases, the court may have to hold you accountable and provide you with sanctions for failing to follow the expectations that you have agreed to meet. Sanctions may include community service restitution hours, increased reporting to the court, denial of promotion to the next level, etc. More serious violations could result in jail time and/or being expelled from the court. It is important to remember that any sanctions that may be given are designed to help you correct behaviors that are considered high risk, to progress through the stages of change and successfully complete the Veterans Treatment Court Program.

This handbook includes an overview of the program, the Participant Agreement, an explanation of the three levels, and the progress reports you will need to complete for each of your court appearances.

The entire Veterans Court team appreciates your military service and looks forward to helping you successfully complete your Veterans Court mission.

TRAVIS COUNTY VETERANS COURT

OVERVIEW

The Travis County Veterans Treatment Court Program is a pre-trial diversion program for Veterans who are charged with a misdemeanor or felony misdemeanor or felony offenses that may be related to Post Traumatic Stress Disorder (PTSD) or other mental health problems resulting from their military service. Participants in this program will be given an evaluation for psychological, chemical dependency and other issues that can be addressed through various types of treatment and supportive services. The Veterans Treatment Court Program may also assist participating veterans with obtaining employment, education, health and housing services. Additionally, the program offers veterans an opportunity to avoid prosecution and a criminal conviction. The Veterans Treatment Court Program utilizes a non-adversarial approach in which a team that includes the judge, the defense attorney, the prosecutor, the program manager and a Veterans Administration outreach specialist work together with the veteran to guide him/her toward successfully attaining goals. A Strategic Action Plan (SAP) will be developed by the program manager and the veteran will be provided with referrals for services needed to begin implementation of the SAP. The veteran will be scheduled for a series of court appearances to monitor and reinforce their progress toward meeting the objectives of their SAP. Once the objectives have been successfully met, the case will be dismissed from prosecution.

ELIGIBILITY CRITERIA FOR PARTICIPATION

Veteran or current member of the United States Armed Forces, including a member of the Reserves, National Guard, State Guard or Coast Guard. Discharge from the military must be Honorable or General Under Honorable Conditions. Also, the veteran must have or receive a clinical diagnosis of Post Traumatic Stress Disorder (PTSD), a traumatic brain injury (TBI), or mental disorder that resulted from military service and materially affected the veteran's criminal conduct for which they are being charged. Misdemeanor or felony charges pending in Travis County are currently eligible.

PROCESS

Applications for admission must be submitted to the Veterans Court Manager by the defense attorney representing the veteran. Once a referral is received, the Veteran's Court Manager will screen the applicant for eligibility, schedule the veteran for assessment and staff the case with the County Attorney's Office. If the veteran meets the program criteria and is accepted into the program, their case will be transferred to the Veterans Court docket. If the attorney is Court-appointed, the case will be turned over to the Veterans Court contract defense attorney. If the attorney is retained, then the attorney will have the option of remaining on the case for the duration of the program.

PROGRAM LENGTH

The Veterans Treatment Court Program is a 12 to 24 month program. The exact length of time in the program is determined by each participant's needs, progress toward successful implementation of the SAP, nature of the offense and arrest history.

Travis County Veterans Court Agreement of Participation

PARTICIPANT: _____ **DOB:** _____ **Cause** _____

If accepted for enrollment into the Travis County Veterans Treatment Court Program, I hereby agree to the following stipulations:

1. **Honesty.** I agree to be honest with the Veterans Court Team, and I understand that information I disclose about the offense I am charged with committing and/or information about my mental health and/or my alcohol and drug use will not be used against me in future prosecutions or punishment hearings.
2. **Strategic Action Plan.** I will attend, engage, participate in, and complete all treatment and counseling ordered by the Judge as a condition of my bond, to include but not limited to detoxification, residential treatment, inpatient treatment, outpatient treatment, aftercare and relapse prevention treatment, counseling, support group attendance, cognitive behavioral classes, and any supplementary treatment, counseling or education considered essential to attaining goals listed on my action plan. I understand that depending upon my income, I may be responsible for some or all treatment costs.
3. **Abstinence from Alcohol and Drugs.** If ordered by the Judge as a condition of my bond: I agree that I will not possess and/or use alcohol and illegal drugs. I will use prescription medication only as prescribed for me by a physician. I further agree to inform any treating physician or dentist of my substance abuse dependency, and that I should not take any narcotic or addictive medications or drugs and should request non-narcotic alternatives. Furthermore, if a treating physician determines that narcotic or addictive medications or drugs are necessary, I must disclose this to my treatment provider(s) and Veterans Court case manager. The Veterans Court Team will determine my continued program participation. Before taking medication of any kind, I will check with the pharmacist to ensure that it is non-narcotic, non-addictive and contain no alcohol. I will list any and all over the counter and prescription medication names to my treatment provider and probation officer prior to submitting to any drug or alcohol screens. I further agree to submit to frequent and random testing for the presence of alcohol and drugs as directed by the Judge, and to pay any required fees for testing.
4. **Disputing positive screening test results.** I understand that I may dispute positive test results, but that I will be responsible for payment in advance for the drug testing confirmation costs. If positive drug use is confirmed, the sanction will be more stringent than if I had been honest about having used alcohol or drugs.
5. **Commit No New Offenses.** I will not violate laws, and understand that any violation or arrest must be reported to the Judge within 48 hours. I understand that an arrest or citation for a criminal offense that occurs during the course of the program will be considered a violation of program rules, and that the court need not await disposition of new criminal offenses before implementing sanctions on the case already pending in Veterans court.
6. **Make All Scheduled Appearances.** I will appear or report as scheduled to Veterans Court proceedings, hearings, treatment, counseling sessions and meetings with case manager(s). I will arrange for my own transportation and understand that lack of transportation is not an excuse for missing any scheduled event.

7. **Maintain Employment and/or Education.** I will maintain appropriate full time employment or full time status as a student, or will attend any education or job training programs to which I am referred. I will report any change in status to the Judge within 48 hours.
8. **Housing.** I will maintain stable housing considered appropriate by the Veterans Court Team for my recovery.
9. **Payment of Fees.** I agree to pay all Court ordered financial obligations.
10. **Field Visits.** I understand that Veterans Court case manager(s) and/or other Veterans Court personnel may conduct field visits to my residence, place of employment and other areas I may inhabit or frequent. I understand that as a program participant I may be subject to periodic home visits by court personnel which may be either be announced ahead of time or unannounced. For the purpose of home visits, I agree to waive any Fourth Amendment Search and Seizure claims, and I agree to cooperate fully with court personnel in the event that a home visit is conducted. I understand that failure to fully cooperate with a home visit will be considered a violation of program rules and will make me subject to potential sanctions.
11. **Appropriate Behavior.** I agree to respect the opinions and feelings of other program participants and understand that verbal or physical threats or abuse will not be tolerated.
12. **Respect for the Court.** I will use appropriate language in court, such as addressing the Judge by saying “Yes your Honor” and “No Your Honor.” I will not lean on the court bench or use inappropriate language in court. I will not bring food, drinks, gum, tobacco or recording devices to court.
13. **Cellular Telephone or Pagers.** I agree to make sure that all cell phones and pagers are turned off while in Court, treatment, counseling, and meetings.
14. **Dress Code.** I understand and agree to dress appropriately for Court and for any meetings required while in the Veterans Treatment Court Program.
15. **Disclosure of Program Information for Review.** I understand that, for the purposes of data collection or review of this program, some otherwise confidential information may be disclosed to third parties. Statistical information will not include my name, address or personal identifying information.
16. **Confidentiality of Veterans Court participation.** I understand that my enrollment in the Veterans Treatment Court Program will be a matter of public record, and that the Veterans Court proceedings are open to the public, and the rules of confidentiality do not apply there. I understand that the Veterans Court Team and other treatment providers will make reports to the Judge concerning my progress in treatment. I have signed a release of information to facilitate this exchange of information. I agree to release information and permit communication with outside agencies to assist in fulfilling my requirements of the program. I will not disclose information regarding any other Veterans Court participants and agree to maintain their confidentiality.
17. **Travel.** I understand that I must notify court coordinators of my county/counties of residence and work upon entering the program. When travelling within Texas during the course of the program I will notify court personnel in advance of my travel plans, including the

county/counties that I intend to be visiting. Before leaving the state or the country I understand that I am expected to notify court coordinators and my attorney, and that explicit permission of the court is required before leaving the state. I understand that the court must be informed of my destination, the length, and the purpose of my trip before engaging in interstate or international travel.

18. **Statute of Limitations/Speedy Trial.** I understand that by entering the Veterans Treatment Court Program I am waiving any future claims regarding speedy trial or statute of limitations issues on the case or cases under which I am being accepted into the court. I understand that I will not be permitted to raise objections pertaining to timeliness or speedy trial on cases which have remained pending pursuant to admission in the Veterans Treatment Court Program.

I understand that I must abide by the conditions ordered by the Judge of the Veterans Court including my individual treatment plan. Failure to comply may result in sanctions including, but not limited to, admonishment, verbal reports, written reports, increased drug/alcohol testing, increased treatment requirements, jail time or involuntary termination from the program.

Participant Signature

Date

Judge's Signature

Date

Travis County Veterans Court Levels

Level One

(Minimum 2 months)

Requirements

- Attend Veterans Court hearings every two weeks, as scheduled.
 - Attend appointments with the Caseworker every two weeks.
 - Enroll in and attend treatment according to the Strategic Action Plan (SAP).
 - Develop timeline to begin working on other goals as identified in the SAP.
 - Comply with random drug testing and maintain sobriety.
-

Level Two

(Minimum of 4 months)

Requirements

- Attend Veterans Court hearings once every four weeks, as scheduled.
 - Attend appointments with the Caseworker every two weeks.
 - Continue attending treatment according to the Strategic Action Plan (SAP). Primary treatment shall be completed during this level.
 - Continue to work toward goals established on the SAP according to timeline.
 - Comply with random drug testing and maintain sobriety.
 - Establish relationships with people who are supportive of recovery.
 - Obtain/maintain stable employment that is conducive to a sober lifestyle and/or attend school or vocational training.
 - Maintain stable housing arrangements.
-

Level Three

(Minimum of 6 months)

Requirements

- Attend Veterans Court hearings once every six weeks, as scheduled.
- Attend appointments with the Caseworker every four weeks.
- Attend Aftercare or other treatment sessions as recommended by treatment provider.
- Continue to work toward goals established on the SAP according to timeline.
- Comply with random drug testing and maintain sobriety.
- Maintain relationships with people who are supportive of positive goals.
- Maintain stable employment that is conducive to a sober lifestyle for at least 60 days and/or attend school or vocational training as directed.
- Maintain stable housing arrangements.
- Complete and submit a Veterans Treatment Court Program Graduation Request form.
- Obtain Courts approval for Graduation from the Veterans Treatment Court Program.

Veterans Treatment Court Progress Self-Report

Veteran: _____ **Court Date:** _____

Branch of Service: _____ **Veterans Court Level:** _____

Progress since last court appearance:

- **Treatment Groups attended (dates):** _____
- **Groups missed: (dates) :** _____
- **Support Groups attended (if applicable):** _____
- **Reasons for missing groups (if applicable):** _____

Coping Skills Used:

- _____
- _____
- _____
- _____

Plan of Action before next court appearance

Other comments:

- _____
- _____
- _____
- _____

Other comments or questions:

VETERANS TREATMENT COURT LEVEL PROMOTION REQUEST

Promotion to the next level is granted as recognition for compliance with the requirements you agreed to when accepted into the Veterans Court. These requirements are designed to help you meet the challenges of your post-service adjustment and to reduce your risk of recidivism. Please explain to the Court what progress you feel you have made and why you should be promoted to the next level and what steps you intend to take to ensure that you maintain the positive trajectory that you have demonstrated thus far:

Name: _____

Date: _____

Travis County Veterans Treatment Court Participant Bill of Rights

- (1) You have the right to accept or refuse participation after receiving this explanation.**
- (2) If you agree to treatment, you have the right to change your mind at any time (unless specifically restricted by law).**
- (3) You have the right not to be discriminated against due to your race, creed, color, national origin, sex or physical disability.**
- (4) You have the right to a humane environment that provides reasonable protection from harm and appropriate privacy for your personal needs.**
- (5) You have the right to be free from abuse, neglect, and exploitation.**
- (6) You have the right to be treated with dignity and respect.**
- (7) You have the right to appropriate treatment in the least restrictive setting available that meets your needs.**
- (8) You have the right to be told about the program's rules and regulations before you are admitted.**
- (9) You have the right to a treatment plan designed to meet your needs, and you have the right to take part in developing that plan.**
- (10) You have the right to meet with staff to review and update the plan on a regular basis.**
- (11) You have the right to have information about you kept private and to be told about the times when the information can be released without your permission.**
- (12) You have the right to receive an explanation of your treatment or your rights if you have questions while you are in the Veterans Treatment Court Program.**
- (13) You have the right to make a complaint and receive a fair response from the program within a reasonable amount of time.**
- (14) You have the right to get a copy of these rights before you are admitted into this program, including the address and phone number of the Texas Department of Criminal Justice.**
- (15) You have the right to have your rights explained to you in simple terms, in a way you can understand, upon request.**

If you feel that your rights have been violated or that you have been treated unfairly, you have the right to file a grievance with the Veterans Treatment Court Program Administrator, Jolene Grajczyk, in writing (509 W. 11th St., suite 2.700, Austin, TX 78701) or by phone (512.854.3856). You also have the right to complain directly to the Texas Department of Criminal Justice at any reasonable time in writing (209 W. 14th St, suite 400, Austin, TX 78701) or by phone (512.305.9300). Furthermore, you may file a complaint with Diane Poirot of the Travis County Human Resources Department in writing (700 Lavaca, Austin, TX 78701) or by phone (854-9165).



U.S. Department of Health and Human Services • Office for Civil Rights • Washington, D.C. 20201 • (202) 619-0403

YOUR RIGHTS UNDER SECTION 504 AND THE AMERICANS WITH DISABILITIES ACT

The Office for Civil Rights (OCR) within the U.S. Department of Health and Human Services (DHHS) is responsible for enforcing the nondiscrimination requirements of Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act (ADA) of 1990, involving health care and human service providers and institutions.

What Is Prohibited Under Section 504 and the ADA?

Both Section 504 and the ADA prohibit covered entities from discriminating against persons with disabilities in the provision of benefits or services or the conduct of programs or activities on the basis of their disability. Section 504 applies to programs or activities that receive Federal financial assistance. Title II of the ADA covers all of the services, programs, and activities conducted by public entities (state and local governments, departments, agencies, etc.), including licensing.

Who Is Protected Under Section 504 and the ADA?

Section 504 and the ADA protect *qualified individuals with disabilities*. An *individual with a disability* is a person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment. **Major life activities** means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. Under Section 504 and the ADA, a person is a *qualified individual with a disability* if he or she meets the essential requirements for receipt of services or benefits, or participation in the programs or activities of a covered entity. The question of whether a particular condition is a disability within the meaning of Section 504 and the ADA is determined on a case-by-case basis.

What Is a "Physical or Mental Impairment?"

Physical or mental impairments include, but are not limited to: visual, speech, and hearing impairments; mental retardation, emotional illness, and specific learning disabilities; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; orthopedic conditions; cancer; heart disease; diabetes; and contagious and noncontagious diseases such as tuberculosis and HIV disease (whether symptomatic or asymptomatic).

Specific Requirements

Covered entities **must not**:

- Establish eligibility criteria for receipt of services or participation in programs or activities that screen out or tend to screen out individuals with disabilities, unless such criteria are necessary to meet the objectives of the program.
- Provide separate or different benefits, services, or programs to individuals with disabilities, unless it is necessary to ensure that the benefits and services are equally effective.

Covered entities **must**:

- Provide services and programs in the most integrated setting appropriate to the needs of qualified individuals with disabilities.
- Make reasonable modifications in their policies, practices, and procedures to avoid discrimination on the basis of disability, unless it would result in a fundamental alteration in their program or activity.
- Ensure that buildings are accessible.
- Provide auxiliary aids to individuals with disabilities, at no additional cost, where necessary to ensure effective communication with individuals with hearing, vision, or speech impairments. (Auxiliary aids include such services or devices as: qualified interpreters, assistive listening headsets, television captioning and decoders, telecommunications devices for the deaf [TDDs], videotext displays, readers, taped texts, brailled materials, and large print materials.)

Who May File a Complaint with OCR?

Any individual who believes that he or she or a specific individual or class of individuals has been subjected to discrimination on the basis of disability, in a health or human service program or activity conducted by a covered entity, may file a complaint with OCR. Complaints must be filed within 180 days from the date of the alleged discrimination. OCR may extend the 180-day deadline if you can show "good cause." Include the following information in your written complaint, or request a Discrimination Complaint Form from an OCR Regional or Headquarters office (complaints must be signed by the complainant or an authorized representative):

- Your name, address, and telephone number.
- Name and address of the entity you believe discriminated against you.
- How, why, and when you believe you were discriminated against.
- Any other relevant information.

Send your complaint to the Regional Manager at the appropriate OCR Regional Office, or to the address located below. Upon receipt, OCR will review the information provided. If we determine we do not have the authority to investigate your complaint, we will, if possible, refer it to an appropriate agency. Complaints alleging employment discrimination on the basis of disability against a single individual may be referred to the U. S. Equal Employment Opportunity Commission for processing. Private individuals may also bring law suits against a public entity to enforce their rights under Section 504 and the ADA; and may receive injunctive relief, compensatory damages, and reasonable attorney's fees.

For Further Information, Contact:

Director U.S. Department of Health and Human Services Office for Civil Rights
200 Independence Avenue, SW - Room 506-F
Washington, D.C. 20201

Hotlines: 1-800-368-1019 (Voice) 1-800-537-7697 (TDD)

E-Mail: ocrmail@hhs.gov Website: <http://www.hhs.gov/ocr>