

**PANHANDLE REGIONAL PROBLEM
SOLVING COURT
(PRPSC)**



DRAFT 10/13/21

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THIS IS THE POLICY MANUAL OF THE PANHANDLE REGIONAL PROBLEM SOLVING COURT. IT HAS BEEN REVIEWED AND DISCUSSED.

I APPROVE THIS MANUAL FOR THE GUIDELINES OF THIS COURT.

JUDGE MATT HAND

DATE

PROGRAM HISTORY

In early 2016, the 47th District Attorney's Office, Texas Panhandle Centers, and West Texas A&M University and Potter County Detention Center and other stakeholders teamed up to start a District Attorney's office run diversion program addressing issues surrounding individuals with mental health impairments who had felony charges. As the program developed over time a program coordinator was hired in late 2018 to continue to develop the program to become a functioning Problem Solving Court.

STEERING COMMITTEE

Judge Douglas Woodburn, 108th District Court
Judge Matt Hand, County Court at Law #2, Potter County
Jason Howell, Assistant 47th District Attorney's Office
Adrian Castillo, Assistant 47th District Attorney's Office
Denise Hefley, Diversion Program Coordinator Specialty Court Office, County Court Commissioners
Greg Dement, Potter, Randall, Armstrong Counties Community Supervision Dept.
Jacob Williams, Potter, Randall, Armstrong Counties Community Supervision Dept.
Maira Argomaniz LMSW, Texas Panhandle Centers
Natalie While, Director, Potter, Randall, Armstrong Counties Community Supervision Dept
Potter County Detention Center
L. Van Williamson, Attorney at Law
Chess Grant, LCDC Counselor, Another Chance House
Anne Blanscet, LMSW Another Chance House
Panhandle Behavioral Health Alliance

MISSION STATEMENT

The mission of Panhandle Regional Problem Solving Court (PRPSC) is to promote justice through a judicially managed alternative to incarceration for justice involved mental health participants. Helping mental health participants through providing structure and treatment to assist in becoming more productive citizens.

GOALS AND OBJECTIVES

The primary goals of the Panhandle Regional Problem Solving Court include:

- 1) Improving coordination and access to needed mental health and addictions treatment for justice involved mental health participants;
- 2) Resolving felony and misdemeanor charges which are primarily related to mental health;
- 3) Improving long-term mental health recovery and community reintegration through involvement in structured, comprehensive treatment;
- 4) Reducing drug use, criminal activity and criminal recidivism through treatment and judicial oversight; and
- 5) Reducing taxpayer costs associated with incarceration the criminal justice system.
- 6) To better protect victims and the community with the rehabilitation of the justice involved mental health participants.

Methods For Achieving Goals

Goal 1 - Improving coordination and access to needed mental health and addictions treatment

- Mandate substance abuse treatment as needed, close judicial supervision, and mentoring of all participants with appropriate sanctions and rewards based on participation. Close judicial supervision is premised upon a stable and consistent relationship between the participant and the designated PRPSC Judge.

Goal 2 – Resolving felony and misdemeanor charges

- Following recognized evidence based treatment methods and procedures to address criminal charges.
- Using evidence based therapies to address mental health and substance use issues insures healthier coping mechanisms.

Goal 3 - Improving long-term mental health recovery and community reintegration

- Holding justice involved PRPSC court participants accountable through monitoring of their attendance in therapy and treatment, doing regular drug screens, weekly case management and regular court appearances.
- Impose sanctions for non-compliance.
- Utilizing strengths based approach to community reintegration.

Goal 4 - Reducing drug use, criminal activity and criminal recidivism

- Mandate intensive and comprehensive treatment that directly address PRPSC participant's charges.
- Provide referrals and incentives to social services.
- Encourage and provide opportunities for volunteerism, education, job training, and employment.

Goal 5 - Reducing tax payer costs

- When PRPSC participants are out of jail on bond, this costs the taxpayer dollars less than housing them in jail.
- When PRPSC participants are using available resources for counseling and treatment, this is appropriate use of those services and saving taxpayer dollars.
- When PRPSC participants are appropriately using community resources, the community benefits.
- When PRPSC participants reintegrate into the community appropriately and do not reoffend, they have saved the community the cost of years of prison time.

- When a PRPSC participant gets a job or volunteers, the community directly benefits from that.
- When the PRPSC participant criminal behavior recidivism is reduced the family and community directly benefit.
- It is a community problem and treatment courts can be a community solution, when citizens with a mental health illness appear in the criminal justice system.

PROGRAM STRUCTURE

Per Chapter 125 of the Texas Government Code, The Panhandle Regional Problem Solving Court (PRPSC) is a voluntary pre-trial diversion program that lasts until a participant has satisfactorily completed all requirements and phases for graduation. The program lasts for at least six months, but not longer than the probationary period for the offense charged.

TARGET POPULATION

Target Population is all justice involved who are mentally ill and meet certain criteria as determined by the PRPSC.

ELIGIBILITY, EXCLUSIONS, AND RECONSIDERATION CRITERIA

As guided by Texas Government Code 125, the justice involved PRPSC participant must meet the following criteria:

- have been arrested for or charged with a misdemeanor or felony; and have a diagnosed mental illness.
- The defendant must complete the application packet and sign all required PRPSC and all required releases of information

Exclusions

- Is seriously and persistently mentally ill and incapable of participating in the court process
- Has previously been discharged or graduated from Mental Health Treatment Court or other specialty court.
- District/County Attorney specifically excludes Mental Health applicant from admission.

Reconsideration By PRPSC Staffing Committee

- If a relevant party to the offender's case (attorney, judge, treatment provider, police officer, etc.) believes the PRPSC staffing committee failed to consider a particularly important factor, he/she may fill out a request for the case to be reconsidered and submit it to the PRPSC Program Coordinator to CrawfordJ@pottercscd.org
- Case reconsideration may be filed using the form found in appendix one time and must be within 30 days of initial rejection.

- The request must include supportive reasoning for reconsideration; this is defined as mitigating circumstances pertaining to the crime, psychiatric/psychological reports that may not have been available for initial consideration, or any other relevant information that can be placed in written format. Once the request is received, the Program Coordinator will forward the information to the state prosecutor for reconsideration.

Entry Process

1. Referral made to District Attorney's office for initial case review (referrals from any source, ie jail, defense counsel, Texas Panhandle Centers (TPC), prosecutor's office, etc...). If the District Attorney's office rejects, the process stops and case stays on normal criminal docket. If the District Attorney's office approves, the application packet sent to defense counsel (includes HIPAA releases, medical info, contact info, Informed Consent, etc.) by the District Attorney's office. Defense counsel has 60 days from this notice to submit the completed application otherwise the application will not be accepted. Upon receipt of application, Step 2.
2. After receipt of the complete application by the Program Coordinator, the Program Coordinator requests and gathers records from providers noted in application packet (TPC, personal doctor, Pavilion, etc...). If the applicant does not have one of the qualifying diagnoses, the case is referred back to District Attorney's office for placement back on regular criminal docket. If qualifying diagnosis confirmed, Step 3.
3. The Program Coordinator meets with applicant to do Intake Assessment which includes the Texas Risk Assessment System interview (TRAS). Based on the diagnosis, records, intake, and TRAS, the Program Coordinator presents to the PRPSC team with a proposed treatment plan if applicable. The District Attorney's office can reject diversion for applicant and the case goes back on regular criminal docket. If the District Attorney's office does not reject, and on to Step 4.
4. The treatment court team and judge reviews applicant's file and proposed treatment plan. The treatment court team and treatment providers if available will meet with the applicant for interview by the treatment court team for approval. Adjustments can be made to the treatment plan. If applicant is denied, case goes back on regular criminal docket, and on to Step 5.
5. The District Attorney's office, applicant, and Defense Counsel have a hearing and present case and request admission to PRPSC to the original Trial Court Judge. If Judge denies admission, case goes back on regular criminal docket. If Judge approves, applicant is admitted into the PRPSC. Applicant meets with probation officer for case management, supervision, instruction and completes any necessary paperwork. At this point the applicant, now a participant, begins Phase 1 of the PRPSC.

Team Member Roles/Ethical Considerations

The PRPSC has established a team comprised of members representing the collaborative agencies. Sharing information between the Team members is vital to the PRPSC program. The Team will meet on a regular basis to discuss issues and resolutions. In creating this partnership and uniting in a single goal of addressing our community, the team pledges to enhance communication between the courts, law enforcement, and other treatment programs. Through this linkage of services, we expect wider participation and greater effectiveness in addressing our target population.

Presiding Judge

The Presiding Judge leads the treatment team. The Judge advocates for the law. The Judge presides over the court staffings and court sessions. The Judge regularly reviews participant's personal progress and treatment progress. The

Judge leads all team meetings and is the final arbiter in any decision. The Judge directs other team members to collect information, coordinate services and monitor compliance. The Judge approves all admissions to the PRPSC. During all court status reviews, the Judge discusses progress and issues of non-compliance with each participant, administers sanctions and incentives as appropriate. The Judge determines when the PRPSC participant has met all requirements for progression and to graduate. On those occasions where the PRPSC participant does not meet legal requirements and lacks motivation or capability to do so, the Judge will discharge the PRPSC participant from the program. The Judge attends and coordinates trainings that focus on mental health, addiction, recovery, relapse prevention, etc. The Judge represents the PRPSC in the community, government, criminal justice agencies, and other public forums

The Presiding Judge is not your case manager, personal attorney, or your legal advisor.

Court Coordinator

The Court Coordinator administrates for the Judge and will assist the Judge in getting information to the PRPSC team. The Court Coordinator schedules and organizes each PRPSC meeting.

The Court Coordinator does not fill the role of personal counselor, case manager, mentor, or legal advisor.

Program Coordinator

The Program Coordinator assists with preparing the docket for the PRPSC. The Program Coordinator is the liaison between the Judge and other team members facilitating communication and coordination between the team. The Program Coordinator will track participant progress through the program. The Program Coordinator must have treatment knowledge to review intakes and to perform initial review of all applications for completeness. The Program Coordinator will conduct an initial interview with the applicant to provide an overview of the program, and assist with an initial treatment plan/protocol. The Program Coordinator maintains records, MOU's, program statistics, data collection and will update policies and procedures, research grant opportunities, assist with submitting grant applications and oversee grant conditions in the program. The Program Coordinator will work with the Judge to promote the program to the community and be the administrator of all donations for the program. The Program Coordinator understands the continuum of care and treatment issues. The Program Coordinator advises court staff, and attends available training from a variety of sources. The Program Coordinator will research appropriate training opportunities and disseminate them to the PRPSC team.

The Coordinator does not fill the role of personal counselor, case manager, mentor, or legal advisor.

Program Prosecutors

The Assistant District Attorney and County Attorney (Program Prosecutors) review cases for entry into the PRPSC. The Program Prosecutors review cases in order to determine eligibility and appropriate disposition. The eligibility and disposition review may include, but is not limited to, a review of the candidate's criminal history, consultation with victims, legal eligibility, a review of the offense details, and appropriate dispositions upon the candidate's entry into the PRPSC. The Program Prosecutor's role includes creating any needed protective orders, documents for the State, and sharing the documents with the PRPSC participants through their lawyer. The Program Prosecutors file all court documents for the State and monitor all PRPSC participant's progress through the program recommending sanctions or incentives with community foremost in their mind. The Program Prosecutors work with both trial defense counsel and program defense counsel to determine courses of action for the participant and to advise both the trial court and the PRPSC Judge of case status.

The Program Prosecutor does not fill the role of personal counselor, case manager, mentor or legal advisor.

Trial Defense Counsel

The Trial Defense Attorney is the identified court appointed or retained attorney of record for the case. The Trial Defense Counsel advocates for the PRPSC Participant. This is the initial Defense Attorney who will prepare the

application and will maintain the representation, legal advice and advising of their client throughout the PRPSC until the court case is complete. If the PRPSC participant is discharged from the program back to the standard court process, the Trial Defense Counsel takes the case. The Trial Defense Counsel are welcomed to attend to monitor the process in the PRPC. At graduation, the Trial Defense Counsel will do any court processes needed to close the case.

The Trial Defense Attorney does not fill the role of Program Defense Counsel (ie: Does not represent all the participants, just their client), personal counselor, Case Manager or mentor.

Program Defense Counsel

The Program Defense Counsel advises the candidate and is mindful of the candidate's constitutional rights as a criminal defendant and the defendant's civil rights. The Program Defense Counsel advocates for the PRPSC participant. The Program Defense Counsel will be at each court session to ensure the PRPSC participant's rights are protected during the PRPSC program. The Program Defense Attorney will provide advice as appropriate. The Program Defense Counsel may seek to find treatment solutions for the defendant that minimize the defendant's exposure to incarceration, reduce the risk of re-arrest or new charges, and mitigate the consequence of a criminal conviction.

The Program Defense Counsel does not fill the role of Trial Defense Attorney, personal counselor, case manager or mentor.

Community Supervision Officer

The Community Supervision Officer monitors all PRPSC participants in the PRPSC. The Community Supervision Officer advocates for the Judge. The Community Supervision Officer monitors all case plans and reports all court compliance. The Community Supervision Officer supervises participants through frequent office visits, periodic home visits, and administers frequent and random drug testing. The Community Supervision Officer participates in each staffing session, prepares progress reports to update the treatment team on each participant, and recommends appropriate sanctions and incentives. Using the available software, the Community Supervision Officer updates the PRPSC participant's progress through the program.

The Community Supervision Officer does not fill the role of personal counselor, case manager, mentor or legal advisor.

Community Representatives (such as Texas Panhandle Centers, Another Chance House, Downtown Women's Center, Peer Mentor Programs, etc.)

The Community Representatives are from organizations who are currently providing significant support or treatment to the PRPSC participant. Community Representatives may also advocate for the PRPSC participant whether the services are housing, case management, food, or other essentials to move from a position of survival to a position of thriving. The Community Representative is often in an excellent position to explain how the PRPSC participant is managing tasks of daily living. Community Representatives is in an excellent position to encourage counseling, making of medical and mental health appointments, and exploring work options and recovery.

The Community Representatives do not fill the role of legal advisor or supervision officer for the court.

Law Enforcement/Jail

The Law Enforcement Staff are often part of the Crisis Intervention Team of the police force. Law Enforcement assists the treatment team in the diversion of defendants from the detention facility to a more appropriate placement in the most effective and efficient manner possible. Law Enforcement staff can act as a liaison between the detention facility and the PRPSC treatment team. Law Enforcement staff as available participates in discussions of the best approach to management of the participant while in the jail or to expedite release when possible and to reduce recidivism.

The Law Enforcement Officer does not fill the role of personal counselor, case manager or legal advisor.

NOTE: Each Team member is responsible for disseminating information from their respective agency with regard to confidentiality laws that apply specifically to the PRPSC participants and for their own record keeping.

PHASE STRUCTURE AND COMMENCEMENT CRITERIA

The program is divided into three phases and the expected duration of the program is between 6 to 24 months. Each phase has a particular focus; treatment and program compliance is required for advancement to the next phase.

Phase I Orientation: During this phase the PRPSC participant is introduced to the court process and works to demonstrate stability in targeted areas – court attendance, treatment compliance, and sobriety.

Focus: Introduction to Court / Intervention & Early Recovery

- Court requirements: The PRPSC participant shall appear in court weekly or as directed.
- Treatment requirements: At least one month of regular attendance and full participation in all treatment/recovery plan and or counseling sessions as well as compliance with recommended medications is required.
- Supervision requirements: The PRPSC participant shall meet with the supervision officer as directed and follow all supervisions requirements as directed. Unannounced home visits may be conducted at any time. Any changes in contact information shall be reported to the supervision officer.
- Support requirements: The PRPSC participant will identify assets and obstacles to developing and maintaining stability (specifically with regard to employment, education, housing and relationships) and consult with specialists for assistance as needed.
- Drug testing and abstinence requirements: The PRPSC participant shall do a drug screen at the Probation office and/or submit to urinalysis and/or breath analysis tests as directed or by the random call-in system or as directed by any program team member. They must have at least one month of negative drug screens to advance to Phase II.

To advance to Phase II the PRPSC participant will fill out the request promotion to Phase II found in appendix prior to court date that asks how they have successfully addressed the various above requirements and can articulate future goals as they move forward.

Phase II Treatment & Recovery: During this phase the PRPSC participant is in actively participating in treatment, working with the probation office, negative drug screens, and presenting to court to discuss progress.

Focus: Active Participation & Relapse Prevention

- Court requirements: The PRPSC participant shall appear in court every first 2nd and 4th Monday of the month or as directed by the Judge.
- Treatment requirements: The PRPSC participant shall attend and be actively engaged in all recommended treatment and make progress toward specific treatment goals for at least 60 days.
- Supervision requirements: The PRPSC participant shall meet with the supervision officer as directed. The PRPSC participant shall maintain compliance with all supervision requirements. Unannounced home visits may be conducted at any time.
- Support requirements: The PRPSC participant will identify assets and obstacles to developing and maintaining stability (specifically with regard to employment, education, housing and relationships) and consult with specialists for assistance as needed for at least 60 days.
- Drug testing and abstinence requirements: The PRPSC participant shall submit to urinalysis and/or breath analysis tests as directed or by the random call-in system or as directed by any program team member. A period of negative drug screens for at least 60 days, is necessary.

To advance to Phase III the PRPSC participant will submit the request for promotion to phase III found in appendix prior to court date of transition that demonstrates focus on active recovery and demonstration of stability.

Phase III Reintegration

Focus: Continuing Care: This is the longest phase of the program – the demonstration that life has changed. Participating actively in treatment, including working to focus treatment on future goals. Participants should demonstrate ongoing stability, recovery and negative drug screens.

- Court requirements: The PRPSC participant shall appear in court on the 2nd Monday of every month or as directed by the Judge.
- Treatment requirements: The PRPSC participant shall attend and be actively engaged in all recommended treatment for at least 120 days (individual and group counseling sessions) and demonstrate accountability and insight with regard to problem behaviors. The PRPSC participant will maintain compliance with the medication regimen.
- Supervision requirements: The PRPSC participant shall meet with the supervision officer as directed. Unannounced home visits can occur at any time. Participant shall report any contact information changes, make appropriate requests to the probation office if leaving service area at all, and maintaining good communication with probation officer for at least 120 days.
- Support requirements: The PRPSC participant will identify assets and obstacles to developing and maintaining stability (specifically with regard to employment, education, housing and relationships) and consult with specialists for assistance as needed for at least 120 days and plan for post program support.
- Drug testing and abstinence requirements: The PRPSC participant shall submit to drug screens, urinalysis and/or breath analysis tests as directed by the random call-in system or as directed by any program team member for at least 120 days.

To graduate from the program the PRPSC participant will make a request to graduate. They should demonstrate completion of the requirements of the program using the Request for Graduation form, which focuses on their achievement in the program and defining a future direction for themselves to include a way to maintain the achievements they have made.

GRADUATION CRITERIA

The PRPSC goal is to successfully graduate PRPSC participants. Graduation consideration will be upon participant completion of phases, the meeting of program requirements, and the participant has submitted the request to graduate. The PRPSC team and Judge will review the request. The PRPSC Judge is the final arbiter of the graduation decision. The PRPSC participant must be present in Court to graduate. The Graduation Ceremony is a time to celebrate the individual achievements and successes of the PRPSC participant. Graduations will be held on the 2nd Monday of each month or unless otherwise scheduled by the Judge.

DISCHARGE CRITERIA

The goal of the PRPSC is to have all participants graduate the program. However, this goal is not always possible.

- This is a voluntary program. A PRPSC participant may choose to discontinue participation in the PRPSC. The Judge requires that the PRPSC participant meet with their Trial Defense Counsel to inform them of the voluntary decision to leave the PRPSC. This insures that the PRPSC participant has discussed the matter with their lawyer and understands all the legal options and consequences prior to voluntary discharge.

- This is a phased treatment program. The Judge will use incentives, sanctions, treatment options, and extension in the program to assist the PRPSC participant to successfully graduate. If the PRPSC participant is not compliant with the treatment plan, the Judge may discharge the PRPSC participant back to the standard court system.

INCENTIVES AND SANCTIONS

Incentives

One way the Court will support the PRPSC participant is by providing a series of rewards (incentives) to encourage and reinforce progress. Incentives are to recognize the successes by the PRPSC participant's achievements in the PRPSC program.

- Verbal recognition/praise from the Judge
- Round of applause in Court
- Decreased supervision
- Travel privileges
- Awards/Certificates
- Permission to remove or decrease use of monitoring device
- Gift Cards
- Phase promotion
- Any other incentive deemed appropriate for the participant's positive actions
- Dismissal and possible expunction of your case.

Sanctions

The PRPSC hold the participant accountable by implementing sanctions for violating program requirements. Using sanctions for failing to follow the expectations that they have agreed to. Possible violations include, but are not limited to:

- missed or late arrival to Court,
- missing or violation of supervision appointments,
- missing treatment sessions or missing recovery plan sessions,
- failed or altered urine tests,
- drug and/or alcohol use,
- device tampering,
- non-compliance with treatment plan,
- and new arrests/charges.

Sanctions are typically progressive, individualized and include but are not limited to:

- Verbal admonishment/reprimand from the Judge
- Increased supervision
- Increased drug testing/electronic monitoring
- Written assignments
- Community service
- Increased community restrictions
- Delay in promotion to next phase
- Demotion to previous phase
- Jail commitment

- Treatment plan adjustments
- GPS, SCRAM or breathalyzer for vehicle can be ordered
- Any other sanction appropriate for the participant's actions, or lack thereof.
- Discharge from PRPSC (see Discharge Section)

TREATMENT PROTOCOL

Once the application is received, records are requested and after initial approval from the District or County Attorney's office the Program Coordinator will interview the applicant to determine if the criteria is met for admission into the PRPSC program. Interview by the Program Coordinator involves the Texas Risk Assessment System (TRAS) interview. Treatment will be coordinated with TPC and other available providers and treatment programs.

SUPERVISION PROTOCOL

Case management, provided by the PRPSC Community Supervision Officer (CSO), meets TDCJ-CJAD standards for case management, defined as a systematic process based on the offender's risk and need factors that addresses specific problem areas and assists the offender to achieve responsible behavior through completion of the negotiated treatment plan. The CSO officer/office, are primary facilitators, assisting the PRPSC participants and the PRPSC treatment team by ensuring and assisting the PRPSC treatment team in determining access and utilization of services; maintaining records of compliance; monitoring quality of services; contributing information regarding participant successes and failures to the treatment team through the preparation of progress reports; and recommending appropriate interventions, sanctions, and positive recognition.

DRUG AND ALCOHOL TESTING PROTOCOL

The PRPSC requires drug screens on all participants. The CSCD/PRPSC can take random drug and alcohol screens as they believe are warranted. The participant will be charged as necessary for each drug screen done by the CSCD. Those participants living at Another Chance House or other Recovery Housing will also have drug and alcohol screens as designated by that program.

STAFFING/STATUS HEARINGS

The PRPSC will have weekly staffings/court reviews held in Judge Hand's court. The Judge will lead the team and be the final arbiter on all issues. The PRPSC Team will meet as a team before the Mental Health participants arrive to discuss each participant's progress, any incentive or sanctions, the next graduation, and any administrative business such as changes in policy or handbook, grant proposals or status, community outreach and funding opportunities, or training opportunities, etc.

The Court Coordinator will keep the PRPSC team informed of any staffing and/or scheduling changes such as time, place, Judge, etc. The LMHA/TPC representative will discuss the progress of the PRPSC participants involved with TPC. The Program Coordinator will address any administrative business. The CSCD Officer will discuss any compliance concerns with the participants.

The participants will attend staffing based on their phases. Phase I will be every Monday or as directed by the Judge. Phase II will be the 2nd and 4th Mondays of the month. Phase III participants will attend on the 2nd Monday of the month. With all participants attending the 2nd Monday of each Month, this will also be the Graduation date for the program so that all participants will be present. Any changes of court dates due to holidays or other issues will be announced at court or emailed to all participants in advance. The Program Coordinator, Court Coordinator, or CSCD officer can be called for any questions about court dates.

CONFIDENTIALITY

All PRPSC participant records are protected by federal and state laws regarding confidentiality. The PRPSC cannot release written or verbal information without the PRPSC participants' written, signed consent. However, a PRPSC participant cannot participate in PRPSC without a "Release of Information" which allows the PRPSC Team to discuss the case and progress. Team members sign confidentiality statements and are bound by such. Persons outside the PRPSC Team will not be provided information about the PRPSC participant or their progress unless there is an emergency or legal circumstance that requires release of information, such as:

- The disclosure is allowed by a court order or for an audit.
- The disclosure is made to medical personnel in a medical emergency.
- The participant commits or threatens to commit a crime.
- The participant is suspected of child abuse or elder abuse.
- The participant is threatening suicide or homicide.

Anything a PRPSC participant says concerning their prior or current drug use while in the PRPSC program cannot be used against them in prosecution of the offense for which they entered the PRPSC program. However, their statements and information about their treatment will be shared with the PRPSC Team. This information may be used to evaluate their current compliance with the program and to determine appropriate treatment or other actions.

The PRPSC may use data for research purposes that will not contain any personally identifiable information so that grants, donations, and other funds can be requested and obtained to continue this court and for other statistical needs.

The PRPSC honors the confidentiality of all participants and will require all staff members, PRPSC participants, guests, and any other members in the courtroom during staffing/court reviews will sign a one-time agreement of confidentiality found in appendix that will be maintained for two years after the individual leaves or by signed date for one time guests by the Program Coordinator or the Court Coordinator.

PARTICIPANT RIGHTS AND GRIEVANCE PROCEDURE

Participant Bill of Rights

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

If the PRPSC participant feels that their rights have been violated or they have been treated unfairly, they have the right to file a grievance.

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>

DISPARATE IMPACT STATEMENT

The PRPSC believes in treating all participants equitably and fairly. We do not discriminate on the basis of race, color, national origin, religion, sex, disability, or age in the delivery of services.

The PRPSC believes that all PRPSC participant's Higher Power is respected and complies with the Equal Treatment for Faith-Based Organizations guidelines as noted in 28 CFR 38. This program does not discriminate against participants on the basis of religion or religious belief.

DOCUMENTATION

Each organization will maintain its own documentation using the HIPAA, laws, and regulations that guide that organization. The only documentation that the PRPSC will give to other entities is whether the PRPSC participant successfully graduated or was discharged from the program. The PRPSC recommends that all organizations provide as little information from the PRPSC participant's participation in the PRPSC so that a consistent message is sent to the community or other entities requesting information.

DATA REPORTING

All data requests will go through the Program Coordinator and the Judge. The Program Coordinator will coordinate with the Judge to determine whether the data reporting information request is to be honored or not. The Program Coordinator will maintain all data, data requests, and reports for at least five years for historical reference.

EVALUATION DESIGN

Annually, starting at the official start date of the PRPSC, the Program Coordinator will present a draft program evaluation to the PRPSC staff with any specific recommendations in the following areas:

(a) the need for the program: this is about the ongoing need to the PRPSC and why the County Commissioners, the Amarillo Community, and the PRPSC participant Community will continue to support this program.

(b) the design of the program: This is about outlining the design of the program and ensuring that the Policy manual is updated annually.

(c) the program implementation and service delivery: The Program Coordinator will track the number of PRPSC participants entering the PRPSC, the types of services given to each PRPSC participant (ie. Inpatient Treatment, SUD treatment, Mental Health treatment, TPC services etc.), and the length of each PRPSC participant's phases; will track any implementation and service delivery changes that would need to be considered for updating during the annual policy review; will track the requirements of grants and any program implementation and service delivery changes needed to accommodate a specific grant.

(d) the program impact or outcomes: demonstrating the financial impact of the program (number of PRPSC participants that became employed, met education goals, grant money brought into the community), collaboration in the community, specific outcomes such as graduations, discharge, etc.

(e) program efficiency: demonstrating that program's activities being produced with appropriate use of resources such as budget and staff time – amount of time of the Judge, DA, volunteer staff, etc. The PRPSC staff will discuss the evaluation and create a final evaluation of the program which the PRPSC Judge will sign off on as being the final report. The report will be prepared annually for the Potter County Commissioners. This report will be prepared for the County Commissioners within 90 days of the official start date of the PRPSC. The Program Coordinator will keep all copies of these reports as the historical progression of the program.

FEES AND FISCAL MANAGEMENT

Each PRPSC participant will work with their Trial Defense Counsel on the appropriate Court fees and fines. Some areas of concern will be the income of PRPSC participants. See below:

- Those PRPSC participants whose sole income is Social Security can apply to have their court fees and probation fees waived while in the Mental Health participant Treatment Court.
- If a PRPSC participant is unable to be employed, they may be required do community service per hours at an agreed upon Community Service Organization or Not For Profit Organization unless after working with their medical or mental health clearly prevents them from this option.
- When the Probation Officer requires a Drug Screen, the participant may pay the cost for those and other sanctions managed by the Probation Office such as GPS, SCRAM, or Breathalyzer.

COMMUNITY RESOURCES AND ANCILLARY SERVICES

The Program Coordinator will compile information of community resources and ancillary services that may benefit the PRPSC participant. This will include the Panhandle Behavioral Health Alliance Guide.

APPENDIX INDEX

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**Panhandle Regional Problem Solving Court
Acknowledgment of Sanction**

I, _____, hereby acknowledge that I have been issued the following sanction by the PRPSC: _____

Because of the following issue: _____

I am currently in Phase _____. I understand that I will not be eligible to phase up until I have been sanction-free

Phase I – 28 days Phase II – 90 days Phase III – 120 days

Signed this _____ day of _____, 20_____.

Signature

Printed Name

Program Defense Attorney

Judge Hand

**Panhandle Regional Problem Solving Court
Request for Promotion to Phase II**

I, _____, having started this program on _____ and started Phase II on _____ hereby request that I be promoted to the next phase of the PRPSC. In support of my request, I affirm that I have completed all of the requirements of my current phase as shown below.

Progress Report – Phase I

1. I attended PRPSC sessions as directed; if I missed a session, the reason is: _____

2. I met with my probation officer and/or Case Manager as directed; if I missed a session, the reason is: _____

3. I am attending the following treatment/counseling programs: _____

4. I attended all treatment and counseling sessions as directed; if I missed a session, the reason is: _____

5. I created a Supervision Plan and my current goals are:
 - a. Short term: _____
 - b. Short term: _____
 - c. Long term: _____
 - d. Long term: _____
6. I achieved the following short-term goal: _____

7. I have not missed a drug/alcohol test or had a positive result for 28 days; the dates of any positive or missed tests during this phase are: _____
8. I have received no sanctions in the past 28 days; the dates of any sanctions during this phase are: _____

9. I am currently working/going to school or at: _____
If not, the reason is _____
10. I have paid \$ _____ probation fees, fines, court costs.

Participant Signature

Date

**Panhandle Regional Problem Solving Court
Request for Promotion to Phase III**

I, _____, having started this program on _____ and started Phase II on _____ hereby request that I be promoted to the next phase of the PRPSC. In support of my request, I affirm that I have completed all of the requirements of my current phase as shown below.

Participant Signature

Date

Progress Report – Phase II

1. I attended PRPSC court sessions as directed; if I missed a session, the reason is: _____

2. I met with my probation officer and/or Case Manager as directed; if I missed a session, the reason is: _____

3. I am attending the following treatment/counseling programs: _____

4. I attended all treatment and counseling sessions as directed; if I missed a session, the reason is: _____

5. I achieved the following short-term goal: _____

6. The progress I made toward a long-term goal is: _____

7. I have not missed a drug/alcohol test or had a positive result for 90 days; the dates of any positive or missed tests are: _____

8. I have received no major sanctions for the preceding 90 days; the dates of any sanctions are: _____

9. I am currently working or going to school at: _____. If not, the reason is: _____

10. I have maintained stable and sober housing. _____

11. I have paid \$ _____ towards my PRPSC and/or probation fees, fines, court costs.

Panhandle Regional Problem Solving Court Request for Graduation

I, _____, hereby request that I be considered for graduation from the PRPSC. In support of my request, I affirm the following are true:

1. I am currently in Phase III of PRPSC; Phase III start date: _____.
2. I have completed all of the requirements of the PRPSC as shown in the attached Phase Promotion Requests.
3. I have submitted all homework assignments, essays, and my aftercare plan, including my safety and/or sobriety plan.
4. I have attended the PRPSC as scheduled or needed throughout Phase III.
5. I have been substance and sanction free since: _____.
6. I have paid all fees, fines, community service, classes and court costs in full;
7. I believe I am ready to graduate.

Signed this _____ day of _____, 20_____.

PRPSC participant Signature

Printed Name

Panhandle Regional Problem Solving Court

Important Contact Information – My Team

My Mentor/Sponsor _____

Phone Number _____

My Court Probation Officer _____

Phone Number _____

My Case Manager/Other:

Phone Number: _____

My PRPSC Program Coordinator: Denise Hefley

Phone Number 806-349-4875

My Treatment Provider _____

Phone Number _____

My Mental Health Provider _____

Phone Number _____

My Substance Abuse Provider _____

Phone Number _____

My AA/NA Sponsor/Mentor _____

Phone Number _____

My Housing Provider _____

Phone Number _____

My Resource Center Representative _____

Phone Number _____