AN OVERVIEW OF OCA, TEXAS COURTS, & CRIMINAL JUSTICE FOR PEOPLE WITH DISABILITIES

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WHAT IS OCA?

Authorized under Texas Government Code Chapter 72

Under the direction and supervision of the Supreme Court and Chief Justice

Powers and Duties:

- Budgets and Expenditures
- Personnel
- Consultation and assistance
- Examine methods and make recommendations
- Annual Reports
- Rules
- Grants
- Data Collection
- Court fees and costs
- Electronic Filing System
- Court Performance Standards

Supreme Court of Texas
Court of Criminal Appeals
Forensic Science Commission
State Law Library
State Commission on Judicial Conduct
Office of Capital & Forensic Writs
Business Courts
Board of Law Examiners
Information Services
Regional Public Defender Office
Texas Judicial Council
Forensic Science
Judicial Committee on Information Technology
State Prosecuting Attorney
Texas Indigent Defense Commission
Indigent Defense
Office of Court Administration
Human Resources
Finance & Operations
Council of Chief Justices
Judicial Compensation Commission
Judicial Districts Board
Courts of Appeals
Court Services
Legal
Enterprise Planning & Regulatory Services
Child Protection Courts
Data & Research
Judicial Selection Commission
Trial Courts
Regional Presiding Judges
Child Support Courts
Judicial Branch Certification Commission

RESOURCES

- Trial Courts:
  - Technical assistance, training, research on court administration, court interpreters, court security information, and funding and standards for indigent defense
- Appellate and Specialty Courts:
  - Information technology solutions and fiscal consultation
- Specialty Courts and Regional Presiding Judges:
  - Staffing and support
- Judicial Branch Regulatory Boards and Policymaking Bodies:
  - Staffing and support

PROGRAMS AND SERVICES

- Judicial Branch Certification Commission
- Guardianship, Abuse, Fraud, and Exploitation Deterrence Program
- eFileTexas.gov
- Texas Indigent Defense Commission
- Texas Court Remote Interpreter Service
- Forensic Science Commission
- Protective Order Registry
- Centers for Excellence
- Public Safety Report System
- Court Security
- Operation Lone Star

OTHER ORGANIZATIONS WITH SHARED INTERESTS

Texas Judicial Commission on Mental Health - texasjcmh.gov

- Charged with developing, implementing, and coordinating policy initiatives designed to improve the court's interaction with and administration of justice for children, adults, and family with mental health needs.

Access to Justice Commission - texasatj.org

- Charged with developing and implementing initiatives designed to expand access to, and enhance the quality of, justice in civil legal matters for low-income Texans.

Texas Judicial Council - txcourts.gov/tjc/

- Charged with studying methods to simplify judicial procedures, expedite court business and better administer justice. It examines the work accomplished by the courts and submits recommendations for improvement of the system to the Legislature, the Governor, and the Supreme Court.

COURT STRUCTURE OF TEXAS 2023

ADA TITLE II: STATE & LOCAL GOVERNMENT ACTIVITIES

- WHAT IS ITS PURPOSE?

ADA & CRIMINAL JUSTICE

- Make reasonable modifications to policies, practices and procedures
- Follow specific standards for physical accessibility to buildings or building alterations
- What are examples of reasonable modifications?

FUNDAMENTAL ALTERATIONS

- What are they?
- When could modifications not be required?

WHAT IS UNDUE BURDEN?

TEXAS ACCOMMODATION LAWS FOR PEOPLE WITH DISABILITIES

ARTICLE 16.22 OF THE CODE OF CRIMINAL PROCEDURE

- Article 16.22 of the Code of Criminal Procedure provides protocols for law enforcement and the courts when a person who has been arrested shows signs of mental illness or intellectual disability. The protocols include prompt examination within statutory time limits of detained persons by qualified personnel. The preliminary evaluation is shared with interested criminal justice partners for the purposes of protecting the defendant's rights.

- In 2017, the Sandra Bland Act amended Art. 16.22 of the Code of Criminal Procedure to improve law enforcement training when an officer has custody of a person who may have a mental illness or intellectual disability. It also provided resources to people with mental illness, substance abuse, or intellectual disabilities who are in custody.

HOW HAVE TEXAS COURTS ADDRESSED ADA ACCOMMODATIONS?

No uniform policy

OFFICE OF COURT ADMINISTRATION
TEXAS

EXAMPLE: TRAVIS COUNTY COURTS

1) Per Federal law, provide free appropriate auxiliary aids and services
2) Request to court's ADA Coordinator under penalty of perjury
3) Courts may consider if request fundamentally alters nature of court's program or impose undue financial and administrative burden
4) Some variations in policies for civil and criminal courts

STATE BAR'S COURTROOM ACCESSIBILITY GUIDE

- Describes obligations of courts regarding access
- States what isn't an obligation for courts describes accessibility requirements under the ADA
- Outlines rights to accommodation for parties, counsel, jurors, and witnesses
- Provides sign language interpreter
- Describes requirements for buildings
- States requirements for parking
- How to improve communications accessibility through low-tech and high-tech strategies

STATE OF WASHINGTON COURTS

- General rules provided to all state courts
- Local procedures not inconsistent with the general rules permitted
- Court must in writing or on the record grant or deny requests (in whole / in part), and the nature and scope of the accommodation to be provided, if any
- If denied, court must specify the reasons and ensure that the person requesting the accommodation is informed of the right to file a complaint with the US Department of Justice

QUESTIONS?

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