



City of San Antonio

Legislation Details (With Text)

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Type: Staff Briefing - Without Ordinance

In control: Public Safety Committee

On agenda: 5/22/2019

Title: Briefing and possible action on the update regarding the process for magistrating arrestees by City Magistrates [John Bull, Presiding Judge, Municipal Courts]

Sponsors:

Indexes:

Code sections:

Attachments: 1. Staff Presentation - Magistration Update

Date	Ver.	Action By	Action	Result
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DEPARTMENT: Municipal Court

DEPARTMENT HEAD: John W. Bull, Presiding Judge

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

A Municipal Court update regarding the process for magistrating arrestees by City Magistrates.

SUMMARY:

The following is an update on the judicial operations of San Antonio Municipal Court judges in their capacity as magistrates, specifically, the role of a Magistrate and the magistration process.

BACKGROUND INFORMATION:

Roles

Beginning May 1, 2019, the City Judges began on-site arrest magistration for all law enforcement agencies in Bexar County. The magistration hearings occur in person or via video at both the Justice Intake and Assessment Annex (County facility) and the Arrestee Administrative Processing Center (City facility). The Sheriff's Office and surrounding law enforcement agencies take their arrestees to the County facility for magistration. The San Antonio Police Department, Park Police, Airport Police and the Texas Department of Public Safety take their arrestees to the City facility for magistration. Municipal Court's full time and part time judges provide 24/7

magistration for these law enforcement agencies' arrestees. Pursuant to Art. 15.17 of the Texas Code of Criminal Procedure, city magistrates review police reports for on-site arrests to determine probable cause of the arrest, determine whether the arresting officer has filed the correct charge according to statute, determine the appropriate bond amount, and if an individual requires special conditions to be met upon release on bond. Magistrates also sign blood draw warrants, motor vehicle ignition interlock orders, search and arrest warrants presented by law enforcement officers, and issue emergency protection orders.

Process

The magistration process, in accordance with Art. 14.06 and Art. 15.17 of the Texas Code of Criminal Procedure, consists of individuals standing before the judge in a courtroom, being read their rights, made aware of all the charges against him/her, informed of special conditions, and if necessary, further mental health assessment ordered. The arrestees are given an opportunity to sign acknowledgment of the charges and their rights, meet with a public defender prior to magistration, and provided with pre-trial services. After magistration, arrestees are allowed a phone call to inform family members of their bond and special conditions.

Between December 1, 2018 and May 16, 2019, the AAPC staff and magistrates have processed a total of 26,213 cases, which includes Class C misdemeanors punishable by fine only. Approximately 70% of all arrests processed at the AAPC are on-site Class B misdemeanor charges and higher. A breakout of charge classes magistrated within the stated timeframe is shown in the chart below.

CLASS TYPE	TOTAL MAGISTRATED CHARGES
Capital felony	5
1 st degree felony	716
2 nd degree felony	991
3 rd degree felony	2,469
State jail felony	3,089
Class A misdemeanor	4,537
Class B misdemeanor	6,211
CLASS C MISDEMEANOR (FINE ONLY)	TOTAL MAGISTRATED CHARGES
Arrest warrants	2,277
Capias pro fine warrants	1,826
Public Intoxicant	1,127
Non-traffic	2,425
New traffic	540

**Data only captures activity at the City facility*

RECOMMENDATION:

This briefing is for information purposes only.