



November 30, 2023

Kirk Watson, Mayor of Austin

Natasha Harper-Madison, Austin City Council, District 1  
Vanessa Fuentes, Austin City Council, District 2  
José Velásquez, Austin City Council, District 3  
José “Chito” Vela, Austin City Council, District 4  
Ryan Alter, Austin City Council, District 5  
Mackenzie Kelly, Austin City Council, District 6  
Leslie Pool, Austin City Council, District 7  
Paige Ellis, Mayor Pro Tem, Austin City Council, District 8  
Zohaib “Zo” Qadri, Austin City Council, District 9  
Alison Alter, Austin City Council, District 10

Jesús Garza, Austin City Manager

Bruce Mills, Austin Assistant City Manager over Public Safety

Judge Sherry Statman, Presiding Municipal Judge, City of Austin

Robin Henderson, Chief of Austin Police Department

**Re: Proposal to Conduct Magistration Away from Central Booking**

Dear City of Austin Leaders,

We are writing to you regarding the City’s proposal to conduct a pilot program where magistrations are conducted outside of the Travis County Sheriff’s Central Booking facility.

We recognize the desire to magistrate arrestees as efficiently as possible and to be fiscally responsible with the City’s resources and agree that these are worthwhile objectives. These aims, however, should not come at the expense of the integrity of our community’s magistration process. As the judges of the courts where these cases will ultimately be heard, we have important concerns about the proposed process, including:

- **The proposal works against the progress made toward providing counsel at magistration.** Providing arrestees with counsel at first appearance (CAFA) is a goal that the Travis County criminal judiciary strongly supports and has been working to implement along with the Travis County Commissioners Court, the Travis County Sheriff’s Office, Travis County prosecutors, and the defense bar. We know that moving toward CAFA is also important to the City of Austin, as acknowledged in

Resolution Number 20200409-030, adopted April 9, 2020. Providing counsel at magistration is of great concern to the community and major steps have been taken toward the implementation of this process. Notably, the County Commissioner's Court has already devoted \$1.5 million to retrofit the jail for the sole purpose of assisting with counsel representing people at their first appearance before a magistrate. Instituting a system that not only takes arrestees away from Central Booking but also utilizes a virtual magistration system where they do not see the judge in person is a countermeasure to this aim and works against the goals of our local criminal-justice system. The City's current plan does not include any opportunity for appointed counsel to be present at magistration, nor is there a plan to make it possible in the future.

- **Pretrial's screening would not occur.** The screening conducted by Pretrial Services when an arrestee arrives at Central Booking is a valuable tool for all parties involved. It provides a wealth of information about the arrestee's financial ability to pay a bond, their mental health, and their criminal history. Pretrial also gathers input from victims about possible safety concerns that should be taken into account when deciding bond conditions. The current proposal does not include a mechanism for gathering this information from victims. Conducting magistrations away from Central Booking where Pretrial will not be able to provide any of this information before the arrestee is magistrated will lead to far less-informed bail decisions by the magistrates.
- **Accountability for legal deadlines appears unclear.** Currently, Central Booking starts a clock when arrestees are brought in; Central Booking staff enforce the 24-hour (for misdemeanors) and 48-hour (for felonies) deadlines for filing probable cause affidavits. It is unclear who will enforce these important deadlines under the proposed pilot program.
- **The proposal creates opportunities for arrestees to fall through the cracks.** We currently have multiple integrated systems set up in order to ensure that no arrestee is overlooked. Magistrating outside of Central Booking would create two sets of intake workflow at the jail, increases the likelihood that an arrestee is not released when a deadline mandates it, and leaves a question as to how Court Administration would be notified when an arrestee needs appointed counsel. Taking a subset of cases out of these systems creates justice-planning issues and increases the likelihood that the certain arrestees do not receive the same treatment as others who are safeguarded by our established processes.

To ensure that the post-arrest process runs as smoothly as possible while protecting the rights of all parties involved when a criminal offense occurs, we would respectfully ask that you reconsider the proposed pilot program. We greatly appreciate your time and consideration.

Sincerely,

DocuSigned by:

*Cliff Brown*

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JUDGE CLIFF BROWN

Presiding Judge of the Criminal Courts  
147<sup>TH</sup> District Court

DocuSigned by:

*Karen Sage*

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JUDGE KAREN SAGE

299<sup>TH</sup> District Court

DocuSigned by:

*Dayna Blazey*

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JUDGE DAYNA BLAZEY

167<sup>TH</sup> District Court

DocuSigned by:

*Chantal Eldridge*

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JUDGE CHANTAL ELDRIDGE

331<sup>ST</sup> District Court

DocuSigned by:



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JUDGE JULIE KOCUREK  
390<sup>TH</sup> District Court

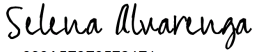
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JUDGE TAMARA NEEDLES  
427<sup>TH</sup> District Court

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JUDGE SELENA ALVARENGA  
460<sup>TH</sup> District Court

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JUDGE DIMPLE MALHOTRA  
County Court at Law #4

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JUDGE DENISE HERNÁNDEZ  
County Court at Law #6

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JUDGE CARLOS BARRERA  
County Court at Law #8

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JUDGE BRANDY MUELLER  
403<sup>RD</sup> District Court

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JUDGE BRAD URRUTIA  
450<sup>TH</sup> District Court

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JUDGE BIANCA GARCIA  
County Court at Law #3

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JUDGE MARY ANN ESPIRITU  
County Court at Law #5

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JUDGE ELISABETH EARLE  
County Court at Law #7

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JUDGE KIM WILLIAMS  
County Court at Law #9