



PUBLIC SAFETY COMMISSION RECOMMENDATION

Date: January 8, 2024

Subject: Austin Police Department Virtual Magistration Pilot Program

Motioned by: Rebecca Bernhardt

Seconded by: Nelly Paulina Ramirez

Recommendation: The Public Safety Commission recommends

WHEREAS, the Austin Police Department is planning to roll out a Virtual Magistration Pilot program in early 2024.

WHEREAS, the process of prescreening arrests, where the Travis County County Attorney's Office and District Attorney's Office attorneys review arrest affidavits and decide which cases proceed to prosecution, saves the Travis County taxpayers resources by preventing people who are not going to be prosecuted from being jailed at taxpayer expense;

WHEREAS, Travis County operates an experienced pretrial services office that provides detailed information, including risk assessments and criminal history, relied upon by City of Austin Magistrates in making their bond decisions;

WHEREAS, the work of Travis County Pretrial Services has been studied and has the documented benefits to Travis County of decreasing incidents where dangerous arrestees are released on bond and commit new violence as well as ensuring low-risk arrestees are likely to be released;

WHEREAS, it is unclear how the Austin Police Department plan to duplicate the expertise and services provided by Travis County Pretrial Services and it is unlikely they will be able to do so;

WHEREAS, if the Austin Police Department operates the magistration pilot without effective pretrial services screening of arrestees, it is likely to decrease public safety and instability in the Austin community;

WHEREAS, Travis County continues to work to incorporate counsel at first appearance into their processes and there is no plan to enable incorporation of counsel in the Virtual Magistration Pilot program:

WHEREAS, the Virtual Magistration Pilot program does not appear to allow for the provision of counsel at magistration, either for appointed counsel or retained counsel, potentially violating the 6th Amendment of the US Constitution;

WHEREAS, the Virtual Magistration Pilot program does not appear to allow for the ability of the public to view magistration proceedings, thereby potentially resulting in an “open courts” violation of the 1st Amendment of the US Constitution;

WHEREAS, the Austin Police Department plans to operate a holding facility at APD Headquarter;

WHEREAS, APD Headquarters is considered functionally obsolete by the City of Austin and slated to be replaced in the next few years with a new, more appropriate facility;

WHEREAS, Austin Police operated a “city jail facility” in APD Headquarters until 2000, when Austin and Travis County consolidated jail families in the City into the Travis County Jail;

WHEREAS, when the city jail facility operated by the Austin Police Department was closed, the Austin Chronicle reported that the facility was, “Badly overcrowded in a building nearly a half century old,” and “had to go somewhere before the Texas Commission on Jail Standards shut them down;”

WHEREAS, holding facilities and jails require expertise and resources to be operated effectively and safely;

WHEREAS, the Austin Police Department has no recent experience operating a holding facility;

WHEREAS, ineffective and inexperienced operation of a holding facility will result in serious risks of harm, including potential serious assaults, gross neglect of medical needs and substantial risk of death of arrestees;

WHEREAS, it is unclear where funding for any new services will come from, because the Virtual Magistration Pilot program is not funded in the City of Austin’s current budget;

WHEREAS, it is unclear where funding for any needed renovations of APD Headquarters will come from, because the Virtual Magistrate program is not funded in the City of Austin’s current budget;

WHEREAS, the costs and/or savings associated with the Virtual Magistration Pilot program are yet to be determined;

BE IT RECOMMENDED BY THE PUBLIC SAFETY COMMISSION OF THE CITY OF AUSTIN THAT:

- Implementation of the Austin Police Department's Virtual Magistration Pilot program be permanently tabled or at a minimum, postponed until a full review of the pilot can be considered by both the community and the Austin City Council along with an assessment of its impact on our citizen's civil rights, safety, rights to counsel at first appearance, costs, and impacts to the operations in cooperation with the Travis County justice system and our municipal courts.

Vote:

For:

Absent:

Attest:
