

1 **RESOLUTION NO.**

2 **WHEREAS**, a community’s criminal legal system operates within the
3 community’s ecosystem of interpersonal relationships and its administration
4 impacts the stability of individuals and families who make up our community; and

5 **WHEREAS**, any amount of time a person spends incarcerated increases the
6 likelihood they and their family will be impacted by lost income or employment,
7 destabilized housing, and/or strained family obligations; and

8 **WHEREAS**, the Community Advancement Network’s 2023 Dashboard
9 shows Travis County follows a nationwide trend in that people of color –
10 especially people who are Black – are disproportionately arrested and jailed; and

11 **WHEREAS**, incarcerating people also demands public entities make
12 substantial expenditures, which can be curtailed by reducing the average duration
13 of imprisonment; and

14 **WHEREAS**, a person represented by counsel at their first appearance in the
15 criminal legal system – typically a magistrate hearing – is more likely to be quickly
16 released from jail than a person who is unrepresented, in part because their
17 attorney can provide the presiding magistrate with a detailed understanding of the
18 person before them, including their ability to pay a bond, medical conditions, and
19 ties to the community, such as their children, employment, and housing, while a
20 judge without the benefit of that information is statistically more likely to set a
21 bond that is too high for the person to afford; and

22 **WHEREAS**, the City of Austin has demonstrated its commitment to
23 adopting best practices designed to ensure the criminal legal system does not
24 unwittingly harm the community, such as the adoption of Resolution No.
25 20160811-037, which called for a review of national best practices for defining

26 indigence and culminated in revisions to City Code and municipal courtroom
27 practices intended to eliminate the risk of incarcerating people who cannot afford
28 to pay municipal fines, and of Resolution No. 20200409-30, which affirmed
29 Council's commitment to ensuring persons never remain in jail unless pretrial
30 detention is the least restrictive means to reasonably assure public safety and their
31 appearance in court; and

32 **WHEREAS**, under an interlocal agreement between Travis County and the
33 City of Austin for booking and related services (Interlocal Agreement), the City's
34 municipal judges conduct magistration hearings for persons arrested in Travis
35 County for alleged Class A and B misdemeanor offenses and felony offenses; and

36 **WHEREAS**, Resolution No. 20200409-30 directed the City Manager to
37 engage with Travis County with the goal of amending the Interlocal Agreement to
38 include features such as securing counsel to represent arrested people during their
39 magistration hearings; and

40 **WHEREAS**, the City's full participation is critical to ensure that people
41 arrested in Travis County are provided with counsel at their magistration hearings;

42 **NOW, THEREFORE,**

43 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

44 Council reaffirms its commitment to ensuring persons never remain in jail
45 unless pretrial detention is the least restrictive means to reasonably assure public
46 safety and their appearance in court.

47 **BE IT FURTHER RESOLVED:**

48 The City Manager and the Municipal Court Presiding Judge shall continue to
49 make best efforts to ensure Austin municipal judges are made available to Travis
50 County to conduct magistration hearings at such times and under such circumstances

51 as are necessary to ensure that every person booked into Travis County detention is
52 afforded counsel at their first appearance in court.

53 **BE IT FURTHER RESOLVED:**

54 Council is committed to the operational testing of Travis County’s Counsel
55 At First Appearance magistration program, with the goal of full implementation, and
56 the City Manager and the Presiding Judge are directed to ensure that the Interlocal
57 Agreement reflects this commitment.

58 **BE IT FURTHER RESOLVED:**

59 The City Manager and the Presiding Judge are directed to provide a report to
60 Council within 30 days outlining their progress toward full implementation of the
61 mandates given herein, and to provide a progress report to Council every 90 days
62 thereafter until they have ensured that Austin municipal judges are made available
63 to Travis County to conduct magistration hearings at such times and under such
64 circumstances as are necessary to ensure that every person booked into Travis
65 County detention is afforded counsel at their first appearance in court.

66
67 **ADOPTED:** _____, 2024

ATTEST: _____

68 Myrna Rios
69 City Clerk
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