

MAGISTRATION DURING THE COVID-19 PANDEMIC

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WHY DO WE NEED SPECIAL STEPS?

- Disaster on a local, state, national, and worldwide level
 - WHO
 - CDC
 - President Trump
 - Governor Abbott
 - Texas Supreme Court/Court of Criminal Appeals
 - OCA guidance
 - Countless local officials

WHY DO WE NEED SPECIAL STEPS?

- Crowded areas, such as jails, especially need thoughtful measures and precautions due to the nature of the spread of this virus.
- See <https://www.washingtonpost.com/opinions/2020/03/17/we-must-release-prisoners-lessen-spread-coronavirus/> and <https://www.theverge.com/2020/3/7/21167807/coronavirus-prison-jail-health-outbreak-covid-19-flu-soap> for a discussion of this issue.
- See <https://www.tcjs.state.tx.us/technical-assistance/> for the latest advisories from the Texas Commission on Jail Standards.

SPREADING CONTAGION AMONG JAIL INMATES

- Similarly, you should be delaying any commitment orders for individuals who have not satisfied criminal judgments until the pandemic has subsided.
- If you have someone brought before you on a *capias pro fine*, you should dispose of it in a way that does not involve ordering additional jail commitment at this time.

SO WHAT SHOULD WE DO?

- Magistration of arrestees is considered an “essential” court function. This means it must continue during the outbreak, and must be done as safely as possible.
- The biggest and easiest thing that you can do is setting up video magistration, which protects you as well as jail staff and inmates.

VIDEO MAGISTRATION

- NetProtec – www.videomagistrate.com
- Info: https://www.youtube.com/watch?v=i_VFkIXUsmU&
- Demo video: <https://www.youtube.com/watch?v=yLkeg-8vYVQ&>
- REMEMBER: You must have two-way audio and video to perform remote magistration.

VIDEO MAGISTRATION RESOURCE JUDGES

- Judge Rick Hill, Brazos County: (979) 255-0365
- Judge Tomas Ramirez, Medina County: (210) 854-7256; tomas.ramirez@medinacountytexas.org
- Judge Nicholas Chu, Travis County: Office (512) 854-4557; Mobile (817) 773-6905;
Nicholas.Chu@traviscountytexas.gov
- Judge Bob Whitaker, Victoria County: (361) 575-0246; rwhitaker@vctx.org
- Judge Michael Roach (county judge, Stephens County): mroach@stephenscountytexas.gov; 254-559-2190
- Judge Deidra Voigt (Gonzales County): ddvoigt@co.gonzales.tx.us; 830-672-9001
- Judge Yadi Rodriguez (Hutchinson County): 806-273-0103,
Judgerodriguez@hutchinsoncnty.com

HEALTH CONSIDERATIONS WHEN MAGISTRATING

- Personal bonds should be strongly considered where available
 - New item to weigh is the safety of the individual during incarceration, as jails/prisons can be a tinderbox for spread of communicable diseases such as COVID-19
- Reasonable bond conditions may include self-quarantine (to protect the safety of the community)
 - Be aware of difficulties in complying with other conditions during the emergency (availability of classes, etc.)

STAY SAFE!

- Your function in protecting the rights of the defendant and the community includes doing your part to reduce spread of this deadly pandemic.
- Keep this task first and foremost while performing court and magistrate functions during this public health emergency.
- Stay tuned to www.tjctc.org/coronavirus for frequent updates, as this is a rapidly changing situation.