

**MUNICIPAL COURT OF ALPINE SUPPLEMENTAL STANDING ORDER
JUNE 2021**

**JUDGE'S STANDING ORDER NO. 19
MAGISTRATION PROCEDURES**

IT IS JUDICIALLY NOTED that guidance for Alpine Municipal Court magistration procedures has been found in the current Alpine Municipal Court Judge duties description and the current Presiding Municipal Court Agreement addressing magistration duties for the Alpine Municipal Judge.

IT IS JUDICIALLY NOTED that the Alpine Municipal Court Judge Duties provides for the following magistration procedures for the Alpine Municipal Judge:

1. Magistrates prisoners arrested over night at the County Jail and prisoners arrested during working hours at Municipal Court;
2. Magistrates juveniles and verifies statements during operating hours and after hours for the Police Department and for the Alpine Independent School District;
3. Issues Protective Orders;
4. Reviews and signs complaints, summons, subpoenas, affidavits for search and arrest warrants, appeal bonds, prisoner transfer documentation, affidavits, etc; and
5. Arraigns prisoners held in the County Jail

IT IS JUDICIALLY NOTED that the Court has agreed to the following terms regarding magistration duties, as following stated in the Presiding Municipal Court Judge Agreement:

1. Section 5 entitled Arraignments, provides for the following:
 - a. The Presiding Judge will be "on call" during business hours to conduct arraignments as requested or required, for no additional compensation.
 - b. If called "after hours," ((7p.m. – 8 a.m.) see section six below.
 - c. When "on call", the Presiding Judge must use best efforts to return calls within thirty (30) minutes.

2. Section 6 provides the following related to magistration procedure:

- a. Magistrations or search warrant reviews and/or signing will be performed for an additional [fee] if required between the hours of 7p.m. and 8a.m.
- b. Alpine Police Department Shall not contact magistrate until all paperwork required for magistration is fully prepared and the accused is placed in the correct location for magistration.
- c. If not ready, another [fee] will be charged.

IT IS JUDICIALLY NOTED that magistration is for the benefit of the detainee, to provide detainee's with their constitution rights and to have the nature of the charge against them explained to them. Magistration must be performed within 24-48 hours of the detainee being taken into custody. Magistration may not be given to a detainee who is under the influence of a mind altering substance or who is mentally incompetent unless they are lucid and restored to competency to the degree that they legally understand their constitutional warnings and the nature of charges being levied against detainee.

IT IS JUDICIALLY NOTED that if a detainee is under the influence of a mind altering substance or mentally unstable so as to be incompetent, the detainee may require safe and secure pre-magistration detention by Alpine Police Department or the County Jail.

IT IS JUDICIALLY NOTED that Alpine Police Department is responsible for safe detention of pre-magistration detainees in their custody, or arranging safe detention at the County Jail, while the individual "dries out" or mentally stabilizes.

IT IS JUDICIALLY NOTED that Alpine Police Department is responsible for safe detention of pre-magistration detainees in their custody, and that issue is not the Court's responsibility.

IT IS JUDICIALLY NOTED that "on-demand" twenty-four hour magistration may not be utilized to circumvent a custodial law enforcement agency's legal responsibility to provide safe and secure pre-trial and pre-magistration detention for an individual in their custody.


IT IS THEREFORE ORDERED that the following magistrature procedures be followed by Alpine Police Department and any other local law enforcement agency needing magistrature assistance from this Court:

1. Magistrature Procedures:

- a. In-person magistrature duties may only occur at the Alpine Municipal Court's newly designated physical location in Council Chambers when the Court is on the bench, or in the County Jail.
- b. Magistratures and magistrature duties may occur virtually on videomagistrature software at any time, pursuant to the Court's magistrature procedure.
- c. The Alpine Municipal Judge is not "on call" after 7p.m. or before 8a.m. and is not required to exercise best efforts to return calls from APD within half an hour when not on call.
- d. Alpine Police Department shall only contact magistrate for in-person magistrature once all magistrature paperwork is fully completed, and the detainee is in the County Jail or proper physical location.
- e. Alpine Police Department shall only contact magistrate for virtual magistrature once all paperwork is completed, and the session is created by APD on videomagistrature, and APD has sent the judge the invitation from videomagistrature to the session.
- f. **Alpine Police Department must leave a full voicemail for each call to the Court explaining their magistrature need in detail, a confirmation that all paperwork is ready, and that the detainee is in the proper location for in-person or virtual magistrature, and the caller must leave the full name of the caller (officer or dispatch); they may also use a text to convey aforementioned details of the matter and their full name.**
- g. It is preferred that Alpine Police Department contact the Court for magistrature services after 7p.m. and before 8a.m. only for serious felonies or serious misdemeanors involving assaults or family violence, or juvenile cases.
- h. Magistrature shall only occur in person at the Alpine Municipal Court, County Jail, or virtually using videomagistrate software.

- i. All warrants and probable cause statements/complaints must be submitted, reviewed, and issued virtually using videomagistration software, to document the chain of custody of any magistration documents issuing from the Alpine Municipal Court.
- j. Each virtual magistration session/matter shall have a cause number issued to it by the Court in the following format: AMCYear-date-case of the day (i.e. AMC2021-09-29-1)
- k. No probable cause statement may be presented to the Court by an officer other than the direct affiant to the facts of the probable cause, unless it is properly verified by a notary.
- l. The Court may make exceptions to the above magistration procedures at its own discretion, and exceptions will be rare and under extraordinary circumstances.
- m. The Court will use every effort to be available for all magistration needs for juvenile cases, at all times.

SIGNED AND ENTERED on this the 29th day of June, 2021.



Hon. Jodi Cole
Presiding Judge of the Municipal
Court of Alpine, Texas