

Memorandum



CITY OF DALLAS

Date April 4, 2008
To Dr. Elba Garcia, Chair
and Members of the Public Safety Committee
Subject Video Magistrate

On April 7, 2008, the Public Safety Committee will be briefed on the proposed use of video magistrate.

A handwritten signature in black ink that reads "Ryan S. Evans".

Ryan S. Evans
First Assistant City Manager

Attachment

Video Magistrate

Council Public Safety Committee

April 7, 2008

Key Focus Area



Public Safety

What is Video Magistrate?

- Code of Criminal Procedure Article 27.18(a) 1,2 and 3 effective September 1997, allows a court to “accept a plea or waiver by broadcast by closed circuit video teleconferencing to the court” if:
 - Written consent is provided from the defendant and the representing attorney to the Court to utilize video teleconferencing;
 - The video teleconferencing equipment provides simultaneous, interactive communication of image and sound, between all parties (defendant and the representing attorney and the State’s attorney); and
 - The Court allows a defendant and the representing attorney to have private discussions without being recorded.

Background

- A video magistrate pilot program was tested approximately 14 years ago at the Lew Sterrett Justice Center.
- Video magistrate was not reviewed as favorable by the Judiciary as there were challenges with the technology at the time, such as noise interference.

Who is Using Video Magistrate?

- Texas Counties

- Collin
- Dallas
- Harris
- McLennan
- Tarrant

- Texas Cities

- Bryan
- Beaumont
- Wichita Falls

- Dallas is currently looking at the feasibility of using video magistrate.



Pros of Using Video Magistrate



- Eliminates the travel of a judge and the staffing of a bailiff to an off-site location (Lew Sterrett). This procedure will need to be established and may require a court clerk at the off-site location.
- Eliminates any judicial security concerns for a judge at an off-site location.
 - Expressed at the Judge's meeting, April 2007
- Dallas County is currently utilizing video magistrate, so transition into this program would be easier.
- Video Magistrate equipment is very user-friendly and offers excellent clarity.
- Some Judges support video magistrate.

Video Magistrate Equipment



- The cost is about \$12K for two monitors (one shown at left).
- Equipment qualifies for purchase through the Municipal Court Technology Fund.

Cons of Using Video Magistrate

- Preference for face-to-face arraignment.
- Resistance to new technology.
- A back-up/manual process will be used, should equipment failure occur.
- Some Judges are opposed to video magistrate.

Recommendation



- Court & Detention Services will develop an operational plan to begin video magistrate with the appointment/re-appointment of judges by September, 2008.
- Request a Judicial Directive, from the Administrative Judge, for the video magistrate process by September, 2008.

Questions?

