

**STANDARD OPERATING PROCEDURES  
HUNT COUNTY  
DUE PROCESS AUDIT**

Randomly, at least once a month, print a jail activity report for the period being audited. Your report shall reflect the arresting date and time not the book-in date and time.

Take the jail activity report and accompany the magistrate to the jail.

Record the results of each person magistrated taking special care to note whether the arrested person is requesting appointment of legal counsel.

Note on the jail activity report the date and time magistrate was performed.

On an excel spreadsheet, detail the results of the audit using the following format:

Name of arrested person

Arrest date and time

Magistrate date and time

Hours between arrested date and time and magistrate date and time

Court appointed attorney requested – Yes or No

Date court appointed attorney request form was faxed to the applicable court

Notes – In your note column record and highlight information applicable to the audit report such as: Within compliance or Arrested person not seen by magistrate and will be out of compliance if not seen by xxx date and time...

Fax completed audit spreadsheet to the following:

Sheriff

Jail Lieutenant

District Judges

District Clerks Office

County-Court-at-Law Judge

Magistrate

As a review of the requirements of the Texas Fair Defense Act (Senate Bill 7 of the 2001 legislature), now partially codified as Section 15.17 of the Texas Code of Criminal Procedure, please note the following:

- 1) The person having custody of an arrested person, not later than 48 hours after arrest, shall take the person before a magistrate.
- 2) The magistrate shall determine whether the arrested person is requesting appointment of legal counsel.

- 3) If counsel is requested and the magistrate lacks authority to appoint counsel for the level of offense charged, the magistrate shall not later than 24 hours transmit to the appropriate court the forms requesting appointment of counsel.

Hunt County's plan of implementation requires:

- 1) The District or County-Court-at-Law judge to appoint counsel not later than 3 days, after receipt of the request, and
- 2) Appointed attorneys to contact the new client within 1 day.

In summary, Hunt County's District Judges and County-Court-at-Law Judge should receive notice of a request for attorney not later than 72 hours after arrest, and the arrested person have counsel appointed within another 72 hours.