

JIM HOGG COUNTY

TIDC REVIEW SUMMARY and PLAN OF ACTION

REQUIREMENT 1

CONDUCT PROMPT AND ACCURATE ART 15.17 PROCEEDINGS

1. **TIMELINESS OF WARNINGS:** An arrested person must be brought before a magistrate within 48 hours of arrest.

TIDC FINDINGS:

FINDING 1: The timeliness of sample magistrate warnings fell below TIDC's presumed threshold of timely hearings (98% within 48 hours).

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TIDC RECOMMENDATIONS:

- (1) JHC must put in place procedures to ensure that defendants promptly receive magistrate warnings after arrest;
- (2) To address the timeliness of the hearings, JHC judges should consider adopting a rotational schedule.

JHC ACTION PLAN:

- (1) JHC Magistrates, consisting of four Justices of the Peace and the County Judge, shall make every effort to make themselves available to perform prompt magistration duties;
- (2) JHC Magistrates shall coordinate their schedules and consider adopting a rotational schedule where individual magistrates assume magistration responsibilities for specific time periods, especially on weekends and holidays;
- (3) The JHC Sheriff's Office (JHCSO) shall meet with jail personnel and Magistrates and consider designating at least two daily time periods to be set aside for magistrations;
- (4) For all Defendants arrested under warrants, including out-of-county warrants, local warrants previously issued by the Justices of the Peace, warrants on Motions to Revoke Community Supervision or Bond Supervision or for Failure to Appear issued by the District or County Courts, JHCSO Jail

Personnel shall notify the Justice of the Peace Office, the County Judge, the County and District Clerk, the County Attorney's Office, the District Attorney's Office and the Community Supervision Office within eighteen (18) hours of the Defendant's arrest;

- (5) For defendants arrested without a warrant, the JHCSO personnel, including Deputies, Investigators, Jailers, Administrators and support staff shall make every effort to complete the paperwork required for Magistration, including complaints and affidavits of probable cause, within 24 hours of the Defendant's arrest.**
- (6) The JHCSO Jail personnel shall notify the Justice of the Peace Office, the County Judge, the County Attorney's Office and the District Attorney's Office, via eMail every morning at 9:00 a.m. and every afternoon at 4:00 p.m. and provide a list of defendants being held in the JHC Jail who are "paper-ready" for Art. 15.17 Magistrations. The list shall include names and charges filed and include the date and time of arrest.**
- (7) The Justice of the Peace Office shall promptly inform the JHC Jail of the JP who will be responsible for magistering that Defendant. If no JP is available, they shall promptly notify the County Judge.**
- (8) The JHCSO Jail shall maintain a Magistration log, which will contain the name, arresting agency, charges, date and time of arrest, and whether the arrest was made pursuant to a warrant, including the issuing Court. The Log shall also include the date and time the above notices were issued, as well as the date and time the Magistrations were completed, and the number of hours elapsed between the date and time of arrest and the date and time of Magistration;**
- (9) Upon completion of Magistration, signed copies of all complaints, warrants, and other magistration documents shall be left at the jail and promptly uploaded to Blue Diamond, along with any Reports.**

- (10) The JHCSO Jail Administrators shall prepare and maintain monthly reports, utilizing the above information and summarizing the number of Defendants magistrated and computing the average time elapsed between arrest and Magistration. These monthly reports shall be provided to all of the above offices.
- (11) The County Judge shall call periodic meetings to review compliance with the above plan, identify reasons for delays and discuss recommendations to reduce any issues contributing to delays in Magistration.

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2. ABILITY OF ARRESTED PERSONS TO REQUEST COUNSEL:

At the Art. 15.17 hearing, the magistrate must inform the person of the right to counsel, inform the person of the procedures for requesting counsel, and ensure the person has reasonable assistance in completing the necessary forms for requesting counsel.

TIDC FINDINGS: 48% of sample misdemeanor defendants and 77% of felony defendants requested counsel at the Art. 15.17 hearing, indicating that defendants understand their right to counsel and regularly request counsel.

JHC ACTION PLAN:

- (1) Jim Hogg County Attorney will review and revise all magistrate forms relating to appointment of counsel;
- (2) In cases where a Defendant has declined to request appointment of counsel, and remains in custody for more than 3 days, JHC will implement procedures to inquire if the Defendant has employed counsel and Defendant will be informed again of the right to appointment of counsel.

3. JUDICIAL COUNCIL MONTHLY COURT ACTIVITY REPORTS

Justices of the Peace must report to the number of persons receiving magistrate warnings and the number of persons requesting counsel to the Office of Court Administration (OCA).

TIDC FINDINGS:

FINDING 3: Monthly court data reported to OCA was not accurate.

TIDC RECOMMENDATIONS:

Justices of the Peace must report to the number of persons receiving magistrate warnings and the number of persons requesting counsel to the Office of Court Administration (OCA) in order to ensure complete and accurate Texas Judicial Council Monthly Court Activity Reports.

JHC ACTION PLAN:

- (1) JHC will implement procedures to ensure that Justices of the Peace accurately report the number of persons receiving magistrate warnings and the number of persons requesting counsel to OCA and submit complete and accurate Monthly Court Activity Reports;
- (2) The Justice of the Peace Office will forward copies of these Monthly Court Activity Reports to the JHC Judge and Commissioners Court, as well as the JHC Attorney's Office on a monthly basis;
- (3) The Justice of the Peace Office will maintain accurate Magistration forms, including information for each defendant magistrated, reflecting whether the Defendant has been advised of his right to counsel, and whether counsel was requested;
- (4) The JHC Judge and JHC Attorney will review and monitor compliance with this requirement.

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4. TRANSMITTING FORMS TO THE APPOINTING AUTHORITY:

Within 24 hours of a person requesting counsel, magistrates must transmit to the court or its designee who is authorized to appoint counsel.

TIDC FINDINGS:

FINDING 2: Counsel requests made at the Art. 15.17 hearing are not sent to the trial courts within 24 hours of the request being made.

TIDC RECOMMENDATIONS:

As required by Article 15.17(a), JHC must provide a method to ensure all counsel requests are sent to the appointing authority (trial court) within 24 hours of the request being made.

JHC ACTION PLAN:

- (1) The JHC Judge shall facilitate a meeting including the District Judge, County Judge, District Attorney, County Attorney, County and District Clerk and Justices of the Peace to discuss and implement procedures to ensure that trial courts, or their designees, promptly receive all requests for appointment of counsel within 24 hours of the request being made;
- (2) Justices of the Peace shall maintain records documenting the date and time that requests for appointment of counsel are made by defendants arrested and magistrated, as well as the date and time these requests are transmitted to the respective trial courts;
- (3) The Justice of the Peace Office shall transmit these requests, as well as any supporting documents, including any affidavits of indigency via eMail to the respective Courts, with copies to the prosecutors and clerk's office.

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REQUIREMENT 2

DETERMINE INDIGENCE ACCORDING TO STANDARDS DIRECTED BY THE INDIGENT DEFENSE PLAN

Under Art. 26.04(l) of the Code of Criminal Procedure, counties must adopt procedures and financial standards for determining whether a defendant is indigent, pursuant to the lists the factors courts may consider in determining indigence in Art. Article 26.04(m).

TIDC FINDINGS: Jim Hogg County is in substantial compliance with Requirement 2.

JHC ACTION PLAN:

The JHC Judge will facilitate a meeting including the Justices of the Peace, the District Attorney and the County Attorney to review the requirements of Art. 26.04 C.C.P., and revise any forms necessary to document the information required by Article 26.04.

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REQUIREMENT 4

APPOINT COUNSEL PROMPTLY

Under Art. 1.051(c)(1) of the Code of Criminal Procedure, courts must rule on a request for counsel within three working days of receiving the request.

TIDC FINDINGS:

FINDING 4 (FELONY CASES): Jim Hogg County's felony appointment process did not meet TIDC's threshold for timely appointment of counsel (90% timely). Under Article 1.051(c)(1), the court or its designee must appoint counsel within three working days.

FINDING 5 (MISDEMEANOR CASES): Jim Hogg County's misdemeanor appointment process did not meet TIDC's threshold for timely appointment of counsel (90% timely).

Under Article 1.051(c)(1), the court or its designee must appoint counsel within three working days.

TIDC RECOMMENDATIONS:

Jim Hogg County must implement practices that satisfy Art. 1.05(c)(1)'s timeline.

JHC ACTION PLAN:

- (1) Jim Hogg County will identify the persons designated to review and approve applications for appointed counsel. Presently, the District Judge has appointed the Jim Hogg County Judge and two Justices of the Peace to review and approve applications for appointed counsel in Felony Cases.**
- (2) The JHC Judge and the JHC County and District Clerk, and the District Judge's Court Coordinators shall identify and update the list of attorneys available to accept Court appointments in Jim Hogg County.**
- (3) Jim Hogg County will implement procedures to appoint attorneys promptly within 3 working days of the defendant's request for appointment of counsel in both felony and misdemeanor cases.**
- (4) Jim Hogg County will implement procedures to insure that notice of appointments are promptly communicated to the appointed attorneys, along with the County and District Clerk, the County and District Court Coordinators and the District and County Attorney's Offices.**
- (5) JHC will implement procedures to facilitate communication between appointed attorneys and their incarcerated clients, including setting up secure video teleconferencing equipment.**
- (6) JHC will implement procedures to provide defendants with accurate contact information for their appointed attorneys and to provide appointed attorneys with accurate contact information for their clients.**
- (7) JHC will maintain records documenting the actions taken in response to defendant's requests for appointment of counsel.**

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UPDATE 03/10/2026: Improvements noted since this plan was implemented.