

City of San Antonio



Minutes Municipal Court Advisory Committee

2023 – 2025 Council Members

Chair: Jalen McKee Rodriguez, District 2
Teri Castillo, District 5 | Melissa Cabello Havrda, District 6
Marina Alderete Gavito, District 7 | Manny Pelaez, District 8

Wednesday, September 25, 2024

2:00 PM

City Hall

The Municipal Court Advisory Committee convened a regular meeting in the City Hall Council Briefing Room beginning at 2:05 PM. Deputy City Clerk Aurora Perkins took the Roll Call noting a quorum with the following Committee Members present:

Members Present: Jalen McKee-Rodriguez, *Chair*
Teri Castillo, *Member*
Marina Alderete Gavito, *Member*
Manny Pelaez, *Member*

Members Absent: Melissa Cabello Havrda, *Member*

Approval of Minutes

1. **Approval of the minutes from the Municipal Court Advisory Committee meeting on June 21, 2024.**

Councilmember Pelaez moved to Approve the minutes of the June 21, 2024 Municipal Court Advisory Committee meeting. Councilmember Castillo seconded the motion. The motion carried by the following vote:

Aye: McKee-Rodriguez, Castillo, Alderete Gavito, Pelaez
Absent: Cabello Havrda

Public Comments

None.

Briefing and Possible Action on the following items

2. Briefing on the Teen Court Program by the San Antonio Municipal Court. [Carla Obledo, Presiding Judge, Municipal Court]

Items 2 and 3 were presented and discussed together.

Judge Carla Obledo provided an overview of the Teen Court Program which was a voluntary diversion program for teens summoned to court for Class C, fine only misdemeanors. She noted that parents/guardians needed to be present to determine a plea of guilty or no content to enroll in the Program.

Obledo spoke to the process of how teens were referred to Teen Court which began when a plea of guilty or no contest was presented and the Juvenile Judge sentenced a teen to attend Teen Court as part of a 180-day deferred disposition. She mentioned that the enrollment included a 30-minute interview by a Juvenile Case Manager with the teen and parent/guardian with a court date being set and a possible imposition of a \$20 reimbursement fee to support the Program's operations.

Katy Clapper, Teen Court Manager, who managed the Teen Court Program stated that the Teen Court operated through jury trials and arbitration. She stated that teen volunteers served as judges, prosecutors, defense attorneys, bailiffs, and jury members. Clapper stated that during jury trials, cases were presented by teen prosecutors and defense attorneys and arbitration was held with arguments presented by the teen participants. She added that volunteers received training and guidance from court staff, St. Mary's School of Law students, and City Attorney Prosecutors.

Clapper reviewed the process on how teens were sentenced or assigned to the Teen Court Program. She noted that teens were able to perform community service hours, attend a youth enrichment program, write essays or letters of apology to those they offended or join a future Teen Court. She provided an overview of each option.

Clarissa Chavarria, Municipal Court Judge, reviewed the process for dismissal of charges. She stated that teens must successfully complete the Program within 90 days of sentencing or by the end of the deferral period, whichever came first. She noted that the Juvenile Judge would dismiss charges upon proof of satisfactory completion of requirements and once dismissed, the charge would not be included in the Teen's criminal or driving record.

Chavarria spoke to the benefits of the Teen Court Program which included keeping juvenile records clear of violations, raising awareness of the impact of a teen's actions on themselves and others, and contributed to public safety. She added that the Program introduced teens and their parents to legal careers and it provided valuable volunteer and community involvement.

Item 3 Presentation

Assistant City Attorney Marco Segura provided an overview of the life cycle of the Ticket. He noted that the processes differed when a ticket was traffic-related or was for other issues. Segura clarified what a Class C Misdemeanor ticket was which could be deferred to a criminal case and was only punishable by a fine, with no possibility of jail time, and the defendant was afforded all rights any criminal defendant enjoyed including the right to a trial by a judge or jury. He added that Class C misdemeanor defendants had a right to an attorney but not a court-appointed one.

Segura reviewed the types of cases handled in Municipal Court which included traffic violations,

assaults, code violations, animal care services violations, juvenile and Class C offenses under the Penal Code and City Ordinances. He noted that assaults included family violence and non-family violence incidents and that Animal Care Services cases included dangerous dog appeals, serious bodily injury caused by animals, and other related Class C animal case offenses.

Segura provided an overview of the initiation process for a ticket which included a police officer witnessing a violation and then the officer issuing a ticket and handing the ticket to the defendant. He stated that the original ticket was sent to the Municipal Court and City Attorney's Office for review and processing.

Segura defined the complaint process which began when a ticket arrived at Municipal Court and a complaint was filed. He stated that a complaint is the official charging document and what the State must prove at trial.

Segura reviewed the arraignment process of the ticketing process and the difference in pleas available to defendants. He stated that the ticket or notice to appear would have a set court date and that date was known as an "arraignment". Defendants at an arraignment would enter pleas of "guilty", "not guilty" or "no contest" according to Segura. He further reviewed the process when a defendant pleaded "not guilty" and a case was set for a pre-trial hearing (PTH). Segura noted that at a PTH, the defendant would have the opportunity to speak to a prosecutor and view any evidence currently available. He mentioned that if no resolution was obtained, the case was given a trial date and the defendant would have the right to a jury trial but they could also waive that right and request a bench trial.

Segura spoke to the Trial process and noted that on the first day of a trial, the prosecutor would confer with the defendant and the State's witness(es), and if no resolution was reached, the case would proceed to trial. He spoke to the outcome of trials and the appeal process available.

Assistant City Attorney Orlando Mata provided a general overview of the assault cases process which were a Class C Misdemeanor where San Antonio Police Department Officers (SAPD) responded to a call. He noted that if a probable cause was found, an officer would normally arrest a defendant or issue the defendant a written citation and write a report per Mata. He added that the report would be forwarded to the City Attorney's Office for review by a prosecutor and then filed in Municipal Court if probable cause was found. If a defendant pleaded "guilty/no contest", the State would recommend "Rehabilitative-based Deferred Disposition" according to Mata. He added that if contested, the case would be set for trial.

Mata spoke to rehabilitative course options in assault cases which were specific to assault-contact cases. He noted that courses increased in intensity depending on the severity of the case and the defendant's criminal record. He noted that rehabilitative courses included anger management coursework for non-family cases, counseling sessions for family violence, and the Batterers Intervention Prevention Program. Mata indicated that all sessions were conducted in person and given by a licensed Professional Counselor or Clinical Social Worker.

Mata provided an overview of cases related to Juvenile cases (ages 10-16 years of age) and stated that Juvenile Prosecutors reviewed all Class C Misdemeanors received by SAPD or school campus police departments with the exception of traffic citations. He noted that a parent or legal guardian must be present with a child if a case was set for court. Mata reviewed sentencing options for pleas to include community service, deferred disposition, program enrollment, or the case being set for trial.

Mata spoke to instances related to truancy cases and noted that school districts had two options which were to either file a formal criminal case with the City Attorney's Office against a parent for parent contributing to non-attendance, or submit the family for mediation but added that the school district alone decided on which option to pursue. Mata reviewed the associated fines and diversion programs available for these cases.

Mata provided an overview of Municipal Court Animal cases which included administrative hearings which generally began with a submission of a sworn affidavit by ACS requesting an administrative warrant to seize an animal(s). He spoke to examples of cases under this category to include cruelly treated animals, dangerous dog determinations, and death/serious bodily injury to a person. Mata stated that criminal cases in these instances began with the issuance of a citation by an ACS Officer accompanied by an affidavit by an ACS Officer outlining the facts supporting the citation.

Mata reviewed cases related to Code compliance of the City Code which originated from the City's Code of Ordinances. He noted that these cases were also Class C Misdemeanors and filed by various City departments to include Development Services, Office of Historic Preservation, Metro Health, and SAPD. He stated that fines ranged from \$500 to \$2,000.

DISCUSSION

Chair McKee-Rodriguez noted that the Committee was dedicated to the Municipal Court System and could address concerns from residents and diversion programs. He noted that the Teen Court Program was a successful program available to assist teens in criminal diversion.

Chair McKee-Rodriguez requested data on the number of participants and charges associated with cases in the last five years. Mata stated that most cases were for disorderly conduct. Chair McKee-Rodriguez inquired if cases associated with vaping were increasing. Chavarria stated that vaping cases were largely increased and there were concerns for illegal substances used in vaping instruments.

Chair McKee-Rodriguez asked how volunteers were recruited for Teen Court. Clapper reviewed collaborations with school districts to identify students wanting to learn more about criminal justice or government sectors. Chair McKee-Rodriguez asked if the Teen Court had a budget allotment. Obledo stated that there was not a dedicated budget for the Program.

Chair McKee-Rodriguez noted that since there was not a dedicated budget for the Program and acknowledged the \$20 fee associated with participating in programs. He expressed concern regarding individuals not being able to participate due to the fees. Obledo introduced Municipal Court staffer Cesar Cano who spoke to programs available and partnerships used to assist with getting participants into programs. Chair McKee-Rodriguez spoke to the importance of the Teen Court Program and requested continuous presentations to the Committee from all levels of Teen Court.

Chair McKee-Rodriguez asked for clarification on the requirements for participation based on the amount of fines. Assistant City Attorney Felix Ramirez spoke to the fine structure and prosecution. Chair McKee-Rodriguez spoke to his concerns where investors ignored compliance actions and opted to continuously pay fines and not remedy situations. He noted the need for compliance regulations and stricter fines.

Councilmember Alderete Gavito asked which offenses were most seen in court. Chavarria stated that assault and criminal mischief were the highest number of cases.

Councilmember Alderete Gavito asked for clarification on handling and sentencing of assault cases. Assistant City Attorney Elizabeth McRae Juarez stated that prosecutors considered the instances of assaults and severity when enrolling into programs and that in all instances a proactive approach was taken. Juarez stated that a collaborative effort between Municipal Court and the City Attorney's Office was taken to assist defendants in taking classes and participating in programs to assist in the defendants' rehabilitation, which in many instances were free of charge. Councilmember Alderete Gavito requested data on the number of participants and completion of coursework rates, and asked if once completed did defendants become repeat offenders.

Councilmember Alderete Gavito asked if there were cases where continuous fines were occurring and how they could increase in severity of criminal charges. Ramirez reviewed the administrative process and options for increased severity in both commercial and individual code violations. Councilmember Alderete Gavito expressed concerns about knowing when fines were no longer successful and increasing the severity of penalties for compliance.

Councilmember Pelaez acknowledged the work of the City Attorney's Office and success of program rehabilitative programs. Councilmember Pelaez spoke to instances of the City for increasing revenues to the City as in the case of passport fees. He asked if there was an instance for the court to provide driving courses at a cost to assist with revenue. Obledo stated that the Court did not provide the cases since they were prosecuting the cases and expressed concern about referring individuals to specific programs. She noted that the court did refer to TXDoT and other partner programs/courses. Obledo stated that she would look into options but expressed concerns about ordering individuals to City programs at a cost. Attorney Nino concurred with the concerns.

Councilmember Pelaez asked how the Court was addressing issues associated with the digital divide and availability of courses. Obledo stated that the Municipal Court currently had four computers available to the public for taking coursework and that staff was available to assist residents to complete required coursework.

Councilmember Pelaez asked if tickets were received electronically. Obledo stated that all traffic citations were completed via e-ticket writers which were much more successful to address in the court system. She added that paper tickets were still being processed but were much more time-consuming to process. Court Clerk Fred Garcia stated that currently, 65% of traffic tickets were on the e-ticket system but the other 35% were processed by six full-time court staff and he reviewed the number of staff and the process for putting them into the court system. Pelaez expressed concern on the number of staff dedicated to processing paper tickets and efficiencies in processing citations. Garcia stated that the goal was to have citation equipment.

Chair McKee-Rodriguez echoed his concern regarding the use of six full-time staff to process non-electronic tickets and the need for electronic ticketing options.

Councilmember Castillo expressed her support for the Teen Court Program and education provided to youth. She requested information on the Community Court Program.

Councilmember Castillo asked how courses were defined and determined to be taken by defendants. Juarez stated that the courses were approved by the State of Texas and provided guidelines to the Courts. Councilmember Castillo expressed concern of the availability of programs for individuals based on cost or digital divide issues. Juarez stated that the court often waived the costs of courses to make sure

that individuals completed training/coursework.

Councilmember Castillo spoke to education provided in school settings and the possibility of providing vape education courses at the schools or in the Court System. Obledo stated that vaping educational videos were played at the Court facility but the court would reach out to school districts and other partners to expand outreach.

Councilmember Castillo spoke to outreach for volunteer opportunities for community service credit. Obledo stated that the Court System worked closely with the Parks and Recreation Department to gain community service hours.

Chair McKee-Rodriguez spoke to educational videos he viewed while his family lived in Hawaii and the impact they had on educating youth on the dangers of drugs. He stressed the need for education of youth of volunteer and community service hours available. Obledo spoke to upcoming Senior Summits that would take place and gained information to assist them in graduating on time and other topics such as financial literacy.

Items 2 and 3 were for briefing purposes only.

3. Briefing on the life cycle of a ticket in Municipal Court. [Andy Segovia, City Attorney]

Item 3 minute notes are combined with Item 2.

ADJOURNMENT

There being no further discussion, the meeting was adjourned at 3:25 p.m.

Approved

Jalen McKee-Rodriguez, Chair

Respectfully Submitted

Debbie Racca-Sittre
City Clerk