

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

Tuesday, February 13, 2024

1:00 PM

City Hall

The Municipal Court Advisory Committee convened a regular meeting in the City Hall Council Briefing Room beginning at 1:07 PM. Assistant City Clerk, Jamie Nieto took the Roll Call noting a quorum with the following Committee Members present:

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

Members Absent: None

Approval of Minutes

1. **Approval of the minutes from the Municipal Court Advisory Board Subcommittee meeting on January 29, 2024.**

Councilmember Cabello Havrda moved to Approve the minutes of the January 29, 2024 Municipal Court Advisory Committee meeting. Councilmember Alderete Gavito seconded the motion. The motion carried by the following vote:

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

Public Comments

There were no individuals signed up to speak.

Briefing and Possible Action on the following items

2. Timeline for Interviews of Municipal Court Judges [Carla Obledo, Presiding Judge, Municipal Court]

Presiding Judge Carla Obledo provided an overview of the proposed timeline for judicial appointments which would begin in February 2024 for both full-time and part-time judges and vetting of the applications would occur in March 2024. She added that interviews would tentatively take place from April 1, 2024 through April 19, 2024 and the staff recommendations would be brought before the full City Council for consideration on May 2, 2024.

Judge Obledo reviewed the upcoming municipal court events and schedule to include Animal Care Services (ACS) education seminars and a summit for high school seniors who faced challenges in completing their high school degree.

Judge Obledo reviewed the upcoming schedule of different court dockets and associated items and spoke to scheduled extended hours to address upcoming court cases in a timely manner.

DISCUSSION

Chair McKee-Rodriguez noted that the proposed appointment date for the recommended appointments was past the current term and that the sitting judges would be placed on hold over status. He requested that the next meeting be scheduled at Municipal Court where the Committee could observe and meet with the judges individually by April 2024. Chair McKee-Rodriguez requested a copy of the judge's evaluations that have been conducted along with the judge's schedules.

Councilmember Castillo asked for clarification on the application process and asked why there was language on scheduled hours for judges. Judge Obledo stated that the Municipal Court was a 24-hour magistrate facility and that all appointed judges would be considered Magistrates and would be expected to serve as needed. She added that the judge's schedules were coordinated based on the courts needs.

Councilmember Cabello Havrda moved to Approve. Councilmember Alderete Gavito seconded the motion. The motion carried by the following vote:

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

3. Overview of Dangerous Animal and Animal Cruelty Legal Framework [Andy Segovia, City Attorney]

City Attorney Andy Segovia introduced the Item and Assistant City Attorneys Barrett McKinney and David Gonzales, who reviewed the subject of trying animal cases under the Texas Health and Safety Code. He noted that there were two types of cases which included: animals that caused death or serious bodily injury to a person; and cruelty to

animal cases.

McKinney reviewed what constituted serious bodily injury in these cases and noted that these incidents followed the Municipal Safety Code. He reviewed the jurisdiction of the City of San Antonio and added that individuals could also file cases/incidents with Bexar County. McKinney provided an overview of the process for each attack incident and stated that the Municipal Court worked closely with Animal Care Services (ACS) to file the incident, seizing of the animal involved in the attack, setting of the hearing, and possible verdict outcomes.

McKinney provided an overview of the process on developing Standards of Proof in dangerous animal cases and process for animals involved in the death of a person and ordering of animal being destroyed under various State Statutes. He further reviewed instances when animals were not to be destroyed and reasonings. He added that there was no right to appeal a court's determination provided in Statutes.

Gonzales reviewed criminal incidents associated with cruelty to animals under the Health and Safety Code (HSC) Chapter 821, Subchapter B which defined the treatment and disposition of animals. Gonzales reviewed the incidents defined as cruelty to animals under the above State Code the definitions of animal ownership, and the process for determination of cruelty cases and the seizure of animals process by a Peace Officer or Animal Control Officer.

Gonzales provided an overview of the process executed in partnership with Animal Care Services for identifying cruelty cases, setting of hearings and verdict actions to include seizure of animal, placement of the animal, or sale of the animal with proceeds benefiting shelters and ACS. Gonzales reviewed the appeal process for animal owners at Bexar County or the County Court at Law under H.S.C. Section 821.025(b).

DISCUSSION

Chair McKee-Rodriguez asked for clarification on cases regarding seizures of animals, timeliness of seizures, and when animals were not seized. McKinney stated that incidents and affidavits were investigated with Municipal Courts and if additional information was needed, Municipal Court worked closely with ACS to determine next steps.

Chair McKee-Rodriguez asked if data was collected on instances of probable cause for animals declared dangerous and in instances when animals were not seized. McKinney stated that in instances when more data was needed due to the timeliness of incident reporting, the City Attorneys Office worked closely with ACS to gather all relevant data and determine the next steps on a case-by-case basis on declaring of dangerous animal and seizures.

Chair McKee-Rodriguez stressed the importance of the Municipal Court Advisory Committee being an advisory body to provide input on policy and availability of data to assist in recommendations. He asked how data could be obtained as to make

recommendations. City Attorney Segovia stated that data was collected by ACS and 3-1-1 on the number of incidents and identification of incidents. He stressed the importance of obtaining affidavits from incident witnesses to proceed with animal seizures and judicial hearings. McKinney spoke to witness affidavit information required in order to properly proceed with judicial hearings in cases of dangerous animals or cruelty to animal instances.

Chair McKee-Rodriguez asked for clarification on the declaration of a “dangerous animal” category. Assistant City Attorney Joe Niño stated that a dangerous animal was characterized as such with a severe bite wound or injury and that the ACS review process was set in place to make the determination.

Councilmember Cabello Havrda asked for clarification on submitted affidavits with sufficient information and asked if training was provided to ACS Officers to ensure that needed information was obtained to better inform judges during hearings. Niño noted that the review process had been enhanced to provide training to ACS Officers to build evidence in these cases which were a direct result of monthly review meetings with Municipal Courts and ACS. Presiding Judge Carla Obledo spoke to improved information being provided to the Courts in order to make better judgements in dangerous animal cases.

Councilmember Alderete Gavito asked what incidents allowed for animals to be returned to owners who had been involved in bite incidents. McKinney stated that the severity of the bite and incident specifics could allow for the animal to be returned to its owner with quarantine requirements. McKinney noted that ACS would make the first review in dangerous animal cases.

Councilmember Alderete Gavito spoke to incidents and challenges in the collection of affidavits where neighbors were reporting on neighbors, and challenges regarding the need for anonymity. McKinney spoke to failed State Legislature bills which would allow for anonymity in reporting dangerous animal cases and still further the need for policy to address this. City Attorney Segovia acknowledged the challenges of a neighbor reporting a neighbor incidents and that an increase in training had been conducted to assist ACS Officers to obtain documents and State Code dictated how to proceed with a hearing. City Attorney Segovia stressed the importance of the City supporting this type of legislation at future Legislative Sessions and providing education to the public on reporting of incidents in a timely manner.

Councilmember Alderete Gavito supported the funding of additional ACD Officers to better address all animal cases. She asked how stricter punishment other than fines were handled in animal cruelty cases. McKinney stated that cases were coordinated with ACS and the Bexar County District Attorney’s Office to bring to trial and review submitted evidence.

Chair McKee-Rodriguez asked how determinations were made to ban individuals from owning animals due to cruelty to animal decisions. McKinney stated that Bexar County and District Courts could make the determination of the period of time that they were not

allowed to own an animal. City Attorney Segovia clarified that there was not a permanent ban restriction to pet ownership based on State Statute.

Councilmember Castillo asked if there was potential for individuals found guilty of animal cruelty to have supervised community service at ACS. McKinney stated that this could be imposed by Bexar County or in District Court as a requirement.

Councilmember Castillo asked for clarification on language of animals being “destroyed” rather than “euthanized”. City Attorney Segovia stated that animals are considered personal property and this was the main cause for challenges with property protection statutes protecting personal property.

Chair McKee-Rodriguez supported supervised community service options.

Councilmember Alderete Gavito asked for statistics on the number of dangerous animal cases. Niño stated that there were 44 cases in the past year and he would provide additional information on previous years to the Committee. Councilmember Alderete Gavito asked if plea bargaining was an option in these cases. McKinney stated that plea bargaining was not really an option in dangerous animal cases but could be in cases of noncompliance with Misdemeanor C cases for animal containments and non-vaccination.

Councilmember Alderete Gavito spoke to challenges of animals being considered personal property and ACS not being able to spay/neuter animals. She asked why, in many instances, a stray cat could be neutered/spayed but dogs could not. Niño stated that any stray animal could be picked up and spayed or neutered after following the ACS protocols for spay/neuter services. He noted that many times stray cats were released into a cat colony since they were not considered a danger to the public and that both cats and dogs would go through the animal adoption process.

Chair McKee-Rodriguez asked if a cat that had an owner could be picked up and spayed/neutered. McKinney stated that the animal’s owner would be contacted to pick up the cat and asked if the animal could be spayed or neutered at their own expense. McKinney clarified that dogs could also be spayed/neutered by ACS at the owner’s expense.

No action was taken on the Item.

Jalen McKee-Rodriguez, Chair

Respectfully Submitted

Debbie Racca-Sittre, City Clerk