

# TEXAS MUNICIPAL COURTS EDUCATION CENTER



## COURSE MATERIAL Corpus Christi Bailiffs/Warrant Officers Program June 11-12, 2007

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Funded by a grant from the Texas Court of Criminal Appeals



## A MESSAGE FROM TMCA

On behalf of the Texas Municipal Courts Association, I would like to welcome you to the *TMCEC Judges & Clerks 12-hour Regional Programs*. Your participation and input is an indication of your commitment to better education and personal performance.

The Texas Municipal Courts Association is an organization created for the purpose of providing support for municipal court personnel and to improve the fair and impartial administration of justice in the municipal courts of Texas. The Association has been supporting municipal court personnel since 1974. In 1983, TMCA was selected by the Texas Supreme Court to receive and administer a grant to provide continuing legal education to municipal court personnel. In that year, TMCA created the Texas Municipal Court Training Center as an independent educational entity. In 1994, TMCTC changed its name to the Texas Municipal Courts Education Center. TMCA sponsors and directs TMCEC programs through policies set by the Board of Directors and the Education Committee, which provides oversight and direction to ensure the educational seminars and clerk certification programs meet state requirements. It is important to understand the distinctive entities because TMCEC, a state grant recipient, cannot maintain legislative activities while TMCA can maintain legislative activities. Although grant funds are used to provide for the education programs and the operating expenses of TMCEC, no grant funds are available for TMCA operating expenses. TMCA is wholly dependant upon its membership dues and fund raising activities for financial support.

If you have not already, we invite you to join TMCA. Your dues and participation are vital to the purpose of supporting municipal court personnel and improving the administration of justice in the municipal courts. What you get in return is immensely beneficial: education, fellowship, advice and, hopefully, some new friends along the way. I encourage you to visit TMCA's website at [www.txmca.com](http://www.txmca.com) where you can receive information on how to contact your regional representative, download membership lists, and find other resources.



Thank you for coming!

*Robin A. Ramsay*  
President, TMCA



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**Corpus Christi      June 11-12, 2007**

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*TMCEC expresses its appreciation to the following persons for their assistance in planning the FY06 Bailiffs/Warrant Officers Program.*

*Andy Kerstens—Bailiff, City of Webster*

*Al Rogers—Deputy Marshal, City of Dallas*

*Ruben Saucedo—Marshal, City of Leon Valley*

*Peter Yong—Warrant Officer, City of Killeen*

*Also, we appreciate the help of the Dallas Police Training Academy and Judge C. Victor Lander (Dallas Municipal Court) for assistance in recruiting speakers for this program.*

# CORPUS CHRISTI

**12-Hour Bailiffs and Warrant Officers Program**  
**Omni Hotel Corpus Christi Marina**  
**707 North Shoreline Boulevard**  
**Corpus Christi, TX 78401**  
**361.887.1600**

**June 11-12, 2007**

## **SUNDAY JUNE 10, 2007**

- 1:00 – 5:00 p.m.      **OPTIONAL PRE-CONFERENCE SESSION**  
**Cultural Diversity**  
Noel Johnson, Lead Member Services Liaison, Texas Municipal Police Association
- 3:00 – 5:00 p.m.      **Registration**

## **MONDAY, JUNE 11, 2007**

- 6:45 – 8:00 a.m.      **Registration and Breakfast**
- 8:00 – 8:10 a.m.      **Welcome & Announcements**  
Lois Wright, Program Attorney, TMCEC
- 8:10 – 9:15 a.m.      **Force Options**  
Ray Dittrich, Law Enforcement Coordinator, Texas Municipal Police Association
- 9:15 – 9:45 a.m.      **Break and Networking**
- 9:45 – 12:00 p.m.      **Violence in the Courtroom**  
Allen Gilbert, San Angelo Presiding Judge and Randy Harris, San Angelo Chief City Marshal
- 12:00 – 1:00 p.m.      **Lunch**

<b>TRACK A</b>		<b>TRACK B</b>	
1:00 – 2:00 p.m.	<b>Bailiffs 101</b> Andy Kerstens, Bailiff, Webster	1:00 – 2:00 p.m.	<b>Methods of Improving Collections</b> Randy Harris, Chief City Marshal, San Angelo
2:00 – 2:15 p.m. <b>Break and Networking</b>			

TMCEC Bailiffs/Warrant Officers Program *continued*

TRACK A		TRACK B	
2:15 – 3:30 p.m. <b>Warrants: From the Code to the Field</b> Andy Kerstens, Bailiff, Webster		2:15 – 3:30 p.m. <b>Sovereign and Difficult Defendants</b> Lois Wright, Program Attorney, TMCEC	
3:30 – 3:45 p.m. <b>Break and Networking</b>			
3:45 – 5:00 p.m. <b>Civil Process, Served!</b> James Oswald, Marshal, Lubbock & Ron White, Marshal, White Settlement		3:45 – 5:00 p.m. <b>Juvenile Issues in Municipal Court</b> Deanie King, Municipal Judge, Corpus Christi	

**TUESDAY, JUNE 12, 2007**

6:45 – 8:00 a.m. **Breakfast**

TRACK A		TRACK B	
8:00 – 9:30 a.m. <b>Transporting Prisoners</b> Ron White, Marshal, White Settlement		8:00 – 9:30 a.m. <b>Fraudulent Documents</b> Sergeant Mark Lockridge and Captain Jerome Powell, Department of Public Safety	

9:30 – 10:00 a.m. **Break**

10:00 – 11:15 a.m. **Citations: Tickets are for Concerts and Sporting Events**  
Ryan Turner, General Counsel, TMCEC

11:30 – 12:00 p.m. **Exam Administration**

12:00 p.m. **Adjourn Seminar**

**Corpus Christi 12Hr BWO Seminar - 06/11/2007 - 06/12/2007**

**Corpus Christi - Omni Marina Towers**

**June 11 - 12, 2007**

<u>Full Name</u>	<u>Company</u>	<u>ADDRESS</u>	<u>City</u>	<u>Zip</u>	<u>Phone Numer</u>
Isreal Abrego	Hillsboro	PO Box 568	Hillsboro	76645	(214) 582-9634
Santos Adam, Jr.	Missouri City	1522 Texas Parkway	Missouri City	77459	281-403-8677
Edward M. Anderson	Georgetown	Post Office Box 1424	Georgetown	78627	(512) 930-0524
Andrew W. Aston	La Coste	P.O Box 112	La Coste	78039	(830) 985-9494
Morton Ault	Helotes	P.O. Box 507	Helotes	78023	(210) 695-3087
Maria G. Banda	Balch Springs	3117 Hickory Tree	Balch Springs	75180	(972) 557-6050
Sidney Bartlett, Jr.	Bellaire	5110 Jessamine	Bellaire	77401	(713) 662-8193
Harvey Joe Baxter	Palestine	504 N. Queen	Palestine	75801	(903) 731-8476
Billy T. Beavers	Panorama Village	99 Hiwon Dr.	Panorama	77304	(936) 856-2821
Dawn S. Beiderman-Chaney	Caldwell	1105 Commerce Street	Caldwell	77836	(979) 567-7197
Charles Bingham	Keller	330 Rufe Snow Drive	Keller	76248	(817) 743-4707
Judith D. Broderick	Flower Mound	4150 Kirkpatrick Lane	Flower Mound	75028	(972) 874-3376
Kenneth L. Brown	Beaumont	PO Box 3827	Beaumont	77704	(409) 833-7590
Thomas M. Cain	Blue Mound	301 Blue Mound Road	Blue Mound	76131	(817) 232-0661
John G. Calvillo	Duncanville	203 E. Wheatland	Duncanville	75116	(972) 780-5055
Thelma J. Carpenter	Magnolia	Post Office Box 396	Magnolia	77355	(281) 642-5204
Arthur D. Carroll	Elmendorf	Post Office Box 247	Elmendorf	78112	(210) 635-8710
Richard Castillo	Mission	1200 E. 8th St.	Mission	78572	(956) 584-5150
Rocky Castillo	Fort Worth	1000 Throckmorton	Fort Worth	76102	(817) 392-6688
James M. Chansley	Round Rock	301 W. Bagdad	Round Rock	78681	512-341-3377
Joel Chapa, Jr.	Mission	1200 E. 8th Street	Mission	78572	(956) 584-5150
Elizabeth J. Cope	Angleton	104 Cannan Drive	Angleton	77515	(979) 849-2383
Ronald H. Cornelius	Richland Hills	3200 Diana Drive	Richland Hills	76118	(817) 299-1827
Timothy S. Craze	Jersey Village	16501 Jersey Drive	Jersey Village	77040	(713) 539-4009
Blane D. Drury	Wichita Falls	611 Bluff Street	Wichita Falls	76301	(940) 761-7882
Melinda Escobar	Seguin	660 S. Hwy 46	Seguin	78155	(830) 401-2395
Michael Fraga	Corinth	3300 Corinth Parkway	Coninth	76210	(940) 498-2017
Alfredo R. Garcia	Austin	P.O. Box 2135	Austin	78768	(512) 974-8414
Arnold Garcia	Hidalgo	110 E. Flora	Hidalgo	78557	(956) 843-8104
Javier Garcia	Los Fresnos	200 N. Brazil Street	Los Fresnos	78566	(956) 233-4473
Lorenzo Garza	DeSoto	211 E. Pleasant Run Drive	DeSoto	75115	(469) 658-3074
Noe Garza	Alton	Post Office Drawer 9004	Alton	78574	(956) 581-2733
Millie R. Gibson	Fort Worth	1000 Throckmorton	Fort Worth	76102	(817) 392-6688
Juan M. Gomez	Fort Worth	1000 Throckmorton	Fort Worth	76102	(817) 392-6688
John Gonzales	San Angelo	110 S. Emerick	San Angelo	76903	(325) 657-4366
Donald Gossett	Wichita Falls	611 Bluff St.	Wichita Falls	76301	(940) 761-7882
Dennis R. Gotcher	Dalworthington Garde	2600 Roosevelt	Dalworthington Gardens	76016	(817) 275-1234
Kim Gray	Andrews	111 Logsdon	Andrews	79714	(432) 523-4820
Jesse J. Gutierrez	Floresville	1120 D. Street	Floresville	78114	(830) 393-4232
Johnny Gutierrez	Weatherford	Post Office Box 255	Weatherford	76086	(817) 598-4120
Terry Hambley	Grandview	Post Office Box 506	Grandview	76050	(817) 866-3399
Randy Harris	San Angelo	110 S. Emerick	San Angelo	76903	(325) 657-4366
Ken Heimann	Dickinson	4000 Liggio St	Dickinson	77539-5168	281-337-6348
Clint W. Heizer	North Richland Hills	6720 NE Loop 820	North Richland Hills	76180	(817) 427-6704
Elizabeth M. Hernandez	Garland	1791 W. Ave B	Garland	75042	(972) 487-7343
Jose Hernandez	San Juan	2301 N Raul Longoria	San Juan	78589	(956) 783-3505
Leland J. Herron	Cedar Hill	Post Office Box 96	Cedar Hill	75106	(972) 291-5100
Michael C. Hicks	Richmond	600 Morton Street	Richmond	77469	(281) 342-0578
Stan Horton	Wichita Falls	611 Bluff	Wichita Falls	76301	(940) 761-7882
Jose G. Huerta	Eagle Pass	100 S. Monroe Street	Eagle Pass	78852	(830) 773-1111
William L. Hundley	Paris	PO Box 9037	Paris	75461	(9023) 784-9255
Albert Jimenes	Wichita Falls	611 Bluff Street	Wichita Falls	76301	(940) 761-7882
John Johnson	Rosenberg	Post Office Box 32	Rosenberg	77471	(832) 595-3464
Frank Kee	Mansfield	1305 E. Broad Street	Mansfield	76063	(817) 276-4712
Dennis Keethler	Wichita Falls	611 Bluff Street	Wichita Falls	76301	(940) 761-7882
Ed Kimberly	Pearland	3519 Liberty	Pearland	77581	(281) 652-1613
Chris C. King	Converse	P.O. Box 36	Converse	78109	(210) 658-0976

**Corpus Christi 12Hr BWO Seminar - 06/11/2007 - 06/12/2007**

**Corpus Christi - Omni Marina Towers**

**June 11 - 12, 2007**

<u>Full Name</u>	<u>Company</u>	<u>ADDRESS</u>	<u>City</u>	<u>Zip</u>	<u>Phone Numer</u>
Eddie E. Lack	Palestine	504 N. Queen	Palestine	75801	(903) 731-8420
Rosevelt Lasker	Conroe	700 Old Montgomery Road	Conroe	77301	(936) 782-1221
Justin L. Lauderdale	Waco	PO Box 2570	Waco	76702	(254) 750-7032
Randy C. Leverich	Abilene	Post Office Box 60	Abilene	79604	(915) 676-6331
Gerardo Lira	Eagle Pass	100 S. Monroe St.	Eagle Pass	78852	(830) 773-1111
Dale Littleton	Elgin	P.O. Box 591	Elgin	78621	(512) 781-0318
Mary Marsh	Allen	One Butler Circle	Allen	75013	(214) 509-4385
Christian Martinez	Palacios	311 Henderson	Palacios	77405	(361) 972-3325
Nazario Martinez	Harlingen	502 E. Tyler	Harlingen	78550	956-430-6697
Greg Maudlin	Balch Springs	3117 Hickory Tree Road	Balch Springs	75180	(972) 557-6072
Jonas McClain	La Marque	1111 Bayou Road	La Marque	77568	(409) 938-9225
Gary McLendon	Wichita Falls	611 Bluff Street	Wichita Falls	76301	(940) 761-7882
Paul E. Millio	Santa Fe	Post Office Box 950	Santa Fe	77510	(409) 935-3255
Robert Moore	Kennedale	405 Municipal Drive	Kennedale	76060	(817) 483-0568
Douglas C. Morgan	Garrett	208 N. Ferris St.	Garrett	75119	(972) 875-5893
Gisele Gigi Morgan	Wichita Falls	611 Bluff Street	Wichita Falls	76301	(940) 761-7882
John A. Morris	Duncanville	203 E. Wheatland	Duncanville	75116	(972) 780-5068
Kevin J. Oates	Live Oak	8001 Shin Oak	Live Oak	78233	(210) 653-9140
Joseph A. O'Brien	Windcrest	8601 Midcrown	Windcrest	78239	(210) 655-0022
Luciano Ozuna	Edinburg	1702 S. Closner Blvd.	Edinburg	78539	(956) 289-1128
Joseph E. Parker	Graham	903 Loving Highway	Graham	76450	(940) 549-8370
Frederick S. Perez	Grand Prairie	200 W. Main Street	Grand Prairie	75050	(972) 237-8610
Kelly B. Phillips	Robinson	111 W. Lyndale	Robinson	76706	(254) 662-1415
Stephen E. Pulaski	Schertz	1400 Schertz Parkway	Schertz	78154	(210) 658-7477
Raul Roel Ramos	Edinburg	1702 Closner Blvd.	Edinburg	78539	(956) 289-1128
Ray Rich	San Angelo	110 S. Emerick St.	San Angelo	76903	(325) 657-4366
Jason M. Richer	Bedford	2000 Forest Ridge Drive	Bedford	76021	(817) 952-2184
Carol L. Riley	Beaumont	PO Box 3827	Beaumont	77704	(409) 833-3271
Dick R. Rodgers	Howe	Post Office Box 518	Howe	75459	(903) 532-1262
Robert L. Rodriguez	La Coste	P.O. Box 112	La Coste	78039	(830) 985-9494
Ruben L. Rodriguez	La Coste	P.O. Box 112	La Coste	78039	(830) 985-9494
John B. Ryan	South Houston	1019 Dallas Street	South Houston	77587	(713) 947-7700
Ambrose Rymers, Jr.	La Coste	P.O. Box 112	La Coste	78039	(830) 985-9494
Mike Sanchez	Vidor	125 Watts	Vidor	77662	(409) 769-7452
Maricela Sandoval	La Joya	Post Office Box H	La Joya	78560	(956) 581-7095
Veronica L. Saucedo	Eagle Pass	110 S. Monroe	Eagle Pass	78852	(830) 773-1111
Jonathan W. Scaggs	La Feria	115 E. Commercial Ave	La Feria	78559	(956) 797-3121
Frank A. Scalise	Friendswood	910 S. Friendswood	Friendswood	77549	(281) 996-3252
Joyce M. Shumate	Florence	PO Box 430	Florence	76527	(254) 793-2490
Harry Singletary	Austin	Post Office Box 2135	Austin	78768-2135	(512) 974-4810
Benny D. Sleigh	Lake Dallas	PO Box 368	Lake Dallas	75065	(940) 497-2227
Roz P. Sleigh	Lake Dallas	PO Box 368	Lake Dallas	75065	(940) 497-2227
Larry Stanley	Lockhart	1914 West San Antonio St.	Lockhart	78644	(512) 376-9469
Dale Sweeney	Wichita Falls	611 Bluff	Wichita Falls	76301	(940) 761-7882
David P. Tatsak	Bedford	2000 Forest Ridge Drive	Bedford	76021	(817) 952-2172
Steven L. Taylor	Killeen	PO Box 1329	Killeen	76540-1329	(254) 501-7865
Larry D. Thomas	Brenham	Post Office Box 1059	Brenham	77834	(979) 337-7598
Richard Thompson	Frisco	8750 McKinney Road, Ste. 10C	Frisco	75034-3000	(972) 335-5565
Bruce Trent	Alvin	1500 S. Gordon Street	Alvin	77511	(281) 585-7178
W. S. Varner	Wylie	2000 Highway 78 North	Wylie	75098	972-461-0954
Martin Villarreal	Mission	1200 E. 8th Street	Mission	78572	(956) 584-5150
Christopher Vinson	DeSoto	211 E. Pleasant Run	DeSoto	75115	(469) 658-3073
Leslie Walden	McKinney	130 S. Chestnut	McKinney	75069	972-547-7678
Gordon A. Walker	Gainesville	201 Santa Fe Street	Gainesville	76240-2255	(940) 668-4750
Thomas C. Walls	Wichita Falls	611 Bluff Street	Wichita Falls	76301	(940) 761-7882
Grace D. Way	Abilene	P.O. Box 60	Abilene	79604	(325) 676-6333
Patti P. Webb	Richardson	Post Office Box 830978	Richardson	75083-0978	(972) 744-4504

Corpus Christi 12Hr BWO Seminar - 06/11/2007 - 06/12/2007

Corpus Christi - Omni Marina Towers

June 11 - 12, 2007

<u>Full Name</u>	<u>Company</u>	<u>ADDRESS</u>	<u>City</u>	<u>Zip</u>	<u>Phone Numer</u>
Thomas A. White	North Richland Hills	6720 NE Loop 820	North Richland Hills	76180	(817) 427-6712
Glen Wier	Elgin	P.O. Box 591	Elgin	78621	(512) 281-0318
Clyde Williford	Wichita Falls	611 Bluff Street	Wichita Falls	76301	(940) 761-7882
Lynn Woosley	Richardson	Post Office Box 830978	Richardson	75083-0978	(972) 744-4504

Total Count: 118



ANNOUNCEMENTS  
FOR  
Bailiff/Warrant Officer Seminar Attendees

I

Welcome to the Seminar

II

Notices to Attendees

The viewpoints of the instructors for this program do not necessarily express the opinions of the Texas Municipal Courts Education Center, its Board or Committees.

Federal and state statutes prohibit employment discrimination on the basis of disability, age, race, color, religion, sex, or national origin. Sexual harassment is included among the prohibitions. The TMCEC strongly disapproves of any form of discrimination or harassment at its seminars, meetings or within its work environment. Employees, participants, faculty and volunteers who have experienced or observed any acts that they believe may be prohibited by federal, state or common law, should report the incident to the TMCEC Executive Director immediately. All such alleged acts will be investigated and consideration given to the appropriate action, if any, to be taken.

The Texas Municipal Courts Education Center and the Texas Municipal Courts Association, as grantee, do not endorse, recommend or imply approval of any or all vendors represented in person or by materials/displays at or near TMCEC/TMCA sponsored meetings and seminars.

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### III

#### Attendance

The Texas Municipal Courts Association Board of Directors has adopted the following policy: **All participants at the TMCEC seminars must attend and fully participate during all hours as designated by the schedule. TCLEOSE hours will not be awarded to any participant missing any part of the seminar.**

Your badge is proof of identification. Please wear it at all times during the seminar. The badge also serves as your ticket to enter the room where the breakfasts and lunches are served.

#### Concurrent Sessions

During the seminar, there may be concurrent sessions offered giving you a choice of presentations taught at the same time. If requested by TMCEC staff, please indicate your choice for each concurrent session on the selection sheet provided at the registration tables. An announcement will be made giving more details about these sessions at a later time.

#### Program Materials

Your binder is provided to you by the Center and consists of all necessary documents you will need throughout the seminar. You will be provided with a different binder for each seminar you attend every year.

There is also provided a faculty evaluation form that you are asked to fill in as the seminar progresses. Please write your comments fully and remember to add your thoughts for program improvement next year at the end of the form.

#### Breaks

You will be given several 15-minute breaks throughout the morning and afternoon sessions. This will allow you to smoke (outside) as there is no smoking permitted in the classrooms, dining rooms or areas adjoining the classrooms at any time. Refreshments will be provided in the designated area once each morning and afternoon.

#### Messages

There is a message board provided near the registration table. Please check it periodically. You should provide your office with the telephone number and extension.

## Rooms

The Center pays for the cost of single rooms or double sleeping rooms for participants sharing a room with another participant and is direct billed for such. However, you must pay for all incidentals, including telephone charges, movies, room service, and cleaning. By the provisions of the grant, the Center **CANNOT** pay for these expenses. Please do not put us in any precarious position regarding this matter.

The hotel may or may not charge extra for your rooming guest. Please check with the hotel at the time of check-in. If there is any extra charge, you must pay this expense at checkout.

## Smoking

The Texas Municipal Courts Association Board of Directors has adopted the following policy: **No one shall smoke in any classroom, dining rooms or any area adjacent to the classrooms during the TMCEC seminars. Smoking will be permitted only outside the hotel or other common areas away from the meeting rooms and break areas.**

## Meals

Once the sessions begin, breakfast and lunch on Day 1 and breakfast on Day 2 are provided by the Center. Because of budget restrictions, the dinner meal is not provided at TMCEC cost.

## Shuttle

The hotel offers a complimentary shuttle to and from the airport. Contact the front desk to make arrangements.

## Check Out

The hotel has a set check out time of 12:30 p.m. Please insure that you do not go beyond this time. Extra-day charges imposed by the hotel will be your responsibility.



# TEXAS MUNICIPAL COURTS EDUCATION CENTER FACULTY ROSTER

## Bailiffs/Warrant Officers and Court Administrators Programs June 10-14, 2007 Omni Corpus Christi Marina Towers

Ms. Elaine Brown, CMCC  
Court Administrator  
City of Katy  
910 Avenue C  
Katy, TX 77493  
(281) 391-4823 (c)  
(281) 391-4845 (f)

Mr. Ray Dittrich  
Law Enforcement Coordinator  
Texas Municipal Police  
Association  
6200 La Calma Drive,  
Suite 200  
Austin, TX 78752  
(800) 848-2088  
(512) 454-8900 (f)

Honorable Allen Gilbert  
Municipal Judge  
City of San Angelo  
110 South Emerick  
San Angelo, TX 76903  
(325) 657-4371 (o)  
(325) 657-4566 (f)

Ms. Tracie Glaeser, CMCC  
Court Administrator  
City of Lewisville  
P.O. Box 299002  
Lewisville, TX 75029  
(972) 219-3419 (o)  
(972) 219-3708 (f)

Mr. Randy Harris  
Chief City Marshal  
City of San Angelo  
110 South Emerick  
San Angelo, TX 76903  
(325) 657-4476 (o)  
(325) 657-4566 (f)

Mr. Rene Henry  
Financial Management  
Specialist  
8 Victoria Lane  
Hot Springs Village, AR 71909  
(501) 915-8949

Ms. Rosalinda Campos  
Hernandez, JD, MPAff  
Consultant  
132 Trinity St.  
Cedar Creek, TX 78612  
(512) 773-0770  
(512) 303-9138

Mr. Noel Johnson  
Lead Member Services Liaison  
Texas Municipal Police  
Association  
6200 La Calma Dr. Ste. 200  
Austin, TX 78752  
(512) 454-8900

Mr. Andy Kerstens  
Bailiff  
Webster Municipal Court  
101 Pennsylvania  
Webster, TX 77598  
(281) 316-4176  
(281) 316-4123 (f)

Honorable Deanie King  
Municipal Judge  
City of Corpus Christi  
226 Enterprise Parkway,  
Suite 103  
Corpus Christi, TX 78405  
(361) 826-4010 (c)  
(361) 826-4308 (f)

Honorable C. Victor Lander  
Municipal Judge  
City of Dallas  
2014 Main Street, Room 210  
Dallas, TX 75201  
(214) 670-5573 (c)  
(214) 670-6947 (f)

Dr. Richard Lewis, Jr.  
President  
Round Top Consulting  
Associates  
P.O. Box 690301  
San Antonio, TX 78269-0301  
(210) 698-5194 (o)  
(210) 698-2696 (f)

Sergeant Mark Lockridge  
Waxahachie Department of  
Public Safety  
902 E. Jefferson  
Waxahackie, TX 75165  
(972) 923-0560  
(972) 923-0215 (f)

Mr. James Oswalt  
Marshal  
City of Lubbock  
P.O. Box 2000  
Lubbock, TX 79457  
(806) 775-2499  
(806) 775-2468 (f)

Captain Jerome Powell  
Driver Licence Division-  
Region 6  
Department of Public Safety  
1617 E. Crest Drive  
Waco, TX 76705  
(254) 759-7116

Ms. Margaret Robbins  
Program Director  
TMCEC  
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# ABOUT THE SPEAKERS

---

## **RAYMOND A. DITTRICH**

Ray is a Law Enforcement Coordinator for the Texas Municipal Police Association. He acts as a liaison between the Texas Department of Transportation and the many law enforcement agencies in the state with traffic enforcement grants. Mr. Dittrich has over five years of law enforcement experience, serving as a Constable's deputy and municipal police officer. He started his career with the Hunt County Constable's Office prior to joining the Commerce Police Department. He served as a Patrol FTO, Warrant Officer, and Community Resource Officer before joining the TMPA grants staff.

Mr. Dittrich is an experienced TCLEOSE and defense tactics instructor and is a certified Hostage Negotiator. Ray Holds an Intermediate Police Officer Certification from TCLEOSE and is currently a reserve officer for the Commerce Police Department. He is married to Jennifer, and they have two sons, Brandon and Ethan.

## **ALLEN GILBERT**

Judge Allen Gilbert is the Municipal Judge in San Angelo and has been since he was appointed in 1975. He has worn many hats in the judicial world and has accumulated many accolades along with a wealth of experience. Judge Gilbert lectured in education classes for Texas Tech from 1978 to 1986. He co-authored the first Municipal Court Judicial Handbook in 1983 for the State of Texas. He was appointed by the Governor of Texas to serve on the Texas Supreme Court Education Committee for three terms.

Judge Gilbert has served as the President of the Organization of Municipal Courts of Texas and as Vice President of the Texas Municipal Courts Association. He has served as the Legislative Committee Chairman for the Texas Municipal Courts Association and chaired a committee to establish the Texas Municipal Court Training Center. He currently lectures for the Education Center and has since it began in 1987. His newest appointment was by the Chief Justice of the Supreme Court in November 2005 where, in addition to his full-time position as Municipal Judge and teaching at the Education Center, he serves on the Texas Judicial Council. Judge Gilbert was recently appointed as Chair of the

Juvenile Justice Committee for Texas Judicial Council.

## **TRACIE GLAESER**

Tracie Glaeser is the Court Administrator for the City of Round Rock. She began her appointment as a Deputy Court Clerk in 1985 and was promoted to the Clerk of the Court in 1986 after attending her first 40 hour TMCEC program in Midland, Texas.

Ms. Glaeser has been active in the Texas Court Clerk's Association and her local Central Texas Chapter for many years holding the positions of Chapter President, Secretary, and Treasurer. She has participated in the Central Texas Chapter Youth Scholarship award team for 3 years.

Ms. Glaeser is active as an instructor at the City of Round Rock during the Citizens Police Academy and Effective Team Meetings as well as TMCEC. Additionally, she has completed Leading, Educating And Developing (LEAD), a 40 hour program sponsored by Weldon Cooper and held at the University of Virginia, Leadership Institute.

Ms. Glaeser achieved a level I certification in 1998, her level II certification in 2002 and completed Level III in 2003. She was the 11<sup>th</sup> clerk in the state of Texas to become a Certified Municipal Court Clerk.

## **RANDY HARRIS**

Randy Harris is the Chief City Marshal in San Angelo, Texas. He began his law enforcement career over 28 years ago at the San Angelo Police Department. Chief Harris was later appointed to be the first Police Chief for the San Angelo Park Police where he organized a new police agency from the ground up. In 1990, he made a career change to the Federal Court Security Program contracted under the U.S. Marshal's service where he rose to supervise the Northern Judicial District of Texas that encompassed Federal Courts in Dallas, Ft. Worth, Lubbock, Amarillo, Abilene, San Angelo, and Wichita Falls. While in this position, Chief Harris participated in the planning and security of the first post-911 terrorist trial in Dallas. Chief Harris has been training law enforcement and security personnel since 1985.

## **RENE HENRY**

Rene Henry is retired from the State of Texas and is currently self-employed. His work is focused on both court financial management and personal financial management.

Mr. Henry worked for the Comptroller's Office 20 years and for the Office of Court Administration over eight years. He has authored several financial management articles and handbooks and has provided on-site technical assistance to numerous local governments.

Mr. Henry holds a B.B.A. degree in accounting from the University of Texas at Austin and is a licensed certified public accountant.

## **ROSALINDA CAMPOS HERNANDEZ**

Rosalinda Campos Hernandez is a Strategic Planner/Project Manager/Financial Strategist with 14 + years experience building consensus and collaborations among stakeholders while managing financial operations and building high performance teams. In 2006, Ms. Hernandez was VP for Legal/Finance & Chief Financial Officer for the Texas Health Institute in Austin, Texas, responsible for legal and financial issues as organization transitioned to stand alone entity. From 1999-2006, she was VP for Grants & Operations at the same company responsible for daily operations and oversight of legal, accounting, and budgeting issues; developed annual budget and tracked progress; supervised project directors, support staff and contractors; managed grants and contracts.

From 1992 – 1999, Ms. Hernandez served as Chief of Staff/General Counsel for the Texas Senate in Austin, Texas where she managed legislative and support staff and operations in up to four offices; researched legal issues and recommended, drafted and negotiated legislative proposals; coordinated legislative hearings; monitored office expenditures. From 1989 – 1991, Ms. Hernandez was an Assistant Attorney General for the Attorney General of Texas and worked in the Consumer Protection Division representing the State of Texas and Texas consumers in actions involving violations of the Texas Deceptive Practices Act, nursing home statutes and other state statutes.

Ms. Hernandez received her B.B.A. in Accounting at The University of Texas at Austin in 1984; a J.D. at The University of Texas at Austin, School of Law in

1987; an M.P.Aff. at The LBJ School of Public Affairs, The University of Texas at Austin in 1997.

## **NOEL JOHNSON**

Noel Johnson is the Lead Member Services Liaison for the Texas Municipal Police Association. He has been employed by TMPA since 2001 and currently assists local police associations with labor issues and individual officers on legal issues. Mr. Johnson served as a police officer with the College Station Police Department and Georgetown Police Department prior to his tenure with TMPA.

Mr. Johnson graduated from Stephen F. Austin State University in 1997 and holds a B.A. in Sociology and Criminal Justice. Mr. Johnson is also a member of the Texas Narcotic Officers Association and East Texas Police Officers Association. He has experience teaching on many topics including sexual assault and family violence, officer's rights and responsibilities, identity theft, cultural diversity for patrol officers, and legislative issues. He is a TCLEOSE certified instructor and holds an Advanced Peace Officer Certification.

## **ANDY KERSTENS**

Andy Kerstens has been in law enforcement since 1988 and has worked for the Webster Municipal court since 1997, where he is the warrant officer/bailiff. Prior to working for Webster, Officer Kerstens served in the Jail, Patrol, and Crime Scene Investigation Divisions of the Galveston County Sheriff's Department. Officer Kerstens has been instructing for TMCEC since 2002 and is a TCLEOSE certified instructor. He is President of the Texas Marshals Association.

## **JUDGE DEANIE M. KING**

Deanie King has served the City of Corpus Christi since 2001 as Municipal Juvenile Court Judge. Previously, she worked for the Nueces County District and County Attorney's Offices as felony prosecutor, appellate lawyer and Chief Juvenile Prosecutor. She also practiced civil and criminal law for three years.

Judge King graduated Magna Cum Laude from Sam Houston State University with a Bachelor of Science in Criminology and Corrections (1982) and received honors and acknowledgement as a Criminal Justice Scholar. She earned her Juris Doctorate from Texas Tech University School of Law (1986), where she received honors in Mock Trial competitions. Judge King received the designation of Certified Public Manager from Texas A&M University Corpus Christi in 2006.

Judge King has served on many boards and committees involving youth, including service as a steering committee member of Youth Opportunities United and a member of the South Texas Mentoring Alliance, the Child Abuse Prevention Task Force, and the National Truancy Prevention Association. She serves as an Executive Board Member of the Coastal Bend Women Lawyer's Association and is a member of the Leadership Corpus Christi Alumni Association and the American Society for Public Administration. She also currently serves as Director Place 8 of the Municipal Judges Section of the State Bar of Texas, as a Council Member of the Women and the Law Section of the State Bar of Texas, and as a Steering Committee Member for the National League of Cities' Municipal Network for Disconnected Youth.

Judge King has been honored by victim's rights groups and was presented the 2006 YWCA Women in Careers Award. Judge King is a frequent speaker and teacher on juvenile and criminal law topics and now serves as a faculty member for the Texas Municipal Courts Education Center. Judge King is a trained mediator, a certified parenting instructor and the single parent of a college-aged daughter (who wants to attend law school soon).

## **C. VICTOR LANDER**

Victor Lander was born in Georgia and grew up in New York City and Virginia. He received his Bachelor of Arts with honors from Morehouse College in Atlanta, Georgia and his Juris Doctor from the University of Texas in Austin. Judge Lander worked for the Federal Communications Commission in Washington, D.C., before joining his father, the late Fred L. Lander, III, in the private practice of law in state and federal courts in Dallas. He was appointed an Associate (part-time) Municipal Judge for the City of Dallas in 1991 and has served as a full-time Municipal Judge for Dallas since 1996. He was named Outstanding Municipal Judge by the Texas Municipal Courts Association in 2003.

## **DR. RICHARD LEWIS, JR.**

Dr. Richard Lewis, Jr., Ph.D. is currently a tenured Associate Professor of Sociology at the University of Texas at San Antonio with specialties in the area of intergroup relations, public administration and social science research. He headed up the City of San Antonio's Recruitment and Selection efforts from 1985 to 1988. Dr. Lewis has taught at Texas A&M University, St. Philip's College and Our Lady of the Lake University. He is President of Round Top Consulting Associates, a firm he founded in 1985 which provides social science research and seminar facilitation.

Dr. Lewis is involved in numerous civic activities to include membership on the United Way Board of Directors. As a member of this board, he is Vice-Chair of the Financial Distribution Executive Committee. Dr. Lewis is a former board member of the VIA Metropolitan Transit Authority Board of Trustees as well as a former Bexar County Housing Authority commissioner.

Dr. Lewis received his undergraduate degree from Texas Tech University in 1976. He received his Master's and Doctoral degrees in Sociology from Texas A&M University in 1978 and 1981, respectively. He is married and a native San Antonian and returned to make San Antonio his home in 1982.

## **MARK A. LOCKRIDGE**

Sergeant Mark A. Lockridge is the 6A04 District DLD-Field Supervisor for the Department of Public Safety. He is a native of Denison, Texas. He attended Grayson County Junior College in Sherman, Texas from 1979-81 where he received an Associates Degree in Radio Station Technology and a minor in Public Speaking.

Sergeant Lockridge joined the DPS in March of 1982 and has served as a Trooper in the Highway Patrol, Motor Vehicle Inspection, and Driver License Services in Pampa, Denton, and Waxahachie. He has served as a Sergeant in the Driver License Service for the past five years stationed in Plano, Garland, and currently in Waxahachie. Sergeant Lockridge is responsible for 19 employees, both commissioned and non-commissioned in five counties in north central Texas. He is tasked with instructing Driver License Law and Driving While License Invalid to Trooper Recruit Schools. Sergeant Lockridge also instructs the AAMVA Fraudulent Document School to Driver License Employees in Region 6.

Sergeant Lockridge holds a TCLEOSE Master Peace Officer and Instructor certifications. He also is certified by the American Association of Motor Vehicle Administrators as a Fraudulent Document Instructor.

Sergeant Lockridge is married to Karen, and they have two sons, William and Benjamin..

## **JAMES OSWALT**

James Oswalt has been involved in Law Enforcement for 20 years. He has worked for the City of Lubbock since 1995, and is currently a Marshal for the City. Marshal Oswalt has been a member of the Texas Marshals Association since 1999.

## **JEROME L. POWELL**

Captain Jerome L. Powell is the Region 6 DLD-Field Service Commander for the Department of Public Safety. He is a native of Corpus Christi, Texas. He attended Kentucky State University in Frankfort, Kentucky from 1976-78, and then attended Alabama State University where he received a BS in Sociology and minor in Psychology in 1980. He went on to Alabama A&M University to pursue a Masters in Urban and Regional Planning, and after one year he returned to Texas.

Captain Powell joined the DPS in January of 1984 and has served as a Trooper, Sergeant, Lieutenant, and Captain in Houston, Rosenberg, El Paso, Austin, and currently Waco. Captain Powell is responsible for over 157 employees, both commissioned and non-commissioned in over 40 counties. In addition, he oversees an operating budget of over \$300,000 and a salary budget of over 4 million dollars annually.

Captain Powell is a 1994 Graduate of Southern Police Institute in Louisville, Kentucky. He holds a TCLEOSE Master Peace Officer, Instructor, and Firearms certifications. Captain Powell is married to Denise, and they have one son, Jeremy.

## **MARGARET ROBBINS**

Margaret Robbins is the Program Director for the Texas Municipal Courts Education Center, a position she has held since 1986.

Before joining the TMCEC staff, Ms. Robbins was Court Clerk for three years and then Municipal Court Judge for four years for the City of Cedar Park. Ms. Robbins has served as author and editor to numerous publications including the TMCEC newsletter, *TMCEC Clerks' Procedures Manual*, and the Clerks' Certification Study Guides.

## **GERRY TUCKER**

Gerry Tucker is Associate Vice President of Human Resources at Austin Community College, where she has been employed since 1998. Gerry has a J.D. degree from the University of Texas at Austin; M.A. in Student Personnel Administration, Howard University, Washington, D.C.; and B.A. in English from Fisk University, Nashville, Tennessee.

Previously, she was Dean for Student Affairs for the California School of Professional Psychology in Los Angeles, California and Acting/Assistant Director of Admissions, Howard University, Washington, D.C. She has also been employed with Hughes Aircraft Company in Human Resources; the City of Austin in Employee Relations; and Director of Human Resources for the Lower Colorado River Authority. Gerry has also been in private practice (eight years) focusing on family and business law.

She is active in the community serving as Secretary of the Austin Community Foundation, member of Alpha Kappa Alpha Sorority and Top Ladies of Distinction.

## **RYAN KELLUS TURNER**

Ryan Kellus Turner is General Counsel and Director of Education for the Texas Municipal Courts Education Center. Prior to joining the Center, he served as Briefing Attorney for Judge Sharon Keller at the Texas Court of Criminal Appeals. Mr. Turner obtained his juris doctorate from Southern Methodist University School of Law, Dallas, Texas. He received his bachelor's degree in psychology with highest honors from St. Edward's University, Austin, Texas, where he now teaches as an adjunct faculty member in the School of Behavioral and Social Sciences. In 2004 he received the School's Adjunct Teaching Excellence Award. Mr. Turner is currently Deputy City Attorney for the City of Dripping Springs and previously served as a Special Assistant County Attorney for Kendall County.

A native Texan, Mr. Turner was raised in the north Texas town of Vernon. He is the co-author of the book *Lone Star Justice: A Comprehensive Overview of the Texas Criminal Justice System*.

## **RON WHITE**

Ron White has been the City Marshal in White Settlement, Texas since 2004. Before joining the White Settlement Marshal's Office, Mr. White worked in the Westlake Marshal's Office, and for the Trophy Club and Westlake DPS. He began his career in law enforcement at the Tarrant County Sheriff's Department and the Tarrant County Hospital District.

Mr. White is a Past-President of the Texas Marshal's Association. He is currently the Region 1 Director for TMA. During his 16 cumulative years in law enforcement, Mr. White received the Law Enforcement Purple Heart. He is a TCLEOSE certified instructor and has been a part of the TMCEC faculty for four years.

# **WELCOME!**

## **LOIS WRIGHT**

Lois Wright joined TMCEC in April 2006 as a Program Attorney. Ms. Wright's hometown is Sabinal, Texas, a small town due west of San Antonio. Ms. Wright attended the University of Texas at Austin, where she obtained, first, a bachelor's degree in anthropology, and then her *Juris Doctorate*. In law school, Ms. Wright was active in the Texas Journal of Women and the Law, the Capital Punishment Clinic, and the Mediation Clinic. She clerked at the District Attorney's Office in Travis County throughout law school.



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# **FORCE OPTIONS**

**Presented by**

**Ray Dittrich  
Law Enforcement Coordinator  
TMPA**

By the end of the session, students will be able to:

1. Understand that a vast majority of non-lethal weapon incidents in court involve unarmed suspects who exhibit resistive or violent behavior.
2. Define the key components to a comprehensive security plan.
3. Identify various new technologies for bailiffs and warrant officers for use in court and out in the field.



# FORCE OPTIONS

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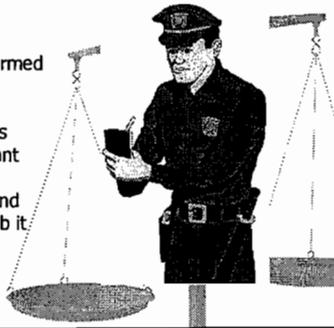
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## Force Options and the Courtroom

- The vast majority of nonlethal weapon incidents involve unarmed suspects who exhibit resistive, violent, or bizarre behavior, thus presenting a significant safety threat to themselves, others and the officers whose job it is to intervene.



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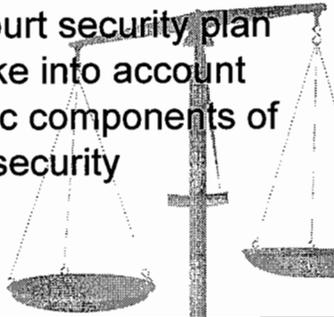
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A local court security plan must take into account three basic components of security



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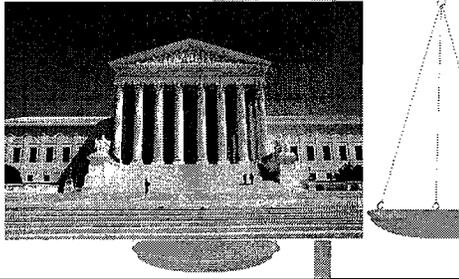
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## Court Security

- 1) Architectural (facility features or modifications)



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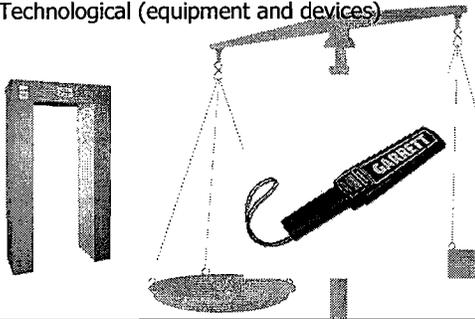
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## Court Security

- 2) Technological (equipment and devices)



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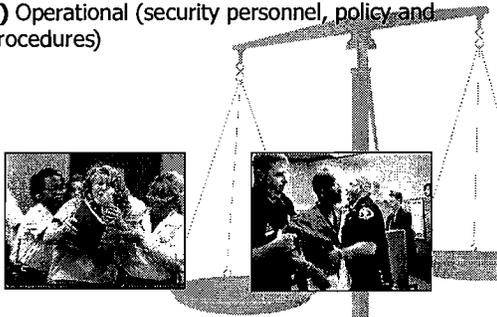
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## Court Security

- 3) Operational (security personnel, policy and procedures)



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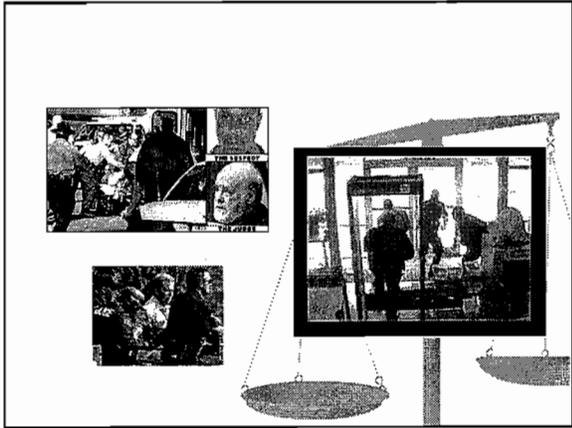
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### Law Enforcement Officers Feliciously Killed

Victim officers	Total	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
<b>Total</b>	636	70	80	74	61	71	61	42	51	70	56
<b>Years of service</b>											
Less than 1 year	32	2	8	9	2	4	2		3	1	0
1 - 4 years	168	24	16	15	23	11	20	17	17	19	12
5 - 10 years	198	17	26	20	18	34	16	16	11	20	20
Over 10 years	226	24	29	30	14	20	22	14	20	30	23
Years of service not reported	12	3	1	0	4	2	1	0	0	0	1

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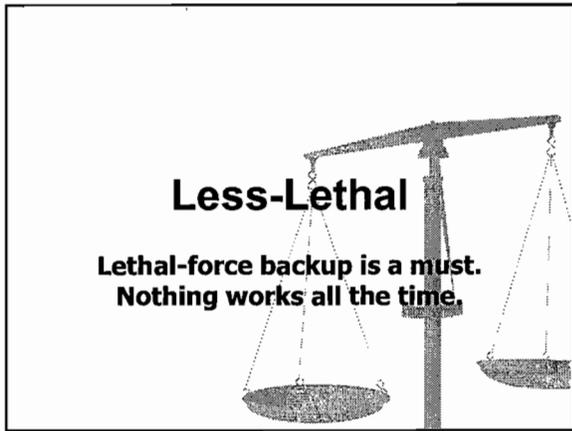
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## Weapons issued or permitted

- | 1987                                 | 2003                                |
|--------------------------------------|-------------------------------------|
| ■ 89% 3 to 6 cell flashlights        | ■ 28% 3 to 6 cell flashlights       |
| ■ 16% Saps, blackjacks or sap gloves | ■ 4% Saps, blackjacks or sap gloves |
| ■ 75% Night sticks                   | ■ 84% Night sticks                  |
| ■ 54% PR-24 batons                   | ■ 26% PR-24 batons                  |
| ■ 50% Mace                           | ■ 89% O/C                           |
| ■ 15% Stun guns                      | ■ 28% Stun guns/Taser               |

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## The Baton




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### STRENGTHS

- It is a lightweight weapon, and inexpensive.
- The public is accustomed to seeing police officers carry them.
- A blow with a baton can immobilize a combative person
- Competent training is available
- A baton can be used in a non-offensive blocking fashion, to ward off blows or to push back an attacker.
- Manufacturers recommend their products as impact weapons.

### WEAKNESSES

- It is difficult or impossible to avoid head strikes in all cases, particularly in combat situations.
- Facial strikes often cause lacerations and substantial blood loss. This impairs the department's public image, when citizens observe blood-splattered injuries on TV news programs.
- Departments must periodically retrain officers to maintain baton proficiency.

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## Oleoresin Capsicum



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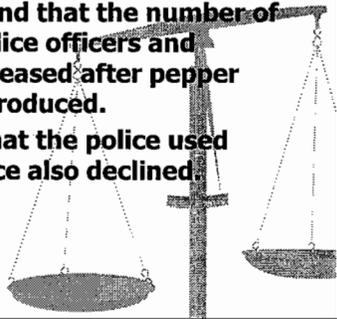
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## NIJ A P R . 0 3

- NIJ study found that the number of injuries to police officers and suspects decreased after pepper spray was introduced.
- Complaints that the police used excessive force also declined.



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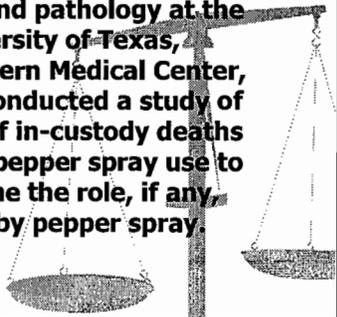
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A professor of forensic sciences and pathology at the University of Texas, Southwestern Medical Center, recently conducted a study of 73 cases of in-custody deaths following pepper spray use to determine the role, if any, played by pepper spray.



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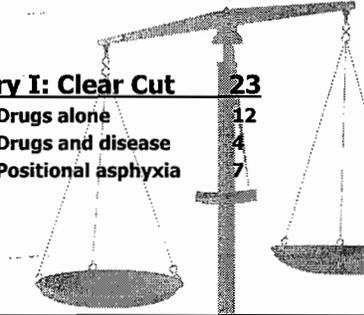
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## Category of cases

### Category I: Clear Cut 23

- IA: Drugs alone 12
- IB: Drugs and disease 4
- IC: Positional asphyxia 7



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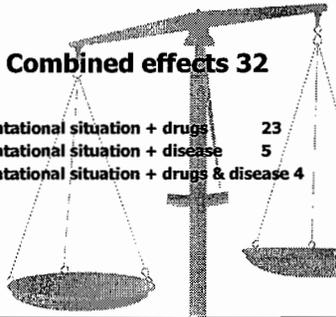
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## Category of cases

### Category II: Combined effects 32

- IIA: Confrontational situation + drugs 23
- IIB: Confrontational situation + disease 5
- IIC: Confrontational situation + drugs & disease 4



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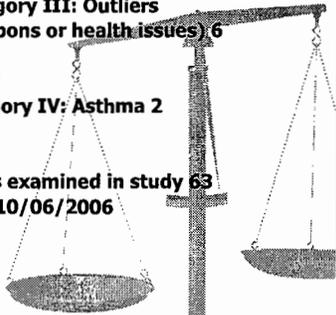
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## Category of cases

Category III: Outliers  
(Other weapons or health issues) 6

Category IV: Asthma 2

Total cases examined in study 63  
10/06/2006



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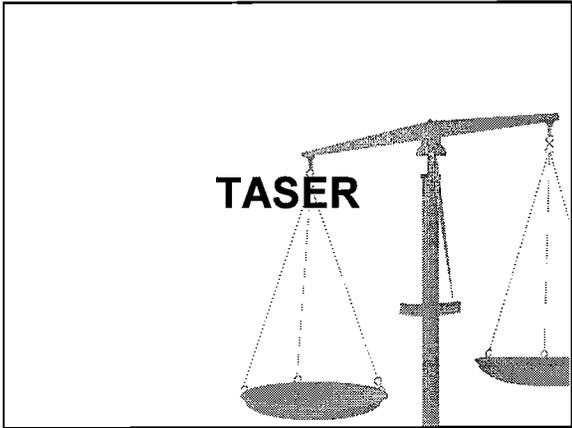
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**Effective Target Zones**  
A hit anywhere on the body can be effective with the TASER, making it easier to use and more reliable under stress.

The diagram features three human silhouettes representing different target zones: "Sprays" (a small figure), "TASER" (a full-sized figure), and "Firearms" (a larger figure). To the right, a TASER device is shown on a scale, with a box labeled "POLICE STUNGUN" below it. The box contains the following text: "Digital", "Electric Stun Gun", "Non-lethal Force", "Cartridge", "Power", and "The Taser gun from Darts that release an electric charge temporarily paralyzing the target."

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## TASER International

- Founded in September 1993.
- Since 1998, TASER International has sold 184,000 units to 9,100 law enforcement and U.S. military agencies, as well as law enforcement agencies in 44 countries overseas. These law enforcement and military units can subdue subjects from point blank range up to 35 feet.
- Over 2,168 agencies deploy TASER brand devices to all patrol officers.

A faint background image of a balance scale is visible behind the text.

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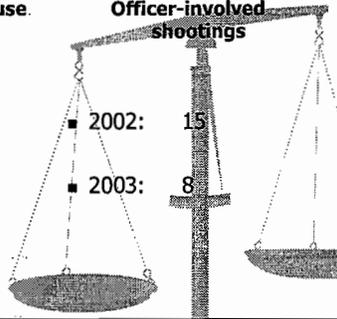
## Phoenix Police Department (January to June)

### Incidents of TASER use.

- 2002: 71
- 2003: 164

### Officer-involved shootings

- 2002: 15
- 2003: 8



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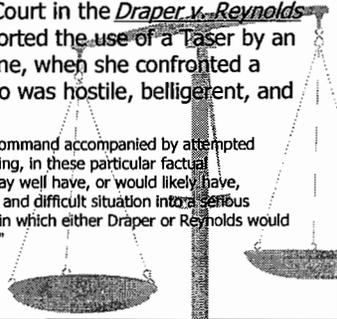
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### 23rd Product Liability Lawsuit Dismissed Against TASER International

- The 11th Circuit Court in the *Draper v. Reynolds* case (2004) supported the use of a Taser by an officer, acting alone, when she confronted a traffic violator who was hostile, belligerent, and uncooperative:
  - "A verbal arrest command accompanied by attempted physical handcuffing, in these particular factual circumstances, may well have, or would likely have, escalated a tense and difficult situation into a serious physical struggle in which either Draper or Reynolds would be seriously hurt."



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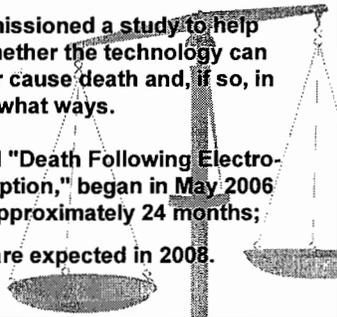
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**NIJ has commissioned a study to help understand whether the technology can contribute to or cause death and, if so, in what ways.**

**The study, titled "Death Following Electro-Muscular Disruption," began in May 2006 and will last approximately 24 months;**

**findings are expected in 2008.**



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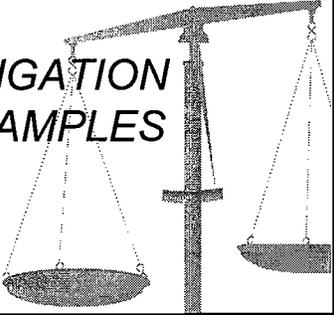
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**LITIGATION  
EXAMPLES**



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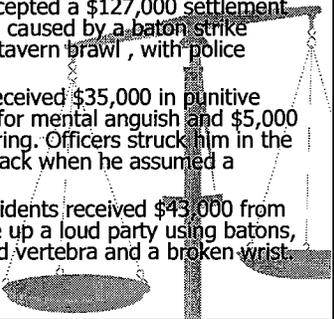
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**LITIGATION EXAMPLES**

- An Illinois man accepted a \$127,000 settlement for a skull fracture caused by a baton strike received during a tavern brawl, with police officers.
- A Michigan man received \$35,000 in punitive damages, \$5,000 for mental anguish and \$5,000 for pain and suffering. Officers struck him in the groin and on his back when he assumed a "fighting stance."
- Four California residents received \$43,000 from officers who broke up a loud party using batons, causing a fractured vertebra and a broken wrist.



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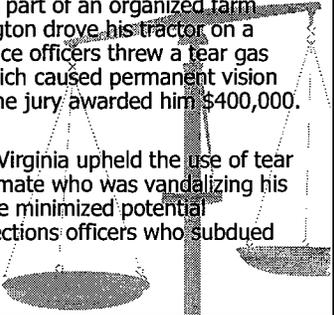
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**LITIGATION EXAMPLES**

- A farmer who was part of an organized farm protest in Washington drove his tractor on a sidewalk. D.C. Police officers threw a tear gas capsule inside, which caused permanent vision loss in one eye. The jury awarded him \$400,000.
- A federal court in Virginia upheld the use of tear gas on a prison inmate who was vandalizing his cell. The procedure minimized potential resistance to corrections officers who subdued him.



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## LITIGATION EXAMPLES

- A Federal Court in Nevada ruled for prison officials in a suit brought by an inmate who objected to the use of the Taser® to control obstreperous prisoners. The court upheld a prison regulation that allows the use of the Taser® or stun guns when inmates refuse to vacate their cells. The court said the weapons are more suitable than batons, and would inflict less discomfort on others than tear gas

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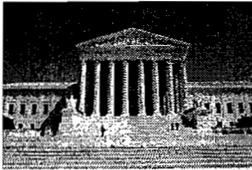
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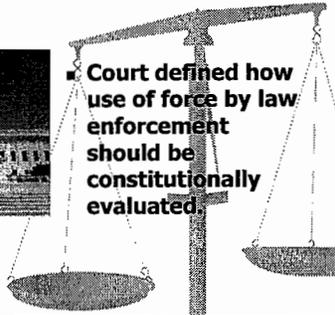
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## 1989 U.S. Supreme Court decision in *Graham v. Connor*.



- Court defined how use of force by law enforcement should be constitutionally evaluated.



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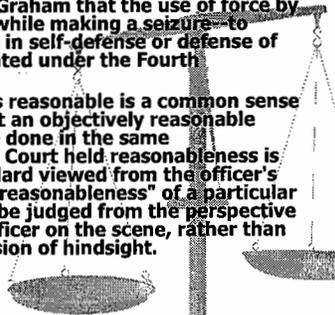
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## 1989 U.S. Supreme Court decision in *Graham v. Connor*.

- The Court held in *Graham* that the use of force by law enforcement while making a seizure--to include force used in self-defense or defense of another--is evaluated under the Fourth Amendment
- The test of what is reasonable is a common sense evaluation of what an objectively reasonable officer might have done in the same circumstance. The Court held reasonableness is an objective standard viewed from the officer's perspective: The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.



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# FORCE OPTIONS



**ANY  
QUESTIONS?**

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# Taser Q&A

## **1. HOW DOES A TASER® device WORK?**

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Upon firing, compressed nitrogen projects two TASER probes up to 15 feet (depending on cartridge) at a speed of 180 feet per second. The probes are connected by thin insulated wire back to the TASER device. An electrical signal transmits throughout the region where the probes make contact with the body or clothing. The result is an instant impairment of the attacker's neuromuscular control and severely impaired to perform coordinated action. The ADVANCED TASER M18 series uses an automatic timing mechanism to apply the electric charge for 5 seconds. The X26C system discharges bursts of 10 seconds, and can be increased up to a maximum of 30 seconds – enough time for you to flee the area and get to safety.

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## **2. HOW CAN THE TASER SYSTEM BE SO EFFECTIVE YET BE GENERALLY SAFE?**

---

TASER technology does not depend upon impact or body penetration to achieve its effect. Its pulsating electrical output interferes with communication between the brain and the muscular system, resulting in loss of muscular control. The electrical pulse from TASER devices It over stimulates the nerves that control muscle movement it affects them in their natural mode. The TASER is like a remote control that takes away the ability of the target to control his own body – but it does so with minimum violence or injury because it uses a communication mechanism rather than relying on physical injury.

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## **3. DOES THE TASER DEVICE AFFECT THE HEART OR A CARDIAC PACEMAKER?**

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The electrical output from TASER devices is well below the levels required to cause cardiac arrest, or to physically damage an implantable cardiac device. A recent study published in Pacing and Clinical Electrophysiology (“PACE” a leading medical journal) indicated that it takes over 15 times the electrical charge from the X26 before ventricular fibrillation can occur, even in subjects as low as 60 pounds body weight. Further, a recent study of TASER devices published by Defense Scientific and Medical Laboratories, (Ministry of Defense of the United Kingdom) found that “The threshold peak current density for generation of ventricular fibrillation for the simulated M26 waveform was greater than 70-fold the modeled current density predicted to occur at the heart during Taser discharge. In the case of the simulated

X26 waveform, the threshold peak current density was greater than 240-fold the modeled current density.” Further validating a significant safety margin for these devices.

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#### **4. ISN'T HIGH VOLTAGE LETHAL?**

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High voltage, in itself, is not dangerous. One can receive a 25,000-volt shock of static electricity from a doorknob on a dry day without harm. The physiological effect of electrical shock is determined by: the current, its duration, and the power source that produces the shock. The typical household current of 110 volts is dangerous because it can pump many amperes of current throughout the body indefinitely. Remember that the household wall outlet is connected to massive power plants with virtually unlimited power output capability. By contrast, the ADVANCED TASER power supply consists of 8 AA alkaline batteries capable of supplying 26 watts of electrical power for a few seconds. The TASER X26 operates on two small lithium batteries similar to those used in digital cameras – batteries that cannot generate large amounts of electrical power.

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#### **5. WILL THE TASER DEVICE CAUSE ELECTROCUTION?**

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No. The output is metered by the electronics and the electrical energy in each pulse is always the same, regardless of the target condition. Rick Smith, Co-founder and CEO of TASER International was even shot with a TASER while standing in water to prove this point. The electrical output will not be transferred from one person to another even if they touch – unless you touch between the two probes and become part of the circuit.

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#### **6. WHAT ARE THE AFTEREFFECTS?**

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A person hit with a TASER device will usually fall to the ground and may feel dazed for several seconds. Generally, recovery is fast and the effects stop the very instant that the M26 TASER device shuts off. Some will experience critical response amnesia and others will experience tingling sensations afterwards. The pulsating electrical output causes involuntary muscle contractions and a resulting sense of vertigo. It can momentarily stun or render immobilized. Some individuals have experienced athletic type injuries and injuries from falls. Although designed to maximize safety, the TASER is not risk free and should not be used lightly.

## **7. MUST THE PROBES PENETRATE THE BODY TO BE EFFECTIVE?**

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No. The electrical current will “jump” up to 2 inches as long as both probes are attached to clothing or skin. At most, only the 3/8-inch needlepoint will penetrate the skin. Both probes need to be within a cumulative 2 inches of the body to stop an attacker (e.g. if one probe is touching, the other can be up to 2 inches away, or each probe can be one inch away – the total spark distance is a maximum of 2 inches for both probes together).

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## **8. WHAT IF THE PROBES MISS?**

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The TASER system can work if one probe hits a human and the second falls on grass or dirt as the power may connect through the ground. However, the results depreciate substantially if the second probe lands on concrete, asphalt or not all on wood floors. If the probes miss, the M26 TASER device can be used in a touch-stun mode by aggressively touching the front of the device to the target. The user is thus provided with two backups. A secondary Cartridge holder is available that holds a backup cartridge below the TASER’s handgrip. A final backup if the probes miss the target is the touch stun feature. Should the user miss or engage a second attacker, the ADVANCED TASER device can applied directly to the target and it will work like a powerful touch-stun device.

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## **9. CAN TASER SYSTEMS CAUSE FIRE?**

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The TASER systems will not ignite standard solids, clothing, or other common materials. However, the spark from a TASER device can ignite some flammable liquids, vapors, chemicals such as would be found in methamphetamine labs or sensitive explosives. The TASER device should not be used anywhere that cigarettes are forbidden for fire safety reasons. TASER use should be avoided on anyone who has been sprayed with an alcohol-based chemical spray – including some alcohol-based pepper sprays — which could ignite.



FUNDED BY A GRANT FROM THE  
TEXAS COURT OF CRIMINAL APPEALS

## **TEXAS MUNICIPAL COURTS EDUCATION CENTER**

1609 SHOAL CREEK BLVD., SUITE 302 AUSTIN, TEXAS 78701  
TELEPHONE (512) 320-8274  
1-800-252-3718  
FAX (512) 435-6118

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# **VIOLENCE IN THE COURTROOM**

**Presented by**

**Allen Gilbert  
San Angelo Presiding Judge  
&  
Randy Harris  
San Angelo Chief City Marshal**

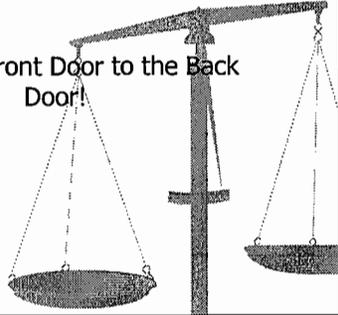
By the end of the session, students will be able to:

1. Assess and make recommendations for security improvements based off results from the security evaluation.
2. Define the primary goals of a security checkpoint screening system with metal detectors.
3. Identify several past incidents of courtroom violence, the random nature of these attacks, and the pertinence to local area courts.



# COURT SECURITY

From the Front Door to the Back Door!



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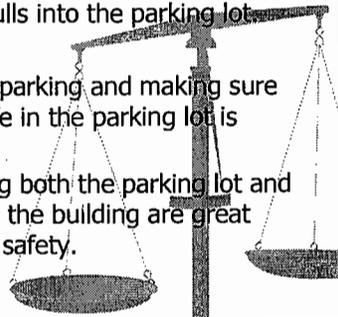
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## Court Security Starts When:

The defendant pulls into the parking lot.

Providing proper parking and making sure persons are safe in the parking lot is essential.

Cameras watching both the parking lot and the entrance to the building are great tools to ensure safety.



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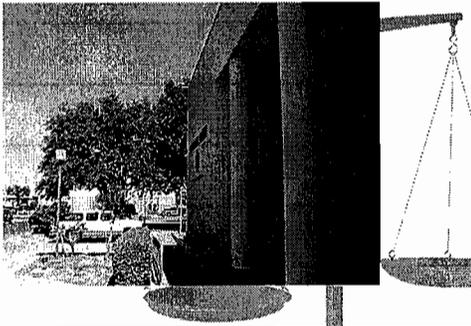
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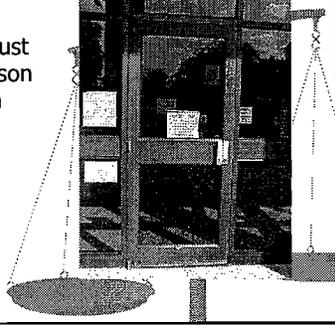
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The front door is where we begin our quest for a safe court.

It is here that we must be sure every person entering has been secured.



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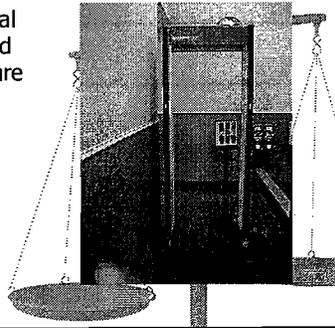
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A walk-through metal detector or a wand can help you secure your court.



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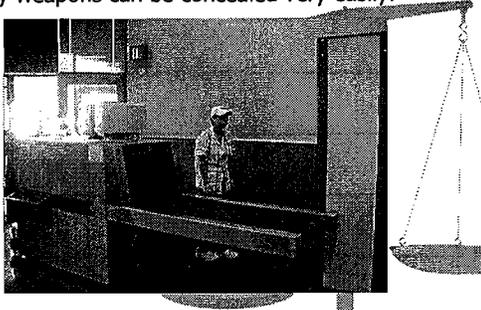
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X-ray machines are extremely helpful, as it allows you to see in every purse or briefcase. Many weapons can be concealed very easily.



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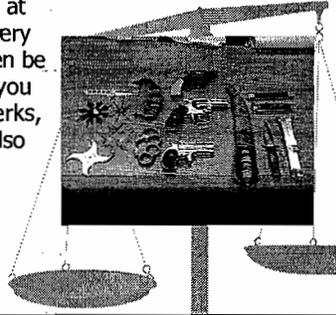
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After being checked at the front door, every person should then be safe not only for you to deal with as clerks, but they should also feel safe to be amongst other individuals in the court house.



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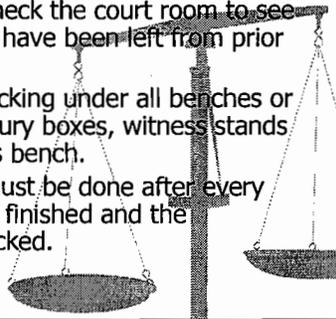
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### Courtroom Safety Begins Before People Enter

A bailiff should check the court room to see that no objects have been left from prior sessions.

This includes checking under all benches or seating areas, jury boxes, witness stands and the Judge's bench.

This inspection must be done after every court session is finished and the courtroom is locked.



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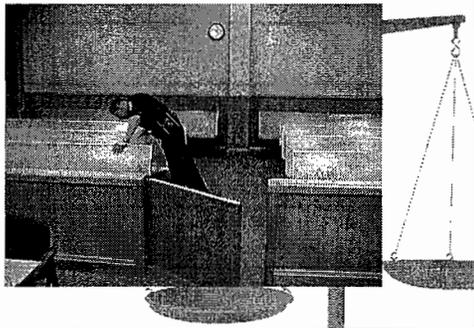
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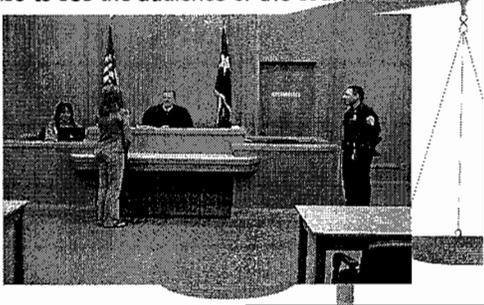
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When persons are speaking with the Judge about charges, the bailiff should be in a position that allows them to see both the defendant speaking to the Judge and also to see the audience of the courtroom.



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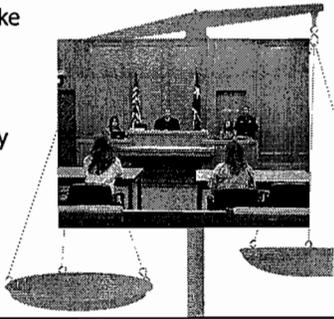
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During a bench trial, the bailiff should begin the trial by announcing the Judge and then take their place in the courtroom. The bailiff should once again position themselves so they can see the defendant, witnesses, prosecution, and persons in the audience.



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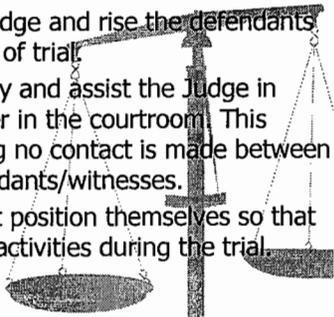
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During a jury trial, the bailiffs have many duties:

1. Announce the Judge and rise the defendants at the beginning of trial.
2. Help seat the jury and assist the Judge in maintaining order in the courtroom. This includes ensuring no contact is made between jurors and defendants/witnesses.
3. Again, they must position themselves so that they can see all activities during the trial.



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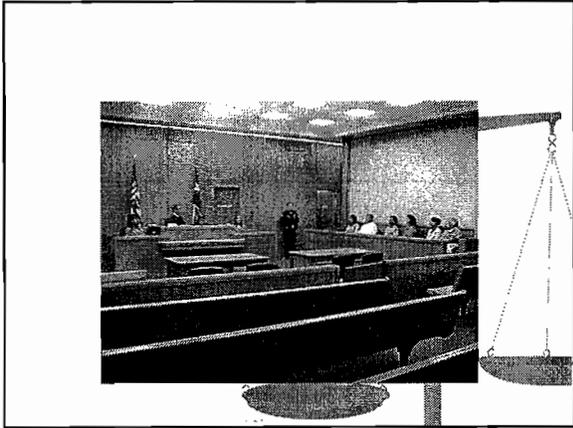
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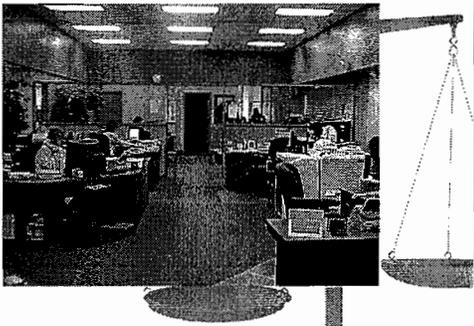
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All court personnel should feel safe in their work environment



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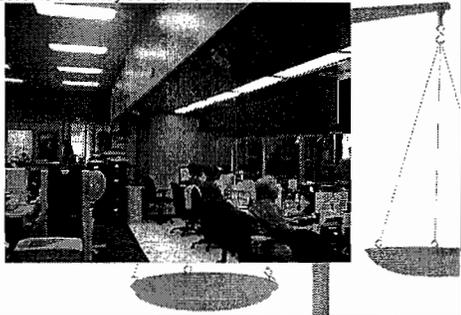
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Cameras not only provide security for customers, but also a control for court personnel.

Audio and video recordings are used to protect employees and keep accurate accounts of money collections and customers actions.



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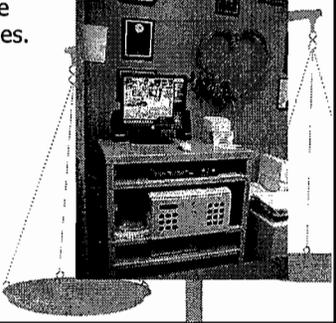
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All security, both audio and video, must be recorded at all times.



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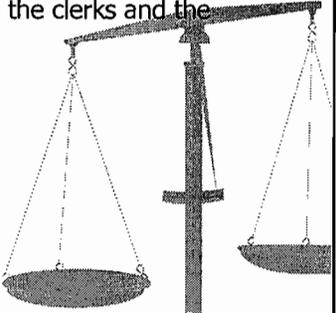
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An audio recording of the front counter where collections are made can be used for protection for both the clerks and the citizens.

A. True  
B. False



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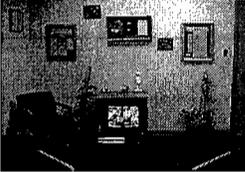
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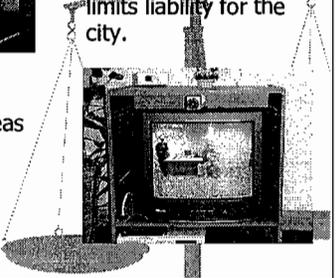
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Video arraignments conducted from the Judge's office not only provides security, but limits liability for the city.

Monitors allow all areas of the court to be viewed at all times



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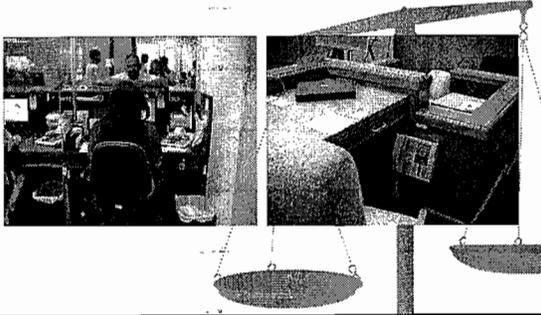
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Panic buttons allow for clerks and the Judge to summons for immediate help if needed.



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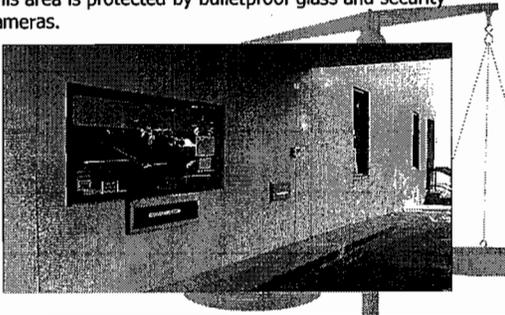
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Proper security is extremely important in drive-thru and drop box areas. Drop boxes can be dangerous due to harmful items being placed in them. This area is protected by bulletproof glass and security cameras.



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All entrances and exits should be protected with cameras and security door swipes.



Security door swipes allow only authorized personnel to enter the building.

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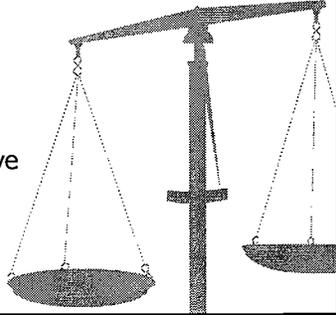
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In order to make your court more secure, which of the following do you need?

- A. Cameras
- B. Door Locks
- C. Panic Buttons
- D. All of the Above



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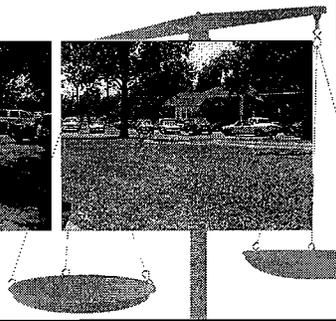
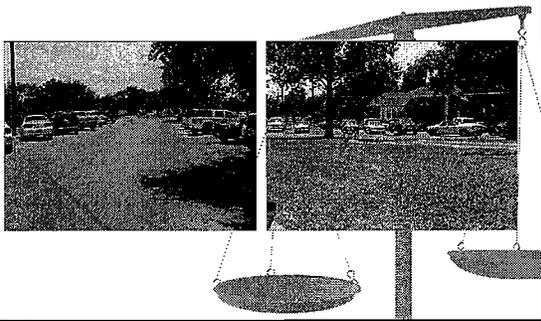
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Separate parking lots between employees and citizens provide security for employees.



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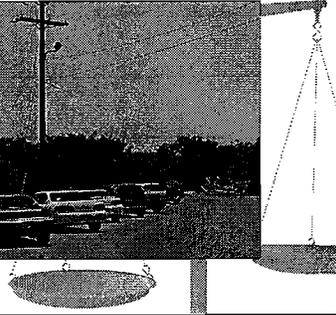
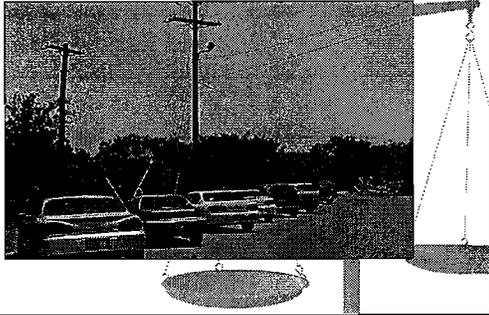
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Adequate lighting provides additional security for employees who may come and go at odd hours.



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**Physical Security Checklist**  
Exterior (Buildings, Grounds, Parking)



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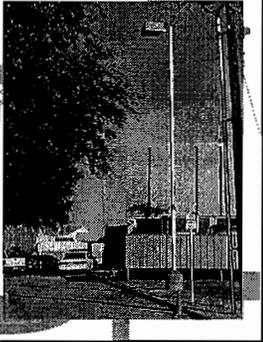
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**Lighting**

Is the entire perimeter lighted?  
Are control switches secured?  
Is the building exterior sufficiently lighted to discourage and observe unlawful entry?



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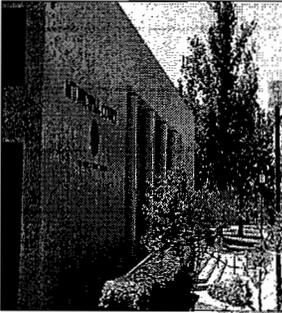
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**Perimeter**

Do landscaping features provide places for intruders to conceal themselves?  
Are there items that could be used by intruders to gain courthouse access?



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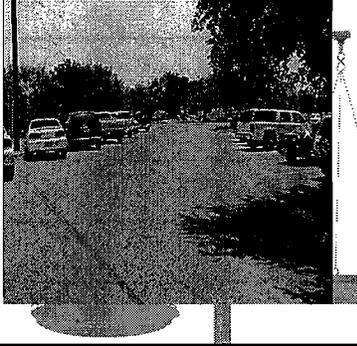
## Parking Areas

Is there separate parking for employees at the courthouse?

Are parking spaces reserved by number?

Is there direct access for judges and court employees from the parking area?

Are parking areas observed by video cameras?



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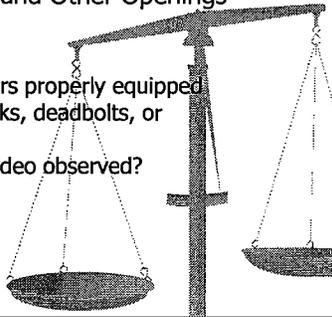
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## Interior (Entrances, Exits, and Public Areas)

### Doors, Windows, and Other Openings

Are all exterior doors properly equipped with cylinder locks, deadbolts, or electric locks?

Are all entrances video observed?



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## Alarm Systems

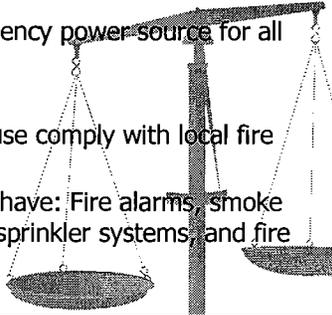
Does the courthouse have an intrusion alarm system?

Is there an emergency power source for all alarms?

## Fire Protection

Does the courthouse comply with local fire codes?

Does the building have: Fire alarms, smoke detectors, fire sprinkler systems, and fire extinguishers?



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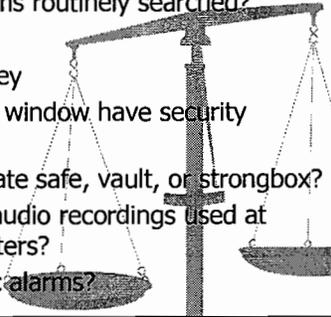
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**Public Areas**

Are public waiting areas routinely searched?  
Are public restrooms routinely searched?

**Areas Handling Money**

Does the cashier's window have security features?  
Is there an adequate safe, vault, or strongbox?  
Are cameras and audio recordings used at collection counters?  
Do you have panic alarms?



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**Doors, Windows, and Openings**

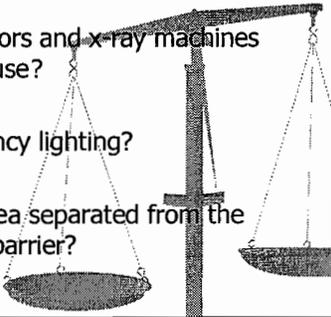
Are courtrooms secured and locked when not in use?  
Are metal detectors and x-ray machines available for use?

**Interior Lighting**

Is there emergency lighting?

**Furnishings**

Is the judge's area separated from the spectators by a barrier?



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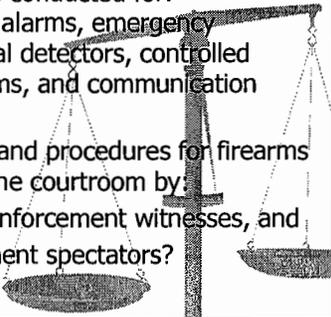
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**Security Devices/Operations**

Are routine checks conducted for:  
duress/panic alarms, emergency lighting, metal detectors, controlled access systems, and communication systems?

Are there policies and procedures for firearms carried into the courtroom by:  
bailiffs, law enforcement witnesses, and law enforcement spectators?



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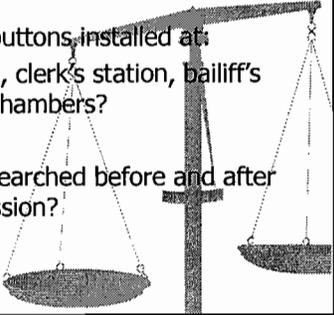
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Are there emergency evacuation procedures?

Are duress alarm buttons installed at:  
 Judges bench, clerk's station, bailiff's station, and chambers?

Is the courtroom searched before and after court is in session?




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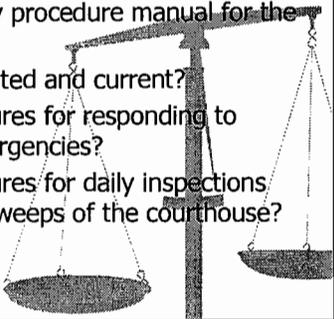
**Courthouse Policies and Procedures**

Is there a security procedure manual for the courthouse?

Are all plans updated and current?

Are there procedures for responding to medical emergencies?

Are there procedures for daily inspections or security sweeps of the courthouse?




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**Personal Safety for Clerks**

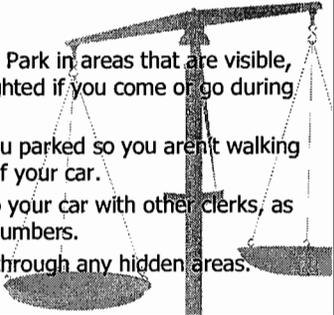
Here are some things you can do to help ensure your safety.

Be aware of parking. Park in areas that are visible, not hidden, and lighted if you come or go during dark hours.

Remember where you parked so you aren't walking around in search of your car.

Always try to walk to your car with other clerks, as there is safety in numbers.

Be sure not to walk through any hidden areas.




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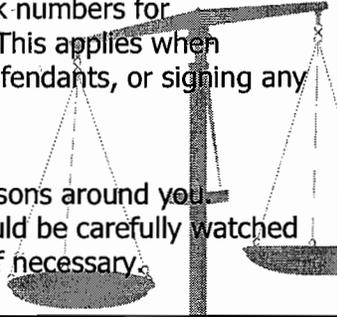
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Do not give out your full name to defendants. Only use first names, initials, or clerk numbers for identification. This applies when speaking to defendants, or signing any documents.

Be aware of persons around you. Strangers should be carefully watched and reported if necessary.



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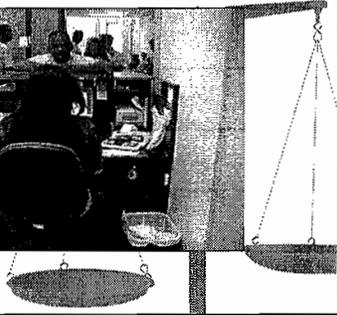
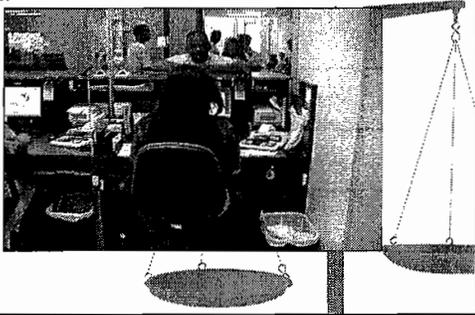
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Make sure there is distance between you and the defendants in the area in which you serve the public.



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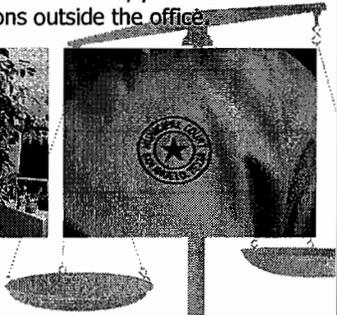
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Uniforms are a good idea--you will appear different in normal street clothes, and will not be as easily recognized. If you wear uniforms, you should not wear them to locations outside the office.



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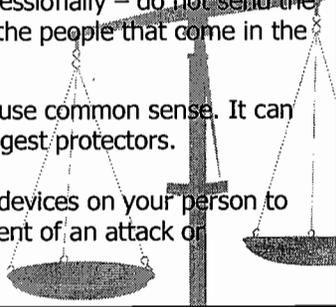
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If you do not wear uniforms, be careful in the clothing that you do wear.

Dress and act professionally – do not send the wrong signal to the people that come in the court.

Most importantly, use common sense. It can be one of your biggest protectors.

Consider carrying devices on your person to help you in the event of an attack or emergency.



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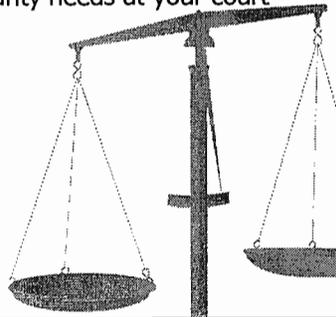
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Monies from the security fund can be used to pay for all security needs at your courthouse.

- A. True
- B. False



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### HOW?

• A defendant convicted of a misdemeanor offense in a municipal court shall pay a \$3.00 security fee as a cost of court. The governing body of municipality by ordinance may create a municipal court building security fund and may require a defendant convicted of a misdemeanor offense in a municipal court to pay a \$3.00 security fee as a cost of court.

› In this article, a person is considered convicted if:

• **Art. 102.017. Court costs; courthouse security fund; municipal court building security fund.**

- A sentence is imposed on the person
- The court defers final disposition of the person's case
- The clerks of the respective courts shall collect the costs and pay them to the municipal treasurer for deposit in a fund to be known as the courthouse security fund or a fund to be known as the municipal court building security fund. A fund designated by this subsection may be used only to finance items when used for the purpose of providing security services for buildings housing a district, county, justice, or municipal court, as appropriate, including:

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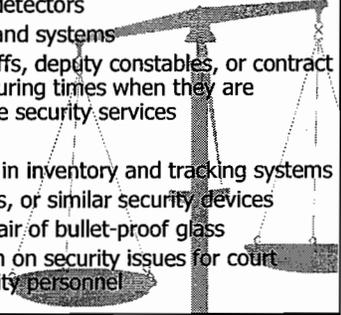
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- The purchase or repair of X-ray machines and conveying systems
- Handheld metal detectors
- Walkthrough metal detectors
- Identification cards and systems
- Bailiffs, deputy sheriffs, deputy constables, or contract security personnel during times when they are providing appropriate security services
- Signage
- Confiscated weapon in inventory and tracking systems
- Locks, chains, alarms, or similar security devices
- The purchase or repair of bullet-proof glass
- Continuing education on security issues for court personnel and security personnel




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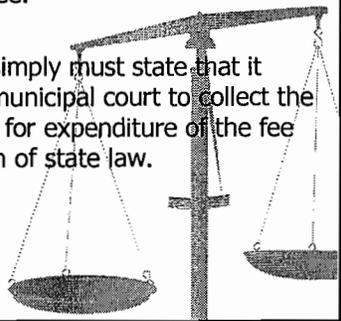
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- The city must adopt a city ordinance that allows the municipal court to collect the \$3.00 security fee.
- The ordinance simply must state that it authorizes the municipal court to collect the fee and provide for expenditure of the fee under regulation of state law.




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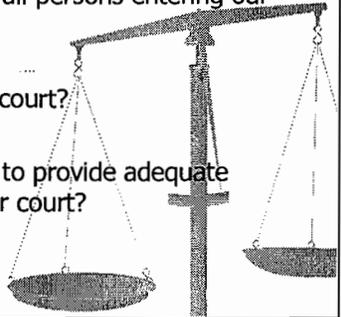
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Our obligation is to provide a safe and secure working area for employees, and a secure area for all persons entering our courts.

How safe is your court?

What can you do to provide adequate security for your court?




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FUNDED BY A GRANT FROM THE  
TEXAS COURT OF CRIMINAL APPEALS

## **TEXAS MUNICIPAL COURTS EDUCATION CENTER**

1609 SHOAL CREEK BOULEVARD, SUITE 302 AUSTIN, TEXAS 78701  
TELEPHONE (512) 320-8274  
1-800-252-3718  
FAX (512) 435-6118

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# **BAILIFFS 101**

**Presented by**

**Andy Kerstens  
Bailiff  
Webster**

By the end of the session, students will be able to:

1. Recognize the essential duties of bailiffs in the courtroom.
2. List relevant procedural mandates related to the role of the bailiff in municipal court.



## Bailiff 101

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## Bailiff

- Court officer who maintains order during court proceedings.
- A Sheriff's officer who executes writs and serves processes

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## Bailiffs Duties

- Security
- Order
- Assistance
- Practical
- Ethical
- Procedural

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## Trials

- Seating
- Jury trials
- Bench trials

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## Courtroom

The part of a court where trials and hearings  
take place.

- Search prior to court
- Local rules
- Positioning

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## Outside the Courtroom

- Suspicious Items/Vehicles
- Parking
- Entrance/Exit

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## Jurors

- Selection
- Seating
- Monitor
- Deliberation

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## Terms Associated with Court

- Officer of the Court
- Court Rules
- Rule of Court
- Local Rule
- The Rule

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## Terms Associated with Juries

- Jury Fixing
- Embracery
- Juror misconduct

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## Court Security

- Security manual
- Communication
- Procedures

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FAX (512) 320-0996

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# **METHODS OF IMPROVING COLLECTIONS**

**Presented by**

**Randy Harris  
San Angelo Chief City Marshal**

By the end of the session, students will be able to:

1. Identify various programs and strategies which will help increase collections in the court.
2. List skiptracing vendors and identify the pros of using skiptracing tools.



## Methods of Improving Collections

Randy Harris  
Chief City Marshal  
San Angelo, TX

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## Methods of Improving Collections

- Focused Roundups
- 50 most wanted
- Collections Division
- Skip Tracing

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## Focused Roundups

What is a focused roundup?

- It is a roundup focused on a geographic location such as a city or a county.

What is the purpose of a focused roundup?

- It allows you to go into areas and serve warrants in areas previously inaccessible.

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## Identify Your Target

### Methods:

- Look at a map of your area and identify cities within a one hundred mile radius
- Run a computer report on outstanding warrants in those cities and sort from the most to the least
- Identify those that would be worthwhile to you financially

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## Identify Your Target

### Where to start:

- Start small and work bigger to gain experience
- Now its time to set up the roundup

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## Setting up a Focused Roundup

### Who needs to be contacted?

- Police Chief
- Marshal
- Sheriff
- Court Administration
- Judge or Magistrate
- Inquire from the locals who else may need to know

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## Setting Up

What do you need?

- Agreements from the local authorities
- A room about 300 square feet to set up processing
- Communications
- Officers to work with you
- Maps of area
- Magistrate on Standby

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## Select Your Team

- Court Clerk
- Officer in Charge
- Enough Officers to match the number that will be on hand at the roundup (rotate this to allow all to participate at one time or another).

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## Go Forth and Conquer

Invasion of the Body Snatchers Begins

- Arrive and set up
- Officers in charge go over plan of action
- Briefing
- Go into action
- Officers in charge call an end to roundup
- Debriefing

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## Collections Division

What is a collections division?

- Financing Program
- Follow up Program

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## Financing

People enter the program by filing a time payment application form.

- References are checked
- Employer is checked
- Payments are realistically set based on income and expenses
- Payments begin with down payment and due dates are assigned

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## Follow Up

Each morning a report is run showing those that missed payments the previous day.

- Check computer for payment history, comments, and pending charges.
- Check drop box
- Check mail
- Start making phone calls to persons still in past due status

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### Follow up continued

- References and employers are also contacted if unable to contact the person
- Advise that there is a "possibility" that warrants will issue
- Approximately 160-190 calls a day
- Take incoming calls for extensions
- Warrants issue and are assigned to Marshals

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### 50 Most Wanted

This is the list of the 50 people that have the highest dollar amount of outstanding warrants.

- Decide a dollar amount and distance that you are willing to go to extradite someone
- Print a report showing the 50 highest dollar amounts outstanding from the highest to the lowest

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### 50 Most Wanted (cont)

- Assign the list to one person in the office to work on
- Start working on skip tracing information to obtain current locations of those on list
- Start hunting for those locally and involve others if needed
- If they are out of town, contact authorities there to make arrests, then extradite

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## 50 Most Wanted (cont)

### Out of State Persons

- Check TCIC/NCIC records for extraditable offenses in your state
- If offenses exist, contact issuing authority with location of subject
- Also contact authorities where subject is
- When subject is extradited back to Texas, place hold on them where they are being incarcerated

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## Skip Tracing

### What is skip tracing?

- It is the combination of methods to search for persons that are moving frequently to avoid capture or discovery

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## Skip Tracing (cont)

### Sources for Information

- Local law enforcement records – incident reports, accident reports, jail records
- Free Records Registry
  - [www.freerecordsregistry.com](http://www.freerecordsregistry.com)
- Accurint
  - [www.accurint.com](http://www.accurint.com)

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### Skip Tracing (cont)

- Credit Reporting Agencies
  - [www.experian.com](http://www.experian.com)
  - [www.transunion.com](http://www.transunion.com)
  - [www.equifax.com](http://www.equifax.com)
- TDEX
  - [www.justicexchange.com](http://www.justicexchange.com)
- School Records

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### Skip Tracing (cont)

- TLETS
- Jail Mail
- Utilities
- ID Texas
- Infobel
  - [www.infobel.com](http://www.infobel.com)
- Texas Workforce Commission
  - By subpoena

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### Skip Tracing (cont)

- Banks (Hot Check Writers)
- State Licensing Agencies
  - Nursing
  - Barbers
  - Health Professionals
  - Massage Therapists
  - HVAC
  - Plumbing
  - Electricians

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### Skip Tracing (cont)

What do you do when you find them?

- If they are local, go get them
- If they are not local, then determine whether it is practical to extradite them
- If they are not practical to reach, then refer them to your collection agency for processing

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### Conclusion

- Contact Me if you have any questions or need assistance.

Randy Harris  
Chief City Marshal  
San Angelo Texas  
110 S. Emerick  
San Angelo, TX 76903  
[randy.harris@sanangelotexas.us](mailto:randy.harris@sanangelotexas.us)  
325 657-4476

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THE STATE OF TEXAS

IN THE MUNICIPAL COURT

VS.

TOM GREEN COUNTY

SAN ANGELO, TEXAS

DOB: \_\_\_\_\_

**ORDER OF THE COURT FOR INSTALLMENT AGREEMENT**

**Case Numbers:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

On \_\_\_\_\_, 20\_\_\_\_, the defendant having entered a plea either in writing or before the court, waived his/her right to trial by jury and having been found guilty, has agreed to pay the fine and costs totaling \$ \_\_\_\_\_ on the above cases at designated intervals.

**I agree to pay \$ \_\_\_\_\_ per month beginning \_\_\_\_\_, and continuing with this amount on the \_\_\_\_\_ day of each month until the above total amount is paid in full.**

IT IS THEREFORE ORDERED THAT the defendant make payments as scheduled above. Each payment will be due and payable as scheduled until the full amount is paid to the court.

Payments made by mail **MUST** be received on or before due date. Payments may be made by placing in the night deposit box before 2:00 P.M. on the due date in order to receive credit.

If defendant fails to comply, *capias pro fine* warrant(s) may be issued for the defendant's arrest. *Capias* warrant(s) will be issued for the remaining tickets/charges in the amount due on each. A citation for contempt may be filed for failure to comply with this order. Punishment for contempt will not exceed three days in jail, a fine or both.

Effective 9-1-95: If you fail to appear in court as provided by law for the prosecution of the offense, you may be denied the renewal of your driver's license. In order to get your driver's license renewed, you **MUST** pay your warrants in full. A \$30.00 disposal fee will be added to each violation.

Effective 9-1-99, a \$25.00 time-payment fee will be added to any offense being paid on or after the 31<sup>st</sup> day after judgment is entered.

SIGNED AND RENDERED ON \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
 Judge, Municipal Court  
 City of San Angelo, Texas

I, the undersigned, acknowledge receipt of a copy of this order and understand the provisions of this order and have the ability to fully comply with this order.

\_\_\_\_\_  
 Defendant's Signature



**Financial Information Form**  
**for the use of the**  
**Compliance and Collection Department**

**The following information MUST be filled out completely. Any item that does not apply to you, indicate by writing "N/A" in the blank. Any space that is not fill in, the application for payments will be denied and full payment will be due.**

**Information in the box below will be verified. The filing of any false information with this court may result in criminal charges being filed against the person applying for time-payment or community service.**

Name: _____	
DL#/ID#: _____	SS#: _____ DOB: _____
Physical Address: _____	Apt# _____
Home Phone: _____	Cell Phone: _____
Whose name is the phone under: _____	
Email Address: _____	
Whose name is the water at the above address under: _____	
Employer: _____	Salary: \$ _____ per _____
Employer's Address _____	Employer's Phone: _____
Supervisor's Name: _____	Shift: _____
Marital Status: Married _____ Single _____ Divorced _____ Widowed _____	
Spouse's Name: _____	Cell Phone: _____
Spouse's Employer: _____	Salary: \$ _____ - _____ per _____
Employer's Address: _____	Employer's Phone: _____

List any other income you receive: \_\_\_\_\_

List all of your dependents, their ages and their relationship to you: \_\_\_\_\_

Your residence is: Rented \_\_\_\_\_ Owned \_\_\_\_\_ Rent free \_\_\_\_\_



List two (2) friends or relatives (that you do not live with) that will know your whereabouts at all times:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

List all banks accounts in your name or from which you may withdraw funds:

Name of Bank: \_\_\_\_\_ Type of Account: \_\_\_\_\_ Balance: \_\_\_\_\_

Name of Bank: \_\_\_\_\_ Type of Account: \_\_\_\_\_ Balance: \_\_\_\_\_

Copy of last year's income tax statement

Copy of last four (4) pay checks or stubs:

Estimate your average current monthly expenses for you and your family:

- Home mortgage payment, rent or lot rental for trailer
  - Routine home maintenance
  - Utilities (electricity, water, gas, telephone)
  - Cell phone and list company, \_\_\_\_\_
  - TV Cable and list company, \_\_\_\_\_
  - Internet and list company, \_\_\_\_\_
  - Food and sundries
  - Clothing
  - Laundry and cleaning
  - Newspapers, periodicals and books (including school books)
  - Medical, dental and drug expenses
  - Insurance (auto, life, medical, homeowner's/renter's)
  - Transportation (including auto payments)
  - Taxes not deducted from wages (including mortgage)
  - Alimony or support payments
  - Religious/charitable contributions
  - Other expenses (use reverse side if necessary)
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

List any and all real estate owned by you or your spouse:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

List and give the value for all the personal property owned by you and your spouse (use reverse side if necessary):



**OFFICIAL NOTIFICATION**  
**PLEASE READ CAREFULLY**

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Name: \_\_\_\_\_

Please be advised that the Municipal Court of the City  
City of San Angelo has not received your payment of  
\$ \_\_\_\_\_ that was due on \_\_\_\_\_.

Unless you make this payment to the court, you are  
are subject to arrest at any time by any law enforce-  
ment official.

If the charge(s) go into warrant status, a \$50 warrant  
fee will be added to each charge.

Eff. 09-01-2003: a 30% collection fee may be added to  
each charge if reported to the collection agency.

Please avoid the embarrassment of being arrested by  
paying the amount due at once, either

- \_\_\_ by mail to the address below:
- \_\_\_ appearing in court during business hours;
- \_\_\_ dropping the payment in the night deposit located  
in the drive through parking window; or
- \_\_\_ by using your credit card (Visa/MasterCard) and  
calling 325-657-4365.

**PLEASE DO NOT SEND CASH in the mail or drop box.**  
This is for your protection as well as ours.

If you have any questions, please contact the  
Municipal Court at 325-657-4369.

Address: San Angelo Municipal Court  
110 S. Emerick St.  
San Angelo, Texas 76903

Business Hours: Monday thru Friday  
8:00 AM to 4:30 PM





**OFFICIAL NOTIFICATION**  
**PLEASE READ CAREFULLY**

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Name: \_\_\_\_\_

The City of San Angelo Municipal Court holds the following outstanding warrant(s) for your arrest.

# \_\_\_\_\_ Warrants  
\$ \_\_\_\_\_ Total Amount Due

Unless you clear these outstanding warrants, **you are subject to arrest** at any time by any law enforcement official.

**Please avoid the embarrassment of being arrested by:**

1. Paying the amount due at once, either by mail to the below address or by appearing in person at the court during business hours.
2. In the event you have never entered a plea, you may mail a written plea of guilty or no contest and include the payment of the amount due or appear in person at the San Angelo Municipal Court.
3. If you have not entered a plea and feel that you are not guilty, you may appear in person or by mail to enter your plea and set a pre-trial hearing. You must post a bond at this time.

Address: San Angelo Municipal Court  
110 S. Emerick St.  
San Angelo, Texas 76903

Office Hours: Monday thru Friday  
8:00 a.m. to 4:30 p.m.

**Only a money order or cashier's check will be accepted by mail. Do not send cash in the mail. Cash or credit card will be accepted in person. Personal checks will not be accepted. You may use credit cards by calling 657-4365.**

If you have any questions, please contact the Municipal Court at 657-4369. Amounts will only be given over the phone. Any other information needed, you must appear at the court.

It is our hope that you will be a responsible citizen and quickly take care of this situation. Failure to take action may result in a law enforcement officer visiting you at your home or place of business in order to arrest you on the outstanding warrant(s).

Thank you,

San Angelo Municipal Court  
Marshal's Office



FUNDED BY A GRANT FROM THE  
TEXAS COURT OF CRIMINAL APPEALS

## **TEXAS MUNICIPAL COURTS EDUCATION CENTER**

1609 SHOAL CREEK BOULEVARD, SUITE 302 AUSTIN, TEXAS 78701  
TELEPHONE (512) 320-8274  
1-800-252-3718  
FAX (512) 320-0996

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# **WARRANTS: FROM THE CODE TO THE FIELD**

**Presented by**

**Andy Kerstens  
Bailiff  
Webster**

By the end of the session, students will be able to:

1. Recognize the essential duties of warrant officers in the field and in the court.
2. List relevant procedural mandates related to the service of warrants.
3. Identify common ethical and procedural issues with warrant service.



**Warrants**  
**From the Code to the Field**

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**Who Can Issue Warrants**

- Magistrates

–Article 2.09 Criminal Code of Procedure

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**Duties and Powers**

- Article 2.13 CCP –
  - b) The officer shall:
    - 2) execute all lawful process issued to the officer by any magistrate or court

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## Jurisdiction

- Article 4.01 CCP
  - The following courts have jurisdiction in criminal actions:
    - 10. Municipal courts
- Article 4.14 CCP
  - Jurisdiction of Municipal Court

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## Warrants

- Art. 45.014. WARRANT OF ARREST.
- Art. 45.015. DEFENDANT PLACED IN JAIL.
- Art. 45.045. CAPIAS PRO FINE.

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## Arrest Warrant

- Art. 15.01. WARRANT OF ARREST.
- Art. 15.02. REQUISITES OF WARRANT.
- Art. 15.03. MAGISTRATE MAY ISSUE WARRANT OR SUMMONS.
- Art. 15.06. WARRANT EXTENDS TO EVERY PART OF THE STATE.

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### Execution

- Art. 15.16. HOW WARRANT IS EXECUTED.
- Art. 15.17. DUTIES OF ARRESTING OFFICER AND MAGISTRATE.
- Art. 15.18. ARREST FOR OUT-OF-COUNTY OFFENSE.

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### Arrest

- Art. 15.22. WHEN A PERSON IS ARRESTED.
- Art. 15.23. TIME OF ARREST.
- Art. 15.24. WHAT FORCE MAY BE USED.

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### Arrest

- Art. 15.25. MAY BREAK DOOR.
- Art. 15.26. AUTHORITY TO ARREST MUST BE MADE KNOWN.
- Art. 15.27. NOTIFICATION TO SCHOOLS REQUIRED.

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## Process

- Art. 45.202. SERVICE OF PROCESS.  
(a) All process issuing out of a municipal court may be served and shall be served when directed by the court,

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## Neglecting to Execute Process

- Article 2.16 CCP
  - If any sheriff or other officer shall wilfully refuse or fail from neglect to execute any summons, subpoena or attachment for a witness, or any other legal process which it is made his duty by law to execute, he shall be liable to a fine for contempt not less than ten nor more than two hundred dollars, at the discretion of the court. The payment of such fine shall be enforced in the same manner as fines for contempt in civil cases.

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## Onward To The Field

- Letter to last know address
- Phone call(s)
- Notes in the file

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### Closer to the field

- Computer check on DL/ID, LP
- Jail information
- Web based information
- Information from other courts

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### The Field

- Employment information
- Landlords, friends, relatives, neighbors
- Utilities
- Door hanger

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### Finally!

- Arrest made
- Other arrangements made

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TEXAS COURT OF CRIMINAL APPEALS

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TELEPHONE (512) 320-8274  
1-800-252-3718  
FAX (512) 320-0996

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# **SOVEREIGN & DIFFICULT DEFENDANTS**

**Presented by**

**Lois Wright  
Program Attorney  
TMCEC**

By the end of the session, students will be able to:

1. Identify Republic of Texas defendants' inclination toward certain "strategies".
2. Learn how to handle difficult people in the courtroom.
3. Manage the courtroom properly during a sovereign defendant's trial.



# "Republic of Texas" and Other Difficult People

Presented 06/11/2007  
To the TMCEC Bailiffs & Warrant Officers Conference  
by  
Ilse D. Bailey  
Assistant County Attorney, Kerr County, Texas



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## History of Movement



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**The Sovereign Citizens**  
 (present constitutional state citizens, preamble citizens, common law citizens, trial courts, common law courts, non-registration resident aliens)

Foreign Defendants / Poss  
 Focus on paper terrorism, fighting judicial and financial monetary system

Personalities  
 John Holt / Zeigler  
 32nd State Government  
 - Paul Joseph

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**Sovereign Citizens, cont'd**

**Practices**

- Frivolous Lawsuits (Pro Se)
- Bogus Liens
- Bogus Financial Instruments
  - FOMCs
  - Sight Drafts / Bills of Exchange
  - Money Orders / Warrants
  - NOKBHD?
- Bogus Documents
- Car-related
- Impersonating LEOs

**1. Clog up court system.**  
**2. Delay justice**  
**3. Retaliation**  
**4. Revenge**

**Court Records**

**FILED**

**EMP-068**  
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**Republic of Texas H.Q.**  
**Ft. Davis, Texas (1996)**

**McLaren (CNN)**

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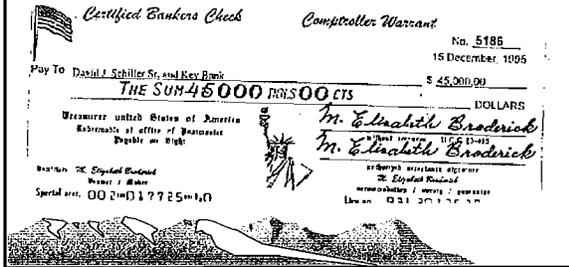
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## How Do They Impact the Courts?

- Bogus Financial Instruments



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## How Do They Impact the Courts?

- Bogus Financial Instruments



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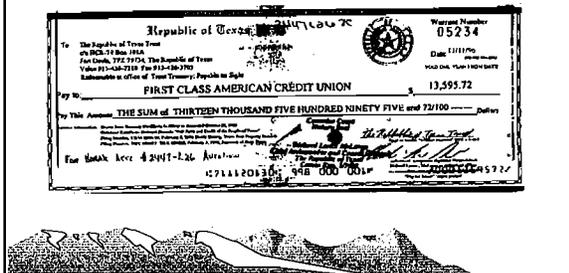
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## How Do They Impact the Courts?

- Bogus Financial Instruments



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## How Do They Impact the Courts?

- Bogus liens



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## How Do They Impact the Courts?

- Non-existent Courts

Tarrant County, Republic of Texas  
Common Law Court Meeting Schedule  
Location and dates:  
Golden Cerral Family Steakhouse  
1701 N Beth Lee Rd  
Irving, TX  
972-790-6665  
(See Map)  
Meeting Schedule:  
1:00 PM to 4:00 PM, on the following dates:  
March 17, 2001  
April 21, 2001  
May 19, 2001  
June 16, 2001  
July 21, 2001  
August 18, 2001  
September 22, 2001  
October 20, 2001  
November 17, 2001  
December 22, 2001

NOTE: All of the above dates are on the THIRD weekend of the month. The meeting is always on the Saturday following the General Council Meeting.



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## How Do They Impact the Courts?

- Non-existent "Officials"



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## How Do They Impact the Courts?

- Non-existent "Officials"



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## How Do They Impact the Courts?

- Non-existent "Officials"



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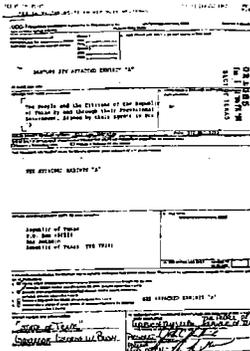
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## How Do They Impact the Courts?

- Fraudulent Court R



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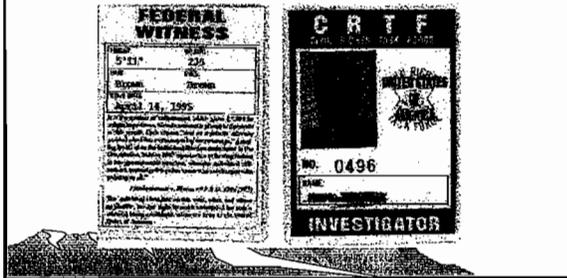
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## How Do They Impact the Courts

- Other Fraudulent "Official" Documents



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## How Do They Impact the Courts?

- Other Fraudulent "Official" Documents



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## How Do They Impact the Courts?

- Other Fraudulent "Official" Documents



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## How Do They Impact the Courts?

- Other Fraudulent "Official" Documents



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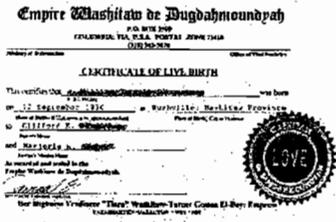
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## How Do They Impact the Courts?

- Other Fraudulent "Official" Documents



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## How Do They Impact the Courts?

- Threatening Court Officials

Nick Murnion, Garfield County Attorney, Montana. Prosecuted "Montana Freemen" for being criminal syndicate.

1994 targeted by the "Montana Freemen," with \$1 million bounty promised for his arrest and conviction in Freeman "courts."

Several Freemen were arrested with guns, ropes, duct tape and map to Murnion's house.

Murnion received John F. Kennedy "Profile in Courage" award in 1998.



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## How Do They Impact the Courts?

- **Disrupting Court Proceedings**

FJA – Fully Informed Jury Association:

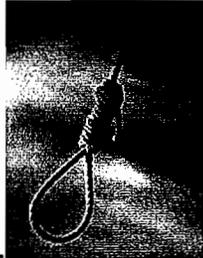
Jury Nullification

Tainting Jury pools

Disrupt Proceedings

Paper Terrorism

Suing everyone involved in litigation to create "conflicts of interest"



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## Legislative Solutions:

- 1997 – HB 1185 (Omnibus Bill) made this conduct criminal:
  - Causing a public servant to file or record a bogus court judgment;
  - Passing or presenting bogus court summons or other court process;
  - Filing bogus liens;
  - Refusing to release bogus lien;
  - Impersonating public servant;
  - "Groundless" pleadings basis for contempt



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## Legislative Solutions:

- 1997 – HB 1185 (Omnibus Bill) gave easy & inexpensive lien removal procedure:
  - Govt. Code § 501.902 (Action on Fraudulent Judgment Lien) and Govt. Code § 501.903 (Action on Fraudulent Lien on Property) set out pleading and judgment for actions to remove bogus liens.
  - \$15 filing fee, \$20 fee for service, unless aff. of indigency filed, no other fees allowed.
  - Prevailing Plaintiff gets fees and costs, including attorney fees and investigative costs.



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### Legislative Solutions:

- 2005 Amendments to Govt. Code:
  - § 51.901(d): The clerk of any court having reasonable basis for believing in good faith that lien filed or presented for filing is fraudulent **shall:**
    - request assistance from County or District Attorney to determine if fraudulent before filing;
    - Request that filer present additional documentation to establish that lien not fraudulent; and
    - Forward this information to County or District Attorney



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### Legislative Solutions:

- 2005 Addition to Govt. Code
  - § 405.021: If Secretary of State believes in good faith that purported lien filed in that office is fraudulent, the Secretary of State **shall:**
    - request assistance from Attorney General to determine if fraudulent before filing;
    - Request that filer present additional documentation to establish that lien not fraudulent; and
    - Forward this information to Attorney General.



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### Legislative Solutions:

- 1997 Amendments to Civil Practice and Remedies Code (“Vexatious Litigants”):
  - D may file motion to have P declared VL within 90 days after answer date;
  - Litigation is stayed upon motion filing;
  - Findings: P may be VL if court finds he has no reasonable probability of winning, and has filed at least 5 other lawsuits in the past 7 years that were dismissed, or went against him or he has previously been declared VL.



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**Legislative Solutions:**

- "Vexatious Litigants" (Cont.)
  - If P found to be VL, Court can require P to put up security to cover D's litigation costs before the case will go forward.
  - The Office of Court Administration in Austin keeps a list of everyone who has been judicially declared VL, which it is required to provide to all court clerks on an annual basis.




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**Sometimes Nothing Works ...**

- *State of Texas v. Danny O'Dell* (District Court, Blanco County) excerpt from D's Motion for Trial de novo:
  - *"I have never seen a more hideous abuse of authority than what I saw today; November 8, 2005 in the 33<sup>d</sup> Judicial Court in Blanco [sic] Texas. The prosecution a man representing the Texas State Attorney General a man that has hair cut like Phil Donahue; which causes him to look like a penis with ears. Every law every rule concerning due process was ignored overruled and disallowed. No evidence and no witnesses were allowed in court. Pat Hammond is the lead conspirator in denying due process of law, but by and far Judge Susan Cooper is clearly an asinine human being with criminal content."*




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**Court-Crafted Solutions:  
Standing Order**

*See Handout*

1. Individual parties may appear without counsel but must adhere to applicable rules and orders.
2. No party may rely on spurious legal process. The Judge of the Court will be the final arbiter of whether process is spurious or not.
3. No party may use or resort to fictitious governmental process. The Judge of the Court will be the final arbiter of what constitutes fictitious governmental process.
4. No party may directly or indirectly use unauthorized liens or property transfers.
5. No party may directly or indirectly make threats to another party or representative, or use force against any other party or representative.




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## Court-Crafted Solutions: Standing Order *(cont.)*

*See Handout*

6. No party may rely on so-called "sovereign citizenship" or "strawmen," nor may they make reference to the same in the hearing of the jury or the venire.
7. No party may issue subpoenas without prior permission of the Court
8. No party may attempt discovery except as permitted by Law or Rules of Court.
9. No party may directly or indirectly attempt to coerce, intimidate, or influence parties or their representatives, witnesses, counsel, court personnel or the judge.
10. No party may alter quotations or otherwise proffer authority that has been amended to change its meaning or import.



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## State v. Vincent Dale Ross



Kerr County Court at Law Charges:  
Fictitious License Plate - Driving With License Invalid

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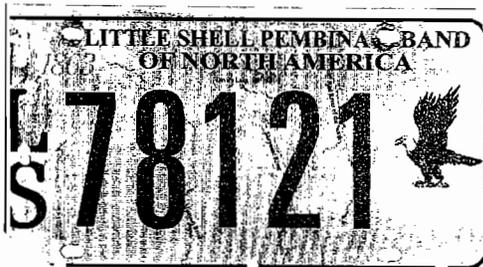
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*"Intentionally, knowingly or recklessly displayed a fictitious license plate on a 1989 Buick."*



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**Calling it True  
Doesn't Make it True**

- Calling yourself an Indian doesn't make you an Indian ...
- ... any more than spending time in a garage makes you a car!



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**Gave trooper "indian tribe" ID  
Unwilling to cooperate  
ID not legal DL or identification  
License plate was fictitious  
Told trooper he was exempt  
You judge credibility, motive to lie**

Defendant is... **GUILTY**



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CAUSE NO. \_\_\_\_\_

THE STATE OF TEXAS

§  
§  
§  
§  
§  
§  
§

IN THE MUNICIPAL COURT

V.

FOR

\_\_\_\_\_,  
Defendant.

THE CITY OF \_\_\_\_\_, TEXAS

**PRETRIAL ORDER**

It is hereby ORDERED that the following rulings shall be observed by all parties, their representatives, witnesses and counsel during any part of the proceedings in the above-styled and –numbered cause. As used herein, reference to a party includes that party, and anyone acting at his/her request or on his/her behalf. Any failure to abide by these rules may constitute contempt and may subject the offender to sanctions Parties are responsible for the conduct of anyone acting on their behalf, and may be subject to sanctions for failing to ensure compliance with these rulings by anyone acting at their request or on their behalf.:

1. **Individuals may appear with counsel but must adhere to applicable rules and orders of the Court.**

A party has the right to appear without counsel and represent himself in any cause before this Court. However, parties do not have the right to be represented by another person who does not hold a current, valid license to practice law issued by the State Bar of Texas. Regardless of whether a party represents themselves or is represented by counsel, the party (and counsel) must comply with all applicable rules of evidence and procedure, and rulings by this Court. The Texas Rules of Civil and Criminal Procedure and the Texas Rules of Evidence are published by various publishers, and are available in your local county law library or on-line at:

<http://www.courts.state.tx.us/publicinfo/TRE/tre-98.htm>, Rules of Evidence  
<http://www.supreme.courts.state.tx.us/Rules/TRCP/index.htm>, Rules of Civil Procedure  
<http://tlo2.tlc.state.tx.us/statutes/cr.toc.htm>, Code or Criminal Procedure.

2. **No party may rely on spurious legal process.**

In connection with this Cause, no party shall, without prior express leave of Court upon written application filed at least ten (10) days in advance with copies of such application served upon all other parties, file with the Court or rely in any respect upon any purported order, judgment, decree, writ, or other purported judicial process of any court that purports to sit in or exercise jurisdiction within the territory of the State of Texas or the United States that is not a court created or authorized by the constitution or laws of the State of Texas or of the United States.

3. **No party may use or resort to fictitious government process.**

In connection with this Cause, no party shall, without prior express leave of Court upon written application filed at least ten (10) days in advance with copies of such application served upon all other parties, directly or indirectly take or threaten any other party, participant, attorney, witness, deponent, employee or judge of this court, officer of the court, officer or employee of any branch of government, or any family member of any of the foregoing, with any action by or under the purported authority of any purported government or any branch or agency thereof, other than the government of the United States of America, of the State of Texas, or of a political subdivision of either such government.

4. **No party may directly or indirectly use unauthorized liens or property transfers.**

In connection with this Cause, no party shall, without prior express leave of Court upon written application filed at least ten (10) days in advance with copies of such application served upon all other parties, or otherwise as expressly permitted by the statutes of the State of Texas, directly or indirectly threaten to or purport to file a lien or transfer any interest in real or personal property belonging to any other party, participant, attorney, witness, deponent, employee or judge of this court, officer of the court, officer or employee of any branch of government, or any family member of any of the foregoing, or of any governmental entity. This prohibition includes, but is not limited to, threatening to file, causing to be filed, offering for filing, filing, or assigning or otherwise transferring any purported lien, financing statement, or other cloud upon title against or upon, any interest in any property of such persons or governments.

5. **No party may directly or indirectly make threats to another party, witness, or representative, or use force against any other party, witness, or representative..**

In connection with this Cause, no party shall directly or indirectly threaten, counsel, importune the use of, aid or abet the use of, or use physical force against, or directly or indirectly threaten to cause physical injury to any other party, attorney, witness, deponent, employee of the court, juror, prospective juror, officer or employee of any branch of government or any family member of any of the foregoing, or directly or indirectly threaten, cause, or engage in damage to or trespass upon property of such persons, unless such is permitted under applicable provisions of the Texas Penal Code.

6. **No party may rely on so-called “sovereign citizenship” or “strawmen,” nor may they make reference to the same in the hearing of the jury or members of the venire.**

In connection with this Cause, no party shall, without prior express leave of Court upon written application filed at least ten (10) days in advance with copies of such application served upon all other parties, assert as the basis of any defense, objection, claim, motion or other request for relief, or as the basis for refusing to comply with any discovery request, subpoena, or order or process of the Court, any argument grounded on the propositions that the proponent of such argument is a so-called “sovereign citizen” or term of like import not based on the laws of the State of Texas or of the United States, or that any constitutional provision, statute or rule of the State of Texas or any rule, order, or process of this Court is addressed to or binds only such party’s so-called “strawman” and therefore upon either ground (“sovereign citizen” or “strawman”) that such party is purportedly excused from compliance with any constitutional provision, statute or rule of the State of Texas or any rule, order, or process of this Court, is not amenable or subject to the jurisdiction of this Court, or is entitled to any right, remedy, or other relief.

7. **No party may issue subpoenas without prior permission of the Court.**

In connection with this Cause, no party shall request, cause to be issued, issue or serve any subpoena for witnesses, documents, or things, for trial or otherwise, without prior permission of this court upon written sworn application to the Clerk of the Court pursuant to the Texas Code of Criminal Procedure articles 24.03 and 24.16. The Clerk of the Court shall promptly forward such requests to the Court for review and ruling.

8. **No party may attempt discovery except as permitted by Law or by rulings of this Court.**

Except as permitted by law and the rules of the State of Texas or by order of this Court sought upon written application filed at least ten (10) days in advance of issuing any request for discovery, with copies of such application served upon all other parties upon the filing thereof, no party in this Cause shall use or attempt to use any means of discovery in this litigation. In particular, without limitation, no party shall attempt to use any demand or request, or otherwise attempt to obtain documents, things, or information, relying on or purporting to rely upon any request, demand, bill, or interrogatory not authorized by laws and rules of this state or order of this Court or that relies for authority under the Texas Public Information Act, the Federal Freedom of Information Act, or the Federal Privacy Act in or in respect of such litigation except when such request is directed at a governmental entity that is not this Court and that is not a party to this litigation.

9. **No party may directly or indirectly attempt to coerce, intimidate, or influence parties or their representatives, witnesses, counsel, court personnel or the judge.**

Except as expressly permitted by laws and rules of the State of Texas or by order of this Court sought upon written application filed and served upon all parties at least ten (10) days in advance of such proposed conduct, no person shall attempt to, and no person shall coerce, intimidate, or influence any participant in any hearing or trial in this cause, including any judge, court personnel, clerk's office personnel, attorneys, parties, witnesses, prospective witnesses, jurors, or prospective jurors, by violent or tumultuous conduct, interfering with the execution of any process or orders issued by this Court or by the clerk thereof, impersonating a public servant, simulating legal process, offering or promising anything of value, or addressing to any such person any communication with intent to influence the outcome of such proceeding on the basis of any consideration other than those authorized by law.

10. **No party may utilize written authority to support a position that has been altered or amended to change its meaning or import.**

In connection with this Cause no party shall offer for filing or file any written document that purports to quote the exact words from any other source but that has altered the words by adding or deleting from the content thereof unless such additions or deletions are clearly indicated within the quoted material by clearly delineating the added material by underlining all such additions and by clearly delineating deleted material by inserting

empty brackets (“[]”), three asterisks (“\*\*\*”), or ellipses (“...”) at each place in the purported quotation where material is omitted; and by stating immediately before or after the purported quotation the citation to the source of such quotation.

SIGNED THIS \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
JUDGE PRESIDING



FUNDED BY A GRANT FROM THE  
TEXAS COURT OF CRIMINAL APPEALS

## **TEXAS MUNICIPAL COURTS EDUCATION CENTER**

1609 SHOAL CREEK BOULEVARD, SUITE 302 AUSTIN, TEXAS 78701  
TELEPHONE (512) 320-8274  
1-800-252-3718  
FAX (512) 320-0996

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# **CIVIL PROCESS, SERVED!**

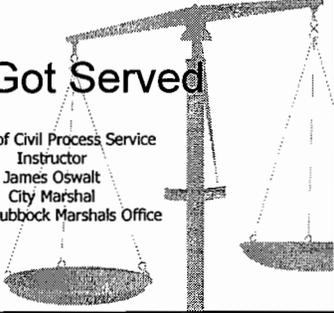
**Presented by**

**James Oswalt  
Lubbock Marshal  
&  
Ron White  
White Settlement Marshal**

By the end of the session, students will be able to:

1. Define civil process terminology.
2. Locate certain statutory requirements pertaining to Civil Process Service according to Texas Rules of Civil Procedure.
3. Find sections in the Penal Code pertaining to Preventing Execution of Civil Process (Penal Code Section 38.16).
4. The student will be able to identify the rules which apply for civil and criminal subpoenas.





## You Got Served

Basics of Civil Process Service  
Instructor  
James Oswald  
City Marshal  
City of Lubbock Marshals Office

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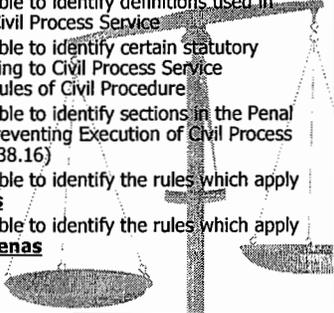
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## Learning Objectives

- The student will be able to identify definitions used in the performance of Civil Process Service
- The student will be able to identify certain statutory requirements pertaining to Civil Process Service according to Texas Rules of Civil Procedure
- The student will be able to identify sections in the Penal Code pertaining to Preventing Execution of Civil Process (Penal Code Section 38.16)
- The student will be able to identify the rules which apply for **Civil Subpoenas**
- The student will be able to identify the rules which apply for **Criminal Subpoenas**

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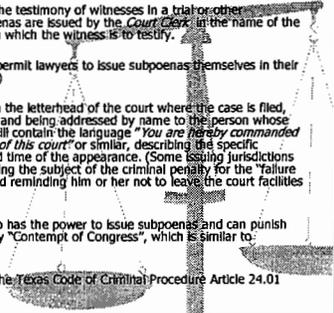
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## Subpoena

- A subpoena is a Writ commanding a person to appear *under penalty*.
- A subpoena is used to compel the testimony of witnesses in a trial or other adversarial proceeding. Subpoenas are issued by the *Court Clerk* in the name of the judge presiding over the case in which the witness is to testify.  
  
(Additionally, court rules often permit lawyers to issue subpoenas themselves in their capacity as officers of the court)
- The subpoena will usually be on the letterhead of the court where the case is filed, naming the parties to the case, and being addressed by name to the person whose testimony is being sought. It will contain the language "You are hereby commanded to report in person to the clerk of this court" or similar, describing the specific location and scheduled date and time of the appearance. (Some issuing jurisdictions include an admonishment advising the subject of the criminal penalty for the "failure to comply with a subpoena", and reminding him or her not to leave the court facilities until excused to do so.)
- The United States Congress also has the power to issue subpoenas and can punish individuals who fail to comply by "Contempt of Congress", which is similar to Contempt of court.
- For more information refer to the Texas Code of Criminal Procedure Article 24.01

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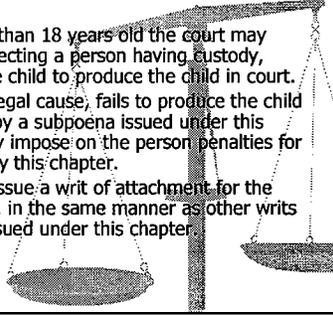
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## Subpoenas; Child Witness

Texas Code of Criminal Procedure Article 24.011

- If a child is younger than 18 years old the court may issue a subpoena directing a person having custody, care or control of the child to produce the child in court.
- If a person without legal cause, fails to produce the child in court as directed by a subpoena issued under this article, the court may impose on the person penalties for contempt provided by this chapter.
- The court may also issue a writ of attachment for the person and the child, in the same manner as other writs of attachment are issued under this chapter.



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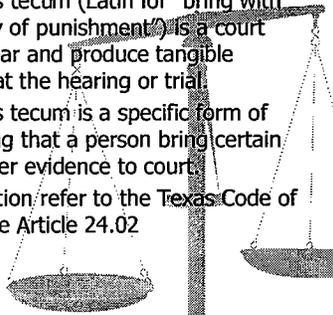
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## Subpoena Duces Tecum

- A subpoena duces tecum (Latin for "bring with you under penalty of punishment") is a court summons to appear and produce tangible evidence for use at the hearing or trial.
- A subpoena duces tecum is a specific form of subpoena requiring that a person bring certain documents or other evidence to court.
- For more information refer to the Texas Code of Criminal Procedure Article 24.02



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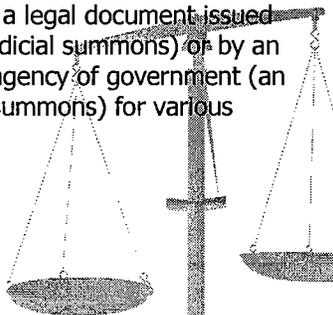
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## Summons

- A **summons** is a legal document issued by a court (a judicial summons) or by an administrative agency of government (an administrative summons) for various purposes.



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## Service and Return of Subpoena

Texas Code Article 24.04 of Criminal Procedure

- a) A subpoena is served by:
- 1) Reading the subpoena in the hearing of the witness;
  - 2) Delivering a copy of the subpoena to the witness;
  - 3) Electronically transmitting a copy of the subpoena, acknowledgement of receipt requested, to the last known electronic address of the witness; or
  - 4) Mailing a copy of the subpoena by certified letter, return receipt requested, to the last known address of the witness unless:
    - A. the applicant for the subpoena not be served by certified mail; or
    - B. the proceeding for which the witness is being subpoenaed is set to begin within 7 business days after the date the subpoena would be mailed.

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## Service and Return of Subpoena

Continued

- b) The officer having the subpoena shall make due return thereof, showing the time and manner of service.

If the subpoena is *not* served, the officer shall show in his return the cause of his failure to serve it. If receipt of an electronically transmitted subpoena is not acknowledged within a reasonable time or a mailed subpoena is returned undeliverable, the officer shall use due diligence to locate and serve the witness.

If the witness could not be found the officer shall state the diligence he used to find him, and what information he has as to the whereabouts of the witness.

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## Refusing to Obey

Texas Code of Criminal Procedure Article 24.05

- If a witness refuses to obey a subpoena, he may be fined at the discretion of the court, as follows:
  - In a Felony case not exceeding \$500.00
  - In a misdemeanor case not exceeding \$100.00

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## Judicial Summons

- A judicial summons is addressed to a defendant in a legal proceeding. Typically, the summons will announce to the person to whom it is directed that a legal proceeding has been started against that person.
- The summons announces the date and time by which the defendant(s) must either appear in court, or respond in writing to the court or the opposing party.
- *In ancient Persian law, if someone failed to answer the summons of the King, the punishment was **DEATH**.*

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## Judicial Summons

Continued

- In most U.S. jurisdictions, the service of a summons is in most cases required for the court to have personal jurisdiction over the party who is being hauled into court involuntarily.
- The process by which a summons is served is called **service of process**.

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## Federal Summons

- The federal summons is usually issued by the Clerk of the court. In many states the summons may be issued by an attorney, though some states use filing as the means to commence an action and the summons must be filed in those cases in order to be effective. Other jurisdictions may only require that the summons be filed after it is served on the defendants.

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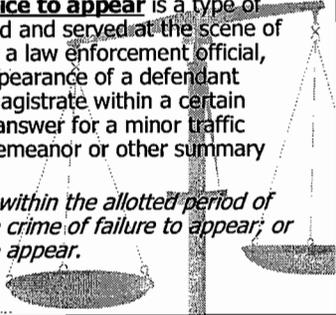
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## Citation

- A **citation** or **notice to appear** is a type of summons prepared and served at the scene of the occurrence by a law enforcement official, compelling the appearance of a defendant before the local magistrate within a certain period of time to answer for a minor traffic infraction or misdemeanor or other summary offense.
- *Failure to appear within the allotted period of time is a separate crime of failure to appear; or violate promise to appear.*



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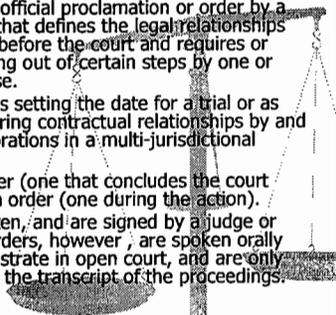
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## Court Order

- A **court order** is an official proclamation or order by a judge or magistrate that defines the legal relationships between the parties before the court and requires or authorizes the carrying out of certain steps by one or more parties to a case.
- It can be as simple as setting the date for a trial or as complex as restructuring contractual relationships by and between many corporations in a multi-jurisdictional dispute.
- It may be a final order (one that concludes the court action), or an interim order (one during the action).
- Most orders are written, and are signed by a judge or magistrate. Some orders, however, are spoken orally by the judge or magistrate in open court, and are only reduced to writing in the transcript of the proceedings.



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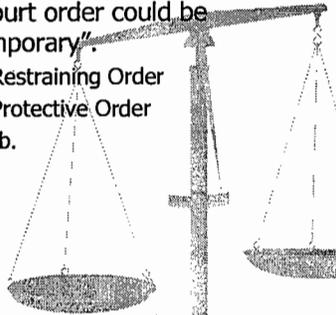
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## Test Question

- What type of court order could be considered "temporary"?
  - A. Temporary Restraining Order
  - B. Temporary Protective Order
  - C. Both a and b.



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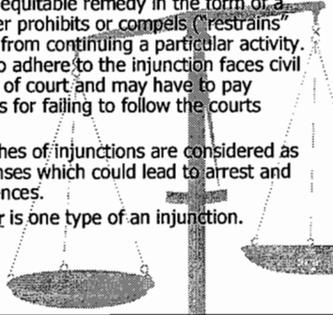
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## Injunction

- An **injunction** is an equitable remedy in the form of a court order that either prohibits or compels ("restrains" or "enjoins") a party from continuing a particular activity. The party that fails to adhere to the injunction faces civil or criminal contempt of court and may have to pay damages or sanctions for failing to follow the courts order.
- In some cases breaches of injunctions are considered as serious criminal offenses which could lead to arrest and possible prison sentences.
- A **restraining order** is one type of an injunction.



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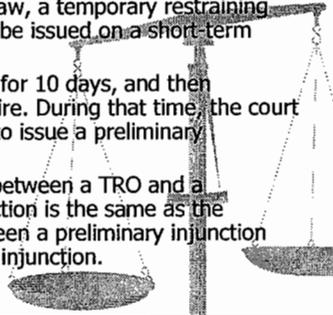
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## Temporary Restraints

- In United States law, a temporary restraining order (TRO) may be issued on a short-term basis.
- TROs usually last for 10 days, and then automatically expire. During that time, the court decides whether to issue a preliminary injunction.
- The relationship between a TRO and a preliminary injunction is the same as the relationship between a preliminary injunction and a permanent injunction.



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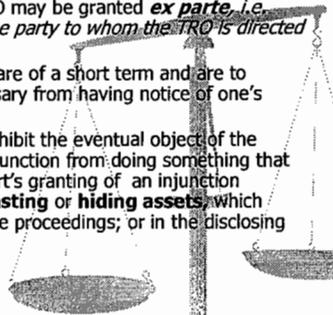
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## Temporary Restraints

Continued

- In some cases a TRO may be granted **ex parte**, i.e. *without informing the party to whom the TRO is directed in advance.*
- Usually such orders are of a short term and are to prevent one's adversary from having notice of one's intentions.
- Such notice may prohibit the eventual object of the application for an injunction from doing something that would make the court's granting of an injunction fruitless, such as **wasting** or **hiding assets**, which often occur in divorce proceedings; or in the disclosing of trade secrets.



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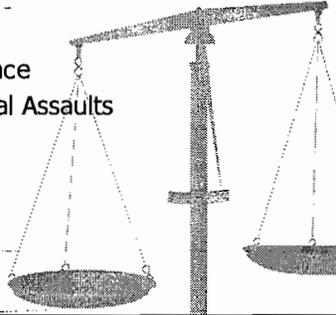
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### Common reasons for restraining orders

- Stalking
- Domestic Violence
- Physical / Sexual Assaults
- Harassment



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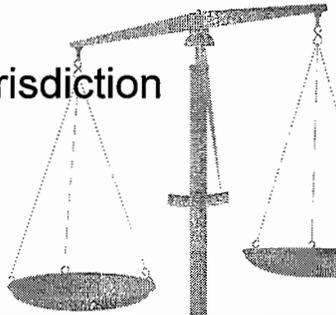
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### Jurisdiction



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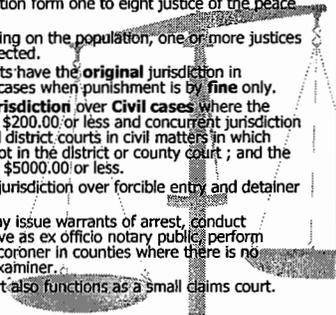
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### Justice of the Peace Courts

- The Texas Constitution provides that each county shall have, depending on the population from one to eight justice of the peace precincts.
- In each precinct, depending on the population, one or more justices of the peace are to be elected.
- Justice of the peace courts have the **original** jurisdiction in **misdemeanor** criminal cases when punishment is by **fine** only.
- They have **exclusive jurisdiction over Civil cases** where the amount in controversy is \$200.00 or less and concurrent jurisdiction with both the county and district courts in civil matters in which exclusive jurisdiction is not in the district or county court; and the amount of controversy is \$5000.00 or less.
- By law they are granted jurisdiction over forcible entry and detainer matters.
- A justice of the peace may issue warrants of arrest, conduct preliminary hearings, serve as ex officio notary public, perform marriages, and serve as coroner in counties where there is no provision for a medical examiner.
- The justice of peace court also functions as a small claims court.



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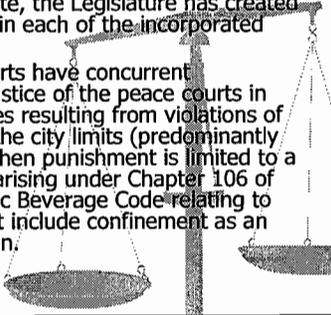
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## Municipal Courts

- By a general statute, the Legislature has created a Municipal Court in each of the incorporated cities of the state.
- The municipal courts have concurrent jurisdiction with justice of the peace courts in misdemeanor cases resulting from violations of state laws within the city limits (predominantly traffic offenses) when punishment is limited to a fine and in cases arising under Chapter 106 of the Texas Alcoholic Beverage Code relating to minors that do not include confinement as an authorized sanction.



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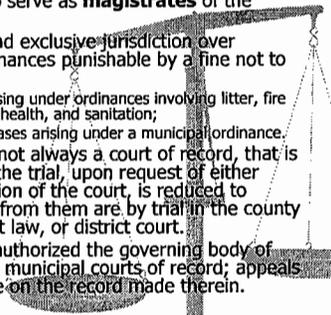
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## Municipal Courts

Continued

- Municipal judges also serve as **magistrates** of the State.
- They have original and exclusive jurisdiction over violations of city ordinances punishable by a fine not to exceed:
  - \$2000.00 in cases arising under ordinances involving litter, fire safety, zoning, public health, and sanitation;
  - \$500.00 in all other cases arising under a municipal ordinance.
- Municipal courts are not always a court of record, that is where the record of the trial, upon request of either party or at the direction of the court, is reduced to writing; and appeals from them are by trial in the county court, county court at law, or district court.
- The Legislature has authorized the governing body of each city to establish municipal courts of record; appeals from these courts are on the record made therein.



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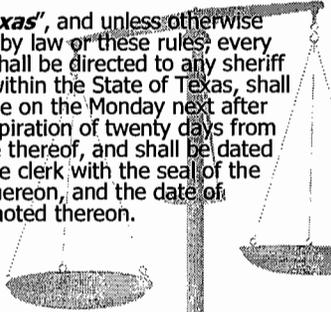
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## Writs and Process

Texas Rules of Civil Procedure  
Rule 15

- "**The State of Texas**", and unless otherwise specially provided by law or these rules, every writ and process shall be directed to any sheriff or any constable within the State of Texas, shall be made returnable on the Monday next after expiration after expiration of twenty days from the date of service thereof, and shall be dated and attested by the clerk with the seal of the court impressed thereon, and the date of issuance shall be noted thereon.



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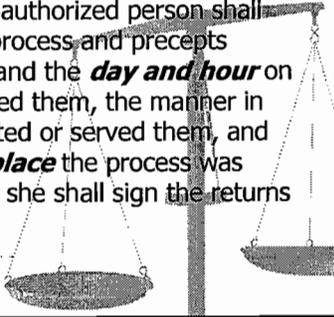
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### Shall Endorse All Process

Texas Rules of Civil Procedure Rule 16

- Every officer or authorized person shall endorse on all process and precepts coming to his hand the **day and hour** on which he received them, the manner in which he executed or served them, and the **time and place** the process was served and he / she shall sign the returns officially.



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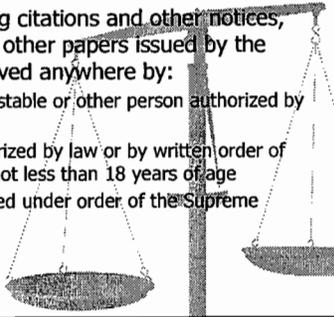
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### Who May Serve

Texas Rules of Civil Procedure Rule 103

- Process – including citations and other notices, writs, orders, and other papers issued by the court- may be served anywhere by:
  - Any sheriff or constable or other person authorized by law
  - Any person authorized by law or by written order of the court who is not less than 18 years of age
  - Any person certified under order of the Supreme Court.



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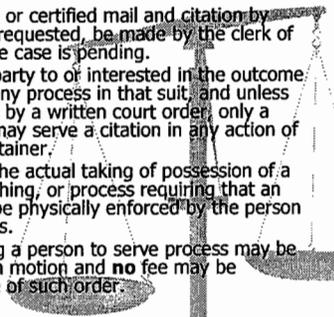
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### Who May Serve

Continued

- Service by registered or certified mail and citation by publication **must**, if requested, be made by the clerk of the court in which the case is pending.
- No person who is a party to or interested in the outcome of a suit may serve any process in that suit, and unless otherwise authorized by a written court order, only a sheriff or constable may serve a citation in any action of forcible entry and detainer.
- A writ that requires the actual taking of possession of a person, property or thing, or process requiring that an enforcement action be physically enforced by the person delivering the process.
- The order authorizing a person to serve process may be made without written motion and **no** fee may be imposed for issuance of such order.



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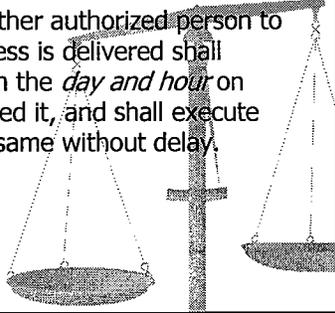
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## Duty of Officer or Person Receiving

Texas Rules of Civil Procedure Rule 105

- The officer or other authorized person to whom the process is delivered shall endorse thereon the *day and hour* on which he received it, and shall execute and return the same without delay.



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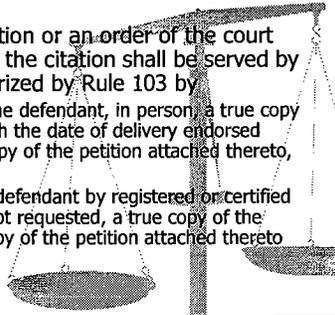
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## Method of Service

Texas Rules of Civil Procedure Rule 106

- A) Unless the citation or an order of the court otherwise directs, the citation shall be served by any person authorized by Rule 103 by
  - 1) Delivering to the defendant, in person, a true copy of the citation with the date of delivery endorsed thereon with a copy of the petition attached thereto, or
  - 2) Mailing to the defendant by registered or certified mail, return receipt requested, a true copy of the citation with a copy of the petition attached thereto



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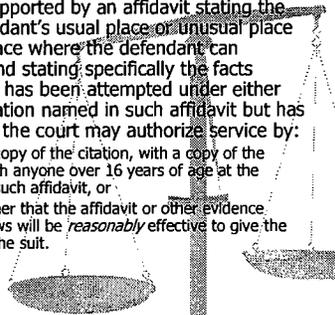
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## Method of Service

Continued

- B) Upon a motion supported by an affidavit stating the location of the defendant's usual place of abode or unusual place of abode or other place where the defendant can probably be found and stating specifically the facts showing that service has been attempted under either (A-1 or 2) at the location named in such affidavit but has not been successful, the court may authorize service by:
  - 1) By leaving a true copy of the citation, with a copy of the petition attached, with anyone over 16 years of age at the location specified in such affidavit, or
  - 2) In any other manner that the affidavit or other evidence before the court shows will be *reasonably* effective to give the defendant notice of the suit.



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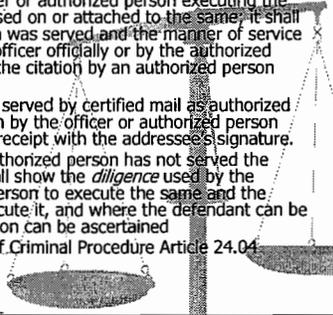
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## Return of Service

Texas Rules of Civil Procedure Rule 107

- The return of the officer or authorized person executing the citation shall be endorsed on or attached to the same; it shall state when the citation was served and the manner of service and be signed by the officer officially or by the authorized person. The return of the citation by an authorized person shall be verified.
- When the citation was served by certified mail as authorized by Rule 106, the return by the officer or authorized person must also contain the receipt with the addressee's signature.
- When the officer or authorized person has not served the citation, the return shall show the *diligence* used by the officer or authorized person to execute the same and the cause of failure to execute it, and where the defendant can be found, if that information can be ascertained.
- Also see Texas Code of Criminal Procedure Article 24.04



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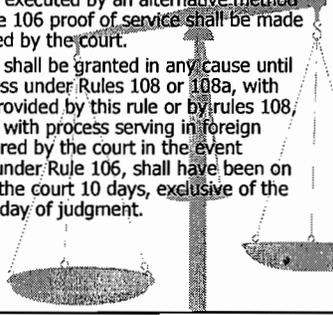
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## Return of Service

Continued

- Where the citation is executed by an alternative method as authorized by Rule 106 proof of service shall be made in the manner ordered by the court.
- No default judgment shall be granted in any cause until the citation, or process under Rules 108 or 108a, with proof of service as provided by this rule or by rules 108, or 108a, (which deal with process serving in foreign countries) or as ordered by the court in the event citation is executed under Rule 106, shall have been on file with the clerk of the court 10 days, exclusive of the day of filing and the day of judgment.



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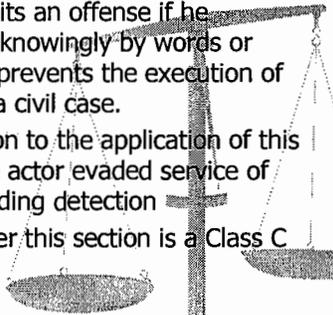
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## Preventing Execution of Civil Process

Texas Penal Code Chapter 38.16

- A person commits an offense if he intentionally or knowingly by words or physical action prevents the execution of any process in a civil case.
- It is an exception to the application of this section that the actor evaded service of process by avoiding detection.
- An offense under this section is a Class C Misdemeanor.



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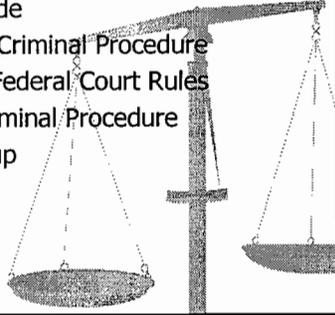
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## Acknowledgements

- Texas Penal Code
- Texas Code Of Criminal Procedure
- Texas State & Federal Court Rules
- Texas Rules Criminal Procedure
- LexisNexis Group



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TELEPHONE (512) 320-8274  
1-800-252-3718  
FAX (512) 320-0996

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# **JUVENILE ISSUES IN MUNICIPAL COURT**

**Presented by**

**Deanie King  
Corpus Christi Municipal Judge**

By the end of the session, students will be able to:

1. Identify the statutory warnings, notifications, and judgments to facilitate youth accountability.
2. Know the jurisdictional considerations of having a juvenile in municipal court.
3. Identify ethical and legal violations associated with the JNA procedures.
4. Be able to act when a juvenile is placed in contempt of court.



	<b>JUVENILE ISSUES IN MUNICIPAL COURT</b>

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	<b>Major Sources of Law</b>
	STATE <ul style="list-style-type: none"><li>■ Texas Family Code</li><li>■ Texas Penal Code</li><li>■ Texas Code of Criminal Procedure</li><li>■ Texas Rules of Civil Procedure</li><li>■ Texas Education Code</li></ul> FEDERAL <ul style="list-style-type: none"><li>Juvenile Justice and Delinquency Prevention Act</li></ul>

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	<b>Courts Handling Juvenile Cases</b>
	■ JUVENILE COURT - a County or District Court designated as a Juvenile Court (civil court governed primarily by the Texas Family Code) <ul style="list-style-type: none"><li>-Delinquent Conduct</li><li>-Child in Need of Supervision behavior</li></ul>

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	<p><b>Courts Handling Juvenile Cases</b></p>
	<ul style="list-style-type: none"> <li>■ MUNICIPAL AND JUSTICE OF THE PEACE COURTS (criminal courts governed primarily by the Code of Criminal Procedure) <ul style="list-style-type: none"> <li>-Class C Offenses</li> <li>-Traffic Offenses</li> </ul> </li> </ul>

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	<p><b>Courts Handling Juvenile Cases</b></p>
	<ul style="list-style-type: none"> <li>■ ADULT CRIMINAL COURTS They handle transferred juvenile cases, and possibly revocations of probation or parole on determinate sentencing cases.</li> </ul>

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	<p><b>MUNICIPAL AND JUSTICE OF THE PEACE COURTS</b></p> <p>JUVENILE CASES</p>
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	<p><b>JURISDICTION IN JUVENILE CASES</b></p>
	<p>Municipal and JP Courts have jurisdiction over fine-only misdemeanor offenses. The Courts may impose additional sanctions not consisting of incarceration.</p>

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	<p><b>A notable exception to the jurisdiction of fine-only offenses: Public intoxication by a person under 17 years</b></p>
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	<p><b>SOURCES OF LAW VIOLATIONS</b></p>
	<ul style="list-style-type: none"> <li>■ Local Ordinances (ex: curfew, weapons)</li> <li>■ Alcoholic Beverage Code</li> <li>■ Education Code</li> <li>■ Health and Safety Code</li> <li>■ Penal Code</li> <li>■ Transportation Code</li> </ul>

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	<b>JUVENILE/CHILD/MINOR</b>
	<ul style="list-style-type: none"> <li>■ Family Code Sec. 51.02(2) – Child = 10 years or over and under 17 years (considered “juveniles”)</li>   <li>■ Education Code Sec. 25.085 – Child = at least 6 years, or under 6 years and enrolled in 1<sup>st</sup> grade, and under 18 years</li> </ul>

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	<b>JUVENILE/CHILD/MINOR</b>
	<ul style="list-style-type: none"> <li>■ Transportation Code Sec. 729.001 – Minor = under 17 years</li>   <li>■ Alcoholic Beverage Code Sec. 106.01 – Minor = under 21 years</li>   <li>■ Health and Safety Code Sec. 161.252 – Minor = under 18 years</li> </ul>

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	<b>Procedures – Chapter 45 CCP</b>
	<ul style="list-style-type: none"> <li>■ If the Defendant is under 17 years of age, the plea must be taken in open court <i>and</i> the parent/guardian is required to be present. CCP Art. 45.0215</li>   <li>■ Parent – includes managing conservator, custodian, person standing in parental relation</li> </ul>

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**Procedures – Chapter 45  
CCP**

- If unable to secure appearance of parent by issuance of summons, the court may proceed without parent, CCP Art. 45.0215(b)
- CCP Art. 45.0215(c) allows a juvenile who resides in another county to enter a plea in the county of residence, with permission of court

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**COURT OPTIONS**

- Waiver of Jurisdiction - Transfer case to Juvenile Court (except traffic and tobacco offenses) (case becomes CINS offense, TFC Sec. 51.03 (b))
- Keep the case and enter orders

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	<b>WAIVER OF JURISDICTION</b>
	51.08 Texas Family Code
	(b)(1)... <b>shall</b> waive its original jurisdiction and refer a child to juvenile court if the child has previously been convicted of 2 misdemeanors or penal ordinance violations (other than traffic or public intoxication offenses)

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	<b>WAIVER OF JURISDICTION, cont.</b>
	51.08 Family Code
	(b)(2) <b>May</b> waive its original jurisdiction and refer a child to juvenile court if the child has less than 2 prior convictions or has never before been convicted

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	<b>WAIVER OF JURISDICTION, cont.</b>
	51.08 Family Code
	(d) A court that has implemented a juvenile case manager program under Art. 45.056 CCP, may, but is not required to waive its original jurisdiction under Subsection (b)(1) (effective 9/1/2003)

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	<p><b>Waiver of Jurisdiction, cont.</b></p>
	<p>Court CANNOT waive:</p> <ol style="list-style-type: none"> <li>1. Traffic Cases</li> <li>2. Tobacco Cases</li> </ol>

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	<p><b>COURT DISPOSITIONAL OPTIONS</b></p>
	<p>If a juvenile is found guilty the court may require the following:</p> <ol style="list-style-type: none"> <li>1. Pay fine - usually there is an option for immediate payment or a payment plan</li> <li>2. Community Service - CCP Art. 45.049</li> <li>3. Deferred Disposition - CCP Art. 45.051, Art. 45.0511 and Art. 45.052</li> </ol>

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	<p>The Court may enter orders affecting parents, CCP Art. 45.057</p> <p>The Court may order programs and other requirements (regardless of dispositional option) in juvenile cases, CCP Art. 45.054 and Art. 45.057 (both effective 9/2001)</p>

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	<b>What if the juvenile doesn't follow the Court Order?</b>
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	<b>JUVENILE CONTEMPT IN MUNICIPAL AND JUSTICE COURTS</b>
	CCP Art. 45.050 Court may keep the contempt matter or refer it to the juvenile court
	1. If kept, a contempt finding is made and the court may fine the juvenile up to \$500 <b>AND/OR</b> deny/suspend driver's license until compliance is shown

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	<p><b>CONTEMPT, cont.</b></p>
	<p>2. If the contempt matter is referred to the juvenile court, no finding is made. The case is received by the juvenile court as delinquent conduct, TFC Sec. 51.03(a)(2)(A)</p> <p><b>**Note – this does not eliminate the need for the juvenile to pay the fine or otherwise comply with the original order</b></p>

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	<p><b>What if Juvenile Fails to Appear</b></p>
	<ul style="list-style-type: none"> <li>■ Can file Failure to Appear charges (if there is pc)</li> <li>■ If address not good, can file Failure to Notify Court of Change of Address (if notice has been given)</li> <li>■ Can issue non-secure custody warrant</li> <li>■ Can notify DPS of failure to appear (deny/suspend DL)</li> </ul>

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	<p><b>JNA's – JUVENILES NOW ADULTS</b></p>
	<p>If JNA has appeared but not paid:</p> <ol style="list-style-type: none"> <li>1. Contempt hearing (if no show, same as above)</li> <li>2. Capias Pro Fine may issue if court finds it is justified after considering requirements of CCP Art. 45.045 (b)</li> </ol>

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	<p><b>JNA'S - JUVENILES NOW ADULTS</b></p>
	<p>If JNA has never appeared:</p> <ol style="list-style-type: none"> <li>1. Court sends notice required by law (with hearing date)</li> <li>2. If JNA appears, all charges are handled</li> <li>3. If JNA fails to appear, file Violation of Continuing Obligation to Appear - warrant of arrest issued</li> <li>4. When arrested, court handles all cases</li> </ol>

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	<p><b>Juvenile Records</b></p>
	<p>Municipal Court records are not subject to the confidentiality rules of juvenile court under the Family Code</p>

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# **TRANSPORTING PRISONERS**

**Presented by**

**Ron White  
White Settlement Marshal**

By the end of the session, students will be able to:

1. Identify the need for safe prisoner transports.
2. Assess liability involved in prisoner transportation.
3. Prepare a policy and procedure for prisoner transportation.
4. Demonstrate proper prisoner transport and restraint procedure.



## Prisoner Transportation

Instructor: Ron White  
City Marshal  
City of White Settlement

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### Student will be able to:

- Identify the need for safe prisoner transports.
- Assess liability involved in prisoner transportation.
- Prepare a policy and procedure for prisoner transportation.
- Demonstrate proper prisoner transport and restraint procedure.

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### Identifying The Need for Safe Transports

- Officer Safety
- Public Safety
- Prisoner's Welfare

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### Liability Issues

- Agency
- Personal
- Prisoners Civil Rights
- Preventing Civil Litigation
- Protecting the Public from Violent Offenders

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### Policies and Procedures

- Policies and Procedures are necessary to establish guidelines for safe and secure transports of prisoners as well as insuring the safety of the Officer and General Public.
- Must conform to Federal, State and local laws and ordinances.

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### Preparation for Transport

- Receive notice of transport.
- Check for valid detention paper work.
- Check prisoners Criminal History for violent offenses such as assault on Police Officers or escape.
- Check for any discipline, medical or mental health issues.

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## Vehicle Preparation

- Check vehicle for any mechanical problems.
- Check all fluids. Fuel, oil etc....
- Check prisoner area for contraband and weapons.
- Insure that necessary restraints are in vehicle. Also check condition of restraints.

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## Properly Equipped Vehicle

- Partition
- Door handles removed or disabled in prisoner area.
- Window switches disabled and controlled from drivers area.
- Seatbelts
- Audio/Video System, Camera & Mic in prisoner area.

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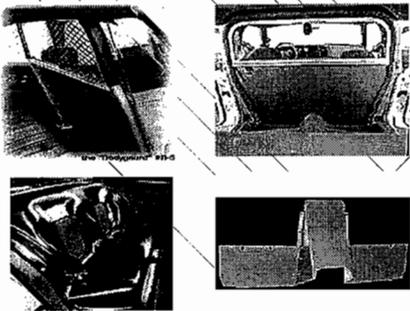
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## Vehicle Equipment



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### Prisoner Transport

- Notify dispatch of route.
- Check in and out with dispatch.
- Advise starting and ending mileage
- Avoid unnecessary stops while transporting prisoner.

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### Prisoner Transport Jail

- Obtain prisoners paperwork and personal property before leaving.
- Conduct a thorough search of prisoner and property for weapons or contraband.
- Place proper restraints on prisoners.
- Place prisoner in vehicle and secure with seatbelt.

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### Hospital Transport

- Search prisoner before and after
- Prisoner dressed in jail clothing
- Proper restraints
- Maintain constant visual on inmate
- No phone calls by inmate
- No visitors
- ALWAYS keep a close watch for needles, sharps or other items left by medical staff that may be used as weapons.

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Searching Prisoners  
Body

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- Body
- Perform a thorough pat down of entire body
  - Remove shoes. Check bottom of feet.
  - Have prisoner run fingers through hair.
  - Have prisoner open mouth and stick out their tongue. Look for handcuff keys, paperclips and contraband.

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Searching Prisoners  
Clothing

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## Clothing

- Check ALL pockets
- Waistband
- Collar
- Cuffs
- Seams: Conceal handcuff keys and paper clips.
- Socks
- Shoes: (Hidden Compartments)
- Hats, caps and head covers

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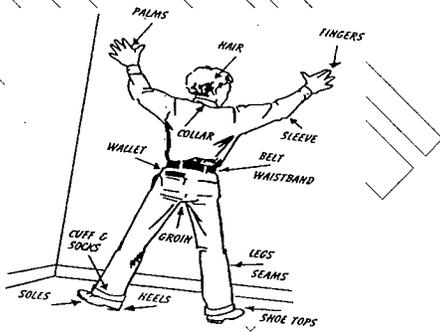
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## Pat Down Illustration



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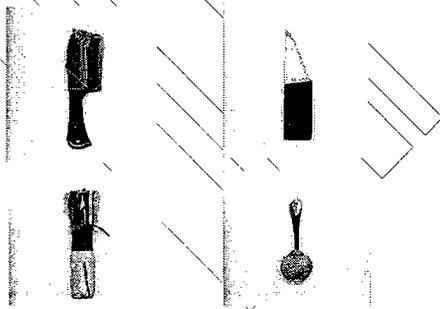
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## Confiscated Weapons



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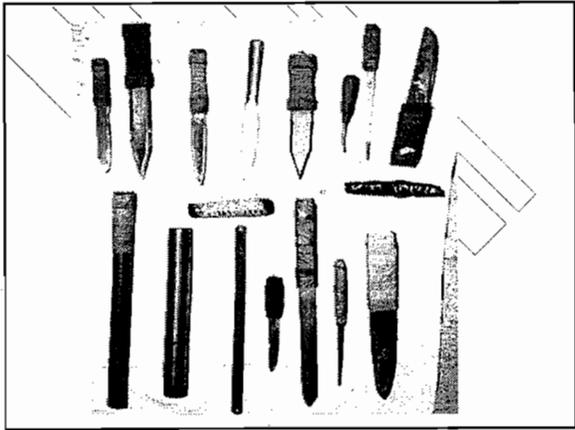
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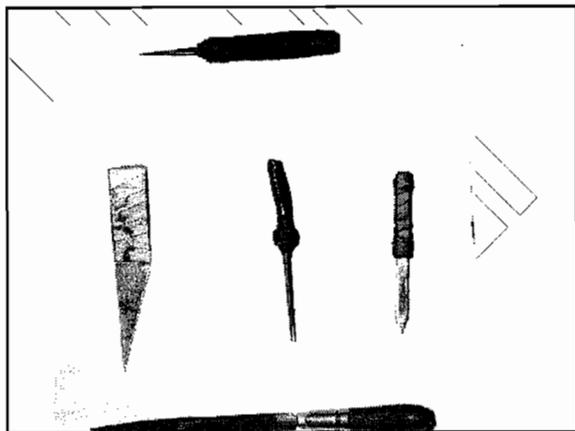
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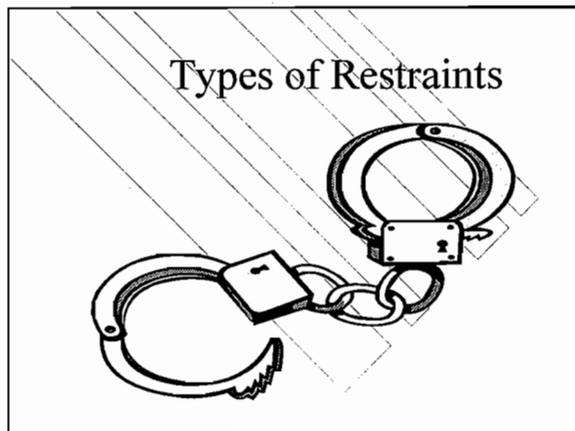
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## Handcuffs

- Cuff hands behind back unless using waist chain or belt.
- Always double lock
- Key holes facing out
- Temporary Restraint. May be defeated with seat belt buckle, paperclips etc.



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## Leg Irons

- Key holes down
- Double lock
- May be defeated the same as handcuffs



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## Waist Chains

- Allows prisoner to be handcuffed in front safely
- Works well for long distance.
- Available in leather and nylon also.
- Acceptable in some court settings.



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## Flex Cuffs

- Temporary Restraints.
- Large number of prisoners.
- May cause injuries if used for extended periods.
- Not the best choice for long transports.



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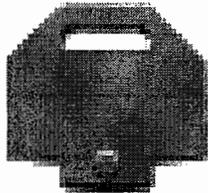
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## Blue Box

- Used to secure handcuffs for high risk transports.
- Nearly impossible to defeat.



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## Blue Box

VIDEO:

Inmate illustrates how Blue Box and cuffs can be defeated

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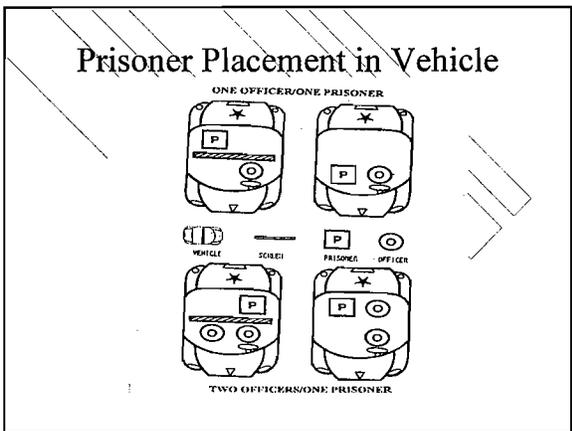
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## Prisoners in Court Room

- Judge has final discretion as to type of restraints allowed.
- Alternate restraints may be allowed
- Stun belts
- Leg Brace

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## OFFICER SAFETY

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### Ten Fatal Errors That Have Killed Experienced Lawmen

- 1. ATTITUDE** - If you feel too busy, your mind on your job or you carry personal problems into the field you will make errors. It may cost you or other law officers their lives.
- 2. UNDERSTANDING COURAGE** - Not all courage that you have courage that is not absolute where that others - NOT for the law. There are few instances where more, would you should try and make a tactical determination.
- 3. NOT KNOWING REPT** - To do your job you must be alert. Being sleepy or silent on the job is one way to spend your money but you endanger yourself, the community and all other law officers.
- 4. TAKING A BAD POSITION** - Never let anyone see you questioning or doubting themselves you are a member of law enforcement. There is no such thing as a routine arrest or task.
- 5. DANGER SIGNALS** - As an officer you should investigate "danger signs." "DANGER" circumstances and strange cars are warnings that should alert you to watch your area and approach with caution. Remember, never, never, "circumstances" will lead to what is "out of place."
- 6. FAILING TO WATCH HANDS OF SUSPECT** - In the field,

ing for a suspect or getting ready to catch you? How do you see a potential officer ready but with the hand?

- 7. RELAXING TOO SOON** - Observe carefully. Ask you remain the calm is calm? Don't be quick to relax simply because the suspect and yourself are in the same situation.
- 8. IMPROPER USE OF HIS GUN/WEAPON** - One that the hand that can hit is safely out. One you have made to arrest handcuff the officer immediately and properly.
- 9. NO SEARCH OR POOR SEARCH** - There are no many places to hide weapons that you follow to search in a more rapid like officers. Many criminals carry several weapons and are prepared to use them against you.
- 10. DIRTY OR INOPERATIVE WEAPON** - Ask your maintenance about the gun. How about the maintenance? How did you feel that you can hit a target in combat conditions? What's the sense of carrying any firearm that may not work when you need it most?

The lesson behind these 10 errors is: **TECHNICAL COMPETENCY** that you must inspect weapons - the same before your eyes - and get your job done!

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<b>POLICE/SHERIFF'S DEPARTMENT</b>	<b>GENERAL ORDERS</b>
<b>SUBJECT: Prisoner Transportation</b>	<b>NUMBER: 2-8</b>
<b>EFFECTIVE DATE: July 1, 1999</b>	<b>REVIEW DATE:</b>
<b>AMENDS/SUPERSEDES: GO 2-8, January 1988</b>	<b>APPROVED: _____ Chief of Police/Sheriff</b>
<b>CALEA STANDARDS: 71.1,71.2, 71.3, 71.4, 71.5</b>	<b>VLEPSC STANDARDS: OPR.08.01-.06</b>

**NOTE**

This order is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third-party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

**INDEX WORDS**

Positional asphyxia  
Prisoners  
Prisoners with disabilities  
Transportation of juveniles  
Transportation of prisoners

**I. POLICY**

Transportation of persons in custody is a constant requirement and a frequent activity. Transportation usually occurs in two instances. The first is immediately after arrest when the arrestee is taken by the arresting officer for booking and holding or transfer to another facility. The second concerns the movement of prisoners from the detention facility, such as the county jail, to a hospital, doctor, dentist, or other medical facility, to court, or to attend a funeral or visit a seriously ill relative, and for other reasons. In all instances of transfer of persons in custody, officers shall take care not to endanger themselves while ensuring the prisoner's safety, thus limiting opportunities for escape.

**II. PURPOSE**

The purpose of this policy is to establish procedures to ensure that prisoners are transported safely.

**III. PROCEDURES**

A. General

1. Unless no other type of vehicle is available, all prisoners shall be transported in secure, caged vehicles.
2. In no case shall a juvenile known or believed to be under the age of 18 years be transported with adults suspected of or charged with criminal acts (per *Virginia Code* § 16.1-254.B).
3. When picking up a prisoner from any facility, the officer shall verify the identity of the prisoner.
4. The transporting officer shall obtain from the custodian of the prisoner any paperwork, property, or medical records that should accompany the transfer of the prisoner.

B. Searching the prisoner

1. The transporting officer shall always search a prisoner before placing him or her into the vehicle. Officers must never assume that a prisoner does not possess a weapon or contraband or that someone else has already searched the prisoner. The transporting officer shall conduct a search of the prisoner each time the prisoner enters custody of the officer. See paragraphs E, G, and I for a discussion of prisoner restraining devices.
2. When handling and searching prisoners, officers shall remain mindful of the department's infectious diseases exposure control plan (see GO 2-34) and shall use personal protective equipment when necessary.

C. Searching the police vehicle

The transporting officer shall search the vehicle before each prisoner transport to ensure that no weapons or contraband are available to the prisoner. Further, after delivering the prisoner to his or her destination, officers shall again search the police vehicle to ensure that the prisoner did not hide contraband or other evidence.

D. Transport equipment

1. Most marked vehicles are equipped with a metal screen separating the front and rear compartments. Normally, these vehicles will be used in all prisoner transports in order to prevent prisoner access to the driver's compartment.
2. All vehicles equipped with metal screen barriers and used in transporting prisoners have the rear interior door and window handles removed in order to minimize the risk of escape by prisoners while transporting.

E. Positioning of prisoners in the transport vehicle

1. When an officer transports a prisoner in a caged vehicle, the prisoner shall be positioned in the rear seat and secured with seat belts. Prisoners shall be handcuffed with their hands behind their backs, palms outward, except for pregnant, handicapped, or injured prisoners, as detailed in GO 2-7.
2. When an officer transports a prisoner in a non-caged vehicle, the prisoner shall be placed in the right front seat and secured with a seat belt. The prisoner shall be handcuffed with his or her hands behind the back, palms outward. A lone officer shall never transport two or more suspects in a non-caged vehicle unless directed by the on-duty supervisor. *[Note: Some agencies require officers to place a suspect in the right rear seat, rather than the right front seat. Officer safety considerations can be argued to support either procedure.]*
3. If more than one officer transports prisoners in a non-caged vehicle, the following procedures shall be observed.
  - a. One officer shall position him- or herself in the rear of the transporting vehicle behind the passenger seat with the prisoner (seatbelted) on the opposite side.
  - b. In a situation where more than one prisoner is transported by two officers in the same vehicle, the prisoners shall be positioned on the rear seat (seatbelted) and the assisting officer should position himself in the front seat in order to see the prisoners at all times.
4. Officers shall not transport prisoners who are restrained in a prone position. Doing so risks positional asphyxia, a form of suffocation for the restrained suspect that may cause death.

F. Control of prisoners while transporting

1. Observation
  - a. During transportation, officers shall continually observe the prisoner, even when it becomes necessary to allow the prisoner the use of a toilet.
  - b. In a situation where observation is not possible (woman prisoner needing toilet facilities and male transporting officer or *vice versa*), the officer shall exercise as much control of the situation as possible. The prisoner shall not be allowed in the facility with another person

and the officer shall ensure that there are no escape routes within the facility and no weapons available to the prisoner.

- c. If a prisoner appears lethargic, particularly after an active confrontation with officers, or appears unresponsive, consider the possibility that immediate medical help may be necessary. Observe the suspect carefully and if the officer is in any doubt about the prisoner's health, summon medical assistance immediately. Officers should ask an apparently sick prisoner if he or she wishes medical assistance.
- d. The transporting officer shall advise the receiving officer or deputy of any medical conditions of the prisoner, or any suspicions or concerns about the prisoner's medical state.

## 2. Meals

If the transporting officer must stop enroute for a meal, he or she should choose an unfamiliar place. This minimizes any chance of an arranged plan for someone to try to release the prisoner.

## 3. Stopping to provide law enforcement services while transporting

- a. When transporting a prisoner, the transporting officer shall provide law-enforcement services only when:
  - (1) A need exists for the transporting officer to act immediately in order stop or prevent a violent act and prevent further harm to a victim.
  - (2) A person has been injured and assistance is required immediately.
  - (3) A crime is in progress, thus creating an immediate need to apprehend the suspect.
- b. In all of the above situations, the transporting officer shall ensure at all times that the prisoner is secured and protected.
- c. Under no circumstances shall an officer transporting a prisoner engage in a pursuit.

## 4. Escape

If a prisoner escapes while being transported, the transporting officer shall observe the following procedures.

- a. Request assistance immediately from the jurisdiction the officer is in at the time of the escape. The transporting officer shall immediately provide dispatch with the following information:
  - (1) Location.
  - (2) Direction and method of travel, and means of escape.
  - (3) Name, physical description of escapee.
  - (4) Possible weapons possessed by the escapee.
  - (5) Pending charges.
- b. Try to recapture the escapee as soon as possible. See also RR 1-17, Jurisdiction. *Virginia Code* § 19.2-77 authorizes an officer to pursue and arrest the escaped prisoner anywhere in Virginia if in close pursuit.
- c. The transporting officer shall submit a written report to the chief of police/sheriff as soon as practicable explaining the circumstances of the escape.

5. Prisoner communication

The transporting officer shall not allow prisoners to communicate with other people while in transit unless the situation requires it. The officer shall use his or her judgment when deciding whether to allow a conversation to take place between the transported prisoner and another party.

6. Arrival at destination

- When transporting prisoners from one facility to another, upon arriving at the destination, the transporting officer shall observe the following procedures:
- a. Firearms shall be secured in the designated place at the facility being entered. If there are none, secure firearms inside the locked trunk of the police vehicle.
  - b. Restraining devices shall be removed only when directed to do so by the receiving facility or when the officer is sure that the prisoner is properly controlled and secure.
  - c. The proper paperwork (jail committal, property form, etc.) shall be submitted to the proper person at the receiving facility and, in

situations that require it, the officer shall ensure that proper signatures are obtained on paperwork to be returned to the department.

G. Sick/injured prisoners and medical facilities

1. At any time before, during, or after the arrest that the prisoner is injured or becomes sick, the officer shall seek medical attention immediately. Medical attention shall be obtained before transporting the prisoner to the jail if the injury/sickness happens before arrival there.
2. The transporting officer shall use discretion in applying restraining devices on sick or injured prisoners. Obviously, if a prisoner is injured or sick enough to be incapacitated, restraining devices may not be appropriate. As a rule, do not remove a prisoner's handcuffs at the hospital unless ordered to do so by the attending physician.
3. If the prisoner refuses treatment, the prisoner shall be asked to sign an Against Medical Advice form. Have the attending physician or a nurse sign the form as witnesses. If the prisoner refuses to sign the form, obtain two witnesses to the refusal (hospital staff, another officer, or fire/rescue personnel). The form must be given to the jail during booking.
4. If the prisoner must be admitted to the hospital, the officer shall release the prisoner only after consulting the on-duty supervisor. The supervisor, in turn, shall consult the magistrate or the commonwealth's attorney. ***[Note: Be careful of possible jurisdictional problems. The prisoner may be arrested in one jurisdiction and taken to a hospital in another.]*** The supervisor shall observe the following procedures to ensure control of the prisoner:
  - a. If the prisoner is admitted, arrange for guards. Request the presence of a magistrate and arrange for the magistrate's transportation to the hospital.
  - b. Assist the magistrate in arraigning the prisoner, if necessary, or stand by while the magistrate issues a warrant.
  - c. Serve the warrant, if one has been issued. If the magistrate will not release the arrestee on personal recognizance, then contact the ***[local sheriff's office]*** to assume responsibility for security and guard duty at the hospital.
  - d. Until relieved by the sheriff's office, the supervisor shall brief every officer on the duties of guards and shall ensure that guards have radios.

- e. The supervisor shall ensure that guards are checked periodically and relieved as necessary until sheriff's deputies relieve them.
- f. The prisoner shall be kept under observation at all times and, normally, restraining devices shall be used. Officers shall consult with medical personnel concerning the use of restraining devices.

#### H. Special transport problems

##### 1. Transport of prisoner by officer of different sex

- a. When transporting a prisoner of one sex by an officer of another sex, an additional officer may be requested to accompany the transport.
- b. If using a second officer is impractical, at a minimum the transporting officer shall:
  - (1) Contact the dispatcher by radio and request that the time and odometer mileage be logged.
  - (2) Go directly to the destination by using the shortest practical route.
  - (3) Upon arrival at the destination, contact the dispatcher by radio and request that the time and the odometer reading be logged.

##### 2. Prisoner with disabilities

- a. When transporting a prisoner with disabilities, the transporting officer shall request help when needed to complete the transport conveniently, comfortably, and safely for both the prisoner and the officer. The officer may request the dispatcher to contact the rescue squad for assistance. The transporting officer shall take whatever special equipment or medicine is necessary for the prisoner.
- b. With a disabled person in custody, the transporting officer must use common sense. When the disability is such that no danger of escape or injury to the prisoner or officer exists, then restraining devices may be inappropriate.
- c. Any wheelchairs, crutches, prosthetic devices, and medication shall be transported with, but not in the possession of, the prisoner.

##### 3. Transportation of dangerous/security-risk prisoners from one facility to another

- a. Transportation to court: When a prisoner is considered dangerous or a security hazard, the sheriff's courtroom security personnel shall be notified before the transport takes place in order to plan how best to minimize any chance of escape, or injury to the prisoner or anyone else.

I. Restraining devices

1. See GO 2-7 for guidance.
2. When prisoners must be restrained during transport, the following procedures shall be followed unless circumstances require an alternate method.
  - a. A single prisoner shall be handcuffed with both hands behind his or her back. See GO 2-7.
  - b. ***[Note: State here how multiple prisoners should be restrained before they are placed in a police vehicle. Some agencies handcuff multiple prisoners together. Check with your regional academy for a recommendation on technique.]***
  - c. Leg and waist belt restraints may also be used in order to minimize the risk of injury or escape.
  - d. Under no circumstances shall a prisoner be handcuffed to a part of the transport vehicle itself, such as the floor post, protective screen barrier, etc.
  - e. Officers shall use ankle shackles or plastic handcuffs to immobilize legs when transporting any prisoner that might pose an escape risk.
3. Mentally disabled prisoners

If the use of a strait jacket becomes necessary to transport a mentally disturbed prisoner, the officer shall request the assistance of mental health or rescue unit personnel. At no time will a strait jacket be used to restrain prisoners who do not require it.

J. Documentation

Officers shall document all prisoner transports and shall note any unusual circumstances or events. Officers shall document the circumstances of any apparently ill or injured prisoners and their medical treatment. Give names (and badge numbers, as appropriate) of personnel from and to whom the prisoner was released or transferred.





## Chapter 38

### PRISONER TRANSPORTATION

Standards in this chapter concern those directives that should exist pertaining to the prisoner transport function.

Transportation by police departments of persons who are in custody is a constant requirement and a frequent activity. Two general time periods are involved. The first is immediately after arrest, when the prisoner is taken by the arresting officer for booking and holding or transfer to another facility. The second concerns the movement of prisoners from the detention facility, such as the department's holding facility, to a hospital, doctor, dentist, or other medical facility; to court; and for other reasons. Departments should review their policy and procedures covering all types of prisoner transportation.

#### 38.1 Transport Operations

**38.1.1 A written directive requires a search of the prisoner by the transporting officer before being transported.**

*Comments: The transporting officer is legally responsible for the safety and custody of the prisoner being transported. Prisoners should be searched each time they come into the transporting officer's custody, including transport to and from court appearances. (M M M)*

**38.1.2 A written directive requires the search of transport vehicles prior to and after transporting prisoners.**

*Comments: Each time a prisoner is to be transported, the vehicle should be examined to ensure that no weapons or similar items are present. (M M M)*

**38.1.3 A written directive stipulates circumstances under which the transporting officer can stop to respond to the need for police services while transporting a prisoner.**

*Comments: Considering the potential for escape, the safety of the prisoner, and the reason for custody, officers should have some direction for responding to apparent need for police services while transporting prisoners. In most circumstances the officer should call for the assistance of another unit, rather than jeopardize officer or prisoner safety and custody. (M M M)*

**38.1.4 A written directive prescribes the security and control of prisoners transported to medical care facilities for treatment or examination.**

*Comments: If the prisoner is admitted to the hospital, the department should provide for security as necessary. (M M M)*

**38.1.5 A written directive requires that the department notify the judge of the court when a prisoner to be transported to court is considered a security hazard.**

*Comments: In such cases, the judge may allow or direct the use of restraining devices in the court and may request the assignment of additional security officers to the court. (M M M)*

### **Special Transport Situations**

**38.2.1 A written directive governs situations permitting transport of prisoners by officers of the opposite sex, with exceptions defined.**

*Comments: In such situations, procedures should provide for recording time of departure, time of arrival, and mileage of the vehicle. (M M M)*

**38.2.2 A written directive prescribes methods used in transporting mentally disturbed, handicapped, sick or injured prisoners.**

*Comments: These prisoners present conditions for their transport that dictate special care and attention. (M M M)*

**38.2.3 A written directive prescribes the use of restraining devices on mentally disturbed, handicapped, sick or injured prisoners.**

*Comments: It should not be assumed that restraining devices are not required on these prisoners. (M M M)*

### **Restraining Devices**

**38.3.1 A written directive stipulates prisoners are to be restrained during transport, with exceptions noted.**

*Comments: It is necessary for officers to know when and how prisoners are to be restrained and when, where, and how particular restraining devices are to be employed, including special and prohibited methods. (M M M)*

### **Documentation**

**38.4.1 A written directive prescribes the documentation that must accompany the prisoner being transported.**

*Comments: Proper documentation should accompany the prisoner depending upon the reason for transportation. (M M M)*

**38.4.2** A written directive requires that information relating to the prisoner's escape or suicide potential or other personal traits of a security nature be included in the documentation that accompanies the prisoner during transport.

*Comments: The escort officer should be specifically alerted to any potential security problems that the prisoner may present during transport. This information should include escape or suicidal tendencies as well as unusual illnesses. (M M M)*



FUNDED BY A GRANT FROM THE  
TEXAS COURT OF CRIMINAL APPEALS

## **TEXAS MUNICIPAL COURTS EDUCATION CENTER**

1609 SHOAL CREEK BOULEVARD, SUITE 302 AUSTIN, TEXAS 78701  
TELEPHONE (512) 320-8274  
1-800-252-3718  
FAX (512) 320-0996

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# **FRAUDULENT DOCUMENTS**

**Presented by**

**Sgt. Mark Lockridge  
and  
Capt. Jerome Powell  
Department of Public Safety**

By the end of the session, students will be able to:

1. Define questioned document, forgery, government record, tampering with government record, false statement to obtain credit, and false report to a peace officer.
2. Identify court documents that may become questioned documents through the course of business.



**FRAUDULENT DOCUMENT  
TRAINING**

SERGEANT MARK LOCKRIDGE

DRIVER LICENSE FIELD SERVICE  
TEXAS DEPARTMENT OF PUBLIC SAFETY

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**Fraud**

- **The intentional misrepresentation or concealment of information in order to deceive or mislead.**
- **Why commit fraud?**
  - Generate illegitimate revenue
  - Escape consequences of an act
  - Commit crime
  - Gain rights of citizenship

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**OTHER TERMS:**

- **Identity Theft**
  - When someone uses another person's authentic information to gain illegal access to that person's funds or credit.
- **Title Washing**
  - Removing a salvage, rebuilt, flood, or junk brand on a title.

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## Alteration

- Any attempt to change or modify an authenticate document



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## Counterfeit

- Any document created from "scratch" intended to duplicate or mimic an authentic document



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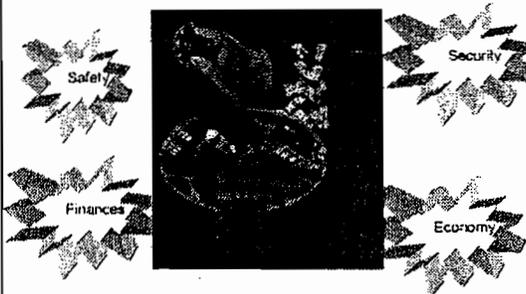
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## WHAT IS THE IMPACT?



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## Financial Impact

### • Financial

- The FBI tracks fraud cases over \$100,000

↑1981	1,825 cases	
↑1992	26,831 cases	1,376 percent
	increase	

- Losses to financial institutions (banks, credit card companies) estimated at \$2.5 billion in 2000, expected to be over \$8 billion by 2005

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## Economic Impact

### • Economic

- Odometer fraud is estimated to cost consumers \$4 to \$10 billion annually (NHTSA, 2002)
- The average organization loses about 6% of its annual revenue to fraud and abuse committed by its employees

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## Personal Impact

### • Personal

- Average cost in time and dollars to repair damage done by identity theft:
  - ↑175-200 hours on phone calls, police reports, fraud affidavits with credit bureaus, etc.
  - ↑\$1,100+ in out-of-pocket expenses

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## Emotional Impact

- Emotional
  - Vulnerability – Loss of personal sense of security and privacy
  - Estimates report 1 out of every 5 Americans or a member of their family has been a victim of identity theft

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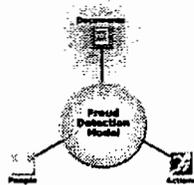
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## The Fraud Detection Model helps:

Prevent the issuance of legitimate documents based on fraudulent documents or impersonators

Identify existing fraudulent documents and pursuing the out lined jurisdictional policies and procedure



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## Attention to Detail

- According to a research at Cambridge University, when our brain processes information, it doesn't matter in what order the letters in a word are, as long as the first and last letter are in the right place. The rest can be a total mess and you can still process it without a problem.
- This is because the human mind does not read every letter by itself, but the word as a whole. Amazing huh?

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## Evaluating a Document

- **Remove** - Always remove document from wallet or any plastic covering.
- **Look** - Check for presentation/integrity of document and visual security features.
- **Touch/Feel** - Does the card have integrity by touch; feel right?
- **Examine** - Closely evaluate the document to determine its authenticity.

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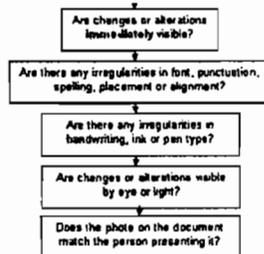
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## Document Evaluation Process

After listening to the customer and observing his/her behavior, you will evaluate the document (s):



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## Examining Paper Documents,

- Layering of Security Features **First Layer: Is the blank page.**
- Contains security features added during manufacturing **Second Layer:**
- Contains security features and other pre-printed information required by issuing jurisdiction.

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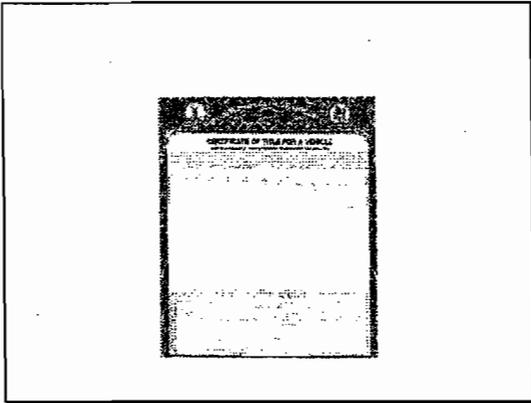
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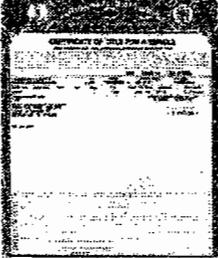
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**Third Layer:**  
Contains information added by the issuing jurisdiction and information regarding the vehicle.



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**Fourth Layer:**  
Contains information regarding purchase or sale of the vehicle. This information is added by the buyer or seller.

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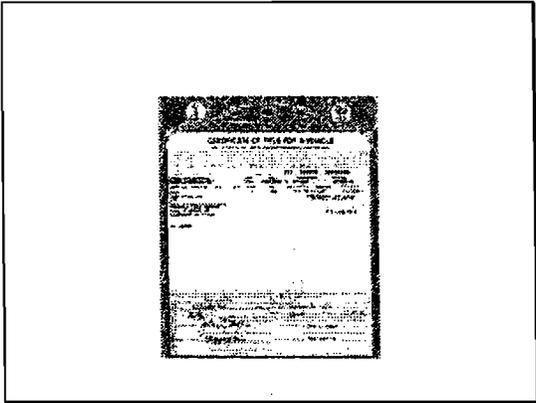
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### Fonts used in each of the Layers

- Look at the three different fonts used on a Title.
- Each layer has a different font.



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### Two Types of Printing

- Pre-Printed
  - Placed on the paper prior to the personalization of the document
  - Usually words that request information
- Variable-Printed
  - Usually printed after the document has been created
  - Placed within areas that are requesting information

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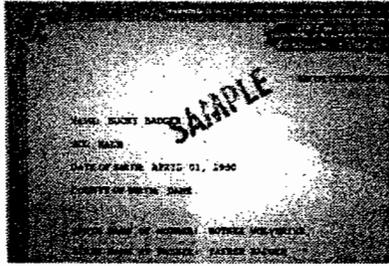
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Pre-printed information on a Birth Certificate.



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Example of Variable-Printed Type



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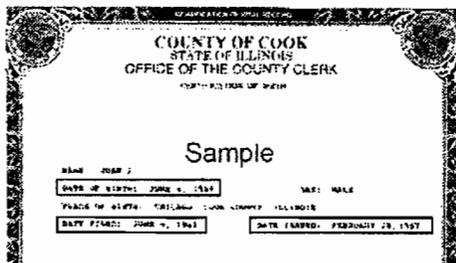
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Example of Date Of Birth, Filing Date, and Issue Date



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IN JUNE 2015

TEXAS DRIVER LICENSE NUMBER 15945847

In Testimony Whereof, I hereunto set my hand and affix the seal of the Department of Public Safety of the State of Texas. Done at my office, in the City of Austin, this 24th day of June A.D., 2016.

*Joseph E. Brown*

Joseph E. Brown, Manager  
Driver Records Bureau  
Texas Department of Public Safety



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### CHECKING VEHICLE INSURANCE CARDS

- Use the paper document examination techniques.
- Call the insurance agent or company.
- The telephone number is usually on the card. Most times it is a 1-800 number.
- Check the Texas Department of Insurance (TDI) web site.

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### INSURANCE INFORMATION

- Texas Department of Insurance web site:
- www.tdi.state.tx.us
- Consumer Helpline: 1-800-252-3439

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## TDI ADDRESS

Texas Department of Insurance  
TDI Fraud Unit  
PO Box 149336  
MC 109-3A  
Austin, Texas 78714-9336

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## Examining Laminated and Plastic Documents,

- **Laminate: A protective covering applied over card stock or paper secure documents**
  - Sometimes applied to plastic cards
  - Protects the information on a document
  - Hinders the ability to alter a document for fraudulent purposes
  - Can be thick (pouch-like) or thin, depending on how it is applied
  - Attempts to remove may damage the laminate or printing on the document beneath it

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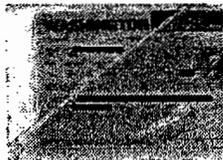
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## Thick Laminate

- **Thick Laminate** can be described as pouch-like and can:
  - Frequently exceed the edges of the document to create a laminate border
  - Be easier to peel than a thin laminate



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## Thin Laminate

- Full Laminate covers the entire document.
- Partial Laminate does not meet the document edge.



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Counterfeits

And

Alterations

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Count the F's

**FINISHED FILES ARE THE RESULT OF YEARS OF SCIENTIFIC STUDY COMBINED WITH THE EXPERIENCE OF MANY YEARS.**

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## Reasons to Create Fraudulent Documents

<b>Personal Identification</b> Generate illegitimate- unearned revenue Misrepresentation of self Escape consequences of an act Gain access to authorized areas Gain rights of Citizenship	<b>Vehicle Identification</b> Criminal Enterprise  Personal Gain	<b>Immigration</b> Criminal Enterprise  Establish legal presence Gain rights of citizenship
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## Fields Commonly Altered

<b>Personal Identification</b> Name / Signature Age / date of birth Photo Expiration date Address Serial number Gender Social security number	<b>Vehicle Identification</b> VIN Odometer Brand Odometer brand (ref to quality of odometer reading) Sale price Purchase date Signature (purchaser/seller) Dealer reassignment and ID	<b>Immigration</b> Name / Signature Expiration date Photo Birth Date Serial number Immigration Name / Signature
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## "Dead Giveaways" for Counterfeits and Non-Government Issued Documents

<b>The WORD or OVD on the Card says...</b> The PICTURE on the Card is... Genuine    Secure    Authentic Disclaimers    Novelty    Valid Non-Government Issue	<b>The PICTURE in the OVD is...</b> Key Lock Globe Eagle Head Map of USA Seal of Authenticity
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Does the document have:  
 Brown magnetic stripe vs. a black magnetic stripe  
 Is the document labeled: "International Driver License"

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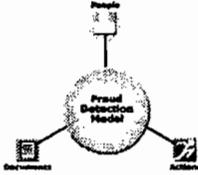
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## Fraud Detection Model: People



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## What are Interviewing Techniques?

- Use interviewing techniques to determine if an individual is falsely presenting himself or his intentions.
- The documents that he is presenting may be fraudulent or he may not be the lawful holder.

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## The People Factor: Observation, Interviewing, and Evaluation Techniques

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## Listening to the Customer

- **Be a good listener...**
- Listen to the entire response and watch behavior.
- Don't ask another question before s/he answers.
- Listen for "misdirects"
  - "That's a great picture of your dog..."
  - "I don't understand what you're saying."
- Observe the person's reaction to each question.

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## What are Interviewing Techniques?

- Use interviewing techniques to determine if an individual is falsely presenting himself or his intentions.
- The documents that he is presenting may be fraudulent or he may not be the lawful holder.

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## Observation is Essential

- You may determine that the situation is suspicious if you observe:
  - Avoidance of eye contact
  - Nervousness or fidgeting
  - Stammering or stuttering
  - Rapid speech or excessive friendliness or rudeness
  - Interruption by either coughing or clearing of throat
  - Repeating questions back to you
  - Physical signs of discomfort

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## Observing People

- Body language (fidgeting, nervous)
- Inability to maintain eye contact
- Aggressiveness
- Overly friendly attitude
- Over-confident
- Checking each answer with a buddy

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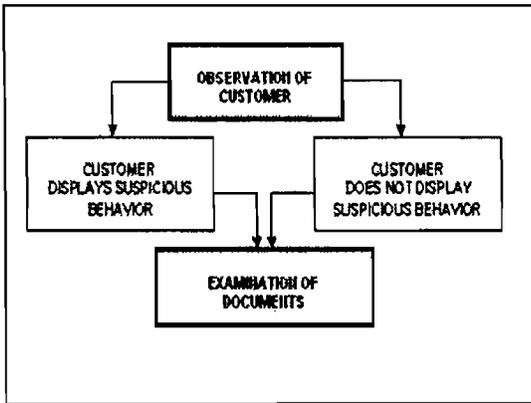
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## The Big Shot

Must be seen immediately  
Threatens employees  
Demanding  
Orders service, does not request it  
Rules don't apply to me  
Issues ultimatums and deadlines



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## The Hysteric

- Overly dramatic
- Animated
- Explodes over small issues
- Throws tantrums
- Exaggerated emotional behavior
- Appears out of control



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## The Foul Mouth



- Uses profanity freely
- Cruel, sarcastic, attacks others
- Cautic, angry
- Attempts to scare or intimidate employees
- Crude, shows no regard for others' feelings

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## The Whiner

- Complains about everything
- Makes excuses
- Treats small problems as big ones
- Blames others for everything that goes wrong



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## The Jerk



Deliberately misunderstands  
 Passive/Aggressive - knows just how far to go  
 Pretends not to hear or is slow to respond  
 Stubborn, refuses to cooperate  
 Seize opportunities to make things complicated or difficult

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## The Normal One



Too compliant  
 Overly friendly  
 Too complimentary or too nice  
 Too confident

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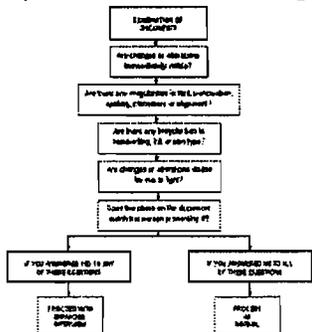
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## Expanded Interviewing ?




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## Expanded Interviewing Techniques

- Your goal is to gather relevant information for further investigation by your fraud unit or appropriate law enforcement authority.
- Your interview questions should reveal:
  - **When**
  - **Who**
  - **How**
  - **Where**
- ...the fraudulent documents were created.

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## Expanded Interviewing Techniques

### Counterfeits

- If you suspect counterfeit plastic and/or paper documents, you can ask where, how and when the document (s) was acquired. Some suggestions:
- **Example:** What agency produced this document?
- **Example:** Where did you receive this title and from whom?
- **Example:** When did you receive this document?
- **Example:** How did you get this document?
- Remember, this should not sound like an interrogation

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## Expanded Interviewing Techniques

### Alterations

- If you suspect alterations, you can ask questions that relate to the customer's application and information that you suspect has been altered. Some suggestions:
- **Example: Driver's License**
- Did you just move here? From where? What is that near?
- **Example: Social Security Card or Birth Certificate**
- Could you tell me your date of birth starting with the year, month, and date?
- **Example: Title - Odometer Disclosure Statement**
- Is the odometer reading 0 4 8 0 2 4 or 1 4 8 0 2 4?
- Remember, this should not sound like an interrogation.

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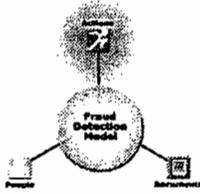
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## Fraud Detection Model: Actions



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**WHAT**

**IS**

**THE**

**LAW?**

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## Federal Law

- Title 18 USCA § 1028, anyone who produces, transfers or possesses an identification document with the intent to commit fraud is subject to a fine or imprisonment for up to 15 years, or both

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- This includes producing, transferring and possessing a document making implement (e.g. hardware, software, impressions, etc.) that is used to create fraudulent documents.

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WHAT ABOUT STATE LAW?

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**PENAL CODE**

- SEC. 32.51. Fraudulent Use or Possession of Identifying Information
- SEC. 37.10 Tampering with Governmental Record.

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**TRANSPORTATION CODE**

- Sec. 521.451(1) Display Altered or Fictitious DL.
- Sec. 521.451(1) Fictitious Driver License in Possession
- Sec. 521.455 Use of Illegal License or Certificate
- Sec. 521.456 Forging or Counterfeiting DL or ID Certificate.

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**FRAUDULENT USE OR POSSESSION OF IDENTIFYING INFORMATION**

- Identifying Information: means information that alone or in conjunction with other information identifies an individual, including an individual's -

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- Name
- Date of Birth
- Social Security Number
- Government issued identification number
- Unique biometric data –
  - Individual's fingerprint
  - Voice print
  - Retina or iris image

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- Financial institution account number

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**FRAUDULENT USE OR  
POSSESSION OF IDENTIFYING  
INFORMATION**

- A person commits an offense if the person obtains, possesses, transfers, or uses identifying information of another without the other person's consent and with the intent to harm or defraud another.
- An offense under this section is a State Jail Felony.

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- If a court orders a defendant convicted under this section to make restitution to the victim of the offense, the court may order the defendant to reimburse the victim for lost income or other expenses, other than attorney's fees, incurred as a result of the offense.

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**TAMPERING WITH A  
GOVERNMENTAL RECORD**

- A person commits an offense if he:
- Knowingly makes a false entry in or false alteration of, a governmental record.
- Makes, presents, or uses any record, document or thing with knowledge of its falsity and with intent that it be taken as a genuine governmental record.

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- Intentionally destroys, conceals, removes, or otherwise impairs the verity, legibility, or availability of a governmental record
- Possesses, sells or offers to sell a governmental record or blank governmental record form with the intent that it be used unlawfully.
- Makes, presents, or uses a governmental record with knowledge of its falsity.

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- Possesses, sells, or offers to sell a governmental record or blank governmental record form with knowledge that it was obtained unlawfully.
- Punishment:
- Sec. (c)(1) Except as provided by Subdivision (2) and by Subsection (d), an offense under this section is a Class A Misdemeanor unless the actor's intent is to defraud or harm another, in which event the offense is a State Jail Felony

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- (2) An offense under this section is a Felony of the third (3<sup>rd</sup>) Degree if it is shown on the trial of the offense that the governmental record was a public school record, report, or assessment instrument required under Chapter 39, Education code, or was a license, certificate, permit, seal, title, letter of patent, or similar document issued by government, by another state, or by the USA, unless the actor's intent is to defraud or harm another, in which event the offense is a Felony of the second (2<sup>nd</sup>) Degree.

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- (d) an offense under this section, if it is shown on the trail of the offense that the governmental record is described by Section 37.01 (2)(D), is:
- A Governmental Record is:
- A Court Record: This includes a decree, judgment, order, subpoena, warrant, or other document issued by a court. This does not have to be a court of record.

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- Standard proof of motor vehicle liability insurance form
- An official ballot or other election record
- Anything required by law to be kept by others for information of government.
- A license, Certificate, permit, seal, title, letter of patent, or similar document issued by the government, by another state, or by the US Government.

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**Sec. 521.451 Display Altered or Fictitious DL or Fictitious DL in Possession**

- A person may not display, cause or permit to be displayed, or have in the person's possession a driver license or certificate that the person knows is fictitious or has been altered.
- An offense under this section is a Class A Misdemeanor

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**Sec. 521.455 Use of Illegal License or Certificate**

- A person commits an offense if the person intentionally or knowingly uses a driver license or certificate obtained in violation of Sec. 521.451 or 521.454 to harm or defraud another
- An offense under this section is a Class A Misdemeanor

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**Sec. 421.456(a) Delivery or Manufacture of Counterfeit Instrument**

- A person commits an offense if the person possesses with the intent to sell, distribute, or deliver a forged or counterfeit instrument that is not printed, manufactured, or made by or under the direction of, or issued, sold or circulated by or under the direction of, a person, board, agency, or authority authorized to do so.

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- An offense under this subsection is a Class A Misdemeanor

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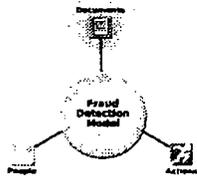
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### The Fraud Detection Model helps:

Prevent the issuance of legitimate documents based on fraudulent documents or impersonators

Identify existing fraudulent documents and pursuing the outlined jurisdictional policies and procedures




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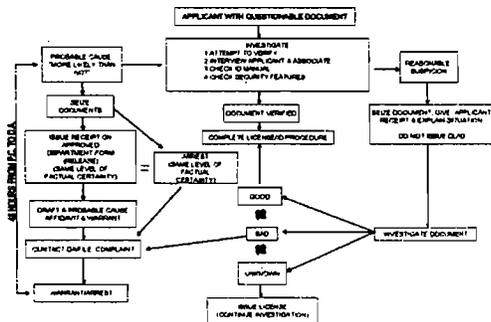
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#### DOCUMENT INVESTIGATION




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**Carl Sagan:**

One of the saddest lessons of history is this:  
If we've been bamboozled long enough,  
we tend to reject any evidence of the  
bamboozle. The bamboozle has captured  
us. Once you give a charlatan power over  
you, you almost never get it back.

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# **CITATIONS: TICKETS ARE FOR CONCERTS & SPORTING EVENTS**

**Presented by**

**Ryan Kellus Turner  
TMCEC General Counsel &  
Director of Education**

By the end of the session, students will be able to:

1. Identify legal issues governing citations and the issuance of citations.
2. Learn the legal ramifications of certain acts involving issuing or modifying citations.
3. Know the instances when probable cause is required along with the citation to issue warrants.



## **Citations: Tickets are for Concerts and Sporting Events**

TMCEC Academic Year 2006-2007

October 9, 2006

Revision Date: January 3, 2007

### **1. What is a “citation”?**

- a. Black Law Dictionary defines the terms as meaning “An order, issued by the police, to appear before a magistrate or a judge at a later date. A citation is commonly used for minor violations (e.g. traffic violations); thus avoiding having to take the suspect into immediate physical custody.”
- b. Section 703.001 of the Texas Transportation Code states that the term’s meaning is assigned by Article II, Section (b) of the Nonresident Violator Compact of 1977 which provides: “any summons, ticket, or other official document issued by a police officer for a traffic violation containing an order which requires the motorist to respond.”
- c. Chapter 543 of the Transportation Code does not use the term “citation” but rather “written notice to appear in court.”
- d. Commentary: Citations are wonderful time saving devices that to a certain extent substitute for (1) full custodial arrest (2) notice of charges (3) release on recognizance

### **2. What does the law require be printed on a citation?**

- a. Section 543.003 of the Transportation Code states that the written notice to appear in court must contain
  - i. The time and place the person is to appear
  - ii. The offense charged
  - iii. The name and address of the person charged, and
  - iv. If applicable, the license number of the person’s vehicle
- b. Article 14.06 of the Texas Code of Criminal Procedure states that a citation must contain
  - i. Written notice of the time and place the person must appear before a magistrate
  - ii. Name and address of the person charged
  - iii. The offense charged

c. Other statutes:

i. **10 Days Rule: Transportation Code § 543.006. TIME AND PLACE OF APPEARANCE.**

1. (a) The time specified in the notice to appear must be at least 10 days after the date of arrest unless the person arrested demands an earlier hearing.
2. (b) The place specified in the notice to appear must be before a magistrate having jurisdiction of the offense who is in the municipality or county in which the offense is alleged to have been committed.
3. Note: There is no parallel rule for citations issued under the Code of Criminal Procedure.

ii. **Transportation Code § 543.007. NOTICE TO APPEAR: COMMERCIAL VEHICLE OR LICENSE.** A notice to appear issued to the operator of a commercial motor vehicle or holder of a commercial driver's license or commercial driver learner's permit, for the violation of a law regulating the operation of vehicles on highways, must contain the information required by department rule, to comply with Chapter 522 and the federal Commercial Motor Vehicle Safety Act of 1986 (Title 49, U.S.C. Section 2701 et seq. - this provision was renumbered as Title 49, U.S.C. Section 31302).

1. The proposition that a citation issued to the holder of a CDL must contain the social security number of the driver is widely accepted but not expressly stated in federal or state law. Section 31308(4)(B) of the he Federal Commercial Motor Vehicle Act of 1986 requires that the license contain the social security account number or other number the Secretary of Transportation determines is necessary to identify the driver. Section 543.201 of the Transportation Code requires courts to keep records reflecting that a person is charged with a law violation relating to the operation of a motor vehicle on a highway. Section 543.202 requires "the record must be made on a form or by a data processing method acceptable to the department and must included, among other things, the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial driver's learning permit. Since such license holders are not required by law to make an appearance in court, and because such information is still manually reported by court to DPS via the citation, the only was that this information can be recorded and reported by the courts is if it is collected by a peace officer at the time the citation is issued.

- iii. **Transportation Code § 543.010. SPECIFICATIONS OF SPEEDING CHARGE.** The complaint and the summons or notice to appear on a charge of speeding under this subtitle must specify:(1) the maximum or minimum speed limit applicable in the district or at the location; and (2) the speed at which the defendant is alleged to have driven.
- iv. **Transportation Code § 601.233. NOTICE OF POTENTIAL SUSPENSION.** (a) A citation for an offense under Section 601.191 issued as a result of Section 601.053 must include, in type larger than other type on the citation, except for the type of the statement required by Section 708.105, the following statement: "A second or subsequent conviction of an offense under the Texas Motor Vehicle Safety Responsibility Act will result in the suspension of your driver's license and motor vehicle registration unless you file and maintain evidence of financial responsibility with the Department of Public Safety for two years from the date of conviction. The department may waive the requirement to file evidence of financial responsibility if you file satisfactory evidence with the department showing that at the time this citation was issued, the vehicle was covered by a motor vehicle liability insurance policy or that you were otherwise exempt from the requirements to provide evidence of financial responsibility."
- v. **Chapter 702, Transportation Code – “Contract for Enforcement of Certain Arrest Warrants”;** Section 702.004(b) "The warning must state that if the person fails to appear in court as provided by law for the prosecution of the offense or fails to pay a fine for the violation, the person might not be permitted to register a motor vehicle in this state." (This is often referred to as the Failure to Appear Program. DPS's vendor for this program is Omnibase Services.)
- vi. **Transportation Code § 706.003. WARNING; CITATION.** (a) If a political subdivision has contracted with the department, a peace officer authorized to issue a citation in the jurisdiction of the political subdivision shall issue a written warning to each person to whom the officer issues a citation for a violation of a traffic law in the jurisdiction of the political subdivision. (b) The warning under Subsection (a): (1) is in addition to any other warning required by law;(2) must state in substance that if the person fails to appear in court as provided by law for the prosecution of the offense or if the person fails to pay or satisfy a judgment ordering the payment of a fine and cost in the manner ordered by the court, the person may be denied renewal of the person's driver's license; and (3) may be printed on the same instrument as the citation.
- vii. **Transportation Code § 708.105. NOTICE OF POTENTIAL SURCHARGE.** (a) A citation issued for an offense under a traffic law of

this state or a political subdivision of this state must include, in type larger than any other type on the citation, the following statement: "A conviction of an offense under a traffic law of this state or a political subdivision of this state may result in the assessment on your driver's license of a surcharge under the Driver Responsibility Program." (b) The warning required by Subsection (a) is in addition to any other warning required by law.

- viii. **Data for Racial Profiling.** Article 2.132 of the Code of Criminal Procedure provides the each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. One of the seven requirements requires "collection of information relating to traffic stops in which a citation is issued and arrests resulting from those traffic stops, including information relating to: (A) the race and ethnicity of the individual detained; and (B) whether a search was conducted and, if so, whether the person detained consented to the search." The data is then submitted to the local governing body as part of an annual report on racial profiling.
- ix. **Right to a Driving Safety Course or Motorcycle Operators Course.** Article 45.0511(q) of the Code of Criminal Procedure states "A notice to appear issued for an offense to which this article applies must inform a defendant charged with an offense under Section 472.022, Transportation Code, an offense under Subtitle C, Title 7, Transportation Code, or an offense under Section 729.001(a)(3), Transportation Code." The required boilerplate language reads: "You may be able to require that this charge be dismissed by successfully completing a driving safety course or a motorcycle operator training course. You will lose that right if, on or before your appearance date, you do not provide the court with notice of your request to take the course."
- x. **"The Address Obligation":** Article 45.057(h) of the Code of Criminal Procedure imposes an obligation of a child and/or parent to keep the court informed of the child's current address. For the obligation to become effective, notice must be provided to the child, parent, or both. One of the three ways that a person may be placed under such an obligation is by being provided with a copy of the language of the subsection at the time they are issued a citation.

**Special Rule for Commercial Motor Vehicles:** Section 16.100 of the Texas Administrative Code states: A traffic citation issued to a person driving a commercial motor vehicle (CMV), or who is the holder of a commercial driver's license or commercial driver's learner's permit, for a violation of any law regulating the operation of vehicles on highways, must be on a form that contains the following information: (1) the name, address, physical description, and date of birth of the party charged; (2) the number,

if any, of the person's driver's license; (3) the registration number of the vehicle involved; (4) whether the vehicle was a CMV as defined in Texas Transportation Code, Chapter 522; (5) whether the vehicle was involved in the transporting of hazardous materials; and (6) the date and nature of the offense, including whether the offense was a serious traffic violation as defined in Texas Transportation Code, Chapter 522.

**3. Who is responsible for compiling and manufacturing of a citation?**

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**4. Does Texas statutory law consider a person “under arrest” at the time they are issued a citation?**

**ANSWER:                    YES                                    NO                                    IT DEPENDS**

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**References:**

Section 543.003, Transportation Code:

Article 14.06 of the Code of Criminal Procedure

**5. Does the “investigatory stop” of motorist constitute a “seizure” under the 4<sup>th</sup> Amendment?**

**ANSWER:                    YES                                    NO                                    IT DEPENDS**

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**References:**

a. *U.S. v. Martinez-Fuerte*, 428 U.S. 543 (1976); *U.S. v. Brignoni-Ponce*, 422 U.S. 873 (1975).

i. A “seizure” occurs when (1) a suspect’s freedom of movement is restricted and (2) the suspect is brought under the officer’s control either by either a submission to a show of legal authority or physical restraint.

- b. “Investigatory stops” and “arrests” are both seizures. But, not all “investigatory stops” are “arrests.”
  - i. An “investigatory stop” is a seizure of limited scope and duration in which a peace officer is required to have reasonable suspicion that the suspect is involved in criminal activity.
  - ii. An “arrest” is a seizure of broader scope that exceeds the boundaries of an “investigatory stop.”
- c. Despite popular misconception, peace officers do not have the authority to stop motorists at random without reasonable suspicion to see their driver’s license or vehicle registration. *Delaware v. Prouse*, 440 U.S. 648 (1979). The narrow exception to this rule involves checkpoint stops that are governed by special rules.
- d. Section 521.025(b) of the Texas Transportation Code states that a peace officer may stop and detain a person operating a motor vehicle to determine if the person has a driver’s license. While this statute by itself could be read to authorize exactly what *Prouse* prohibits, the statute should be read in light of case law. The Court of Criminal Appeals, though refusing to apply it retroactively, acknowledged *Prouse* as it relates to 521.025(b) *Lockett v. State*, 586 S.W.2d 524 (Tex.Crim.App. 1979). Most subsequent case law can be distinguished because the stop was coupled with probable cause for another offense. The Court of Criminal Appeals has generally not responded positively to peace officers’ efforts to use 521.025(b) as a subterfuge to stop drivers. *McMillian v. State*, 609 S.W.2d 784 (Tex.Crim.App. 1980). More recent cases tend to involve the intermediate courts examining the alleged existence of such “subterfuge” by law enforcement.

**6. Who has the legal authority to issue a citation?**

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**7. Under state law, who has the authority to issue citations for city ordinance violations?**

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**References:**

Presumably this is pursuant to Texas Local Government Code Section 51.001 which states that a “City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City.”

Caution: such citations must be distinguished from those issued by peace officers. “While the actions of ‘Code Enforcement Officers’ in stopping people ... and questioning them may not *per se* constitute arrests, very little more force may be necessary before such a situation become one in which a ‘persons liberty of movement is restricted or restrained.’ *Amores v. State*, 816 S.W.2d. 407, 411 (Tex.Crim.App. 1991)” Texas Attorney General Letter Opinion No. 95-027 (1995).

**8. May a peace officer issue a citation for offenses other than fine-only offenses?**

**ANSWER:**                      **YES**                      **NO**                      **IT DEPENDS**

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**9. Are peace officers required to issue citations for most fine-only offenses?**

**ANSWER:**                      **YES**                      **NO**                      **IT DEPENDS**

**References:**

Section 543.004, Transportation Code

*Atwater v. City of Lago Vista*, 532 US 318 (2001).

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**10. What happens if a peace officer fails to comply with the “release with promise to appear” provisions of the Transportation Code?**

**Reference:** 543.008, Transportation Code

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**11. Under what circumstances is a peace officer legally authorized to issue a citation?**

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As all arrests require probable cause, the peace officer must have probable cause that the suspect has committed a Class C misdemeanor or offense otherwise punishable upon conviction by the imposition of a fine-only.

Probable cause must be coupled with one of the following statutory exceptions contained in the Texas Code of Criminal Procedure:

1. Offense within presence or view if “classed as an offense against the public peace” (Article 14.01(a))
2. Any offense committed in his presence or within his view (Article 14.01(b))
3. Within view of magistrate (Art. 14.02)
4. The “cacophony of confusion” (Art. 14.03(a)(1))
  - a. Suspicious Places
  - b. Disorderly Conduct
  - c. Threatened or attempted offenses.
5. Class C offense involving family violence (Article 14.03(a)(4))
6. Preventing consequences of theft (Article 18.16)

**12. Are there any circumstances where a peace officer is not authorized to issue a citation?**

Yes.

a. \_\_\_\_\_

Art. 14.031, Code of Criminal Procedure provides that the individual may be released if:

- i. The officer believes that incarceration is unnecessary for the protection of the individual or others; and

- ii. Either the individual is either (1) released to the care of an adult who agrees to assume responsibility for the individual, or (2) verbally consents to voluntary chemical dependency treatment and is admitted for treatment in a program in a treatment facility licensed by the Texas Commission on Alcohol and Drug Abuse (TCADA).
- iii. Presumably such individuals are to be charged by the filing of a sworn complaint.

b. **Private roadways.** A peace officer has no authority to issue a citation for a traffic offense on the private streets, and if such a citation is issued, it may not be prosecuted. Article III, section 52 and article XI, section 3 of the Texas Constitution prohibit the use public monies to enforce state and municipal traffic laws on its private streets. Texas Atty.Gen. Op. No. JC-0016 (1999).

**13. What happens if a person refuses to sign a citation?**

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The 1<sup>st</sup> Court of Appeals (Houston) in *Berrett v. State*, 152. S.W.3d 600 (2005) stated, in the context of seat belt violation, that there is no discrepancy between Article 14.06(b) and the requirement of Chapter 543 of the Transportation Code. Rather the two provisions should be read in unison and that Chapter 543 merely builds upon the framework of Article 14.06(b).

Alternatively, the peace officer or another person with knowledge may file a sworn complaint in court and upon a request from a prosecuting attorney the defendant may be summonsed to appear in court. See, Article. 45.018 and 23.04, Code of Criminal Procedure.

**14. Does the law authorize citations to be issued via mail?**

**ANSWER:                      YES                      NO                      IT DEPENDS**

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**Reference:** *Carson v. State*, 65 S.W.3d 774 (Tex.App.-Fort Worth 2001).

**15. Is a person’s obligation to appear in court following the issuance of a citation in anyway effected by the addition of protest words, e.g. “forced to sign under threat, duress, and coercion?”**

**ANSWER:                      YES                                      NO                                      IT DEPENDS**

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**16. If an individual is arrested and taken to jail, can the citation alone serve as probable cause for the defendant’s arrest?**

**ANSWER:                      YES                                      NO                                      IT DEPENDS**

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**References:**

In *Gerstein v. Pugh*, 420 U.S. 103 (1975) the U.S. Supreme Court held that a suspect arrested without a warrant is entitled under the 4<sup>th</sup> Amendment to a prompt determination of probable cause.

In *Sanders v. City of Houston*, 543 F.Supp. 694 (S.D.Tex 1982) the court held that a probable cause determination must occur at the Article 15.17 presentation before a magistrate. It enjoined the City of Houston for detaining arrested persons for longer than 24 hours.

In *County of Riverside v. McLaughlin*, 500 U.S. 44 (1991), the U.S. Supreme Court created a right to have probable cause determined generally within 48 hours of a warrantless arrest.

Probable cause determinations during the presentation before a magistrate have become a matter of local practice (Dix and Dawson, Texas Practice Series – Sec. 15.04). Article 15.17 of the Code of Criminal Procedure does not, however, contain any such requirement

As part of the Texas Fair Defense Act of 2001, Article 17.033(b) of the Code of Criminal Procedure was amended to require that misdemeanants be released on a \$5,000 personal recognizance bond if probable cause has not be determined by a magistrate within 24 hours of arrest. While this amendment is not part of Article 15.17, to a certain degree it codifies the essence of *Gerstein* and its progeny.

**17. Without more, can a citation be the basis for issuing an arrest warrant?**

**ANSWER:                      YES                      NO                      IT DEPENDS**

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**References:**

- a. The citation can be the basis from which an affiant may attest to information that may suffice as probable cause and justify the issuance of a warrant. *State v. Martin*, 833 S.W.2d 129 (Tex.Crim.App. 1992).
- b. Remember the confusion over the word “complaint” that is unique to Texas criminal law. The confusion surrounding the statutory use of the word “complaint” was noted in *Ex Parte Greenwood*, 165 Tex.Crim. 349, 307 S.W.2d 586 at 587 (1957) when the Court said, “an examination of [the relevant Articles] will disclose that the complaint by which prosecutions in the corporation are commenced is not the same as the affidavit or complaint which supports an information.” For additional information, see “Complaints, Complaints, Complaints: Don’t Let the Language of the Law Confuse You,” *Municipal Court Recorder*, Vol. 13, No. 6 (July 2004) at 6.

**18. If the issuance of a citation is an “arrest and release,” can a peace officer search a person’s automobile?**

**ANSWER:                      YES                      NO                      IT DEPENDS**

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**References:**

*Knowles v. Iowa*, 525 U.S. 113 (1998)

**19. Is a citation an “arrest” for 5<sup>th</sup> Amendment self-incrimination purposes?**

**ANSWER:                      YES                      NO                      IT DEPENDS**

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**Reference:** *Berkemer v. McCarty*, 468 U.S. 420 (1984)

**20. Is it legal for an issuing agency to “void” a citation?**

**ANSWER:                      YES                      NO                      IT DEPENDS**

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**References;**

In *City of Houston v. Cotton*, 171 S.W.3d 541(Tex.App. [Houston] 14<sup>th</sup> Dist. 2005), the Court held that a former sanitarian’s alleged ticket fixing scheme did not constitute a whistleblower action because she failed to provide substantial proof that a violation of law occurred. In dicta, the court accepted the proposition that if the sanitarian’s supervisor or any other person “destroyed” a citation once it was “in the system,” there would have been a violation of the law. In this instance, however, citations were being “voided” and placed in a folder for voided citations. One witness testified, and the court did not disagree, that a document was officially designated a "government document" once "it goes through the system." Accordingly, under the unambiguous language of Section 37.10 of the Penal Code (tampering with a governmental document), if managers in the City of Houston Health Department, in the course of their official duties, marked citations as void or decided not to pursue them further, without destroying, concealing, removing, or otherwise impairing the verity, legibility, or availability of the citations, their conduct would not violate Section 37.10.

While a plain reading of the Section 37.10 of the Penal Code reveals other possible ways that a citation could possibly be the basis of an alleged violation of the statute (e.g., selling, stealing, or otherwise fraudulently using citations), the Court of Criminal Appeals decision in *State v. Vasilas*, 187 S.W.3d 486 (Tex.Crim.App. 2006) rejected the notion that a “governmental record” excludes documents filed with courts. Debatably, this lends credence to the notion that a citation is government record when filed in municipal court. It should not, however, be construed to mean that a document, such as a citation, cannot be a governmental record until it is filed in court.

**21. Is a citation a formal charging instrument?**

**ANSWER:                      YES                      NO                      IT DEPENDS**

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**Reference:** *Huynh v. State*, 901 S.W.2d 480, 482 n.3 (Tex. Crim. App. 1995)

**22. Under any circumstances, can a citation serve as a complaint?**

**ANSWER:                    YES                                    NO                                    IT DEPENDS**

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**References:**

Article 27.14(d), Code of Criminal Procedure

*Bass v. State*, 427 S.W.2d 624 (Tex.Cr.App. 1968)

While the Code of Criminal Procedure has dedicated provisions relating to when an indictment is “presented” (Article 12.06) and when an information is “presented,” it contains no similar provisions relating to when a complaint is presented. Professors Dix and Dawson note their treatise: “There is no parallel provision for the presentment of a complaint, but presumably it is considered presented when it is filed with the court.” 40 Texas Practice Series § 3.44. See, Article 45.019(c) Code of Criminal Procedure stating, “a complaint filed in municipal court must alleged that the offense was committed in the territorial limits of the municipality in which the complaint is made.”

**23. Does the filing of a citation toll the statute of limitations?**

**ANSWER:                    YES                                    NO                                    IT DEPENDS**

The Texas Code of Criminal Procedure does not state that the filing of a citation tolls the statute of limitations. Nor does it, however, expressly state that the filing of a sworn complaint tolls the statute of limitation.

Article 12.02 of the Code of Criminal Procedure states “An *indictment* or *information* for any misdemeanor may be presented within two years from the date of the offense, and not afterward.”

Review of case law is not conclusive:

Despite the statute that contemplates only indictments and informations, the Court of Criminal Appeals in a justice court case stemming from the conviction of a man accused of illegal gaming and fined \$10, the Court held that the complaint was barred by the two year statute of limitations. *Ex parte Hoard*, 140 S.W. 449 (Tex. Crim. App. 1911).

More recently, however, the Court of Criminal Appeals has stated that “in absence of a statute there is no period of limitation barring prosecution because of the lapse of time. *Vasquez v. State*, 557 S.W.2d 779, 781 (Tex.Cr.App. 1977). Furthermore, the Court has already once refused to read references to “indictments” and “informations” to also imply complaints. *Huynh v. State*, 901 S.W.2d 480 (Tex. Crim. App. 1995). The Court’s decision in *Huynh* brought about the statutory language that is now Article 45.019(f).

**24. Do defects in a citation invalidate a criminal charge?**

<b>ANSWER:</b>	<b>YES</b>	<b>NO</b>	<b>IT DEPENDS</b>
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The question is who is going to be the complainant? TMCEC commonly receives phone calls from clerks who are given citations that are defective or ambiguous in stating an offense. Ethically, court clerks should not be expected by peace officers to “fill in the blanks.” Peace officers or prosecutors should remedy defects.

**References:**

*Gordon v. State*, 801 S.W.2d 899 (Tex.Crim.App. 1990)

*State v. Mungia*, 119 S.W.3d 814 (Tex.Crim.App. 2003).

The Court of Criminal Appeals has acknowledged that a court has the power to dismiss a case without the State's consent in certain circumstances including defect in the charging instrument. *State v. Johnson*, 821 S.W.2d 609, 612 footnote 2 (Tex. Crim. App. 1991). Presumably, however, it would be inappropriate for a court to dismiss a defective citation without giving the State an opportunity to be heard or remedy since under Article 27.14(d) a citation is intended only an interim complaint and time saving device.

If the defendant waives the right to be charged by a formal complaint and elects that the prosecution proceed on the written notice of the charged offense, pursuant to Article 27.14(d), Code of Criminal Procedure, the defects in the citation could prove fatal to a prosecution (e.g., instances where the citation states the wrong day, month, year, location, etc.).

**25. Can a citation be admitted to evidence at trial?**

**ANSWER:**

**YES**

**NO**

**IT DEPENDS**

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**References:**

Texas Rules of Evidence, Rule 803

*Cole v. State*, 839 S.W.2d 798, 805-806 (Tex.Crim.App. 1990).

*Jefferson v. State*, 900 S.W.2d 97, 101-102 (Tex.App.-Houston [14<sup>th</sup> Dist.] 1995).

