

STATE OF THE MAGISTRATE'S OFFICE

Burnet County, Texas



2017 ANNUAL REPORT

PREAMBLE

In December, 2016 I was appointed to be the Burnet County Magistrate by the Burnet County Commissioner's Court. Nearly 1 year has passed since my selection and I would like to provide a "State of the Magistrate's Office" report detailing not only the many successes of this department, but to also share some of the challenges experienced and a few on-going projects. I would be remiss if I didn't recognize the tutelage from every single Judge that services Burnet County, but expectedly – I would like to specifically recognize Justice of the Peace (Precinct #1) Judge Roxanne Nelson as she's been an invaluable resource to me. I'm also grateful for the decision to expand the Magistrate's Office by adding a Court Clerk. Tamara Tinney is a treasured asset and her wealth of knowledge & experience(s) in the many phases of the criminal justice system have ensured that this office operates efficiently.

When I began, the population of the jail was 380 inmates. In November of 2017 and for the last several months, our jail population has averaged between 450 – 500+ inmates, as the jail has secured several over-flow contracts with many of the surrounding counties. The statutory requirements of the Magistrate is not limited to the host jurisdiction, but is inclusive of all of the defendants' housed within a facility. The rapid increase in population has certainly pushed the limitations of the Magistrate's Office, but since the office's addition of a Court Clerk – I'm proud to report that we're not only meeting the minimum statutory requirements, we are exceeding them. In summary, the State of the Burnet County Magistrate's Office is **STRONG**.

A handwritten signature in blue ink, reading "Kirk D. Noaker, Sr.", is positioned above a horizontal line.

Kirk D. Noaker, Sr.

Burnet County Magistrate's Office



Judge Kirk D. Noaker, Sr.

In December of 2016, the Burnet County Commissioner's Court appointed Judge Noaker as the Burnet County Criminal Magistrate. Judge Noaker has a varied background of law enforcement and criminal defense work in his 30 year's experience in the criminal justice field. His law enforcement experience includes tenures with the Baltimore Police Department (MD), Washington County Sheriff's Office (MD), US Drug Enforcement Administration (Task Force), US Federal Air Marshal Service, and the US Federal Bureau of Investigation (Task Force). After federal service, Judge Noaker worked as a criminal defense Capital Murder (FACT) Investigator with the State of Texas – RPDO organization that represents those indigent persons charged with capital murder and face the death penalty. Judge Noaker is also the Associate Municipal Judge for the cities of Burnet and Bertram.

Tamara Tinney Magistrate Court Clerk

Tamara Tinney joined the Magistrate's Office in July of 2017 as the Court Clerk, a newly created position in response to the increased population of the Burnet County Jail. She came to our office from Justice of the Peace Pct. 3 & 4 where she held the Rover Clerk position. Tamara has also worked in the Burnet County Jail Administration Office and in the Burnet County District Attorney's office. Her varied experience within the criminal justice system well qualifies her as the first ever Magistrate's Court Clerk. Tamara possesses a strong passion to help facilitate services for people in need... that, coupled with her legal expertise helps the Burnet County Magistrate's Office remain current on legislative affairs and ensures that the office runs as efficiently as possible.



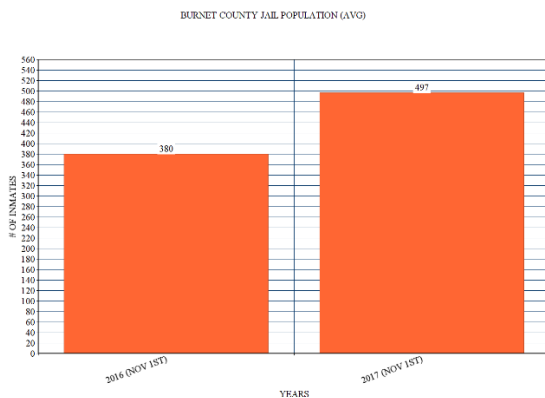
By the numbers...



[5 December 2016 – 9 November 2017]

Number of Magistration Hearings	3382 ⁶
<i>Burnet County Defendants</i>	<i>2062 ⁵</i>
<i>Out of County Defendants</i>	<i>1320 ⁶</i>
Number of Indigency Hearings	2186 ⁶
<i>Burnet County Defendants</i>	<i>1262 ⁶</i>
<i>Out of County Defendants</i>	<i>924 ⁶</i>
Number of P.R. Bonds Issued / Facilitated	266 ⁴
Number of Court Appointed Attorneys Ordered (Burnet County Only)	631 ²
Number of Arrest Warrants Issued	71 ³
<i>Probable Cause Affidavits</i>	<i>18 ³</i>
<i>Bond Forfeiture</i>	<i>21 ³</i>
<i>Surety Surrender</i>	<i>32 ³</i>
Number of Emergency Protective Orders Issued	52 ¹
Number of Ignition Interlock Orders Issued	47 ¹
Number of 16.22 Orders Issued (Mental Health Evaluations)	20 ¹

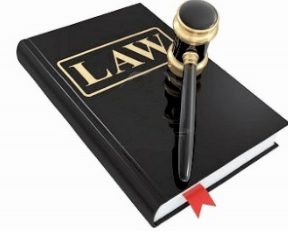
SOURCE: X ¹ MAGISTRATE COURT RECORDS, X ² ODYSSEY REPORT (INITIAL ATTORNEY APPT), X ³ ODYSSEY REPORT (WARRANT STATISTICS), X ⁴ ODYSSEY REPORT (PRE-TRIAL STATISTICS REPORT), X ⁵ BOOKING AND RELEASE STATISTICS REPORT, X ⁶ ODYSSEY REPORT (MULTIPLE / COMBINED REQUIRED AVERAGES / ESTIMATES)



MAY 2016: [160 AVG]
 NOV 1, 2016: [380 AVG] **138% INCREASE**
 NOV 1, 2017: [497 AVG] **31% INCREASE**
 MAY 2016–NOV 2017: **211% INCREASE**

NOV 1, 2016: [600 OOC BOOKINGS AVG]
 NOV 1, 2017: [754 OOC BOOKINGS AVG]
 NOV 1, 2016–NOV 2017: **26% INCREASE**

Magistrate Judge

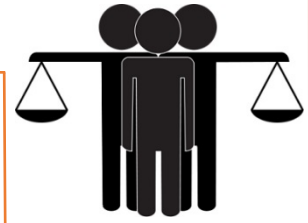


- The Magistrate's Office has been able to keep up with the rapidly increasing jail population that demands statutory requirements such as... Magistration on Out of County new charges / indictments, Out of County Court Appointed Attorney (CAA) Applications, inmate correspondence / requests. This is done all the while remaining cognizant of the Burnet County inmate needs, IE: CAA/Indigency Claims, Attorney status and Inmate Requests.
- I'm always aware of defendant needs, beyond those as commanded by Article 15.17 (Magistration) – such as MHMR and Substance Abuse necessities. When appropriate, I've established substance abuse release protocols where terms and conditions require Bluebonnet Trails (BBT) substance abuse assessments. BBT informs me that since my appointment to the Magistrate's Office, they've seen nearly a 100% increase in substance abuse referrals ordering an assessment and treatment when applicable. Defendants are further ordered to communicate with this court to report compliance. Said communications have often resulted in the defendant's appreciation of court intervention and they share the positive impacts of subsequent treatment. BBT further reports that over 80% of those persons referred who were ultimately placed into a long-term treatment protocol continue to be successful in their battle against addiction.
- Protocols have been established to address SB1326 (85th Legislature) "Sandra Bland Act" compliance and further collaborated with the Duty Magistrates, the jail, and Bluebonnet Trails MHMR/Crisis Response to ensure that we operate within the requirements of the law.
- Established internal protocols to ensure that the Magistrate's Office is immediately responsive to the needs of the Burnet County Jail, IE: inmate illness requiring alternative bond options, Magistrate's facilitation of outside treatment options, MHMR / Substance Abuse needs (during and after hours).
- Established protocols with the Burnet County District Attorney's Office and the Burnet County Attorney's office to better MONITOR Ignition Interlock requirements. I'm currently working with the County Auditor's Office on the implementation of a monitoring fee as allowed by statute.
- Developed a system that fairly responds to submitted Motions for an Emergency Protective Order (EPO) Modification, IE: New Forms and the change of submission processes (historically, involved parties would make the request through the Burnet

County Attorney's Office – this is NO LONGER the case. Party(s) must now make the request either electronically with the Burnet County Magistrate Court, by mail, or by dropping off paperwork to the Burnet County Jail). Depending on the appropriateness of the request, Show Cause Hearings are scheduled where the motion will be ruled upon.

- Standard Magistration Forms have been converted to have a "Court-Heading" and are now automated in Odyssey. These documents will now auto-populate in an effort to strive for a paperless and more efficient magistration process.
- This office is often called upon to assist outside courts in facilitating case disposition(s) as allowed by law, IE: Plea(s) of No Contest, Motion to Lay Out, etc.
- I recognize the extreme importance of developing and fostering a strong relationship with Burnet Co Jail to ensure that the inmate booking process (that includes magistration) is streamlined. Since my first day in this position – I've continued to identify and implement new administrative protocols that are designed to reduce dependency on jail personnel by absorbing administrative tasks within the Magistrate's Office.
- On a daily basis, we strive to Improve communication between the Magistrates Office and other offices, IE: the Burnet County District Court, the Burnet County Court at Law, Burnet County Justice of the Peace Courts, and Municipal Courts.
- During this past legislative session there was a focus on bond reform to encourage the issuance of more P.R. Bonds (Personal Bonds). In the spirit of bond reform, I'm carefully evaluating defendants and their eligibility for a personal bond with appropriate terms and conditions of bond to ensure the safety and security of our community.
- I'm continuously working to identify 3rd party substance abuse, anger management and lifestyle treatment options to maximize the effectiveness of ordered terms and conditions of bond. Such 3rd party entities include the Heart of Hope Counseling and the Joshua House treatment facility in Kingsland. Such efforts not only benefit the defendant needing services, but contribute towards the defendant's ability to remain in the judicial process without interruption based on bad behavior, addiction-related issues, etc...
- I've worked to ensure that the Magistrate's Office is an option for BCSO personnel when seeking warrants for arrest. Affidavits for Arrest are most often responded to within 12 hours.
- Bond Surety Surrender Affidavits are now processed most often within 12 hours of filing with this court.
- Understanding the importance of fiscal conservatorship, I've been mindful to minimize the financial impact after the addition of the Court Clerk by personally funding/supplying my own office furniture and laser color printer.
- We worked to change the appearance, imagery, and aesthetics of Magistrate's Office to avoid the appearance of collusion with the State of Texas and its prosecutorial resources.

Indigent Defense Coordinator



- This past September, I had the occasion to attend a Texas Indigence Defense Commission (TIDC) Workshop at the Texas Capitol. While there, Burnet County was recognized several times and applauded for the Magistrate's Office efforts in adhering to the best practices of determining indigency, interfacing with outside jurisdictions, and in the protocols enacted during the defendant's application for a court appointed attorney.
- I've implemented Out of County (OOC) CAA protocols that ensures that ALL OOC CAA's are transmitted to the appropriate jurisdiction within the 24 hour transmission requirement. Additionally, transmission confirmations are uploaded into Odyssey for subsequent TIDC audit inevitability.
- This office has revised and streamlined the Magistrations/Indigency Hearing process by ensuring that the CAA applications / and finding(s) of indigence, and Attorney Appointments are completed prior to the Defendants exiting the Magistrate's Office.

Mental Health Liaison



- Engage in and contribute to monthly Bluebonnet Trails/Jail workshop meetings.
- Engage in and contribute to Bluebonnet Trails quarterly MHMR workshops.
- Instrumental in facilitating the amended contract with Bluebonnet Trails requiring increased support to meet the increasing MHMR demands of Burnet County inmates.
- Works closely with the Burnet County Sheriff's Office and Bluebonnet Trails to maximize the utilization and effectiveness of the Burnet County Mental Health Deputy Fosler.

TRAINING & CONFERENCES



- | | |
|---------------------------|--|
| 8 February 2017 | Texas Municipal Courts Education Center
<i>New Judges Orientation (Austin, TX)</i> |
| 27 – 30 March 2017 | Texas Municipal Courts Education Center
<i>Traffic Safety Conference (Austin, TX)</i> |
| 31 May 2017 | Texas A&M Transportation Institute
<i>Ignition Interlock Training Program for Judges (San Marcos, TX)</i> |
| 17 – 21 July 2017 | Texas Municipal Courts Education Center
<i>New Judges Seminar (Austin, TX)</i> |



Presently, Magistrate's Clerk Tamara Tinney is not eligible to receive training through either TMCEC (Texas Municipal Courts Education Center) or TJCTC (Texas Justice Court Training Center). TJCTC requires that Tamara be employed with a JP Office. TMCEC requires that she be a Municipal Court employee. She is neither... I've requested that TMCEC make an exception to their policy and allow Tamara to participate in training.



November 7, 2017

Hope Lochridge
TMCEC, Executive Director
2210 Hancock Drive
Austin, TX 78756

SUBJECT: Request the following be considered...

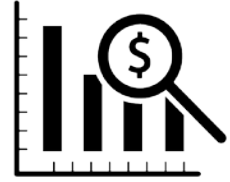
Greetings,

Due to a significant population increase in the Burnet County Jail, this office has expanded to include a Magistrate Court Clerk. In July of 2017, **Tamara Tinney** was hired from Burnet County's Justice of the Peace Court, Precinct(s) #3 & #4. During her tenure with the JP courts she was able to attend training through the Texas Justice Court Training Center, however she appears to no longer be eligible. Though Tamara is NOT affiliated with any municipal court, I'm respectfully requesting that an exception be made by TMCEC in allowing her to attend training sessions since TMCEC is MY primary source of training as an Associate Judge and the primary, full-time Burnet County Magistrate.

I'm available for questions and/or email at Magistrate@burnetcountytexas.org or by telephone at 512-715-8600 #242.

Judge Kirk D. Noaker, Sr.
Burnet County Magistrate
Associate Judge, City of Burnet
Associate Judge, City of Bertram

BUDGET FY 2017 / 2018



ADOPTED BUDGET

For Fiscal: 10/2017-09/2018 Period Ending: 10/31/2017

Account Number	Account Name	10/2015-09/2016	10/2016-09/2017 10/2016-09/2017	10/2017-09/2018 2018 CCT
Department: 5010 - MAGISTRATE/IDC				
SubCategory: 100 - SALARIES AND WAGES				
100-5010-1050	CLERK	0.00	0.00	36,555.00
100-5010-1130	MAGISTRATE	49,553.28	52,146.00	56,519.00
100-5010-1890	ACCRUED WAGES	0.00	0.00	0.00
100-5010-1980	MARKET/MERIT POOL	0.00	3,270.00	0.00
100-5010-1990	OVERTIME	0.00	0.00	0.00
Total SubCategory: 100 - SALARIES AND WAGES:		49,553.28	55,416.00	93,074.00
SubCategory: 120 - BENEFITS				
100-5010-2010	FICA/MEDICARE	3,911.00	4,239.00	7,121.00
100-5010-2020	GROUP INSURANCE	6,999.00	9,785.00	21,241.00
100-5010-2030	RETIREMENT	5,767.00	6,306.00	10,814.00
100-5010-2040	WORKERS COMP INSURANCE	345.00	390.00	800.00
100-5010-2050	UNEMPL INSURANCE	82.00	89.00	150.00
100-5010-2070	SUPPLEMENTAL DEATH BENEFIT	225.00	205.00	360.00
100-5010-2890	ACCRUED FRINGE BENEFITS	0.00	0.00	0.00
Total SubCategory: 120 - BENEFITS:		17,329.00	21,014.00	40,486.00
SubCategory: 300 - SUPPLIES				
100-5010-3300	OPERATING SUPPLIES	600.00	600.00	600.00
Total SubCategory: 300 - SUPPLIES:		600.00	600.00	600.00
SubCategory: 400 - OTHER CHARGES & SERVICES				
100-5010-4000	CONTRACT SERVICES	0.00	0.00	0.00
100-5010-4200	TELEPHONE/CELL/MOBILE BB	0.00	0.00	600.00
100-5010-4250	TRAVEL/MILEAGE	725.00	800.00	800.00
100-5010-4270	CONFERENCE/DUES/TRAINING	1,075.00	1,000.00	1,000.00
Total SubCategory: 400 - OTHER CHARGES & SERVICES:		1,800.00	1,800.00	2,400.00
Total Department: 5010 - MAGISTRATE/IDC:		69,282.28	78,830.00	136,560.00

TO BE CONTINUED...



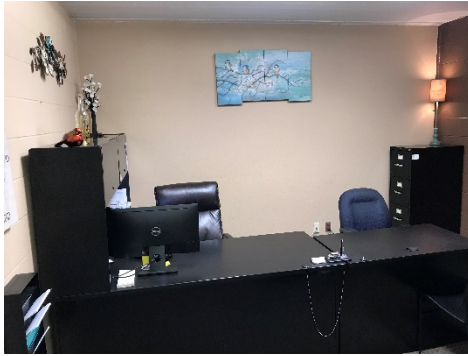
- The Burnet County Magistrate's Office joins the Burnet County Jail and the Burnet County Court of Law in monitoring the jail population for the purpose of identifying defendant's charged with misdemeanor offenses and remain incarcerated for unknown reasons. We have implemented a "living document" (calendar) that tracks all levels of misdemeanors noting the defendant's name on the date(s) that correspond with the following:

Class A Misdemeanor	<i>30 days (from arrest)</i>
Class B Misdemeanor	<i>15 days (from arrest)</i>
Class C Misdemeanor	<i>5 days (from arrest)</i>

On the calendared date, the status of the defendant's incarceration is reviewed for eligibility for a P.R. Bond (Personal Recognizance). **We are working with Tyler Technologies to create an Odyssey report that simplifies this process.**

- The Burnet County Magistrates Office recognizes that defendant's sitting in jail WITHOUT representation is not only harmful to the defendant, but can be costly for the county also. At the time of magistration, a defendant is asked if they wish to apply for a court appointed attorney. When they answer YES, the magistrate will follow the Magistration Hearing with an Indigency Hearing. When the defendant says NO, the magistrate has no statutory requirement to do anything further as it relates to the defendant securing counsel. The Magistrate's Office has implemented a monthly review of inmate records to identify defendants who appear to be unrepresented by counsel. When identified, the defendant is brought to the Magistrate Court and asked what their intentions are (IE: employing private counsel or applying for a court appointed attorney). If the defendant advises that they wish to secure an attorney at their own expense, they are instructed to sign a magistrate's form stating so. If the defendant advises that they aren't able to secure counsel at their own expense, this office will initiate an Indigency Hearing. **We are working with Tyler Technologies to create an Odyssey report that simplifies this process.**
- In the ever-changing world of Magistration, Bond Conditions, MHMR & Substance Abuse options, Jail protocols, etc... I would like to explore the possibility that ALL Burnet County Judges engage in a quarterly "workshop".

OFFICE EXPANSION



Top Left: Clerk's Office
Top Right: Clerk's Office
Mid Left: Clerk's Office
Mid Right: Judge's Office
Bot Left: Judge's Office
Bot Right: Judge's Office

