

**REPORT OF THE
EXECUTIVE SECRETARY OF THE SUPREME COURT**

Virginia's Magistrate System

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



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December 1, 2006

The Honorable John H. Chichester
Chairman, Senate Finance Committee
Senate of Virginia
396 General Assembly Building
Richmond, VA 23219

The Honorable Vincent F. Callahan, Jr.
Chairman, House Appropriations Committee
Virginia House of Delegates
P.O. Box 406
Richmond, VA 23218

Dear Mr. Chairmen:

Pursuant to the Appropriations Act – Item 30 G (Special Session I, 2006), the Office of the Executive Secretary is to submit a report regarding magistrates by December 1, 2006. Chief Justice Hassell recently established a study group to undertake a comprehensive evaluation of Virginia's magistrate system, which will include the topics required to be covered in the report; that is, the selection, training, oversight, accountability, and scheduling of magistrates, and information related to the use of video-conferencing technology to provide magistrate services to the public where part-time, on-call magistrate services may currently serve.

Magistrates are judicial officers whose primary responsibilities include providing an independent review of complaints of criminal activity brought by law enforcement officers and citizens, and making bail determinations for those arrested on criminal charges. Magistrates also have the authority to issue emergency protective orders, mental and medical emergency custody orders, medical and mental temporary detention orders, search warrants and other processes. Each magistrate is appointed to serve a four-year term by the chief judge of the circuit court in consultation with the chief general district court judge and the chief juvenile and domestic relations district court judge. Every magistrate appointed to an initial term commencing after July 1, 1995, must possess a bachelor's degree from an accredited institution or equivalent

experience. Upon initial appointment, a six-month probationary period is imposed during which the magistrate receives a minimum of forty hours of instruction with the chief magistrate and up to two hundred and forty hours of on the job training. During the probationary period, the magistrate must also attend a four-day training program established by the Committee on District Courts and provided by the Office of the Executive Secretary, and satisfactorily complete a certification examination. Continuing education of magistrates is provided by the Office of the Executive Secretary's Department of Judicial Services, which conducts statewide and regional conferences. The Department of Judicial Services also provides oversight of magistrates through management analysis visits and reports that assess the strengths and weaknesses of individual magistrates.

The current magistrate system is allocated 400.2 FTE positions statewide. There are 317 full-time magistrates and 109 who serve in part-time positions. Many jurisdictions have offices that are open 24 hours a day, 7 days a week and are staffed by full-time magistrates. However, lower volume localities must rely on part-time on-call magistrates or utilize video-conferencing with a nearby full-time magistrate's office or a combination of the two in order to provide services on a full-time basis.

The Chief Justice's magistrate study group will begin its work on January 30, 2007. It includes representatives from the bench, the clerks of court, the magistrates, the commonwealth's attorneys, the defense bar, and the Office of the Executive Secretary. Once this group completes its evaluation of the current system, a full report will be submitted. Should you have any questions regarding this letter or the study group, please do not hesitate to contact me.

Sincerely,

Karl R. Hade

c: Division of Legislative Automated Systems