

Technology and Civil Process: Harnessing the Future

Lt. Jim Slack
Montgomery County Constable, Pct. 4
Master Peace Officer
Lieutenant over Civil, Traffic, Drone
Public Information Office (PIO)

1

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2

Agenda



Unmanned Aerial Systems (UAS)



Other Tech Equipment



Social Media



E-Filing, Electronic Service, and Virtual Sales



Records

3

Unmanned Aerial Systems (UAS)

4

UAS Topics



Introduction

--Live Demonstration
--Poll
--UAS's in Civil Service



Legal Considerations



Uses for Civil Process

--Information
--Safety



Starting a UAS Program

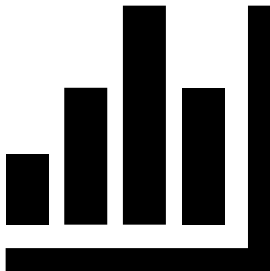
5

Introduction

6

Live Demonstration

7



Do you have a UAS
program at your office?

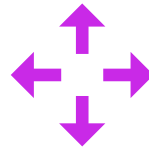
1. No program
2. 1 UAS
3. More than one UAS

8

UAS's in Civil Service



History



How it's changing

Legal Considerations

Government Code Ch. 423 (Slide 1)

- Creates an offense for using a UAS in violation of the chapter.
 - Prohibits capturing images of individuals or private real property with the intent to conduct surveillance. Also includes limitations for flying over critical infrastructure facilities and sports venues.
- Includes a long list of exceptions.
- There have been several court challenges, but the law is currently in effect as of 2/6/25.
- Different counties may have different interpretations as to how exactly it applies to civil process.

11

Government Code Ch. 423 (Slide 2)

TJCTC's position as of 2/6/25 is:

- Using UAS's in the following ways would be legal:
 - With the permission of the landowner/lawful occupant of the private property being captured by the UAS. (*This would mainly apply in evictions*).
 - To capture images of any public areas or people in public areas.
 - From a height no more than eight feet above ground level in a public place, if the image was captured without using any electronic, mechanical, or other means to amplify the image beyond normal human perception. (*Could then potentially capture images of private property from that vantage point*).
- Using UAS's in other ways (in the context of civil process) could pose significant potential legal issues/liability and you need to talk to your county attorney about their interpretation/the policy for your county.

12

Fourth Amendment Implications

- Reasonable expectation of privacy
- "Curtilage" - No fixed distance (*United States v. Depew*)
 - The area to which extends the intimate activity associated with the "sanctity of a man's home and the privacies of life" (*Boyd v. United States*)
- Curtilage questions should be resolved with particular reference to four factors:
 - the proximity of the area claimed to be curtilage to the home,
 - whether the area is included within an enclosure surrounding the home,
 - the nature of the uses to which the area is put, and
 - the steps taken by the resident to protect the area from observation by people passing by.

13

Uses for Civil Process

14

Uses for Civil Process - Information

Gathering information before/during service of process & execution of writs

- Pre-planning and logistics - What do you need to do?
 - Ex: What needs to be moved for a writ of possession? Do you need a bondsman ready?
- *Possibly* (depending on method/county's interpretation of Gov Code Ch. 423): Seeing what was there before and what's been moved for a writ requiring seizure of property.

15

Uses for Civil Process - Information *(continued)*

Gathering information before/during service of process & execution of writs

- Finding a person/determining if they've left the property
 - Ex: Writ of attachment where the person is hiding, but the other parent knows when they usually take the child to the park or somewhere else (as long as they aren't spooked by an officer vehicle) - Could be done just by watching the public street outside of the house/the public park.

16

Video # 1 – Fly Around Property

- Fly around building.safety check

17

Video # 2 – Survey Vehicle

- Survey vehicle

18

Video # 3 – Inside House Fly Through

- Inside house fly thru

19

Uses for Civil Process - Safety

Look for any concerns before sending in personnel

- Hazards on property
 - Examples: holes, septic, etc.
- Other safety concerns
 - Examples: dogs, weapons, people hiding, etc.

What are other possible safety issues you might see?

20

Video #4 - Dogs

- DOGS

21

Video #5 - Attic Check

- Attic Check

22

Video #6 – Search for People Hiding in House

- House fly thru.search for people

23

Video #7 – Fly Through Semitruck

- Fly thru semitruck

24

Video #8 – Fly Through Garage

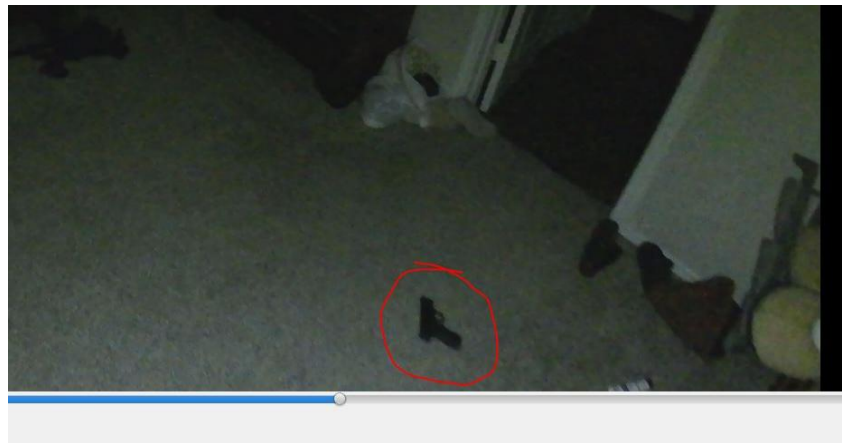
- Garage fly thru

25

- Video name: domestic fly thru.

Video #9 – Finding Weapon

Look for the
weapon and
see if you
can find it as
we watch
the video!



26

Criminal History Search Before Executing Civil Process - Methods

- DPS Secure Site:
<https://securesite.dps.texas.gov/DpsWebsite/index.aspx>
- Your county system (follow any policies for use).
- TLETS: It's possible that this can't be used for civil process (depending on interpretation of "criminal justice purpose" and exact circumstances). Follow the use policy and consult with your county attorney/DPS rep about what is acceptable.

27

Discussion:

Criminal History Search Before Executing Civil Process



- When do you do a criminal history search in your office?
- What might a UAS show that would make you think you either don't need to run one or you definitely need to run one?

28

Starting a UAS Program

29

License Requirement for Operation of UAS

- FAA License
 - For exterior flying only
 - https://www.faa.gov/uas/commercial_operators/become_a_drone_pilot

30

Implementation of Program

- Office policy for use (including risk management and safety protocols)
- Training and certification - Examples (but other options as well/not an endorsement):
 - www.pilotinstitute.com
 - www.unmannedtacticalgroup.com
- Equipment and maintenance
 - Types
 - Other supplies needed
- Data collection/retention and reporting requirements (internal policies, FAA, Government Code Ch. 423)

31

Costs

Budgeting and funding is important!

- Each drone
- Maintenance
- Additional equipment/services
 - Example: third party software can handle broadcast video, state reporting, maintenance/training logging, etc.
 - One option: www.dronesense.com
- Training
 - Dedicated hours to flying/potential overtime costs
- Administrative

32

Funding Options

Self-Funded Options

- Department share
- Seizure
- Donations
- Civil Process Service Fees
- Justice Court Assistance and Technology Fund

Grant-Funded Options

- UASI
- Walmart
- Police1
- Counter Terror Maritime Grant

33

Other UAS Uses

- If you get a UAS program, it will likely be used for more than just civil process applications and other offices might ask you for assistance.
 - Criminal enforcement / pursuits
 - Missing persons
 - Fire department assistance
 - Festivals/crowd safety

34

Other Tech Equipment

35

Discussion:

Other Tech Equipment



- What are the other types of technology you use in your office?
- How does it help you with civil process?
- If you could get anything you wanted that you don't already have, what would it be?

36

Social Media

37

Social Media Statistics

2019 Pew Research Center

- 2.7 Billion monthly active users (MAU)
- 500,000 new per day or 5 new per second
- 2.1 billion log on daily
- 70% of Americans
- 28 minutes per sign on
- 5 times a day times 28 minutes per sign-on
- 96% access via Mobile

38

Social Media Statistics

2024 Pew Research Center

- Platform Popularity (percentage of adults using in the U.S.):
 - YouTube: 83%
 - Facebook: 68%
 - Instagram: 47%
 - Pinterest: 35%
 - TikTok: 33%
 - LinkedIn: 30%
 - WhatsApp: 29%
 - Snapchat: 27%
 - Twitter/X: 22%
 - Reddit: 22%
 - BeReal: 3%
- Adults under 30 are more likely to use platforms like Instagram (78%), Snapchat (65%), and TikTok (62%).
- News Consumption: Over half of U.S. adults (54%) say they at least sometimes get news from social media.

39

Discussion: Social Media



- What ways do you use social media for general office purposes?
- What ways do you use social media to assist with civil process?

40

Policy and Training

- Every office should have policies and training to ensure that official posts:
 - Are on the desired topics and only the desired topics.
 - Do not give out any information that should not be shared.
 - Are useful and occur in a timely manner.
 - Are professional and courteous and reflect positively on the office.
- Be careful about what is posted on personal/private accounts as well, if those accounts can be associated with the office.

41

Official vs. Private Accounts: Potential Liability

A government official's decision to block citizens from their personal social media accounts implicate the First Amendment and risk liability if the public servant has:

- 1.) actual authority to speak on behalf of the governmental entity, and
- 2). Purports to exercise that authority

Lindke v. Freed

42

Official vs. Private Accounts: Best Practices

Can help protect against liability if you:

- Add “This is the personal page of Peter Parker” or “The views expressed are strictly my own”... and then **don’t** invoke the office.
- Set personal profiles to not public, keep your personal social media accounts and official social media accounts separate, and do not ask any employees to post or maintain your personal accounts.

43

Tips

- Assume everything you say & do can become public
- Educate yourself on policies and privacy controls
- Update security settings
- Monitor contents of page
- Be dignified in every comment, photograph, and status update
- Be aware of location sharing

44

Communication with Courts, Electronic Service, & Virtual Sales

45

Electronic Communication with Courts

- E-file/E-mail
 - Receiving civil process for service and sending any questions/concerns
 - Filing returns
 - Anything else?
- How does it work in your office?
- Do you use any specific software?
- Do you use any other electronic methods to communicate with courts?

46

Electronic Service – Finding People

Use your county resources and make sure to follow policies for use!

- <https://www.tlo.com/law-enforcement>
- Local Real Time Crime Center
- Social media (recall previous discussion)
- Anything else?

47

Electronic Service – Serving People

- TRCP 106 allows a court (in certain situations) to authorize alternative service by email, social media, or other electronic means if that would reasonably effect service.
- The specific method must be explicitly authorized by the court and you must be able to provide some sort of proof/confirmation of service.
 - Social Media (recall previous discussion)
 - Facebook messenger, Instagram messenger, LinkedIn, Etc.
 - Texting, Email, Anything else?
- For more info, refer to the Complex Service Issues class later in the program (if you're not taking that class, you still have access to the materials!).

48

Discussion:

Electronic Service



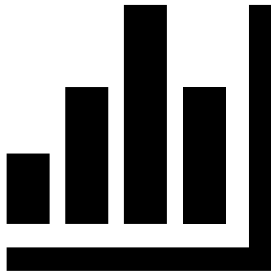
- People are often concerned about whether electronic service is effective/fair. The alternative - when there are no other options - is service by publication.
- Which is more effective, electronic service or service by publication? Why?

49

Virtual Sales

- Property sales can be done online now.
 - Will usually have a service provider (may be the county or third-party) that does a lot of the work!
 - Can provide virtual walkthroughs.
 - Can post in a specific website/venue if selling specialized property and want to advertise the sale.
 - Online tax foreclosures are particularly common.
 - For more information, refer to the Tax Sales class later in the program (if you're not taking that class, you still have access to the materials!).

50



Poll #2

Does your office do virtual sales?

1. All the time.
2. Once.
3. We're looking into it.
4. Nope.

51

Discussion: Virtual Sales



If you do virtual sales:

- What service provider do you use?
- What ways has it been helpful for your office?
- Any challenges?

If you don't do virtual sales:

- What is holding you back?
- How might you use them?

52

Records

53

Maintaining Electronic Records

- See Bulletin B: Electronic Records Standards and Procedures:
<https://www.tsl.state.tx.us/slr/recordspubs/lgbullb.html>
- You must be able to access the electronic version **for the full retention period.**

54

Source Document Destruction

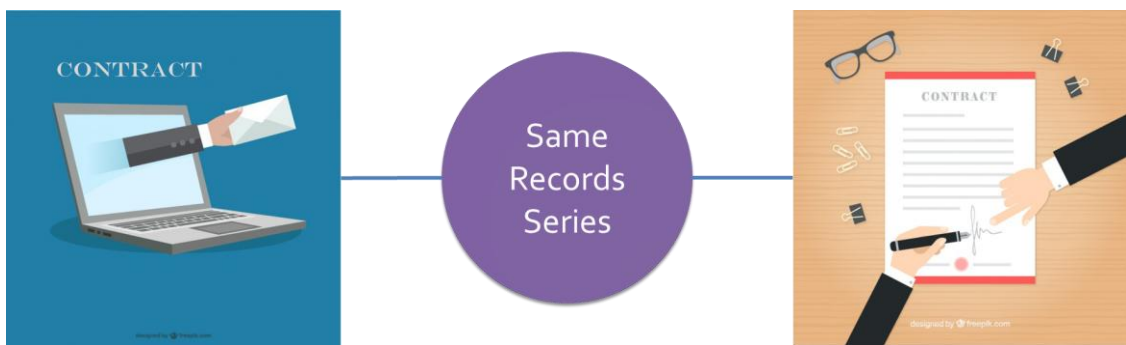
- See Bulletin B, §205.008. Destruction of Source Documents
- Before destroying original, test:
 - That electronic version is complete and of good quality
 - That you are able to find and pull up the electronic version when needed
- If using a new software system, keep source documents for at least six months until you are sure the system is working properly

55

Understanding Electronic Retention

Remember:

The retention period is based on the **content** rather than the **format** of a record.



56

Managing E-mail

Only send it if you need to

Remember it is open to the public

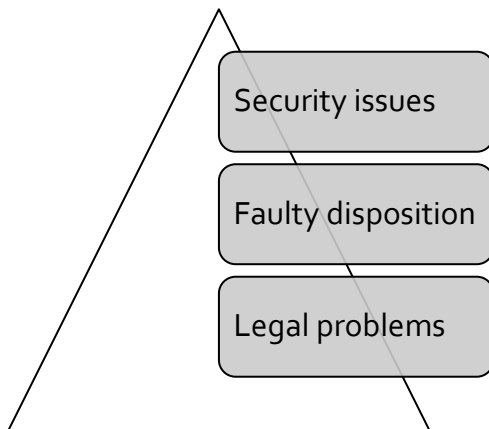
One subject per message

Effective subject line

Stick to the subject when forwarding

57

Using Your Personal E-mail?



58

Social Media in Public Records Law

Records laws are "future proof" because technology changes

Texas Public Information Act includes "Internet posting"

A record is a record whether it is sent by letter, e-mail, or tweet

59

Applying the Law

Social Media is public record

Third-party content, such as replies and comments, is also record

No deleting posts or comments before the retention period is over!!

60