

Technology and Civil Process: Harnessing the Future

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Agenda



Unmanned Aerial Systems (UAS)



Other Tech Equipment



Social Media



E-Filing, Electronic Service, and Virtual Sales



Records

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Unmanned Aerial Systems (UAS)

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UAS Topics



Introduction

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



Legal Considerations



Uses for Civil Process

--Information
--Safety



Starting a UAS Program

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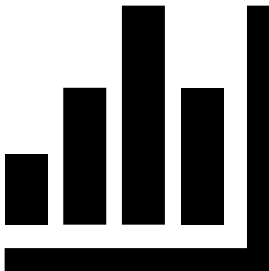
Introduction

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Live Demonstration



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Poll #1

- Do you have a UAS program at your office?

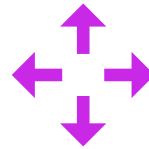
1. No program
2. 1 UAS
3. More than one UAS

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UAS's in Civil Service



History



How it's changing

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Legal Considerations

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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.

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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.

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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.

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Uses for Civil Process

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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.

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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.

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Video # 1 – Fly Around Property

- Fly around building.safety check

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Video # 2 – Survey Vehicle

- Survey vehicle

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Uses for Civil Process - Safety

- Look for any concerns before sending in personnel
- Hazards on property
 - Examples: holes, sceptic, etc.
- Other safety concerns
 - Examples: dogs, weapons, people hiding, etc.
- ***What are other possible safety issues you might see?***

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Video #3 - Dogs

- DOGS

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Video #4 – Attic Check

- Attic Check

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Video #5 – Search for People Hiding in House

- House fly thru.search for people

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Video #6 – Fly Through Semitruck

- Fly thur semitruck

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Video #7 – Fly Through Garage

- Garage fly thru

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Video #8 – Finding Weapon

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



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Starting a UAS Program

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License Requirement for Operation of UAS

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

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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)

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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

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Funding Options

- | | |
|--|--|
| <ul style="list-style-type: none"> • Self-Funded Options • Department share • Seizure • Donations • Civil Process Service Fees • Justice Court Assistance and Technology Fund | <ul style="list-style-type: none"> • Grant-Funded Options • UASI • Walmart • Police1 • Counter Terror Maritime Grant |
|--|--|

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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

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Other Tech Equipment

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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?

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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

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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.

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Discussion: Social Media



- What ways do you use social media for general office purposes?
- *Note: Information on using social media for finding and serving people will be covered in the **Complex Service Issues** class later in the program. (If you're not taking that class, you still have access to the materials!)*

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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.

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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*

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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.

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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

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Communication
with Courts,
Electronic Service,
& Virtual Sales

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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?

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Electronic Service

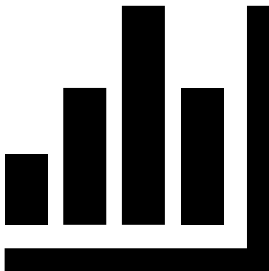
- Information on electronic service will be covered in the *Complex Service Issues* class later in the program.
- If you're not taking that class, you still have access to the materials!

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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!).

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- Does your office do virtual sales?

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

Poll #2

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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?

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Records

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Maintaining Electronic Records

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

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Source Document Destruction

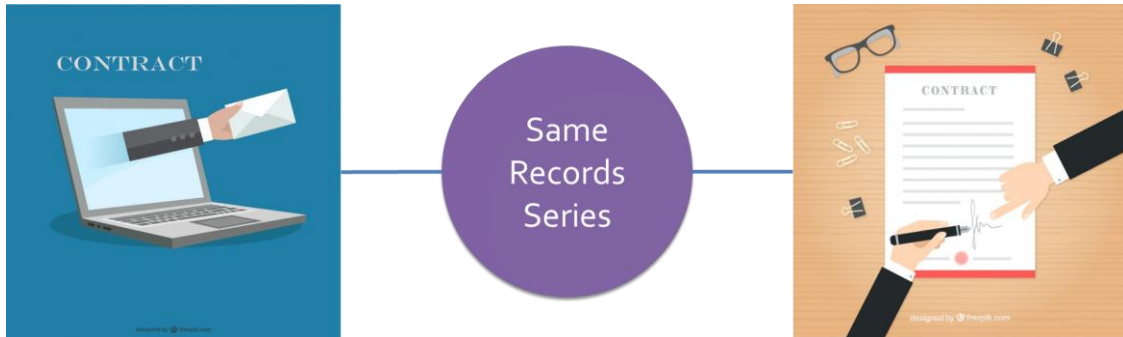
- See Bulletin B, §205.008. Destruction of Source Documents
- Before destroying original, test:
 - That electronic version is complete and of good quality
 - That you are able to find and pull up the electronic version when needed
- If using a new software system, keep source documents for at least six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

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Understanding Electronic Retention

Remember:

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



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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

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Using Your Personal E-mail?

Security issues

Faulty disposition

Legal problems

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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

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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!!

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Thank You

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