

DPS Interlocal Cooperation Contract Failure To Appear Program



Municipal Court Advisory Committee

June 21, 2024



HISTORY

*Chapter 706 Transportation Code and
Chapter 791 Government Code*

- Enacted in 1995 to assist courts with challenges of non-appearance on criminal traffic citations.
- DPS sends *Notice for Denial of Renewal* of driver's license to individuals who fail to appear in court, notified to contact the court.
- In 2001, failure to pay or failure to satisfy judgment was added to the program.
- A \$10 fee is added per violation (2019 fee reduced from \$30).
- Hold is cleared with payment, dismissal or a finding of indigency.



PURPOSE



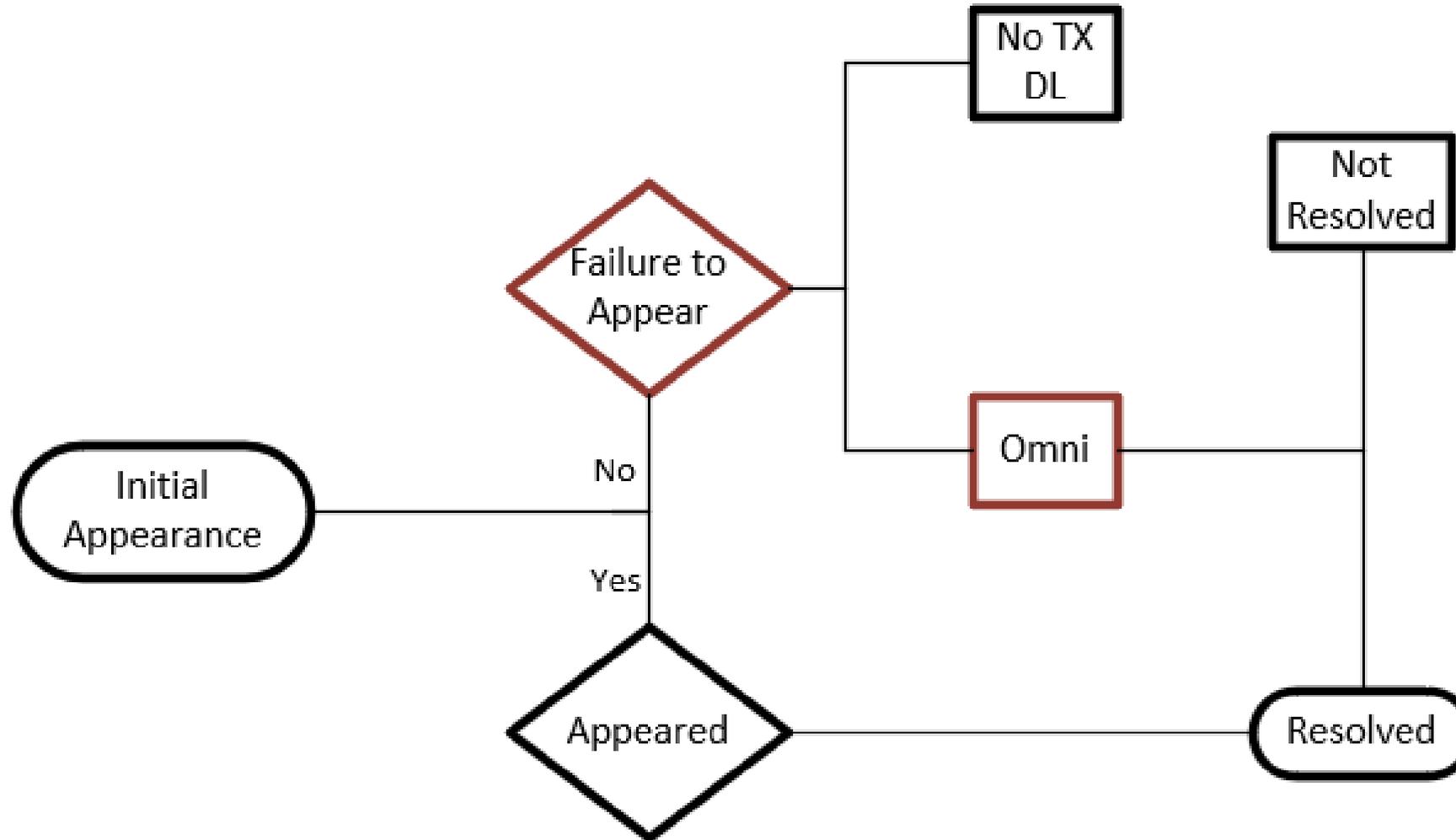
- The program limits individuals' ability to renew their licenses.
 - Drivers may apply for an occupational license.
 - Driver's licenses are renewed every eight (8) years for anyone between the ages of 18-84.
- The program **does not**:
 - Suspend a driver's license.
 - Limit the driver's ability to drive until time for renewal.
 - Apply to ID cards, out of state or international ID/DL holders.

COURT'S APPLICATION OF THE PROGRAM



- Program designed for *failure to appear*, **not** failure to pay or failure to satisfy judgement.
- Increase in number of cases cleared from Court's backlog.
- Individuals' warrants are removed.
- Timely flow of case management.
- Deters future non-compliance through education and resources.
 - Road Ready/TDL docket
 - Community court
 - Resource room

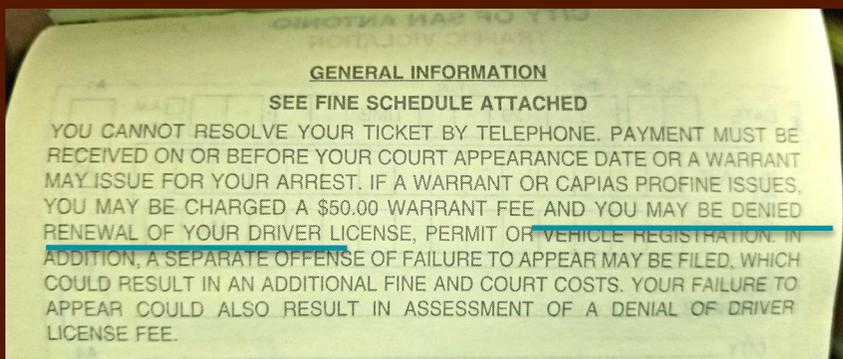
TRAFFIC APPEARANCE PROCESS



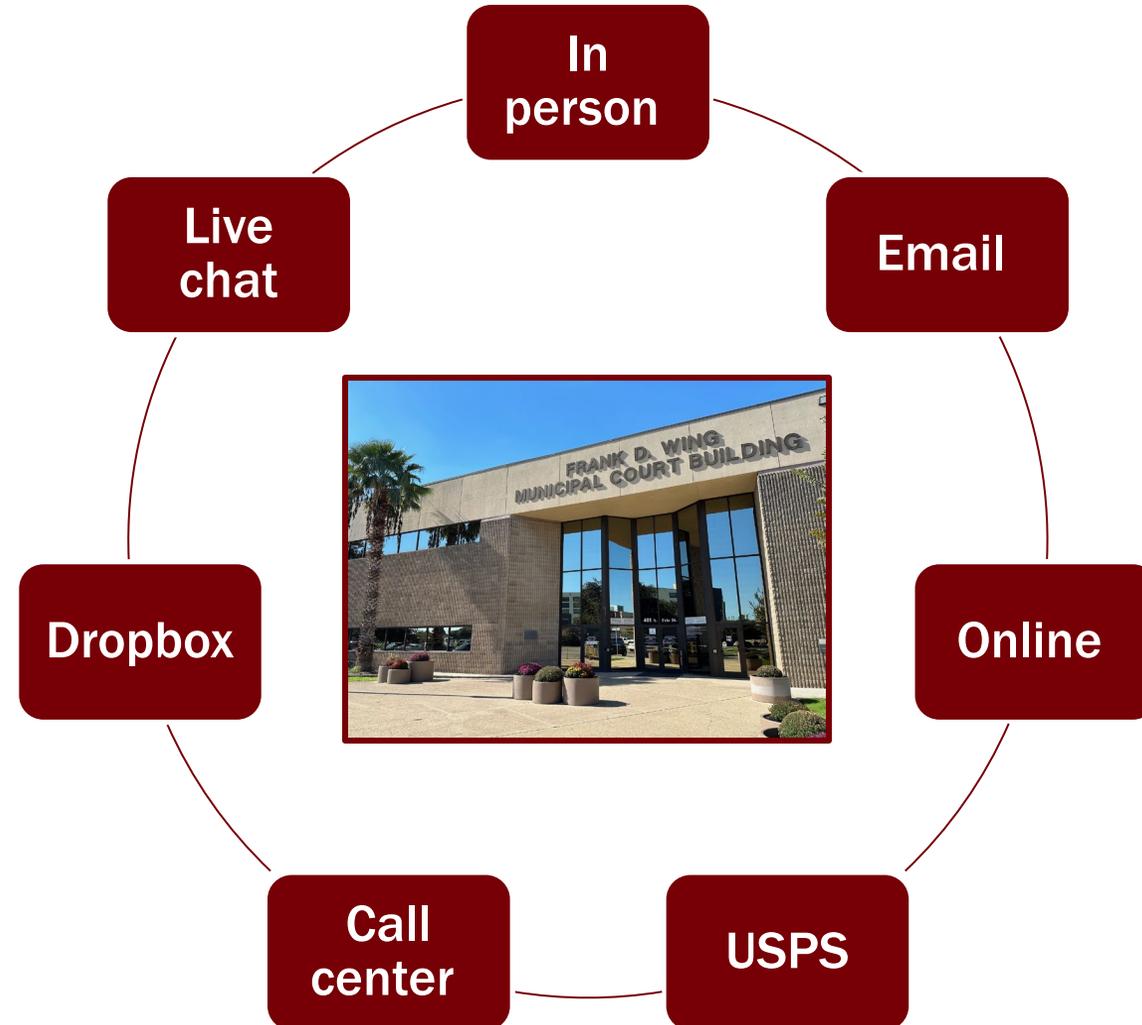


PRE-OMNIBASE CASE ACTIVITY

Multiple efforts are made to request court appearance before a warrant is issued, and case is submitted to OmniBase.



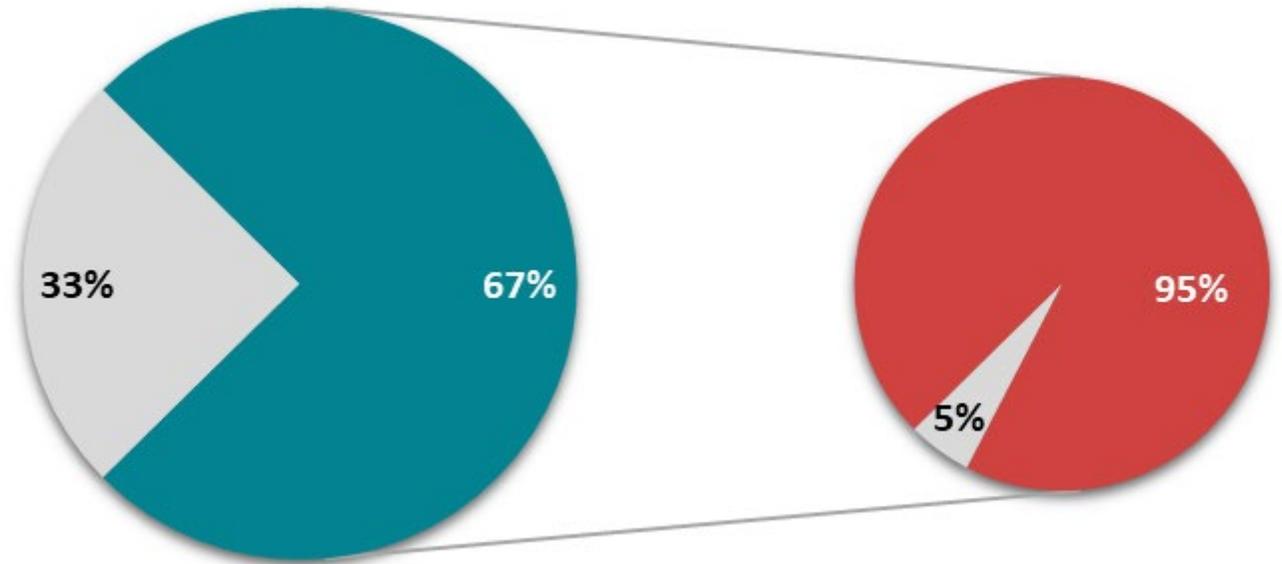
ACCESS TO COURT SERVICES



PROGRAM SUCCESS - CASES SENT TO OMNIBASE



- FY 2016 – FY 2023
- 67% of cases sent to OmniBase resulted in an appearance.
- Of the 67%, the court achieved a 95% compliance rate (plea entered).
- The program is a passive long-term compliance tool that achieves results in executing the court’s mission over time.



TOP 10 OFFENSES SENT TO OMNIBASE



Speeding is the #1 violation most often reported.

“Last year, a third of the people killed on the road were in a crash that involved speed.” –TxDOT (2023)

<https://www.txdot.gov/about/newsroom/statewide/speed-remains-top-contributing-factor-in-texas-crashes.html>

1. Speeding – Posted Limit
2. Driving Without Proof of Financial Responsibility
3. Operating a Motor Vehicle Without a Valid License
4. Failure to Display Valid Registration Insignia
5. Driving While License Invalid
6. Use of Hand-held Mobile Communication Device
7. Speeding in School Zone
8. Improper Use or Failure to Use Safety Belt by Person 15 Years Old or Older
9. Failure to Display Valid License Plate
10. Failure to Display Driver’s License



INDIGENT INDIVIDUALS

- New traffic citations submitted to the program for failure to appear, *not* failure to pay.
- Upon a finding of indigency, a judge shall order the release of the hold on a license.

ALTERNATIVES TO FULL PAYMENTS

If you are convicted of an offense and are unable to pay the fine and court costs, you may have the court assess your ability to pay and the court may provide alternatives to full payment in satisfying the judgment.

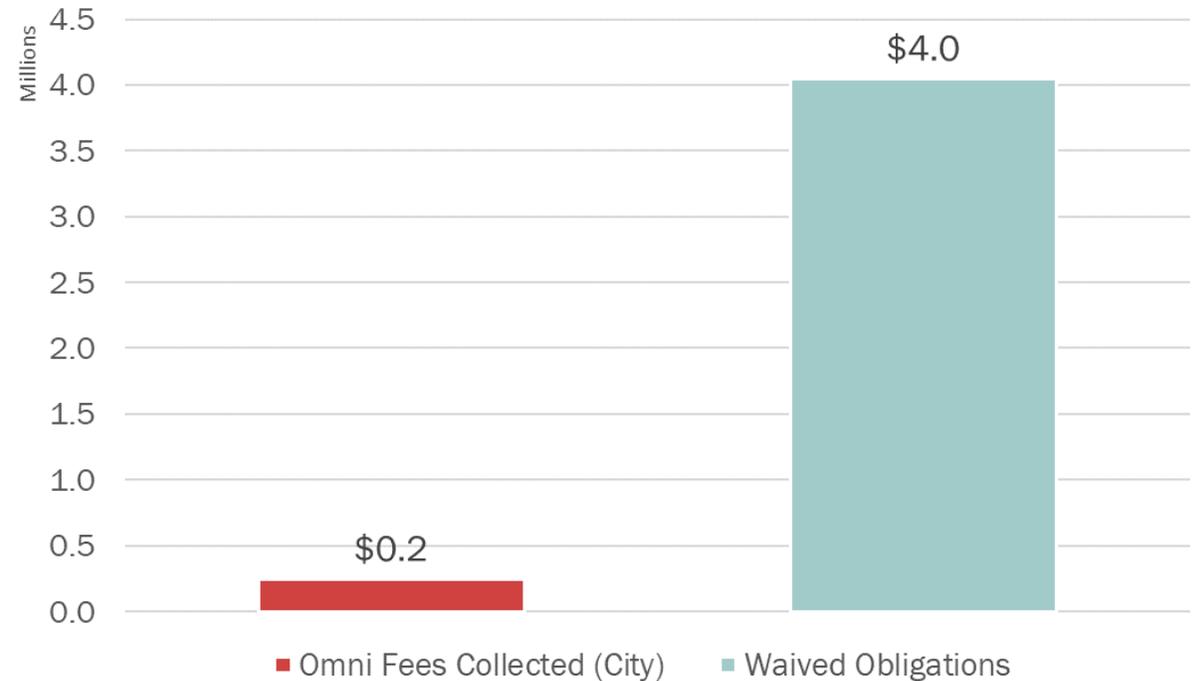
"If you are convicted of an offense and are unable to pay the fine and court costs, you may have the court assess your ability to pay and the court may provide alternatives (community service, payment plans etc.) to full payment in satisfying the judgment. If you were confined in jail or prison after the commission of an offense, you may be entitled to time served credit toward any fine or costs owed."

*San Antonio Municipal Court
notice to all individuals*



WAIVED MONETARY OBLIGATIONS

- FY 2018 – FY 2023 over \$4M of costs and fines waived by court. This includes indigency, community service and jail time credit.
- \$246K in OmniBase administrative fees were retained by the city for the same period.
- 26% of cleared cases were granted non-monetary resolution options.





ALTERNATIVES TO PAYMENT

Articles 27.14, 27.16, 45.049, 45.0491 and 45.0492 Texas Code of Criminal Procedure.

The court has discretion to offer reduced payment or non-payment options to satisfy a court judgment.

Deny renewal released upon appearance or a finding of indigency.

- Performing community service for an educational institution or any organization that provides services to the general public that enhances social welfare and the well-being of the community.
- Jail time credit
- A work and job skills training program (Ready to Work)
- A preparatory class for high school equivalency examination
- A mentoring program
- An alcohol or drug abuse program
- A rehabilitation program
- A counseling program

EFFECTS OF NON-COMPLIANCE



- Infringes on the court's accountability:
 - Unable to execute it's charge to process cases.
 - Violation of state laws.
- Decreases court's ability to:
 - Do justice in individual cases.
 - Resolve disputes.
 - Maintain rule of law.
 - Ensure due process of law.
- Reduced compliance:
 - No incentive for court appearance.
 - Limits court's options for compliance.
- Effectiveness of warrants is diminished:
 - 25% of cases with holds are for individuals residing outside the city.
- Hinders court operations:
 - Resources.
 - Staff utilization.
 - Parcel and postage.

COURT & THE COMMUNITY



April 4, 2024 San Antonio



May 7, 2024 San Antonio

- Public trust through enforcement of consistent practice of case processing.
- Traffic law enforcement is a deterrent to reduce unsafe driver behaviors.
- Resources, education and services offered by the court can only be provided if individuals appear.
- The new *Drive **SA**fely SA* Resource and Education Center, Road Ready/TDL, and Community Court Dockets exist to serve and educate those in need.

DPS INTERLOCAL COOPERATION CONTRACT RENEWAL

San Antonio Municipal Court has used OmniBase Services since 1997.



- Changes authorized in the 88th legislative session required DPS to revise language for clarification of responsibilities held by each party and include indigency into the program as mandated by House Bill 291.
- Revised Interlocal Cooperation Contract with DPS for a 5-year time-period.
- The Court recommends the revised DPS Interlocal Cooperation Contract for Failure to Appear Program be forwarded to full council for renewal.

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