

City of San Antonio



Minutes Municipal Court Advisory Committee

2023 – 2025 Council Members

Chair: Jalen McKee Rodriguez, District 2
Teri Castillo, District 5 | Melissa Cabello Havrda, District 6
Marina Alderete Gavito, District 7 | Manny Pelaez, District 8

Friday, June 21, 2024

11:00 AM

City Hall

The Municipal Court Advisory Committee convened a regular meeting in the City Hall Council Briefing Room beginning at 11:09 AM. Deputy City Clerk Aurora Perkins took the Roll Call noting a quorum with the following Committee Members present:

Members Present: Jalen McKee-Rodriguez, *Chair*
Teri Castillo, *Member*
Melissa Cabello Havrda, *Member*
Marina Alderete Gavito, *Member*
Manny Pelaez, *Member*

Members Absent: None

Approval of Minutes

1. **Approval of the minutes from the Municipal Court Advisory Committee meeting on May 7, 2024.**

Councilmember Cabello Havrda moved to Approve the minutes of the May 7, 2024 Municipal Court Advisory Committee meeting. Councilmember Pelaez seconded the motion. The motion carried by the following vote:

Aye: McKee-Rodriguez, Castillo, Cabello Havrda, Alderete Gavito, Pelaez

Public Comments

All individuals spoke in reference to Item 2.

Shawn Tracy, President of Omnibase Texas, spoke on the benefits of the platform and how it assisted the court on court appearances, provided a positive number of appearances to court hearings, and its use in crime prevention practices.

Attorney Ann Zaragosa spoke in opposition to the Omnibase Program and its impact on restrictions to obtain a driver's license. She stressed the importance of individuals keeping their driver's license to live a positive life and gain employment. She noted that other programs other than Omnibase were available that did not impact an individual's negatives when restricting driver's licenses.

Cole Meyer with Texas Advocacy spoke in opposition to the Failure to Appear Program and the use of the Omnibase Program. He stated that failures to appear in court cases were often impacted by socio-economic factors and the ability to pay for traffic fines.

Ella Lambert with Texas Appleseed spoke on behalf of Luissana Santibanez and read a letter from her that spoke to the impact of the Failure to Appear Program and the Omnibase Program due to restrictions on driver's license holders.

Kayla Miranda with Esperanza Justice Center spoke about the impact of the Failure to Appear Program and the failures of the Omnibase Program. She spoke about the continuing issues with being arrested for traffic fines and driver's license obtainment and supporting her family.

Molly, a homeless resident, spoke in opposition to the Omnibase Program and its impact to individuals for losing their driver's license and the inability to get a Texas identification card. She stressed the negative impacts of not having a valid identification card to gain work and housing.

Briefing and Possible Action on the following items

2. Briefing and possible action on the use of the Failure to Appear Program (OmniBase). [Carla Obledo, Presiding Judge, Municipal Court]

Fred Garcia, Municipal Court Clerk, provided an overview of the Texas Department of Public Safety (DPS) Interlocal Cooperative Contract in the Failure to Appear Program (FAP). He spoke to the history of the FAP initiative from DPS which was enacted in 1995 to assist courts with challenges of non-appearance on criminal traffic citations. Garcia stated that in 2001 a failure to pay or failure to satisfy judgment was added to the Program to address payment challenges. He added that a

\$10 fee was added per violation which was lowered from \$30 in 2019, and a placed hold was cleared with payment, dismissal or a finding of indigency (unable to afford basic necessities of life).

Garcia reiterated that the Program did not limit an individual's ability to renew their licenses and that drivers could apply for an occupational license to continue working. He noted that driver's licenses were renewed every eight years for anyone between the ages of 18-84. He stated that FAP did not suspend a driver's license, limit the driver's ability to drive until time for renewal, and individuals were able to apply for identification cards, out-of-state licenses, and international identifications or licenses.

Garcia spoke to the Municipal Court's application of the Program which was designed for failure to appear situations and not failure to pay or failure to satisfy judgments. He noted that the FAP

had increased the number of cases cleared from the Municipal Court's backlog and removed individual warrants from the system. He added that under the Municipal Court Drive Safely SA Program, educational resources were provided including Road Ready curriculum, community court, and other resources.

Garcia reviewed the traffic appearance process starting with the initial appearance of traffic violators and the path for addressing if those individuals appeared or failed to appear in court.

Garcia spoke to the pre-Omnibase case activity and processes used which included the issuance of a citation to appear in court, text and email reminders process, and court day appearance activity. He noted that a pre-warrant letter was sent to individuals who failed to appear and not until then would the Omnibase Program be engaged to assist in the court appearance process.

Garcia reviewed the various court services available through the Municipal Courts to provide equitable and timely court appearances. He noted that individuals had options to appear in person or through live chat and had multiple options to address violations including by email, phone, on-line, and through the Dropbox.

Garcia reviewed data on the success of the Omnibase Program to increase case appearances from 2016 and 2023. He spoke to the top 10 offenses sent to Omnibase with the majority of them being speeding violations. Garcia stated that since implementing the Omnibase Program, 67% of cases had resulted in court appearance, and of the 67%, the court achieved a 95% compliance rate with pleas entered. He stated that the Program was a passive long-term compliance tool that achieved results in executing the court's mission over time.

Garcia addressed indigent individual circumstances and stated that new traffic citations were submitted to the Program due to failure to appear in court and not failure to pay. He noted that Judges, once finding instances of Indigency, were able to release a hold on a driver's license since the Program allowed alternatives to pay options to satisfy judgments to include community service or payment plans.

He stressed that the goal of the Program was not to collect fines but to provide justice for the public. He reviewed data from FY 2018-FY 2023 that showed that over \$4 million of costs and fines had been waived by the court which included indigency, community service, and jail time credit. He noted that \$246 in Omnibase administrative fees were retained by the City during that same period. He added that 26% of cleared cases were granted non-monetary resolution options.

Garcia spoke to alternatives to payment options available to individuals who had to appear in court for violations which were outlined in Articles 27.14, 27.16, 45.049, and 45.0492 of the Texas Code of Criminal Procedure. He noted that the court had discretion to offer reduced payment or non-payment options to satisfy a court judgment.

Garcia reviewed the effects of non-compliance of failures to appear at court cases which included infringing on the court's accountability and ability to execute the court's charge to process cases and a violation of State laws. He spoke of other effects including the court's decreased ability to do justice in individual cases, resolve disputes, maintain the rule of law, and ensure due process of law. He stated that non-compliance with the FAP would provide no incentive for

individuals to appear in court and that it limited the court's options for compliance. He added that non-compliance with the FAP would hinder the court's operations due to limiting resources, staff utilization, and increased costs for parcel and postage.

Garcia stated that the purpose of the FAP was to gain trust through the enforcement of consistent practice of case processing. He noted that traffic law enforcement was a deterrent to reduce unsafe driver behaviors and spoke to recent incidents that resulted in traffic fatalities. He stressed that resources, education, and services offered by the court could only be provided if individuals appeared in court. He spoke to the utilization of the new Drive SAFely SA Resource and Education Center, Road Ready/TDL Program, and noted that Community Court Dockets existed to serve and educate those in need.

Garcia spoke to the changes authorized in the 88th Legislative Session that required the Department of Public Safety (DPS) to revise language for clarification of responsibilities held by each party and included indigency into the Program as mandated by House Bill 291. He noted that the revised Interlocal Cooperative Contract with DPS was for five years and staff recommended that the DPS Contract for FAP be forwarded to the full City Council for consideration.

DISCUSSION

Chair McKee-Rodriguez stated that the Committee was not determining if the City should renew its contract with Omnibase. He spoke to recent action from other Cities who ended their contracts with Omnibase. He stated that he did not support the usage of the Omnibase Program and requested that staff provide alternatives to the Omnibase Program prior to the full City Council consideration of the Omnibase Program. He stressed the importance of staff identifying more equitable programs for court appearances and noted that Harris County, the City of Austin and the City of Dallas had recently ended their contracts with Omnibase.

Chair McKee-Rodriguez spoke to his concerns that three of the zip codes that had the largest number of Omnibase driver's license holds were in zip codes 78202, 78203, and 78220 which were in his council district. He stated that his charge as Chair of the Municipal Court Advisory Committee was to promote restorative justice practices in the City's court system and to move the Municipal Court System into the future. He noted that emphasis was made on removing barriers to workforce development and opportunities for job training and he did not support the use of Omnibase putting limitations on individuals seeking those things and that he would not support the Item. He stressed the importance of seeking other alternatives to the FAP.

Chair McKee-Rodriguez acknowledged the comments by the Municipal Court staff supporting the Omnibase Program but stressed the need to identify more innovative and equitable programs in order for individuals to keep their driver's license to find work, housing and other services. He asked staff to review alternative diversion programs such as the Financial Pathways Program.

Councilmember Alderete Gavito asked what efforts were made by the court if an individual contacted the court on obstacles to attending court dates. Presiding Judge Karla Obledo spoke to the various options available including video calls, delaying court dates, and email/phone conversation options.

Councilmember Alderete Gavito asked what the court did regarding an individual's lack of ability to pay. Obledo stressed that individuals were not put into the Omnibase system due to inability to pay fines but for their failure to appear in court. She spoke about the steps in notifying individuals of court dates and options for appearing in court.

Councilmember Alderete Gavito spoke to the importance of holding people accountable for their actions and their impact to public safety. She asked for clarification of data collected in the study conducted by UTSA on criminal violations. Garcia stated that the data was not used with Omnibase but that it did support the need of FAP.

Councilmember Alderete Gavito spoke to the Program guidelines and the importance of individuals appearing in court and obtaining justice. She stated that she felt that the Program provided payment alternatives and expressed her support of the Program.

Councilmember Cabello Havrda stated that she understood the barriers presented by individuals who spoke during public comment but also of the initiatives that staff and judges had to assist individuals who had barriers to paying fines. She noted that she had seen firsthand how the court worked with individuals to lower or waive fines when appearing in court.

Councilmember Cabello Havrda stressed the importance of educating the community of the options available to them. She asked if the Program restricted the ability to gain a Texas Identification. Obledo stated that it only restricted the ability to renew a driver's license and did not revoke it. Councilmember Cabello Havrda noted that many individuals did not know the meaning of indigent and stressed the importance of education on the term and options available to individuals appearing before the court. Obledo stated that materials on court appearances did not use the term and provided information on options to appear and for fee options to include community service or waiving of fines

Councilmember Cabello Havrda asked about the number of cases on hold of driver's licenses and notices and that a recent letter noted that there were 88,000 holds in the court system. Garcia stated that currently there were approximately 85,000 holds on file dating back to 1997 which was about 1% of all citations issued since 1997. He noted that although a person had a hold on their driver's license, this did not limit them to continue driving and that the hold would only appear when that person tried renewing their license which could be up to eight years later. He added that individuals who had holds would receive notices up to 60 days prior to their license renewal to make sure they were aware of holds.

Garcia spoke to court staff efforts to educate and provide simple language messaging to individuals on options available to them when they appeared in court to include community service, reduced or waived fines, and other educational programs. He noted that the language was not in legalese language so that it would be easy to understand.

Councilmember Cabello Havrda asked what was being done to remove holds from 1997. Obledo reiterated that staff was reviewing all cases, clearing holds, and updating case files within the system but that it would take time to review and complete the edits. She also spoke to recommendations from non-profits to address legalese language and make sure that notices and correspondence were simple to understand and provided example correspondence from 2017 that provided simplified language.

Councilmember Cabello Havrda stated that in her private legal practice she had observed just, dignified, and fair service to her clients in court and that she supported the renewal of the Omnibase Program. She stressed that it was still important to provide education to individuals receiving citations and find creative options for individuals to appear in court and fulfill justice requirements. Obledo stated that she and her staff were committed to assisting the community.

Councilmember Castillo asked for clarification on the number of 88,000 holds on driver's licenses. Garcia stated that the holds were from all dockets and that currently there were approximately 20,000 holds that were over eight years old. Garcia reiterated that staff continuously reviewed files to make sure that persons who were deceased or no longer cared to renew their driver's license were cleared from the system. Councilmember Castillo asked of the expected timeline to clear holds for those types of situations. Garcia stated that staff continuously reviewed data but that there were challenges in clearing data due to a lack of or incorrect data provided by individuals or when the citation was written. Councilmember Castillo requested data on when work began to clear driver's license holds. Garcia stated that staff would provide the information to the Committee.

Councilmember Castillo noted that of the 88,000 holds placed and from where those individuals lived, she had four zip codes with the highest number of holds and she expressed concern about available options to individuals who were not able to appear in court and were impacted economically. She acknowledged the need for fair justice but pointed out that there was a high impact of not being able to have a driver's license and related ability to gain housing, employment, and other socio-economic benefits.

Councilmember Castillo stated that it was important to identify more alternatives for individuals to be compliant with court appearance requirements and educate them on the legal process. She spoke to individuals who provided public comment and their examples of the negative impact of not having a valid driver's license and their ability to gain affordable housing, utility or rental assistance, and other social services.

Councilmember Castillo asked for clarification on the community court appearance process. Obledo stated that the community court process was usually for those individuals who were unhoused, living in a shelter, or did not have a permanent residence. She noted that the court worked closely with Bexar County's Second Chance for Success Program with the goal to remove any legal barriers to stability by working with other partner agencies to provide good faith efforts from individuals appearing in court. She added that the court also worked closely with the Bexar County District Homeless Court, Esperanza Court, Human Trafficking Court, and others to run cases concurrently. Councilmember Castillo asked if the Presiding Judge had discretion on options for community service and waiving of fines. Obledo confirmed that all Judges had discretion and many used it regularly. Councilmember Castillo requested data on how often discretion was used. Obledo stated that the data was not tracked.

Obledo reiterated that the Program was about appearance, not necessarily compliance, and stressed that it was difficult to assist individuals who did not appear in court.

Councilmember Castillo stressed that she did not support Omnibase and asked for clarification on the fiscal impact of increased staff efforts and not using Omnibase. Garcia spoke about the impact

of increased fees in the line items of postage and printing and the increased cost of staff time to prepare notifications. He spoke to the fact that much time and resources were saved in using Omnibase and their system to contact individuals.

Councilmember Castillo asked for clarification on fees collected by the Court and Omnibase. Garcia stated that there was a total charge of \$10 with the Court getting \$4 and Omnibase \$6.

Councilmember Pelaez stated that two interests needed to be taken into consideration which included individuals who had violations and the impact on driver's license holds. He asked for data on the demographics of individuals who had driver's license holds.

Councilmember Pelaez stated that it was important to identify process efficiencies to decrease court cases. He requested discussions with the courts, the Office of Innovation, and the Information Technology Services Department to determine if efficiencies could be gained. He expressed his support of the Omnibase Program.

Chair McKee-Rodriguez stressed the need for creativity in working solutions to assist those in lower socio-economic levels and expressed concern that Omnibase assisted in holding discrimination against people of color. He requested that court staff have forms stating what people's responsibilities were and emphasizing the opportunities for relief and assistance.

Chair McKee-Rodriguez requested data on alternatives to Omnibase to be presented at the next Committee meeting.

No action was taken on this item.

ADJOURNMENT

There being no further discussion, the meeting was adjourned at 12:18 p.m.

Approved

Jalen McKee-Rodriguez, Chair

Respectfully Submitted

Debbie Racca-Sittre, City Clerk