



DRIVEN BY DEBT

DALLAS

NOVEMBER 2019



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Texas Fair Defense Project

We fight to end the criminalization of poverty in Texas. We envision a system of justice that upholds the dignity and civil rights of all people, regardless of income, race, or gender.

For more information, visit www.fairdefense.org.

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This report is a product of our work with the Annie E. Casey Foundation's Southern Partnership to Reduce Debt, which is developing strategies to lessen the impact of criminal and civil judicial fines and fees, as well as medical fees, high-cost consumer products and student loan debt, on communities of color.

We thank the Casey Foundation for its support but acknowledge that the findings and conclusions presented here are those of the author(s) alone, and do not necessarily reflect the opinions of the Foundation.

INTRODUCTION

Dallas is one of the largest and most diverse cities in the United States, and it has a growing population.¹ Unfortunately, growth has brought challenges, chief among them an increasing poverty rate and a large racial wealth gap.² This report offers a look at an often overlooked driver of poverty and barrier to economic prosperity in the region: criminal justice debt and related driver's license suspensions.

Every year, tens of millions of dollars in fines, court costs, and fees are assessed against Dallas residents.³ If an individual fails to pay this debt, there can be devastating consequences. The City of Dallas and Dallas County, as well as surrounding suburbs, have contracted with the Department of Public Safety (DPS) to put holds on the driver's licenses of people who do not pay their fines and fees through the OmniBase Program. Tens of thousands of OmniBase holds, which prevent people from renewing or obtaining their licenses, are issued by these courts and are usually not lifted until the fines and fees are completely resolved.⁴ Unable to pay and needing to drive to get to work, take kids to school, and otherwise care for themselves and their families, many people continue to drive with invalid licenses. This results in more tickets for driving without a valid license, along with additional costs and fees. Each year, thousands of Dallas residents become trapped in an endless cycle of growing debt, warrants, and jail time for unpaid court debt.

The good news is that there are proven solutions to this problem which are relatively easy to implement at low or no cost. In order to achieve real, lasting change, Dallas must do two things:

1. Opt out of the OmniBase Program, which resulted in nearly 70,000 new holds from Dallas-area courts on driver's licenses just last year; and
2. Help low-income residents resolve their fines and costs quickly and fairly with sentences tailored to their ability to pay.

Evidence indicates that implementing these changes will not negatively impact revenue from the courts. Data from the Texas Office of Court Administration shows that legislation encouraging tailored sentences based on ability to pay actually increased collection rates.⁵ By implementing the changes recommended in this report, local leaders would remove a major obstacle for thousands of Dallas residents struggling to support themselves and their families. Helping people get out of debt and back on the road is a necessary step towards creating a more equitable city with widespread economic prosperity across all races and ethnicities and in all neighborhoods.

HOW FINES, FEES & DRIVER'S LICENSE SUSPENSIONS KEEP PEOPLE IN POVERTY

The vast majority of criminal cases in Texas are fine-only misdemeanors, which are the lowest level of criminal offenses in Texas and intended to be punished by fines alone and no jail time.⁶ Fine-only misdemeanors include most traffic offenses, city ordinance violations and other Class C misdemeanors such as public intoxication. People are usually cited for the offense with a ticket. Typically, people with the means to pay a ticket will resolve it online or through the mail, without ever having to appear in court.

However, people without money are set on an entirely different course after receiving a ticket. When somebody who cannot afford to pay their ticket misses court or a scheduled payment, many courts, including those in the Dallas area, will issue a warrant and assess a number of costs and fees that only apply to people who do not pay right away. Additionally, under Chapter 706 of the Transportation Code, courts may opt into a license hold program, formally known as the Failure to Appear/Pay Program but more commonly known as the OmniBase Program after the private vendor that administers the program, OmniBase Services of Texas. When fines and fees are not paid, courts place OmniBase holds on people's driver's licenses and typically do not lift the holds until all the fines and fees are completely satisfied. This means that even if a person is able to lift their warrants and get on a monthly payment plan, the holds remain until the debts are completely paid off, which could take years. Though courts of all levels can use the OmniBase Program, it's used most often by justice and municipal courts, which handle the vast majority of criminal cases involving fines.

How Warrants Compound Poverty: The harms of an arrest warrant for someone struggling financially are great. Employers often consider any active warrant, even a warrant for failure to pay a ticket, as a bar to hiring the person. People with arrest warrants can also be picked up and arrested at any time, and as a result will avoid contact with police. Family violence victims and other victims of crime may not contact police even when they need help because they fear being arrested themselves. When a person is arrested on a warrant, their car will be towed unless there's another passenger able to drive. This means they'll have to pay hundreds of dollars just to get their car back to be able to go to work and take care of necessities.

Furthermore, a jail stay for even a day or a couple days can be incredibly damaging. If they do not show up for work, they may lose their job. They cannot care for or arrange care for their children while in jail, and in some cases, their custody may be threatened by the fact that they were arrested and not available to care for their children. If they have health issues or mental health issues, those may worsen in a matter of hours if they do not receive their usual medications or treatments.

When people lose their driver's licenses for failure to pay a ticket, they face a difficult choice. Most Texans must drive to provide for themselves and their families. In Dallas-Fort Worth, fewer than one-third of jobs are accessible within a 90-minute public transportation ride each way.⁷ But by driving without a valid license, they risk receiving more tickets, compounding their debt and driving them deeper into poverty. On the other hand, if they stop driving, they may lose their jobs, their ability to care for their family, access to medical care, and any hope of ever paying off the fines and fees.

Faced with this dilemma, most people continue to drive and will accumulate more tickets for driving without a valid license and driving without insurance, which is difficult to obtain without a license. Every time they get a ticket they can't afford, they receive additional warrants, license holds, and fees, and fall further away from ever being able to pay off their debts and get their licenses. Because of this cycle, it is easy to accumulate dozens of citations and thousands of dollars of ticket debt.

Even if someone can avoid commuting to work by car, just the fact that a person does not have a valid driver's license makes finding and keeping employment and housing more difficult. **One study of drivers with suspended licenses found that 42 percent lost their jobs when their license was suspended.**⁸ The impact was even greater on drivers with household incomes below \$30,000: 64 percent of these drivers lost their jobs when their license was suspended, and 51 percent could not find another job.⁹ A valid driver's license is viewed by employers and others as a sign of stability and trustworthiness. Many employers ask applicants to provide a valid driver's license with their applications, even for jobs where driving is not required.

This is especially common in fields such as construction, health care, manufacturing or office jobs—jobs that often pay above minimum wage and have the potential to help families escape poverty.¹⁰

The vast majority of people with warrants and OmniBase holds desperately want to take care of their tickets and get their licenses back. However, they frequently encounter barriers to accessing courts, such as requirements that they post a bond in order to see a judge. If they don't have the cash for a bond (and they usually don't if they couldn't pay the fine to begin with), they have no way to resolve what they owe. Others live far away from the place where they got the ticket and have no way to travel back to it. Even if they are able to get to court, it is unusual for judges to sentence them to alternatives; most judges do not order community service often, and waivers and reductions are even more infrequent. If anything, a person with outstanding debt will leave court with a payment plan requiring them to pay unaffordable monthly installments.

THE OMNIBASE PROGRAM IN DALLAS

Presently, there are 1,080,000 people statewide who cannot renew their driver's licenses on account of OmniBase holds.¹¹ **On average, these nearly 1.1 million people have 3.8 unresolved tickets each.**¹² While some of these people can still drive legally until their license expires, others already have an expired license. As of January 2018, approximately 40 percent of people with OmniBase holds also had an expired license, meaning they could not drive legally.¹³ **The average person in the program must resolve over a thousand dollars in debt before they can get their license back.**¹⁴

The OmniBase Program's impact in Dallas is particularly profound. Data maintained by the Department of Public Safety shows that the City of Dallas issued more OmniBase holds than any other jurisdiction in Texas in 2016—more than 47,000 OmniBase holds—and that number jumped up to 60,000 holds in 2017.¹⁵ By 2018, the number of holds by the City of Dallas was down to 40,000 holds.¹⁶ Still, the rate at which OmniBase holds were placed by Dallas in 2018 was twice as high as Houston. While Houston had more holds that year, they only placed OmniBase holds in about 13% of cases; **Dallas placed holds in 28% of cases.**¹⁷ In addition, the Dallas County Justice of the Peace courts issued nearly 15,000 holds in 2018, and other area municipal courts issued another 15,000 holds.¹⁸

Moreover, four zip codes in South and East Dallas—75217, 75216, 75227, 75241—were among the top ten zip codes with the highest number of OmniBase holds placed by courts *statewide* over the course of a single year.¹⁹ There were 18,000 OmniBase holds placed in these four zip codes alone in 2018. All are zip codes with median incomes below the city's median income and with residents who are predominantly people of color.²⁰

Most courts will not lift the OmniBase hold until every single dollar is paid or every single hour of community service completed and submitted to the court. Because it is so easy to accumulate high amounts of debt, many low-income Texans are put on court-ordered payment plans and community service plans that last for many months or even years. This means that even people who are in compliance with court

orders and are making good faith efforts to make payment plan installments or complete community service hours must wait months or years to get their licenses back. The inability to obtain a license while on a payment plan or community service plan makes it much harder to come up with the money for payments or travel to a community service site.

OmniBase Versus the Driver Responsibility Program:

In 2019, the Texas legislature eliminated the heavily criticized Driver Responsibility Program (DRP), through which people were assessed surcharges for certain traffic-related offenses and had their licenses suspended when they failed to pay.⁴⁷ Eliminating the DRP led to the lifting of 1.4 million DRP suspensions.⁴⁸ However, many people with DRP suspensions had other enforcement actions preventing them from obtaining their licenses even after the repeal. The biggest reason for that is the OmniBase Program, which in some ways is more harmful than the DRP.⁴⁹ For example, the DRP had an indigency program, which provided relief to anyone who could show that they made under 125 percent of poverty guidelines. There is no equivalent relief for the OmniBase program. Also unlike the DRP, the OmniBase program does not lift holds once somebody begins making payments on the underlying debt.

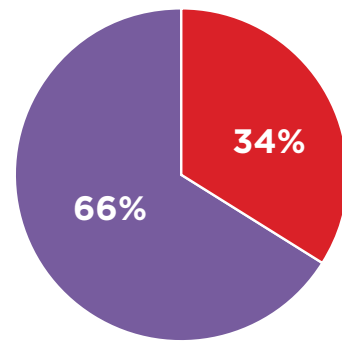
Administering the OmniBase Program is complicated and can be confusing for court clerks and people with tickets alike. Holds are not issued per person but rather per case, meaning a single person can have multiple OmniBase holds from a single court. To add to the confusion, many people have holds from multiple courts without realizing it, oftentimes from different jurisdictions all located within the same county. Obtaining information online about a person's existing holds is impossible if you do not know their driver's license number, and the information available is not always accurate. People will finally pay off all their citations in one court only to later find out that they still have holds they were unaware of in other local justice courts or municipal courts. Court clerks can also have difficulty determining which holds are active when somebody has multiple holds spanning many years, and it is not uncommon for clerks to forget to lift holds after a person pays off multiple citations. Because of the difficulty determining which courts have holds on a license, and the difficulty of obtaining and complying with an alternative sentence from each court, many indigent people eventually give up on the idea of ever obtaining a valid driver's license.

Difficulty Navigating the DPS System: When people contact DPS to seek guidance for restoring their driver's licenses, they encounter what can seem like a black hole. DPS is not able to answer 4 out of 5 calls,⁵⁰ and information available online is difficult to understand. Not being able to speak to anyone on the phone or find enough information online leads people who are struggling with licenses to visit DPS in person. DPS service centers are completely overwhelmed and understaffed, with people in the Dallas area reporting wait times of up to eight hours just to renew a license.⁵¹ The people flooding DPS because of OmniBase holds undoubtedly contribute significantly to these wait times.

POVERTY-RELATED OFFENSES: The OmniBase Program hits low-income drivers the hardest. The fact that the program disproportionately punishes low-income Texans is evidenced by the large number of holds that are placed on licenses for offenses that are associated with poverty. Offenses related to not having insurance, a valid license or up-to-date registration typically result from a lack of financial resources, while moving violations like speeding are committed by drivers of all income levels. Ultimately, one needs money to obtain car insurance or to pay their vehicle registration fee. A person also needs money to obtain a driver's license and money to keep one, including resolving any legal financial obligations like fines or court costs. Consequently, people without money are most often convicted of these offenses. **While 87 unique charges led to holds, these four poverty-related offenses alone made up more than one-third of all OmniBase holds in the City of Dallas in 2017.**²¹

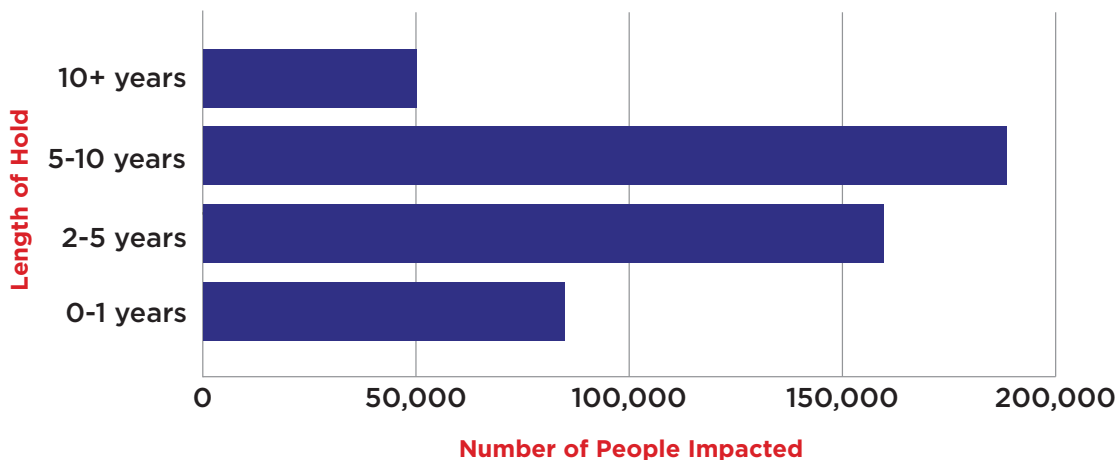
SUSPENSIONS LASTING MANY YEARS: Further evidence that the OmniBase Program punishes people for their poverty are the tens of thousands of people who have years-long or even decades-long holds on their licenses. The Program's purpose is to compel payment before or at the time people renew their license. Almost anyone who has the money to pay the underlying fines or costs will do so when their license expires to avoid risking further fines. However, for those without the money to do so, their license becomes invalid when it expires and may remain invalid for many years.

City of Dallas OmniBase Holds



- Poverty-Related Offenses (no/invalid license, no insurance, unregistered vehicle)
- Other Offenses (e.g., moving violations like speeding and failure to signal, all non-traffic violations, and failure to appear)

Length of Holds on Expired Driver's Licenses

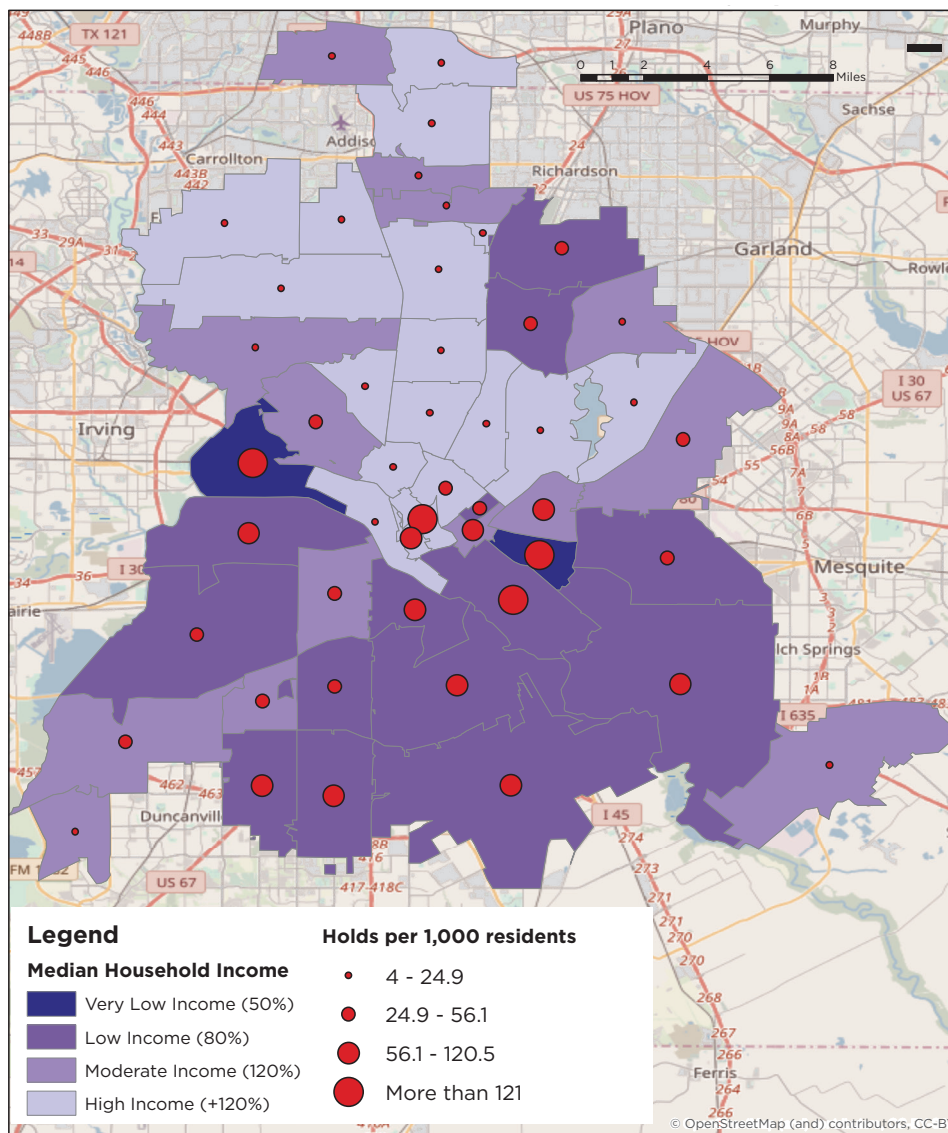


As of 2018, the average length of time that expired licenses with OmniBase holds had been invalid was five years and seven months.²² The chart on page 4 shows how long expired licenses with OmniBase holds have been expired. People with licenses not yet expired that have OmniBase holds are not included in this data, so any length of hold cannot be attributed to people delaying payment until the date their license will actually become invalid. Among these expired licenses, more than 50,000 licenses have been expired for over a decade and not had the hold removed, representing 10 percent of all expired licenses with OmniBase holds.²³ Another 188,000 (or 39 percent of expired licenses with OmniBase holds) have been expired between five and ten years.²⁴

Someone who has endured an invalid license and all of its attendant consequences, including the threat of more tickets and arrests, and the difficulty of finding employment and housing, almost certainly has no path to reinstating their license, or at least no path that they are able to navigate themselves. They do not have the money to hire an attorney to help them and do not have the money to pay the fines, costs and reinstatement fees required to get their license back. At this point, a court will be unlikely to collect any money from them given their lack of financial resources.

CONCENTRATION IN LOW-INCOME ZIP CODES: The map below shows a distribution of the OmniBase holds issued by the Dallas Municipal Court to people whose residential zip code is within Dallas County.²⁵ The zip codes are color-coded to show the median income within that zip code according to census data. The map shows that OmniBase holds are concentrated in lower-income zip codes. The highest-income zip codes generally have very few holds. A correlation analysis revealed a significant negative relationship between holds and median income; as zip code income increased, the number of holds decreased.

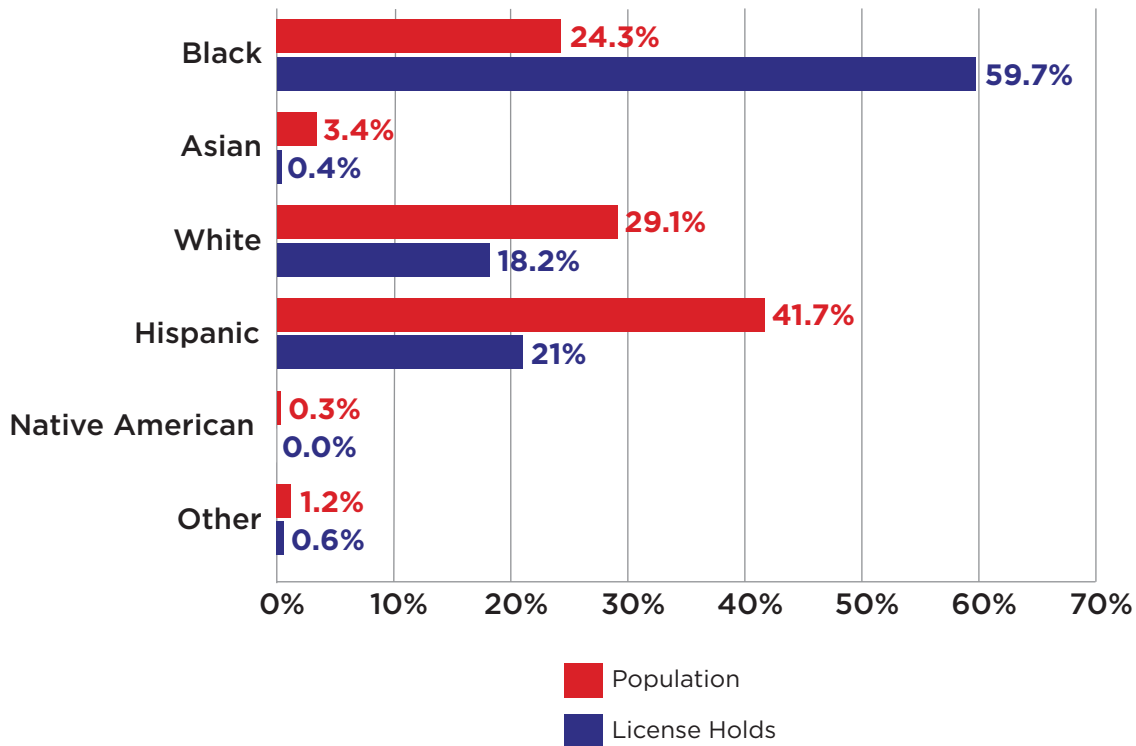
Driver's License Holds and Median Household Income by Zip Code (2017)



TROUBLING RACIAL DISPARITIES: Black and Hispanic drivers are much more likely to be impacted by OmniBase holds than White drivers, both statewide and in the Dallas area. Black individuals make up about 11 percent of licensed drivers in Texas. Yet, they are dramatically overrepresented among people with expired licenses that cannot be renewed due to OmniBase holds, representing 28.6 percent of these drivers.²⁶ Significance tests of these proportions found that the differences for race groups are statistically significant, and not due to chance.

Data from Dallas Municipal Court shows an even starker overrepresentation of Black individuals. While Black individuals make up only about 25 percent of the Dallas population, almost 60 percent of OmniBase holds in Dallas Municipal Court were against Black individuals in 2017.²⁷

Dallas Municipal Court Holds by Race, 2017



The racial disparities are driven by a number of troubling, intertwined factors. For one, Black individuals are disproportionately stopped by the Dallas Police Department. A 2016 racial profiling report from the Dallas Police Department revealed that Black people represented 35% of traffic stops²⁸, while only 25% of the Dallas population. Another factor contributing to these racial disparities is the well-documented and severe racial wealth gap in the City.²⁹ Because Black people are much more likely to live in poverty in Dallas, they are less likely to be able to pay fines and costs from a ticket. When they don't pay because they can't pay, OmniBase holds are placed on their driver's licenses.

CRIMINAL COURT DEBT IN DALLAS

WARRANTS STEMMING FROM TICKETS: The most recent data from the Office of Court Administration shows that the total number of fine-only misdemeanor cases filed in the City of Dallas Municipal Court and the Dallas County Justice of the Peace courts in 2018 totaled 245,648 cases—a ratio of about one ticket for every ten Dallas County residents from those courts alone.³⁰ Including other major municipal courts in Dallas County, that ratio rises to nearly one ticket for every four residents.

The Dallas Municipal Court and the Dallas Justice of the Peace courts issued over 100,000 warrants in 2018, and more than 230,000 the year prior.³¹ Warrants in fine-only misdemeanor cases are very common and issue when a person misses a court date or a scheduled payment.

Warrants for failure to appear usually issue when a person does not pay the fine online or appear in court by the date on the ticket. There are many reasons people do not appear in court. They might know they will not be able to pay and believe that will lead to their arrest. They may be afraid to be targeted for their immigration status. Low-income people in particular face significant logistical challenges to appearance, such as lack of transportation, lack of childcare, and inflexible work schedules.

Warrants for failure to pay are called “capias pro fine” warrants. Under legislation passed in 2017, courts are required to hold a hearing before issuing a capias pro fine,³² but people face the same fears and barriers related to these hearings and often do not appear. If the person does not appear or the court determines that the nonpayment was willful (meaning the person had the ability to pay but refused to do so) a capias pro fine warrant is issued.

While the offenses that lead to these warrants and driver’s license suspensions were intended to be punished by fines alone, **the outstanding warrants will still result in arrests and jail time.**

ALTERNATIVE SENTENCES ARE RARE: Because of the negative impact that fines and fees have on individuals, the state legislature has for the past two sessions passed legislation to improve court procedures so that people’s ability to pay is taken into account.³³ Judges are now required by law to ask about ability to pay when sentencing anyone to pay fines,³⁴ and people who have already been sentenced to pay fines will have a right to a hearing to evaluate their ability to pay beginning in January 2020.³⁵ For people who cannot pay, judges have several alternative sentencing options: payment plans, community service, or waiver or reduction of the amount owed.³⁶ With a payment plan, a person can pay in installments. With community service, the person can work off what is owed at a rate of at least \$12.50 per hour (or at a higher rate in the judge’s discretion).³⁷ Waiver or reduction of fines and costs is permissible when community service would create an undue hardship as a result of a medical condition, a disability, a job schedule, lack of childcare, or other circumstances.³⁸ With a change in state law effective January 2020, waiver or reduction of court costs is proper in any case where the person cannot pay them; the costs need not be converted to community service along with the fines for people who cannot pay.³⁹

While these alternatives are available under state law, their usage is exceedingly rare in the Dallas area. **Fines and fees are virtually never waived by the Dallas Municipal Court; only 27 total waivers were issued in 2018 out of 167,000 cases disposed.**⁴⁰ In the Dallas County Justice of the Peace courts, fines and costs were reduced or waived in only 1.2 percent of cases, despite the fact that 17.7% residents of the county live below the federal poverty level.⁴¹

Community service is slightly more common than waiver, but still unusual. **In the Dallas Municipal Court, only 3.7 percent of cases were resolved through community service.**⁴² This amount is exceedingly low for a city with such a high poverty rate, especially considering that low-income people are more likely to receive citations in the first place. **In the Dallas County Justice of the Peace courts, the number of cases resolved through community service is even lower, with only one percent of cases resolved through community service in 2018.**⁴³

Much more common than waiver or community service, in 2018 nearly one-quarter of cases in the Dallas Municipal Court and 29% percent in the Dallas County Justice of the Peace courts were resolved with jail credit.⁴⁴ Some portion of these were cases where the person was jailed on a more serious offense and given credit towards their fines while they were in jail. But many of these cases involve people who were arrested on a warrant for unpaid fines and jailed while waiting to see a judge or even sentenced to jail to sit out their fines. This practice is harmful to individuals and costly to the city and county, with a single jail bed costing \$60 per night.⁴⁵

RECOMMENDATIONS TO END WEALTH-BASED PUNISHMENT AND RACIAL DISPARITIES RELATED TO CRIMINAL COURT DEBT & DRIVER'S LICENSE SUSPENSIONS IN DALLAS

To minimize the harm of court debt to Dallas residents who cannot afford to pay their fines, fees and costs, we make the following recommendations.

RECOMMENDATIONS REGARDING THE OMNIBASE PROGRAM

Dallas County and the City of Dallas should immediately end their contracts to participate in the OmniBase Program. Participation in OmniBase is completely voluntary, and jurisdictions can decide to discontinue participation at any time. Other large cities like Fort Worth have opted out of the program.

If Dallas continues to participate, which is not recommended, courts must take certain steps to prevent unconstitutional wealth-based punishment, including:

- Requiring a finding of ability to pay before placing an OmniBase hold;
- Requiring judges to lift holds as soon as a person comes into compliance with a court order, by beginning community service hours or a payment plan, rather than waiting until all hours or payments are complete;
- Lifting holds after the person has been denied a license for two years.⁴⁶

RECOMMENDATIONS REGARDING CRIMINAL COURT DEBT

The Dallas Municipal Court and Dallas County Justice of the Peace Courts must ensure that fines and costs do not disproportionately burden lower-income residents by taking the following actions:

1. Prosecutors in the municipal and justice courts in the Dallas area should begin to initiate mass debt relief for people with who have had warrants and license holds for unpaid tickets for over five years.
2. Courts must ensure that all people have access to courts, regardless of ability to pay. For example, courts should have walk-in dockets with convenient hours to enable people to resolve their tickets and court debt. Information about these dockets should assure people that they will not be arrested or jailed for fine-only offenses if they come to court.
3. Courts should post clear information on their websites about how people can resolve tickets that they cannot pay, how they can clear warrants when they cannot pay, and how to lift OmniBase holds.
4. By local rule, courts should declare that all people below a certain income level, like 200% of the federal poverty level, are presumed to be unable to pay and should be eligible for alternative sentences. Under state law, people unable to pay should automatically have the court cost portion of their debt waived, including deferral fees. Only fines should be converted to community service or payment plans in appropriate cases. If the person cannot complete community service for the fine, the fine should be waived or reduced to an amount the person can pay at that moment without undue hardship.
5. For anyone above the income threshold, courts should conduct an ability to pay inquiry. Courts must consider a person's net income after accounting for the necessary expenses in the person's household as well as any unique circumstances impacting ability to pay. A cap of 10% of discretionary income should be placed on what the court can require a person to pay each month.
6. Payment plans should be limited to a period of three months. Any amount left outstanding after a person has paid up to 10% of their discretionary income for three months should be waived.
7. Courts should provide easy access to community service, providing a broad range of options for community service, some of which provide for flexible hours and completing the hours from home. Courts should also ask questions of each individual to determine if some activity they already undertake on a regular basis could qualify as community service for the court as well. Community service hours should be capped at eight hours for a single fine-only offense.

8. Courts should discontinue the use of warrants for nonpayment and failure to pay in fine-only cases, except in extreme cases. Instead, courts should focus on clear communication, implementing text message and phone reminders, and other means of collection that do not punish people on account of poverty. Courts should also establish policies that people will not be jailed to “sit out” or “lay out” their fines.
9. Local law enforcement agencies should adopt policies that they will not arrest people on fine-only warrants. Instead, they should issue a warning instructing the person to appear in court within the next 30 days. Agencies should publicize the fact that people who are victims of domestic violence or other violent crime will not be arrested on warrants related to unpaid fines if they contact the police for help.
10. No municipal courts should use ACE Cash Express or other predatory lenders as locations where fines and fees can be paid. Using these locations encourages people to take out loans that they cannot afford and that can trap them in another cycle of debt, rather than to contact the court to work out a sentence that they can actually complete.

ENDNOTES

1. Marc Ramirez, *Dallas, two other Texas cities rank among top 10 most diverse locales in the nation*, Dallas Morning News (Apr. 10, 2019); Casey Leins, *Dallas-Fort Worth Saw the Biggest Population Growth Among All U.S. Cities in 2018*, U.S. News & World Rpt. (Apr. 22, 2019), available at <https://www.usnews.com/news/cities/articles/2019-04-22/census-data-shows-dallas-fort-worth-experienced-biggest-population-growth-in-2018#targetText=The%20Dallas%20Fort%20Worth%20Arlington.%2C%20marking%20a%201.8%20%25%20increase>.
2. Among large Texas cities, Dallas has the lowest median income and largest percentage of residents living in poverty. See Communities Foundation of Texas, *Dallas: An Economic Opportunity Assessment* (2018), available at <https://www.cftexas.org/cft/files/70/7000d1c2-1958-4752-9bc2-a0e411d3f9d4.pdf>. The poverty rate in Dallas has grown 39% since 2010, despite the population growing only about 8%. Regina Montoya, Chair, Mayor's Task Force on Poverty, Mayor's Task Force on Poverty Update (2018), available at https://dallascityhall.com/government/Council%20Meeting%20Documents/hsn_2_mayor%E2%80%99s-task-force-on-poverty-update_combined_050718.pdf. Dallas is also highly segregated with a staggering racial wealth gap: more than 3 in 5 Black and Latino households experiences liquid asset poverty, compared to about 1 in 5 white families, where liquid asset poverty is defined as a lack of savings to replace 3 months of income at the poverty level. Prosperity Now, *Racial Wealth Gap in Dallas* (2018), available at https://prosperitynow.org/sites/default/files/resource/2018-10/Racial_Wealth_Divide_in_Dallas.pdf.
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9. *Id.*
10. Alana Semuels, *No Driver's License, No Job*, *The Atlantic* (Jun. 15, 2016).
11. Data provided to authors by Texas Department of Public Safety, 2019. On file with the author. Hereinafter "2019 DPS Data".
12. *Id.*
13. Data provided to authors by Texas Department of Public Safety, 2018. On file with author. Hereinafter "2018 DPS Data".
14. 2019 Smith Data, *supra* n. 4.
15. *Id.*
16. *Id.*
17. *Id.*
18. *Id.*
19. *Id.*
20. U.S. Census Bureau, *American Fact Finder, Community Facts*, available at https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml.
21. 2019 Smith Data.
22. 2018 DPS Data, *supra* n. 13.
23. *Id.*
24. *Id.*
25. Based on analysis of data received from the Dallas Municipal Court, 2018 (hereinafter "DMC data"). On file with author. Income data taken from U.S. Census Bureau American Community Survey 2012-2016 5-Year Estimates. Zip code shapefile taken from U.S. Census Bureau 2012-2016 American Community Survey 5-Year Estimates. The authors received two different total numbers of holds that the Dallas Municipal Court issued in 2017. DPS data indicates there were about 60,000 holds, while the DMC data indicates there were more than 75,000 holds on driver's licenses. This map was based upon the DMC data. The map does reveal a couple of anomalies, with two relatively high income zip codes near downtown Dallas that also have a comparatively high number of holds. One potential explanation is that these zip codes include several homeless shelters and agencies that serve the Dallas homeless population, so have traditionally been areas of the city where many individuals experiencing homelessness reside. These individuals may be cited by law enforcement for city ordinances designed to govern their conduct, like no camping, no walking in roadways, or no soliciting, and have no money to pay the fines, leading to an OmniBase hold.
26. 2018 DPS data.
27. DMC data.
28. Dallas Police Department, *Racial Profiling Report* (2016), available at https://www.dallaspolice.net/reports/Shared%20Documents/2016_Racial_Profiling_Report.pdf.
29. Prosperity Now, *Racial Wealth Gap in Dallas* (2018), available at https://prosperitynow.org/sites/default/files/resource/2018-10/Racial_Wealth_Divide_in_Dallas.pdf.
30. OCA data, *supra* n. 3. For more detail see Data Appendix at end of this report. The rate would be even higher if it included every single municipal court in the county. Note however that many people will receive more than one ticket, so this does not mean that ten percent of people actually have a ticket. Also, some of the people who had cases filed in these courts were not residents of the county, and several of the cities extend into neighboring counties. Nonetheless, the fact that hundreds of thousands of fine-only cases are filed each year in those courts alone illustrates just how commonplace these charges are.
31. OCA data. For more detail see Data Appendix.
32. Texas Code of Crim. Pro. art. 45.045(a-2) as added by Acts 2017, 85th Leg., R.S., Ch. 1127 (S.B. 1913), Sec. 12.
33. S.B. 1913 and H.B. 351 were passed by the 85th legislature and took effect Sep. 1, 2017. S.B. 346 was passed by the 86th legislature and will take effect on January 1, 2020.
34. Texas Code of Crim. Pro. art. 45.041(a-1).
35. Senate Bill 346, 86th Leg., Reg. Session.
36. Texas Code of Crim. Pro. art. 45.041 (a-1).
37. Texas Code of Crim. Pro. art. 45.049(e).
38. Texas Code of Crim. Pro. art. 45.049i.
39. Senate Bill 346, 86th Leg., Reg. Session.
40. OCA data, *supra* n. 3.
41. *Id.*
42. *Id.*
43. *Id.*
44. *Id.*
45. Texas Judicial Council, *Criminal Justice Committee: Report and Recommendations* (Oct. 2016), available at <https://www.txcourts.gov/media/1436204/criminal-justice-committee-pretrial-recommendations-final.pdf>.
46. The Texas Judicial Council, led by Chief Justice Nathan Hecht, issued this recommendation in 2016. See <https://www.txcourts.gov/media/1436328/85th-texas-judicial-council-resolutions.pdf>. After two years of having an expired license and still not paying fines and fees, the person has endured the punishment of not being able to legally drive, meaning they almost certainly do not have the ability to comply.
47. See Texas Department of Public Safety, *News Release: Driver Responsibility Program Repealed* (Aug. 27, 2019), available at https://www.dps.texas.gov/director_staff/media_and_communications/pr/2019/0827a.
48. *Id.*
49. See Texas Appleseed & Texas Fair Defense Project, *Driven by Debt: How Driver's License Suspensions for Unpaid Fines And Fees Hurt Texas Families* (2019), available at <http://stories.texasappleseed.org/driven-by-debt>.
50. Texas Dep't of Public Safety, *Agency Strategic Plan Fiscal Years 2019 to 2023* (2019), available at <https://www.dps.texas.gov/dpsStrategicPlan/strategicPlan2019-2023.pdf>.
51. Samantha J. Gross, *'Insane' 8-hour waits prove that DPS mega centers aren't working, fed-up Texas drivers say*, Dallas Morning News (Aug. 6, 2018).

NEW FINE-ONLY CASES IN DALLAS-AREA COURTS, 2018

Court	2017 Population	Fine-Only Cases Added 2018	Per Capita Filing Rate
Dallas MC	1,341,075	140,288	0.10
Irving MC	240,373	48,501	0.20
Garland MC	238,002	52,806	0.22
Grand Prairie MC	193,837	62,466	0.32
Mesquite MC	143,949	29,052	0.20
Carrollton MC	135,710	32,731	0.24
Richardson MC	116,783	35,648	0.31
Lewisville MC	106,021	21,200	0.20
Rowlett MC	62,868	10,545	0.17
Grapevine MC	53,982	14,547	0.27
DeSoto MC	53,568	8,189	0.15
Cedar Hill MC	48,710	9,056	0.19
Coppell MC	41,941	11,066	0.26
Duncanville MC	39,487	6,164	0.16
Lancaster MC	39,386	8,250	0.21
Farmers Branch MC	37,088	12,773	0.34
Balch Springs MC	25,357	6,128	0.24
University Park MC	25,201	10,610	0.42
Dallas County JPs	2,618,148	105,360	0.04
Local Totals	2,618,148	625,380	0.24

MUNICIPAL COURTS WITH GREATEST NUMBER OF OMNIBASE HOLDS STATEWIDE, 2018

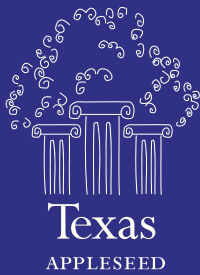
Court	Total OmniBase Holds	Total Criminal Cases Added	% of Cases Resulting in OmniBase Hold
Houston MC	65,349	510,734	13%
Dallas MC	39,498	140,288	28%
El Paso MC	16,165	163,626	10%
San Antonio MC	14,989	206,780	7%
Laredo MC	13,151	52,001	25%
Corpus Christi MC	12,173	57,107	21%
Bedford MC	6,526	18,349	36%
Mesquite MC	5,931	29,052	20%
Beaumont MC	5,884	32,137	18%
Austin MC	5,262	96,004	5%

ALTERNATIVE SENTENCES IN DALLAS-AREA COURTS, 2018

Court	Criminal Cases Disposed	Fines/Costs Resolved with Community Service	% of Cases Resolved with Community Service	Fines/Costs Waived	% of Cases Resolved with Waiver	Fines/Costs Resolved with Jail Credit	% of Cases Resolved with Jail Credit
Dallas MC	167,499	6,144	3.7%	27	0.0%	40,386	24.1%
Irving MC	37,621	1,324	3.5%	37	0.1%	1,538	4.1%
Garland MC	51,504	365	0.7%	140	0.3%	2,378	4.6%
Grand Prairie MC	50,482	342	0.7%	340	0.7%	3,808	7.5%
Mesquite MC	24,654	180	0.7%	596	2.4%	3,386	13.7%
Carrollton MC	34,063	143	0.4%	2	0.0%	2,328	6.8%
Richardson MC	33,742	5	0.0%	114	0.3%	2,985	8.8%
Lewisville MC	18,425	124	0.7%	63	0.3%	989	5.4%
Rowlett MC	10,054	126	1.3%	8	0.1%	454	4.5%
Grapevine MC	13,719	34	0.2%	30	0.2%	483	3.5%
DeSoto MC	8,221	49	0.6%	100	1.2%	928	11.3%
Cedar Hill MC	7,264	227	3.1%	0	0.0%	599	8.2%
Coppell MC	10,094	70	0.7%	9	0.1%	437	4.3%
Duncanville MC	7,014	6	0.1%	70	1.0%	1,057	15.1%
Lancaster MC	13,453	350	2.6%	101	0.8%	2,110	15.7%
Farmers Branch MC	11,657	15	0.1%	4	0.0%	1,636	14.0%
Balch Springs MC	4,875	13	0.3%	3	0.1%	692	14.2%
University Park MC	7,011	1	0.0%	1	0.0%	94	1.3%
Dallas County JPs	82,480	864	1.0%	993	1.2%	23,755	28.8%
Local Totals	593,832	10,382	1.7%	2,638	0.4%	90,043	15.2%
Statewide Municipal Totals	4,332,784	77,153	1.8%	36,629	0.8%	423,145	9.8%
Statewide Justice Court Totals	1,811,085	18,107	1.0%	13,739	0.8%	109,346	6.0%

WARRANTS ISSUED BY DALLAS-AREA COURTS IN FINE-ONLY CASES, 2018

Court	Total Fine-Only Cases Filed	Class C Misdemeanor Warrants	% of Cases with Class C Warrants	Capias Pro Fine Warrants	% of Cases with Capias Pro Fine Warrants
Dallas MC	140,288	65,700	47%	12,612	9%
Irving MC	48,501	11,848	24%	9,985	21%
Garland MC	52,806	12,147	23%	2,880	5%
Grand Prairie MC	62,466	8,755	14%	7,536	12%
Mesquite MC	29,052	9,782	34%	5,930	20%
Carrollton MC	32,731	7,118	22%	4,426	14%
Richardson MC	35,648	5,841	16%	2,120	6%
Lewisville MC	21,200	3,772	18%	2,926	14%
Rowlett MC	10,545	511	5%	420	4%
Grapevine MC	14,547	1,682	12%	1,040	7%
DeSoto MC	8,189	3,612	44%	4,588	56%
Cedar Hill MC	9,056	1,587	18%	1,261	14%
Coppell MC	11,066	2,914	26%	150	1%
Duncanville MC	6,164	3,401	55%	2,884	47%
Lancaster MC	8,250	5,750	70%	5,197	63%
Farmers Branch MC	12,773	3,825	30%	2,001	16%
Balch Springs MC	6,128	2,193	36%	1	0%
University Park MC	10,610	543	5%	97	1%
Dallas County JPs	105,360	20,666	20%	2,395	2%
Local Totals	625,380	171,647	27%	68,449	11%
Statewide Municipal Totals	4,584,717	1,144,395	25%	522,611	11%
Statewide Justice Court Totals	2,126,623	282,891	13%	46,321	2%



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