

PRESENTED BY

THE CRIMINAL JUSTICE PROJECT



# DRIVEN BY DEBT



**AN UPDATED ANALYSIS  
OF THE STATE'S FAILURE  
TO APPEAR/PAY PROGRAM**





**DR. JENNIFER CARREON**

DIRECTOR,  
CRIMINAL JUSTICE PROJECT



**CHRIS CASSELLA**

POLICY INTERN,  
CRIMINAL JUSTICE PROJECT



**COLE MEYER**

POLICY ANALYST,  
CRIMINAL JUSTICE PROJECT

# PRESENTERS




CRIMINAL JUSTICE PROJECT

TEXAS APPLESEED

DATA DRIVEN NONPROFIT

# ABOUT US

 Texas Appleseed is a **data-driven nonprofit committed to supporting children, families and communities through policy change, at both the state and local level.**





# PRESENTATION OVERVIEW

- What is the Failure to Appear/Pay program?
- What we knew about FTAP prior to the current study
- Study at hand: Overview, Research Questions, Data & Methods, Findings & Discussion, Limitations
- What works in addressing court appearance rates?
- Recommendations + Conclusion



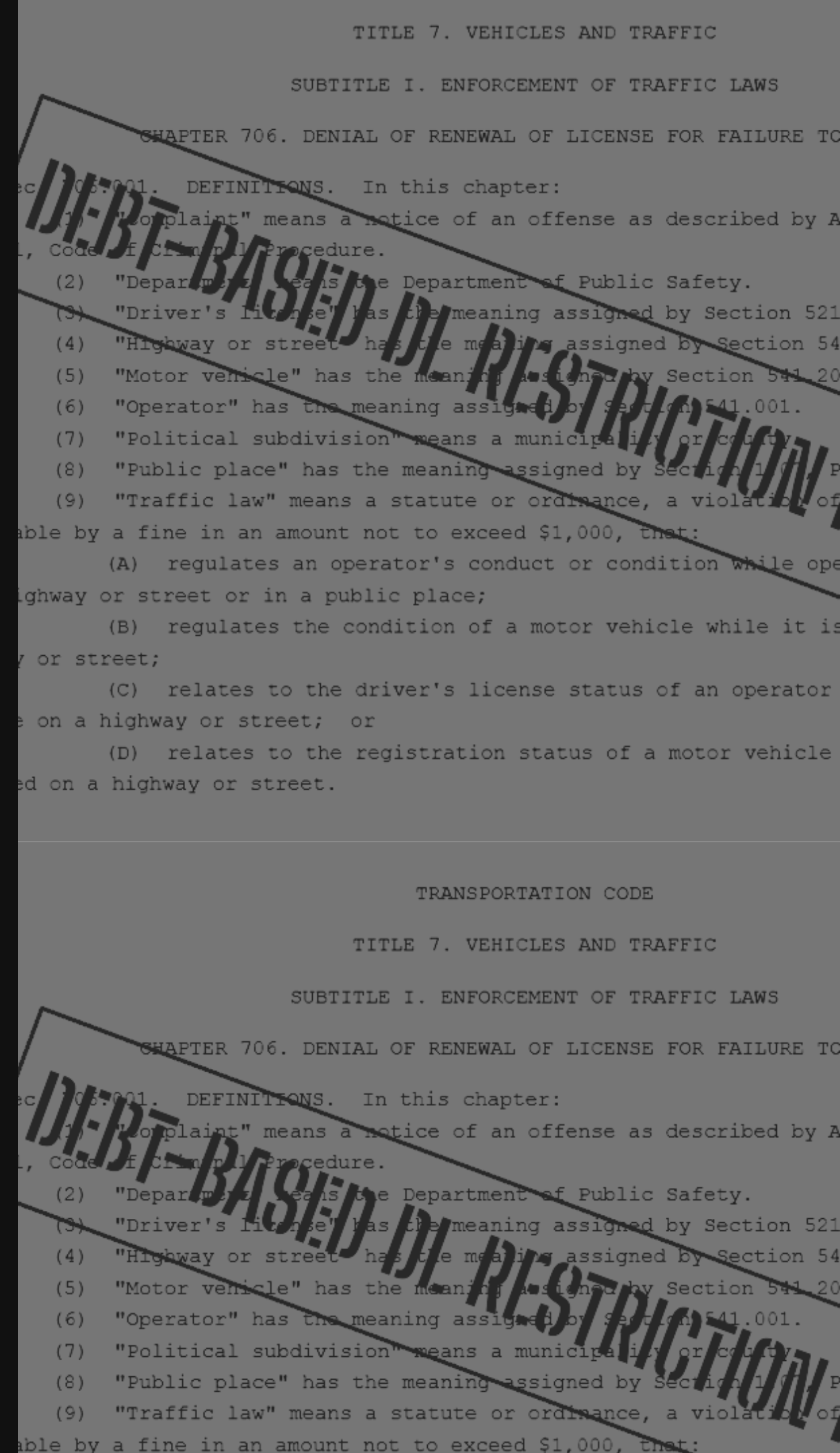


# THE FAILURE TO APPEAR/PAY PROGRAM

Under Texas law, courts can put a hold on active driver's licenses and prevent license renewals for the nonpayment of fines and fees associated with fine-only offenses (i.e., Class C Misdemeanors).

The majority of these holds are associated with traffic violations and are issued by JP and Municipal Courts.

This is referred to as the state's **Failure To Appear/Pay Program.** 





TRANSPORTATION CODE

TITLE 7. VEHICLES AND TRAFFIC

SUBTITLE I. ENFORCEMENT OF TRAFFIC LAWS

CHAPTER 706. DENIAL OF RENEWAL OF LICENSE FOR FAILURE TO APPEAR

Sec 706.001. DEFINITIONS. In this chapter:

- (1) "Complaint" means a notice of an offense as described by Article 27.14(d) or 45A.101, Code of Criminal Procedure.
- (2) "Department" means the Department of Public Safety.
- (3) "Driver's license" has the meaning assigned by Section 521.001.
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  - (D) relates to the registration status of a motor vehicle while it is being operated on a highway or street.

**DEBT-BASED DL RESTRICTION PROGRAM**



**No financial commitment tied to entering or exiting a contract under the FTAP program.**

**Other ways to deal with a fine/fee exist - waiver, community service, and jail credit.**

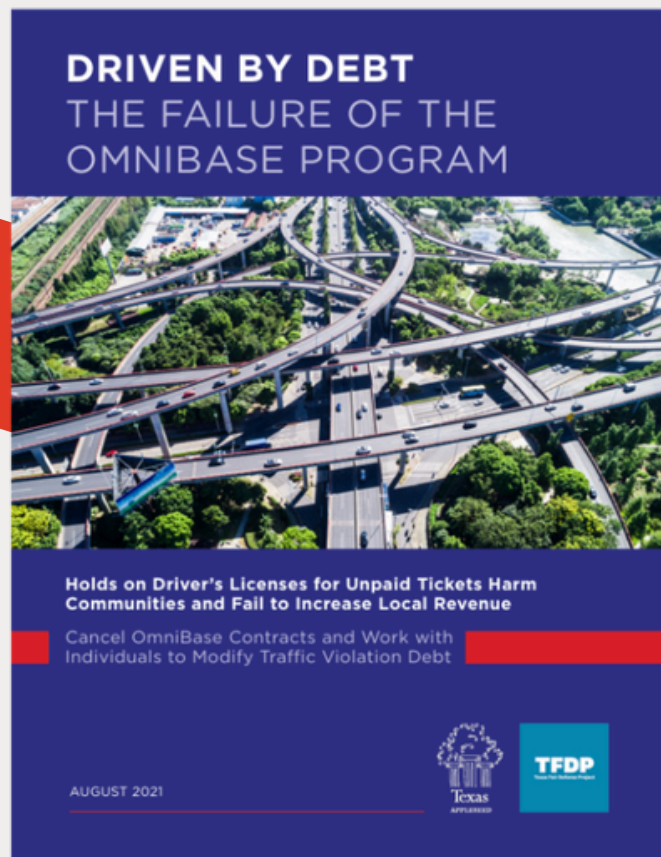
# **QUICK FACTS**

**OmniBase Services of Texas (OST), third party vendor (since 1996)**

**Hold Lifting Fee = \$10.00  
(\$4.00 court, \$6.00 OST)**



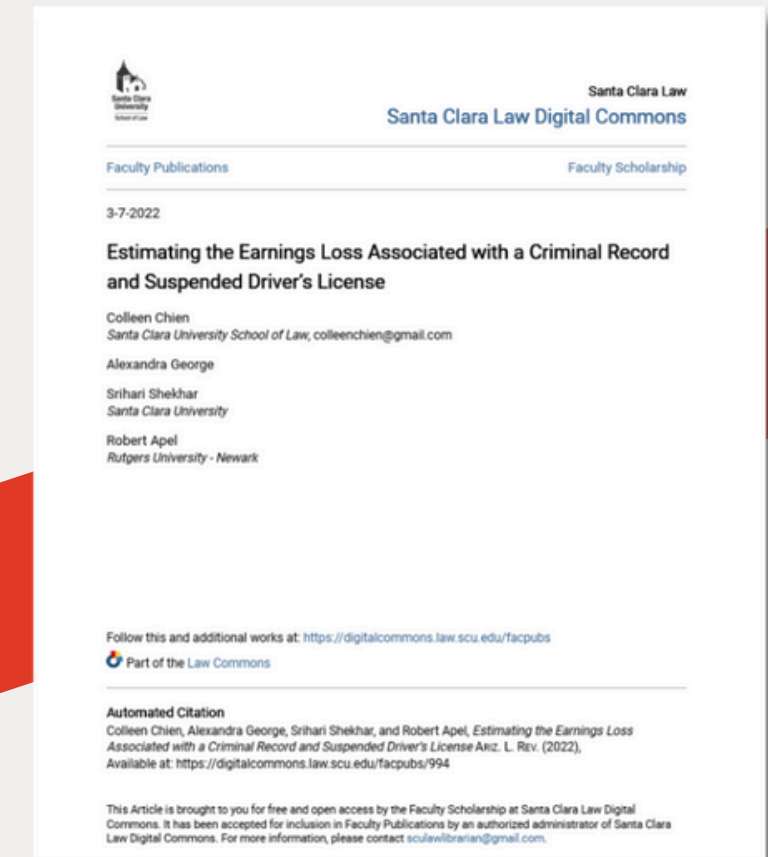
# PRIOR RESEARCH



## MUNICIPAL COURTS USING FTAP ISSUE WARRANTS - BOTH CAPIAS AND CLASS C - AT A SIGNIFICANTLY HIGHER RATE THAN THOSE THAT DON'T.



NO SIGNIFICANT DIFFERENCE IN THE REVENUE COLLECTED FOR MUNICIPAL COURTS THAT USE FTAP HOLDS VS THOSE THAT DON'T.



A LOST LICENSE UNDER DEBT-BASED RESTRICTION PROGRAMS CAN COST BETWEEN \$12,700 AND \$23,550.





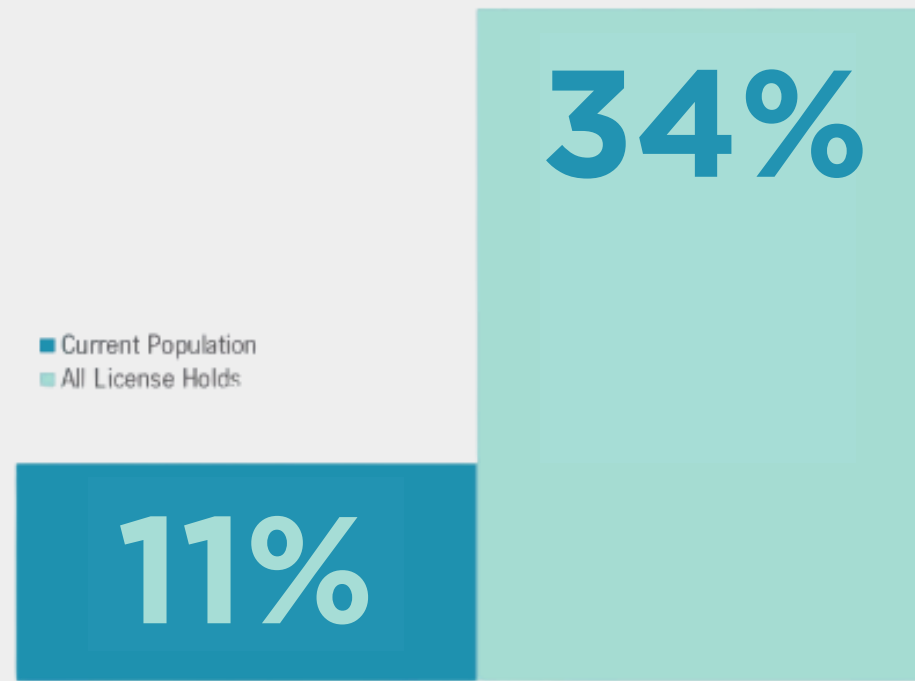
# OVERVIEW

**Replicates past analyses on revenue collected and warrants issued by city courts, using updated data.**

**Extends past analyses on revenue collected and warrants issued to also include county justice (or JP) courts.**

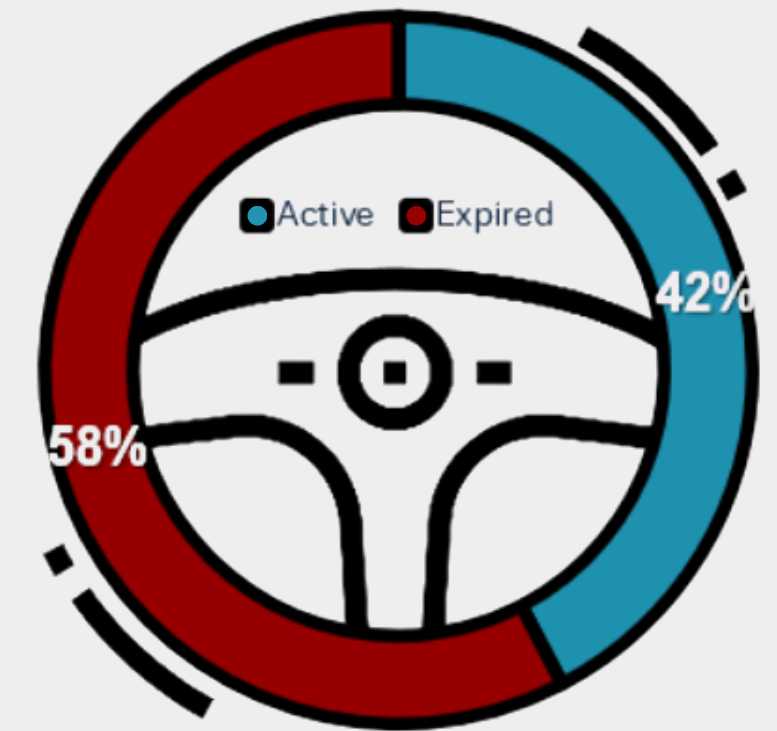
**Examines the geographical variation associated with lost earnings due to having a nonrenewable license due to an FTAP hold(s).**

**3.7M** FTAP holds on record

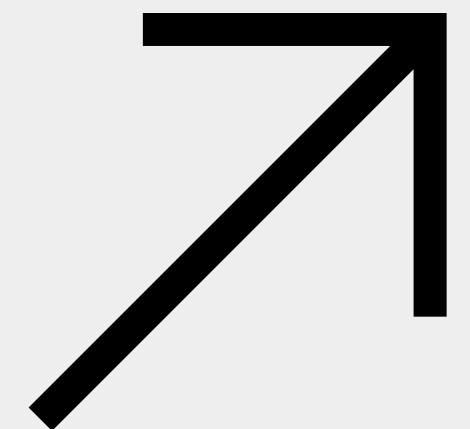


**5** Holds on average

**697,832** Texas Drivers



# THE CURRENT STATE OF HOLDS





# RESEARCH QUESTIONS

- 1** Are there differences in the revenue collected in municipal and JP courts that do and do not issue holds under the FTAP program? If so, are these differences statistically significant?
- 2** Are there differences in capias warrants issued in both municipal and JP courts? If so, are these differences statistically significant?
- 3** Are there differences in Class C warrants issued in both municipal and JP courts? If so, are these differences statistically significant?
- 4** How does the loss in earnings associated with an expired license under FTAP vary among Texas cities and counties?



# DATA SOURCES

**For the year 2023:**

- **Holdings issued by jurisdiction (OST)**
- **Holdings issued by license (DPS)**
  - On active licenses
  - On expired licenses
  - By zip & race/ethnicity
- **Court activity by city/county (DPS)**
  - Jurisdictional population
  - Revenue collected
  - Capias pro fine warrants issued
  - Class C warrants issued

# METHODOLOGY

- **Test of differences for non-parametric distributions**
  - Revenue
  - Capias warrants
  - Class C warrants
- **Test of differences in proportions**
  - Holdings
  - Capias warrants (cross-check)
  - Class C warrants (cross-check)
- **Geospatial plotting of holds and lost earnings by city/county**



**Table 1: Courts Participating in FTAP**

|                    | <b>Municipal Courts (%)</b> | <b>County Justice Courts (%)</b> |
|--------------------|-----------------------------|----------------------------------|
| Holds on Record    | 769 (77.5)                  | 243 (95.7)                       |
| No Holds on Record | 223 (22.5)                  | 11 (4.3)                         |
| <b>Totals</b>      | <b>992 (100.0)</b>          | <b>254 (100.0)</b>               |

# COURTS THAT ISSUE FTAP HOLDS

- Courts were defined as “participating” in the FTAP program if they had any holds on record with OST/DPS.
- Cities and counties with multiple courts were condensed to reflect their underlying city or county.
- Table 1 provides the number of city and county courts with FTAP holds on record and those without.

# HOLDS, WARRANTS, & REVENUE

## Standardizing Values to Address Outliers

$$\frac{\text{Holds/Warrants Issued by Court}}{\text{Jurisdictional Population}} * 100$$

## Calculating Revenue Collected

$$\frac{\text{Total Revenue Collected by Court (USD)}}{\text{Criminal Cases Disposed}}$$

**Table 2: Average Number of Holds, Warrants, and Revenue Collected by All Courts**

|   | Municipal Courts | County Justice Courts |
|---|------------------|-----------------------|
| <i>Averages/Median*</i>                   |                  |                       |
| FTAP Holds Issued per 100 Residents       | 50.9             | 43.3                  |
| Capias Warrants Issued per 100 Residents  | 2.6              | 0.6                   |
| Class C Warrants Issued per 100 Residents | 8.6              | 2.1                   |
| Revenue Collected by Criminal Case*       | \$191.87         | \$216.64              |



**Table 3: Average Number of Warrants and Revenue Collected by Courts that Do/Do Not Participate in the FTAP Program**

|  | Municipal Courts               |                                    | County Justice Courts          |                                   |
|--|--------------------------------|------------------------------------|--------------------------------|-----------------------------------|
|  | Do Use FTAP Holds<br>(n = 769) | Do Not Use FTAP Holds<br>(n = 223) | Do Use FTAP Holds<br>(n = 243) | Do Not Use FTAP Holds<br>(n = 11) |
| <i>Averages/Median*</i>                          |                                |                                    |                                |                                   |
| <b>Capias Warrants Issued per 100 Residents</b>  | 3.1                            | 0.8                                | 0.5                            | 2.4                               |
| <b>Class C Warrants Issued per 100 Residents</b> | 10.0                           | 2.6                                | 2.2                            | 0.9                               |
| <b>Revenue Collected by Criminal Case*</b>       | \$192.48                       | \$178.15                           | \$216.36                       | \$259.18                          |

**COURTS  
THAT DO /  
DO NOT  
PARTICIPATE  
IN FTAP**

# FINDINGS: QUESTIONS 1, 2, 3

|                                | Is there a difference between municipal and JP courts that do/do not use FTAP? | If so, is that difference statistically significant?  |
|--------------------------------|--|---|
| <b>Revenue Collected</b>       | Yes  | No, there is no statistical difference in revenue collected for city or JP courts.            |
| <b>Capias Warrants Issued</b>  | Yes  | Yes, cities issue capias pro fine warrants at a significantly higher rate - 3.9 times higher. |
| <b>Class C Warrants Issued</b> | Yes  | Yes, cities issue Class C warrants at a significantly higher rate - 3.8 times higher.         |



# TEST RESULTS FOR SIGNIFICANT DIFFERENCES IN NON-PARAMETRIC DISTRIBUTIONS

**Table 4: Test Statistics for Wilcoxon  
Mann-Whitney Tests**

|                      | Municipal<br>Results                     | JP Results                              |
|----------------------|--|---|
| Revenue<br>Collected | $z = 1.5$<br>$t = 65$<br>$p = 0.13$      | $z = -1.4$<br>$t = 20$<br>$p = 0.16$    |
| Capias<br>Warrants   | $z = 4.59$<br>$t = 95.9$<br>$p < 0.00$   | $z = -1.26$<br>$t = 37.4$<br>$p = 0.21$ |
| Class C<br>Warrants  | $z = 6.75$<br>$t = 117.50$<br>$p < 0.00$ | $z = 0.56$<br>$t = 55.6$<br>$p = 0.30$  |

Two-tailed tests, significant at .05

# TEST RESULTS FOR SIGNIFICANT DIFFERENCES IN PROPORTIONS

**Table 5: Test Statistics for Z-Tests for Differences in Proportions (& Cohen's *h*)**

|                                      | Municipal Results                    | JP Results                |
|--------------------------------------|--------------------------------------|---------------------------|
| Capias Warrants                      | $z = 1.98$<br>$p = .05$<br>$h = .2$  | $z = -0.73$<br>$p = 0.47$ |
| Class C Warrants                     | $z = 3.64$<br>$p < 0.01$<br>$h = .3$ | $z = 0.29$<br>$p = 0.77$  |
| Two-tailed tests, significant at .05 |                                      |                           |



# DISCUSSION: REVENUE & WARRANTS



No significant difference in the revenue collected by courts.

City courts are the driving force of holds. In fact, a test of differences in proportions shows that city courts issue holds at a significantly higher rate than their JP counterparts, **1.2 times higher.**

The finding of **no significant difference between JP courts that do and do not issue holds,** for the issuance of warrants is still informative. If, FTAP holds served as an alternative to warrants, then a negative association should be seen.

# THE VARIATION IN LOST EARNINGS

**402,277**

expired licenses w/a FTAP hold(s)

X

**\$12,700.00**

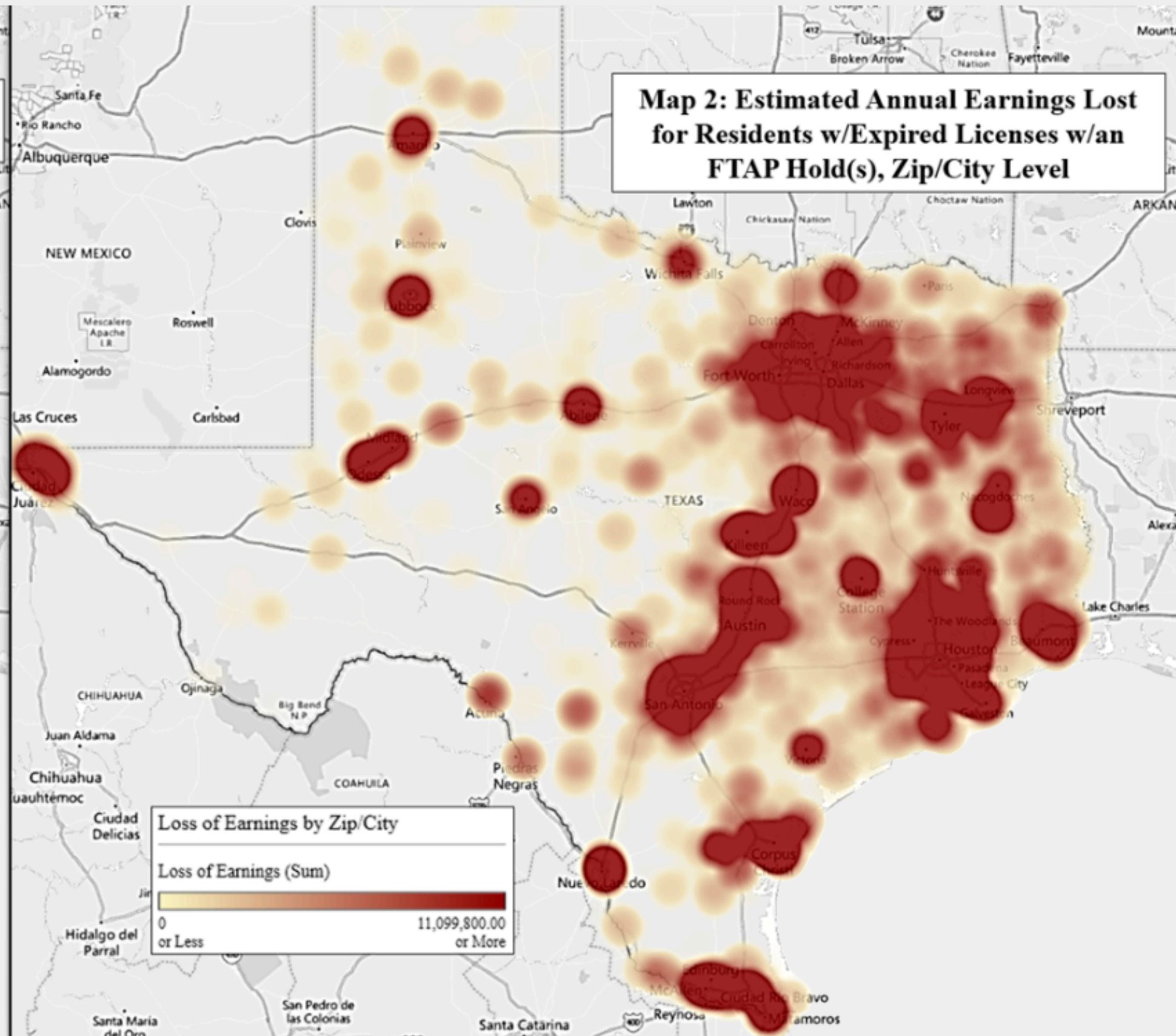
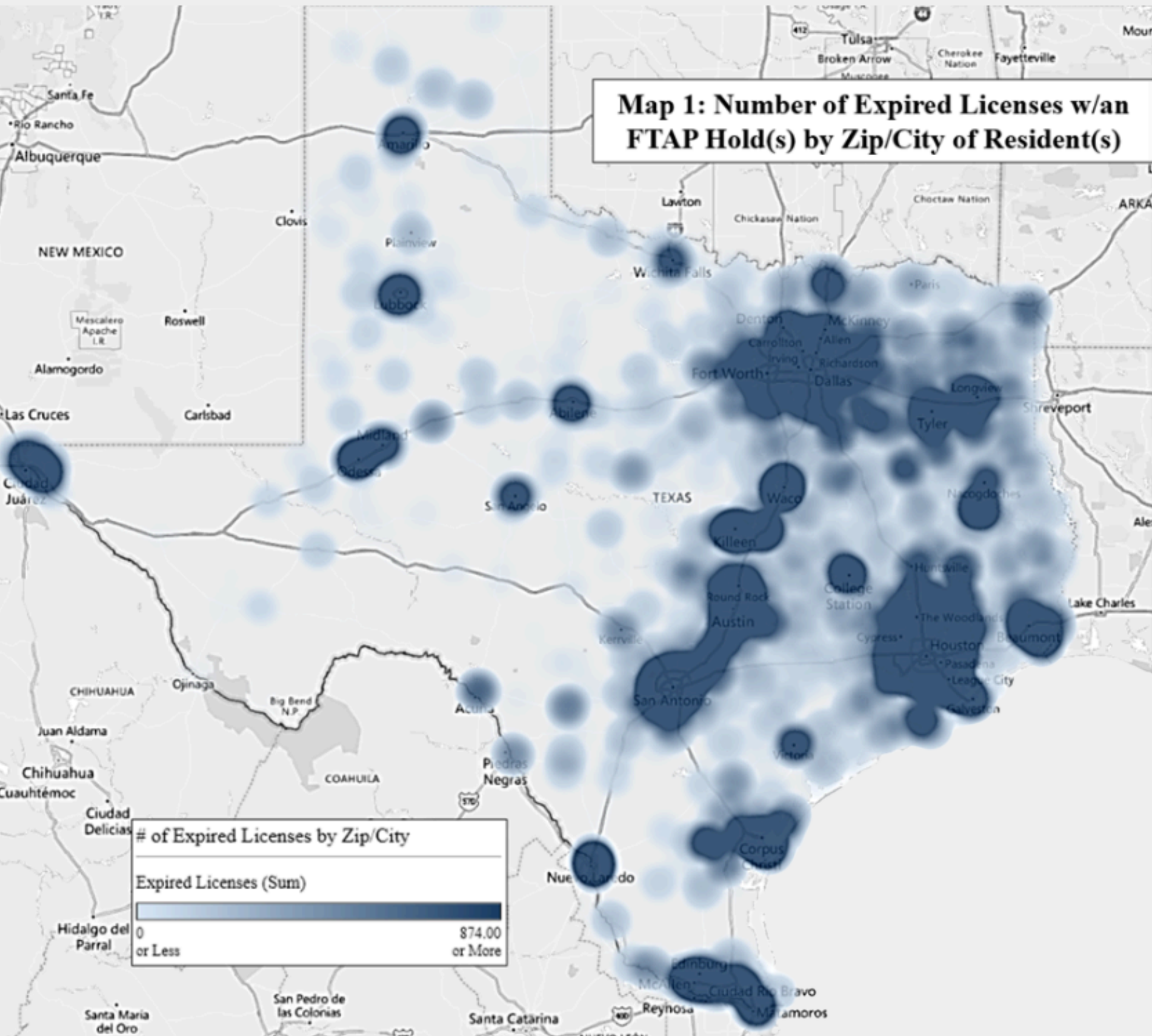
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**\$ 5,108,917,900.00**





# FINDINGS: QUESTION 4 (CITIES)

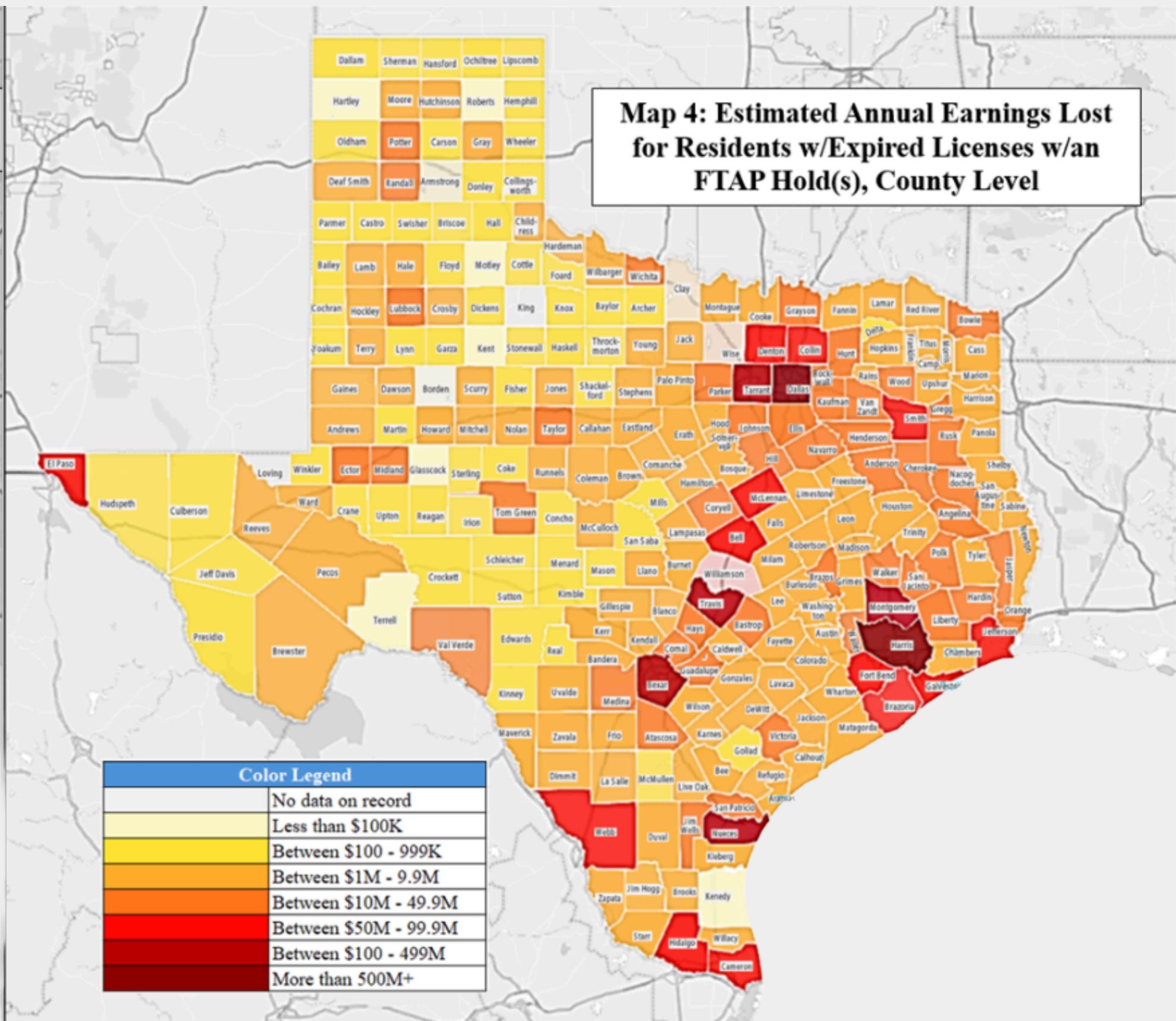
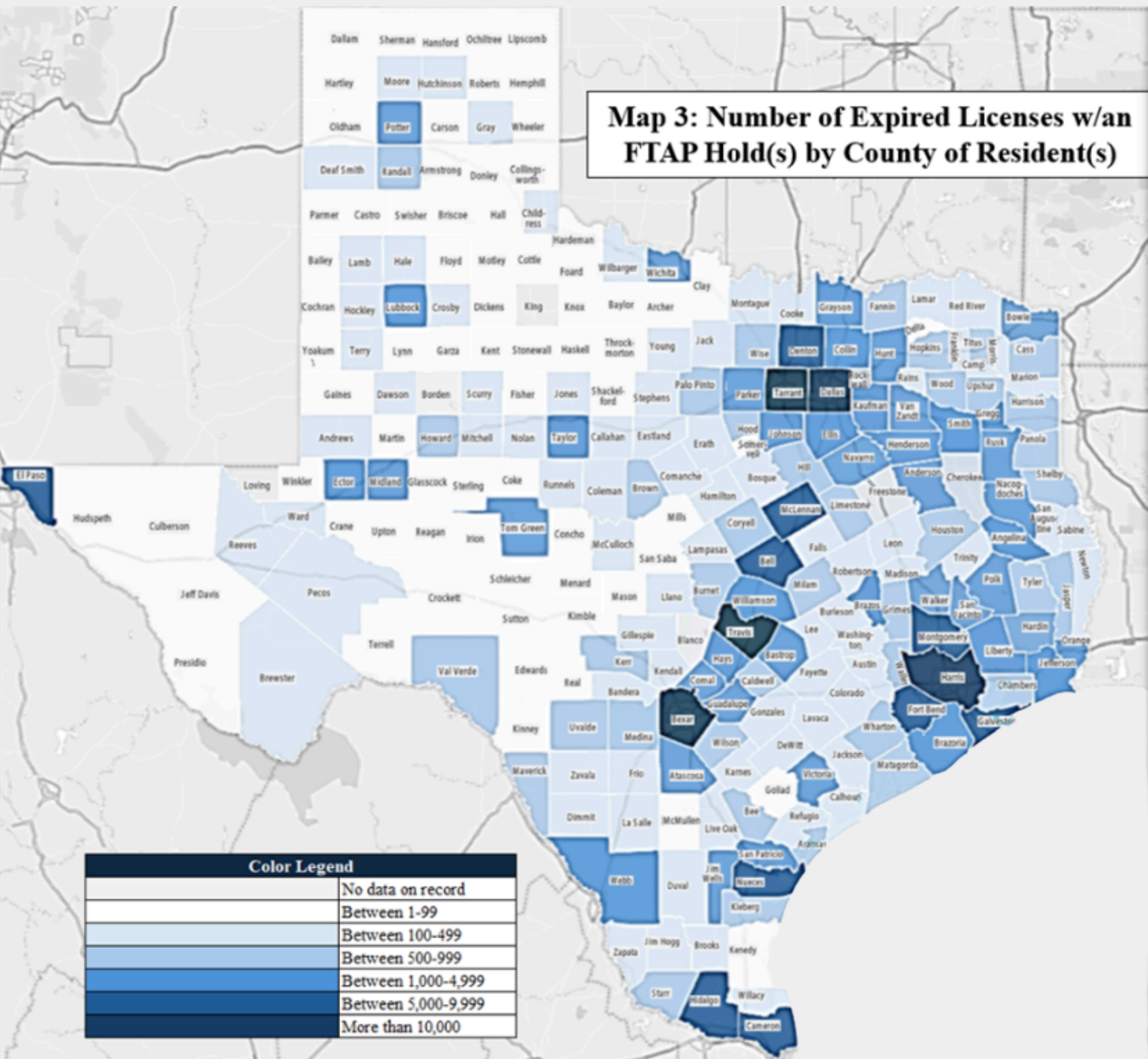




**Table 6: Top 10 Cities with the Most Expired Licenses and Lost Earnings Under the FTAP Program**

| <b>City of Resident(s)</b> | <b>Number of Expired Licenses with an FTAP Hold(s)</b> | <b>Estimated Earnings Lost (Annually)</b> |
|----------------------------|--|---|
| Houston                    | 49,396   | \$627,329,200.00                          |
| Dallas                     | 35,136   | \$446,227,200.00                          |
| San Antonio                | 29,846   | \$379,044,200.00                          |
| Austin                     | 15,467   | \$196,430,900.00                          |
| Fort Worth                 | 11,314   | \$143,687,800.00                          |
| Corpus Christi             | 8,464  | \$107,492,800.00                          |
| El Paso                    | 5,834  | \$74,091,800.00                           |
| Arlington                  | 4,716  | \$59,893,200.00                           |
| Laredo                     | 4,576  | \$58,115,200.00                           |
| Waco                       | 4,413  | \$56,045,100.00                           |

# FINDINGS: QUESTION 4 (COUNTIES)





**Table 7: Top 5 Counties by Legend Category with the Highest Earnings Lost**

| <b>Legend Category</b> | <b>Top 5 Counties</b> | <b>Estimated Earnings Lost (Annually)</b> |
|------------------------|-----------------------|---|
| Less than \$100K       | Roberts*              | \$76,200.00                               |
|                        | Terrell*              | \$76,200.00                               |
|                        | Hartley*              | \$88,900.00                               |
|                        | Kenedy*               | \$88,900.00                               |
|                        | Motley*               | \$88,900.00                               |
| Between \$100 – 999K   | Kimble*               | \$889,000.00                              |
|                        | Parmer*               | \$889,000.00                              |
|                        | San Saba*             | \$901,700.00                              |
|                        | Swisher*              | \$952,500.00                              |
|                        | Real*                 | \$990,600.00                              |



**Table 7 cont: Top 5 Counties by Legend Category with the Highest Earnings Lost**

| <b>Legend Category</b> | <b>Top 5 Counties</b> | <b>Estimated Earnings Lost (Annually)</b> |
|------------------------|-----------------------|---|
| Between \$1M – 9.9M    | Limestone*            | \$9,004,300.00                            |
|                        | Caldwell              | \$9,029,700.00                            |
|                        | Upshur                | \$9,575,800.00                            |
|                        | Harrison              | \$9,817,100.00                            |
|                        | Wharton               | \$9,982,200.00                            |
| Between \$10M – 49.9M  | Gregg                 | \$37,020,500.00                           |
|                        | Angelina*             | \$39,789,100.00                           |
|                        | Lubbock               | \$40,246,300.00                           |
|                        | Ellis                 | \$40,754,300.00                           |
|                        | Ector                 | \$41,313,100.00                           |

**Table 7 cont: Top 5 Counties by Legend Category with the Highest Earnings Lost**


| <b>Legend Category</b> | <b>Top 5 Counties</b> | <b>Estimated Earnings Lost (Annually)</b> |
|------------------------|-----------------------|---|
| Between \$50M – 99.9M  | El Paso               | \$79,794,100.00                           |
|                        | Galveston             | \$86,194,000.00                           |
|                        | Fort Bend             | \$86,614,000.00                           |
|                        | Hidalgo               | \$87,871,300.00                           |
|                        | Bell                  | \$92,011,500.00                           |
| Between \$100 – 499M   | Montgomery            | \$106,197,400.00                          |
|                        | Nueces                | \$120,269,000.00                          |
|                        | Travis                | \$217,601,800.00                          |
|                        | Tarrant               | \$261,118,600.00                          |
|                        | Bexar                 | \$407,581,100.00                          |

**Table 7 cont: Top 5 Counties by Legend Category with the Highest Earnings Lost**

| <b>Legend Category</b> | <b>Top 5 Counties</b> | <b>Estimated Earnings Lost (Annually)</b> |
|------------------------|-----------------------|---|
| More than 500M+        | Dallas                | \$706,259,700.00                          |
|                        | Harris                | \$814,349,400.00                          |



# **DISCUSSION: FINANCIAL IMPACT OF AN EXPIRED LICENSE UNDER FTAP**

- If all holds were resolved, courts across the state stand to collect roughly \$14.7M, which pales in comparison to the \$5.1B in lost earnings.
  - Rural communities are not exempt, many are losing hundreds of thousands if not millions of dollars.
  - A loss in one's earnings is a loss for Texas' economy.
- 



# **BENEFITS OF INDIVIDUAL LEVEL CASE DATA**

**1**

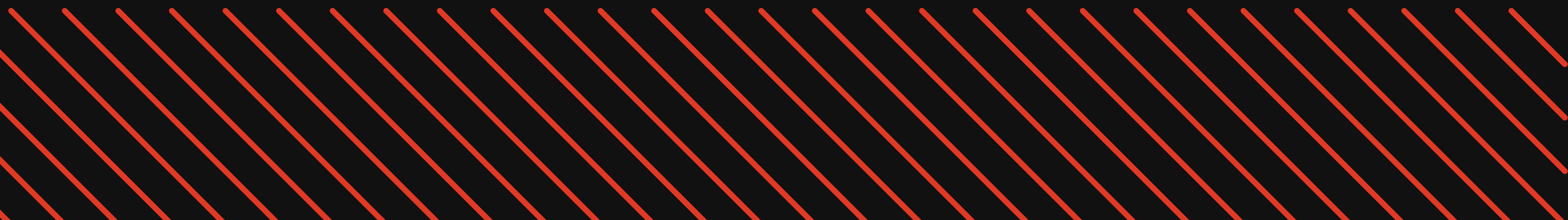
**Allows for investigators to address discrepancies in the data.**

**2**

**Ensures that precise measurements are available for analysis.**

**3**

**Allows for higher level inferential analysis.**





# 88TH LEGISLATIVE CHANGES TO IMPROVE COURT DATA

## HB 841

REQUIRES INDIVIDUAL LEVEL  
CASE DATA BE COLLECTED,  
MANAGED, REPORTED.

## HB 1182

OFFERS DELINEATED VARIABLES  
FOR COLLECTION/REPORTING FOR  
TRIAL COURTS W/POPULATIONS  
OF 1M OR MORE.

\$6M TO REPLACE THE  
LEGACY DATA SYSTEM

# WHAT WORKS IN ADDRESSING FAILURE TO APPEAR/PAY RATES



- 1** Repeal the FTAP program and lift all existing holds.
- 2** Encourage/incentivize the use of alternatives to payment currently allowed by law (e.g., waivers, payment plans, community service, jail-credit).
- 3** Encourage/incentivize buy-in to the state's text messaging reminder system. ets).
- 4** Create a uniform and client-friendly citation/court summons form for all jurisdictions to use.
- 5** Explore additional tools that could be digitized for the purpose of efficiency and accurate data collection/reporting (e.g., e-tickets).



# RECOMMENDATIONS



# IN CONCLUSION...

When you're free to drive,  
you're free to work.



# JOIN US

Let's repeal the FTAP program.

## TITLE 7. VEHICLES AND TRAFFIC

### SUBTITLE I. ENFORCEMENT OF TRAFFIC LAWS

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**REPEAL**



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FAILURE TO APPEAR/PAY PROGRAM

# CONTACT US

**Dr. Jennifer Carreon**

[jcarreon@texasappleseed.org](mailto:jcarreon@texasappleseed.org)

**Cole Meyer**

[cmeyer@texasappleseed.org](mailto:cmeyer@texasappleseed.org)

**Chris Cassella**

[ccassella@texasappleseed.org](mailto:ccassella@texasappleseed.org)



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