

Driven by Debt

An Updated Analysis of the
State's Failure to Appear/Pay Program



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TABLE OF CONTENTS

Introduction.....1
 Overview1

Problem.....2
 Impact on Employment, School, & Housing2
 Disproportionate Impact on Texans of Color3
 The Current Landscape of the FTAP Program3
 What Works in Addressing Compliance/Appearance in Fine-Only Cases4

The Study at Hand.....5
 Background5
 Research Questions and Methodology6
 Descriptive Statistics, Tests of Differences, Findings, and Results.....8
 Mapping the Lost Earnings of Texans Who Cannot Renew Their License Due to FTAP.....14

Discussion..... 22

Recommendations 24

Conclusion 26

References 27

Appendix A 30

Appendix B..... 33

Appendix C..... 36

Appendix D..... 37

Introduction

Overview

For almost 30 years, the Failure to Appear/Pay (FTAP) Program has negatively impacted tens of thousands of Texans. This program allows participating municipalities and justice of the peace (JP) courts to place a hold on someone's ability to renew their driver's license for the nonpayment of fines and fees primarily associated with traffic tickets.¹ Once a hold is placed, a driver cannot renew their license until all court debt is resolved—a practice commonly known as a debt-based driving restriction.²

The program, implemented by the Texas Department of Public Safety (DPS) in conjunction with OmniBase Services of Texas (OST), was designed to solve the loss of revenue encountered by cities and counties and act as an enforcement mechanism to increase compliance.³ While proponents tout this program as a compliance tool, these holds deprive licensed drivers of the ability to drive legally due to financial hardship. The program is counterproductive given that driving is essential for daily needs and activities such as commuting to work and school. **Driver's license holds prevents residents from earning a living, leading to financial instability for themselves and one's families.** Further, the FTAP program has not been statistically shown to increase court collections.⁴

Currently, over 400,000 Texans' driver's licenses are expired and ineligible for renewal due to the FTAP program, leaving them unable to legally drive to work, access health care, or drive their kids to school.⁵ With over 95% of adults in Texas relying on driving for their day-to-day activities, this program compounds financial distress by making it more challenging to earn the money needed to resolve their tickets.⁶

Problem

Impact on Employment, School, & Housing

The necessity of driving for employment often leads individuals with expired licenses to drive with an invalid license, putting themselves at risk of additional tickets and even jail time.⁷ Not having a valid driver's license can be a significant obstacle to maintaining current employment or securing new job opportunities.⁸ A driver's license is frequently used as a form of identification and proof of employment eligibility, so it has become a requirement for numerous occupations.⁹ Many employers view a valid driver's license as a critical marker of responsibility,¹⁰ as a valid license has often been shown as a more reliable indicator of employment than a high school diploma.¹¹

An invalid license also creates significant obstacles to obtaining an education. Transportation plays a vital role in determining academic success¹² in a state that serves over 7 million students annually.¹³

Whether a student is driving themselves or a child is relying on a parent for transportation, driver's license holds can negatively impact a student's ability to get to school. An examination of the 2022 results from the Student Financial Wellness Survey—a survey issued to over 32,000 undergraduates to identify financial barriers to higher education—shows that 10% of undergraduates miss class because they lack reliable transportation.¹⁴ A hold on a student or parent's driver's license only exacerbates these transportation issues by making it harder for Texas students to get to school.

The financial strain from a driver's license hold can create ripple effects in other aspects of life, such as housing. Most housing applications require a valid driver's license to verify one's identity.¹⁵ For those living with driver's license holds, the inability to access work can cause financial difficulties, including falling behind on rent or mortgage payments. In Texas, nearly a quarter of households live in extreme poverty, and many homeowners

COMMUNITY IMPACT



Luissana Santibaenz's license was suspended over a decade ago. Yet,

with no public transit near her home, she continues driving her children to school despite the daily risk of additional tickets or jail time. Luissana faces an impossible situation: obeying the law or ensuring her children get the education they need.

"I just wish there was an easier process for negotiating my driver's license so that I wouldn't be knowingly breaking the law," she says. "Every day, I put myself at risk, as a mom, as a working mom, just trying to make life happen for us."

are overwhelmed by housing expenses that consume a large portion of their income.¹⁶ As such, a driver's license hold that stems from even a minor, fine-only traffic ticket can cause considerable financial stress for low-income households.¹⁷

Disproportionate Impact on Texans of Color

Evidence of disparities in treatment and the application of justice does not always indicate discrimination.¹⁸ Other factors, such as age, education, and income status, can contribute to group differences. Disproportionality, however, in which the application of justice is unequal to a group's make-up in the general population, is a marker for concern. Debt-based driver's license restrictions—like the FTAP program—not only disproportionately impact those with lower economic standing but also communities of color.¹⁹

Nationally, the Latine population is more likely to be given higher fines compared to people who do not identify as such, even if they commit similar offenses.²⁰ Individuals with limited English proficiency (LEP) face additional challenges when dealing with debt collection, often having to pay their translators, which are later added to their

court fees.²¹ Moreover, despite representing only 11% of Texans with driver's licenses, Black drivers make up 34% of drivers with an FTAP hold(s) in both the active and expired license group.²²

The Current Landscape of the FTAP Program

As of December 2023, the Department of Public Safety (DPS) had nearly 3.7 million FTAP holds on record.²³ An individual can have more than one hold on their license, and in fact, further examination of the state's data shows that Texans with an FTAP hold have five holds, on average.²⁴ According to the state, the number of Texans impacted by these holds includes 295,555 residents with active licenses and 405,087 with expired ones, for a total of 700,642 drivers.²⁵ However, further examination of expired licenses—which will be discussed in greater detail later in the report—shows that the total number of expired licenses impacted by the FTAP program is closer to 402,000 once invalid and out-of-state zip codes are accounted for. This brings **the number of people navigating this program to just under 700,000** (i.e., 697,832).

Cross-examining DPS's data against OSTs does not yield the same results. Per OST, in December 2023, nearly 981,000 Texas drivers had a hold or holds in their system²⁶—about 1 in 20 of the state's driving population.²⁷

This inconsistency in the number reported by the state's agency responsible for administering and maintaining records on licenses and the third-party vendor contracted to operate this program raises concerns not only about data collection—the difference of 280,000 individuals is no minor matter—but also about the administration and efficiency of this program.

Since OST is contracted with the state to operate and maintain this program, any inconsistency between their system and DPS will ultimately take time away from the individual attempting to renew their license and the DPS representative managing that process.

What Works in Addressing Compliance/Appearance in Fine-Only Cases

Texas does not need to look far for effective alternatives to address appearance rates or payment compliance. Many options are available to local courts to help improve appearance rates and ensure restitution. Existing statutory solutions to address the financial burden of fines and fees associated with a case include waiver due to indigency,²⁸ entry into a payment plan,²⁹ payment via community service,³⁰ or payment via jail time.³¹

The state has also recently invested in more data-driven alternatives, such as text message reminders rather than postal notifications.³² During the 87th legislative session, the legislature passed HB 4293, which created a statewide court text messaging reminder system under the Office of Court Administration (OCA).³³ The state's 88th legislature subsequently funded this system to provide county courts with a free evidence-based tool available to city courts at a small fee.³⁴

Research shows that *any* court reminder, whether via phone call,³⁵ postcard,³⁶ or text message,³⁷ improves court appearance rates. The latter being the most cost effective, given its “simple user benefits”³⁸ and low-cost delivery.³⁹

In addition to text message reminders, researchers have found that *how* information is presented on citations or court summons forms also impacts appearance rates.⁴⁰ Providing clear, succinct, and detailed information on where an individual is to report to (e.g., address of courthouse, courtroom, room number), when they are to report (i.e., date and time), and to whom (i.e., court clerk assigned to specific court) only helps compliance, especially when coupled with clear information on the consequences associated with not appearing or paying, and any available options to pay online, in-person, or by mail. **Redesigning New York City citations and behaviorally informed text messages effectively reduced court non-appearance rates by 36%.**⁴¹

The Study at Hand

Background

Despite legislative and state agency buy-in for data-driven alternatives to debt-based driver's license practices in Texas, the FTAP program still allows local courts to place undue strain on Texas drivers by removing (or threatening to remove) an essential component for financial stability. Proponents of this program claim that 1) FTAP holds ensure compliance (i.e., they are effective in getting individuals to appear or pay their fines/fees) and 2) FTAP holds serve as an alternative to issuing warrants for one's arrest—whether that be a capias pro fine warrant or a Class C warrant.⁴²

Examinations of the available data associated with the state's FTAP program have not yielded empirical support for either of these claims. In a study of more than 800 municipal courts, Texas Appleseed found no significant difference in the fines/fees collected by those courts that opt to participate in the FTAP program and those that do not.⁴³ A similar review of the warrants issued by these courts showed that both capias pro fine warrants and Class C warrants are issued by courts participating in the program at a rate that is 1.3 and 2 times higher than those that do not participate.⁴⁴

Also worth noting is that there has been no significant difference in the fines/fees collected by courts that have opted to leave the program (e.g., the City of Austin, Harris County).⁴⁵ Thus, jurisdictions should not expect a negative financial impact if they do not participate. However, the annual earnings of those with expired licenses under debt-based programs like FTAP have shown to be negatively affected. Nationally, researchers have found that the cost of a lost license associated with a debt-based restriction can range, on average, between \$12,700 and \$23,550 annually.⁴⁶

This means that, by taking even a conservative estimate, with over 400,000 drivers having an expired license under the FTAP program,

Texans collectively lose over \$5 billion in annual earnings.⁴⁷ Decision-makers should consider how much this loss impacts their communities.

This report addresses how holds impact specific communities and extends the prior analysis of court collections and warrants issued to county justice (or JP) courts.

Research Questions and Methodology

In December 2023, a public information request was submitted to the DPS to obtain data on the state's use of the FTAP program. The data included (but was not limited to) the number of holds on record for both active and expired licenses, the counts of those holds broken out by zip and race/ethnicity of the driver, the number of holds on record with OST, and the number of holds issued by jurisdiction.⁴⁸

Data for the calendar year 2023 was also downloaded from OCA's data portal to examine differences in revenue collection and warrants issued by the courts.⁴⁹ A data code package—zipcodeR—that allows analysts to work with zip codes using confirmed geographical data from the U.S. Census Bureau and the Department of Housing and Urban Development was used to sort the zip codes provided by DPS into their respective counties.⁵⁰

From this data, we aimed to address the following 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 pro fine 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?

Table 1 offers key terms and a brief description of the factors generated from and created by this data and used in this analysis.

Table 1: Key Terms and Brief Description of Data

Municipal Courts	Municipal courts that report to the OCA by city.
County Justice Courts	Justice of the peace courts that report to the OCA by county.
Number of Holds	The number of FTAP holds issued by a court, per DPS, as recorded by OST.
Rate of FTAP Holds Issued per 100 Residents	The ratio of holds issued by a court to the number of jurisdictional residents.
Revenue Collected by Criminal Case	The dollar amount of revenue collected by a court through fines and fees, divided by the total number of criminal cases disposed, per OCA.
Number of Capias Pro Fine Warrants Issued by Court	The number of capias pro fine warrants issued by a court, per OCA.
Number of Class C Warrants Issued by Court	The number of Class C warrants issued by a court, per OCA.
Rate of Capias Pro Fine Warrants Issued by Court per 100 Residents	The ratio of the capias pro fine warrants issued by a court to the number of jurisdictional residents.
Rate of Class C Warrants Issued by Court per 100 Residents	The ratio of Class C warrants issued by a court to the number of jurisdictional residents.
Number of Expired Licenses with a FTAP Hold(s)	The count of expired licenses that are ineligible for renewal due to an FTAP hold(s), per DPS, at the city and county levels (defined by zip).
Estimated Annual Earnings Lost	The number of expired licenses with an FTAP hold(s), multiplied by the lower-end estimate associated with debt-based restriction programs, at the city and county levels (defined by zip). Lower-end estimate = \$12,700. ⁵¹

Note: To help ease reporting and interpretation, cities and counties with multiple courts and precincts were counted collectively under their underlying city (e.g., Houston) and county (e.g., Harris).

Limitations of the Data and its Impact on Variable Construction

The preferred denominator for constructing rates for holds and Class C warrants is not the population of the court's jurisdiction but the number of cases referred to the court that qualify for a hold or a warrant to be issued—this would include all Class C misdemeanor cases in which the defendant failed to appear, plus cases in which a fine has been imposed and has gone unpaid. Similarly, for the rates of capias pro fine warrants, the preferred denominator would be the number of cases that have been sentenced to a fine that is currently outstanding. Unfortunately, data this finite does not exist at the city or county level.

A case can be referred to a court and resolved (or dismissed) immediately, thus not meeting the threshold for a hold or warrant to be applied. These cases would need to be accounted for and dropped before solidifying the underlying eligible population.⁵² It is also impossible to determine in cases that have been disposed, which were given a fine versus those that were not, and whether a fine has been paid or pending payment.⁵³

Safeguarding against all of this would require collecting and evaluating individual-level case data, which would also allow for higher-level inferential analysis. While examining the magnitude and significance of differences is valuable, it is even more beneficial to be able to determine with empirical certainty which practices (e.g., holds, warrants, community service, jail time, payment plans, use of text messaging, citation/summons structure) are having a direct or indirect effect on a court's desired outcomes—whether it be compliance, revenue collection, retribution, or restoration.

The Texas legislature and judicial leadership have recognized the shortcomings in the court's data collection and reporting system and have made financial investments and legislative changes to bolster and support data-driven court practices. During the 2023 legislative session, lawmakers passed HB 841,⁵⁴ which requires individual-level case data to be collected, managed, and reported. They also allocated 6 million dollars over the 2025-2026 biennium to help replace the court's current data system.⁵⁵

Until these changes are made and implemented, we are confident in how we define the data for measurement and believe the findings to be a valid reflection of the current use of FTAP across the state.

Test of Differences and Geospatial Analysis

A non-parametric test of differences between municipal and county courts that do and do not participate in the FTAP program was run to determine whether any differences in revenue collection and issuance of capias pro fine and Class C warrants were significant.⁵⁶ Data on expired licenses were geocoded and plotted using Microsoft Excel 3D Maps to examine the variation in lost earnings. The upcoming section offers an empirical description of the data employed in these analyses, followed by the findings and a discussion of those results.

Descriptive Statistics, Tests of Differences, Findings, and Results

Courts were defined as “participating in the FTAP program” by whether they had any holds on record with DPS/OST. Cities and counties with multiple courts were condensed to reflect their underlying city

or county—allowing for more digestible interpretation. Table 2 provides the number of municipal and county courts with FTAP holds on record and those without.

Table 2: Distribution of Courts that Issue FTAP Holds

	Municipal Courts (%)	County Justice Courts (%)
Holds on Record	769 (77.5)	243 (95.7)
No Holds on Record	223 (22.5)	11 (4.3)
TOTALS	992 (100.0)	254 (100.0)

This data demonstrates that most courts in Texas, regardless of jurisdiction, participate in the FTAP program. Roughly 78% of municipal and 96% of JP courts had holds on record as of 2023. However, it is notable that over a fifth of municipal courts that report to OCA *did not* issue holds.

Standardizing the Data for Analysis

With 254 counties and almost 1,000 city courts on record, the variation in the distribution of holds and warrants issued is expected to range widely and be skewed towards jurisdictions with larger populations despite rural communities making up most of the state.⁵⁷ To account for this variation and uneven distribution, the data for holds and warrants were standardized using rate ratios given the jurisdictional population.⁵⁸

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

Revenue collected was calculated by dividing the total dollar figure reported to the OCA for each jurisdiction by the total number of criminal cases sentenced (e.g., disposed) in that court.

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

Table 3 below illustrates, on average, how often *all* courts are issuing FTAP holds, capias pro fine, and Class C warrants and the average amount they are collecting per criminal case.⁵⁹

Table 3: Average Number of Holds, Warrants, And Revenue Collected by Court

	Municipal Courts	County Justice Courts
FTAP Holds Issued per 100 Residents	50.9	43.3
Capias Pro Fine 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

*For revenue collected the median is reported instead of the average.

These averages show that municipal courts are the main “drivers” in issuing holds and warrants for failing to appear/pay in fine-only cases. More Texans dealing with traffic tickets in municipal courts are issued a hold for failing to appear/pay. In contrast, fewer people in county courts are susceptible to said penalty. Both capias pro fine and Class C warrants are also issued at a higher rate in municipal courts, at a rate of roughly 3 and 9 warrants for every 100 residents, respectively. In county justice courts, these warrants are issued at a somewhat lower rate—with only one capias pro fine and two Class C warrants being issued for every 100 residents. On average, JP courts collect slightly more per criminal case than municipal courts (roughly \$25.00 more). A list of the “top 20” city and county justice courts with the highest hold and warrant rates can be found in Appendix A and B.

Table 4 breaks down this data even further by providing averages for both types of warrants and revenue collected, not just by jurisdiction (e.g., city vs. county) but also by whether a court participates in the FTAP program (i.e., had active holds on record, either on expired or active licenses, at the time the request for information was made).

Table 4: 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 (<i>n</i> = 769)	Do Not Use FTAP Holds (<i>n</i> = 223)	Do Use FTAP Holds (<i>n</i> = 243)	Do Not Use FTAP Holds (<i>n</i> = 11)
Capias Pro Fine Warrants Issued per 100 Residents	3.1	0.8	0.5	2.4
Class C Warrants Issued per 100 Residents	10.0	2.6	2.2	0.9
Revenue Collected by Criminal Case*	\$192.48	\$178.15	\$216.36	\$259.18

*For *revenue collected* the median is reported instead of the average.

As shown in Table 4, municipal courts participating in the FTAP program issue more capias pro fine and Class C warrants than those that do not—3.9 and 3.8 times higher, respectively. They also collect more money (\$192.48 versus \$178.15). On the other hand, JP courts are mixed when issuing warrants. Those who do not participate in the FTAP program issue capias pro fine warrants at a rate that is 4.8 times higher than those who do. And those JP courts that do participate issue Class C warrants 2.4 times more than their non-FTAP participating counterparts. Unlike municipal courts, county justice courts that do not issue holds collect more per criminal case—\$259.18 versus \$216.36, a difference of \$42.82.

Identifying the differences between the issuance of warrants and revenue collected for courts that do and do not participate in the FTAP program is a necessary first step in determining whether those differences statistically matter.⁶⁰

To empirically test this, a series of Wilcoxon Mann-Whitney tests—an alternative that can be employed when the requirements of a normal distribution associated with a simple t-test have not been met—were run.⁶¹ The results of these tests were used to answer the first three research questions.

RESEARCH QUESTION #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, is that difference significant?

Table 4 illustrates a difference in the revenue collected for courts participating and not participating in the FTAP program. At the municipal level, courts that issue holds collect, on average, \$14.00 more than

those that do not. For JP courts, the findings are flipped. Courts that do not participate in the FTAP program collect roughly \$42.00 more than county justice courts that do not participate.

The question then becomes, do these differences matter? Are municipal courts not participating in the FTAP program losing money due to their lack of participation?

Municipal Court Findings – A test of differences reveals that despite higher revenue collection by courts that do participate in the FTAP program, the \$14.00 more collected, on average, is *statistically not significant*. ($z = 1.5$, $t = 65$, $p = 0.13$).

County Justice Courts (aka JP Courts) – The same applies to county justice courts. The \$42.00 revenue collected per criminal case by courts that do not issue FTAP holds is *also insignificant* ($z = -1.4$, $t = 20$, $p = 0.16$).

These findings indicate that the revenue collected by a court per criminal case is not associated with the court's decision to participate or not to participate in the FTAP program. This calls into question the claims that ending a program like this would cause an undue financial burden on a court's collections.

RESEARCH QUESTION #2: Are there differences in capias pro fine warrants issued in both municipal and JP courts? If so, is that difference significant?

Again, a review of Table 4 illustrates that there *is* a difference in the issuance of capias pro fine warrants between the courts that issue FTAP holds and those that do not—municipal courts issue capias pro fine warrants at a rate that is 3.9 times higher than their non-participating counterparts. County justice courts, again, operate in a reverse manner; non-participating courts issue capias pro fine warrants at a higher rate than JP courts that do issue holds, 4.8 times higher.

Municipal Court Findings – A test of differences shows that *there is a significant difference* in the issuance of capias pro fine warrants between the municipal courts that do participate in the FTAP program and those that do not ($z = 4.59$, $t = 95.9$, $p < 0.00$).

County Justice Courts (aka JP Courts) – While the rate at which justice courts that participate in the FTAP program issue fewer capias pro fine warrants than those that do not, results from a test of differences reveal that difference to be *statistically insignificant* ($z = -1.26$, $t = 37.4$, $p = 0.21$).

This means that the difference seen in the issuance of capias pro fine warrants by municipal courts participating in the FTAP program is no minuscule matter. Empirically speaking, these courts are issuing capias pro fine warrants at a significantly higher rate than their counterparts. And while statistical significance should not be viewed as a cemented indicator of change, the magnitude of difference matters more. Suppose the difference was 0.5 times higher, then that significance could be objectively overlooked. Issuing warrants at a rate of 3.9 (almost 4 times higher than their counterparts) is indeed telling.

If FTAP holds were being used as an alternative to warrants, then the rate at which FTAP courts issue warrants—whether *capias pro fine* or Class C—should be significantly lower than that of courts that do not use FTAP holds.

RESEARCH QUESTION #3: Are there differences in *Class C warrants* issued in municipal and JP courts? If so, is that difference significant?

Finally, we examine the differences in Class C warrants. Table 4 shows that municipal and JP courts that use FTAP holds issue Class C warrants at higher rates than those that do not. Municipal courts that participate in the FTAP program issue Class C warrants at a rate of 3.8 times higher, while participating JP courts issue at a rate of 2.4 times higher. Again, while both may appear high and of concern, the follow-up question should be: Are these differences significant?

Municipal Court Findings – A test of differences reveals that variation seen in the issuance of Class C warrants between those courts that do and do not participate in FTAP is *statistically significant* ($z = 6.75, t = 117.50, p < 0.00$).

County Justice Courts (aka JP Courts) – Results from the test of differences among JP courts showed that the rate at which participatory courts issue Class C warrants is *not significantly higher* than the JP courts that do not participate ($z = 0.56, t = 55.6, p = 0.30$).

Again, decision-makers should be cautious about interpreting a significant finding as an indicator of needed change and should instead look at the magnitude of difference in conjunction with significance. For municipal courts, this is no negligible matter.⁶² These findings dispel the notion that FTAP holds are used as an alternative to arrest warrants. Though these findings do not hold true for JP courts, it is important to recall which courts are the main drivers of issuing holds—municipal courts (see Tables 2 and 3).

Now that questions 1 through 3 have been more thoroughly examined, the fourth question can be addressed. Unlike the first three questions, this question focuses more on a geographical description of the data, which includes the number of expired licenses and estimated lost earnings due to those expired licenses by jurisdiction.

RESEARCH QUESTION #4: How does the loss in earnings associated with an expired license under FTAP vary among Texas cities and counties?

Given that the outcome of an FTAP hold is the inability to renew a driver's license, it also made sense to examine the potential impact of holds on expired licenses. **Per DPS, 402,277 licenses are ineligible for renewal due to having an FTAP hold(s).**⁶³ Researchers have found that the national estimates of annual earnings lost due to *not* having a license can range from \$12,700 to \$23,550.⁶⁴ This means that even **by a conservative estimate, Texans impacted by the FTAP program are losing over five billion dollars annually** (or \$9.5 billion in a worst-case scenario). A loss that, in turn, impacts spending within one's community and the state at large.

This begs the question—is the \$4.00 the court collects on these holds worth what Texans are losing in the long run? According to DPS, the courts participating in the FTAP program collectively have nearly 3.7 million outstanding holds on record, including active and expired driver's licenses.⁶⁵ At most, courts across Texas stand to gain roughly 14.7 million dollars from these holds jointly. A number that 1) pales in comparison to the \$5,108,917,900 associated with *just* expired licenses and 2) should be considered alongside the fact that it takes, on average, one to five years to resolve a hold, if at all.⁶⁶

Because the geography and use of the FTAP program vary by jurisdiction across the state, it is essential to look at how this loss in earnings impacts Texas at both the city and county levels. This is especially true considering that the value of a dollar differs based on the designation and structure of one's community (e.g., urban vs. rural).⁶⁷

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Bobby Britton Jr. is one of many workers affected by the FTAP program.

Without his license, he struggles to maintain jobs as a courier and performer. He can't drive to job sites, enter performance venues, or book hotels. Finding new work has been difficult, and even if he does find work, commuting is still a significant barrier to accessing the workplace.

"There are already so many obstacles against the working class. We don't need another one."

Mapping the Lost Earnings of Texans Who Cannot Renew Their License Due to FTAP

To examine this loss further, the number of expired licenses ineligible for renewal due to an FTAP hold(s) was requested from DPS by zip code. Despite initially receiving information about 405,087 expired licenses, further review of the data indicated that not all zip codes were valid, and some zip codes were associated with out-of-state licenses. Zip codes that fell under either of these categories—invalid or out-of-state—were dropped prior to mapping. The final count of expired licenses after cleaning the data is 402,277.

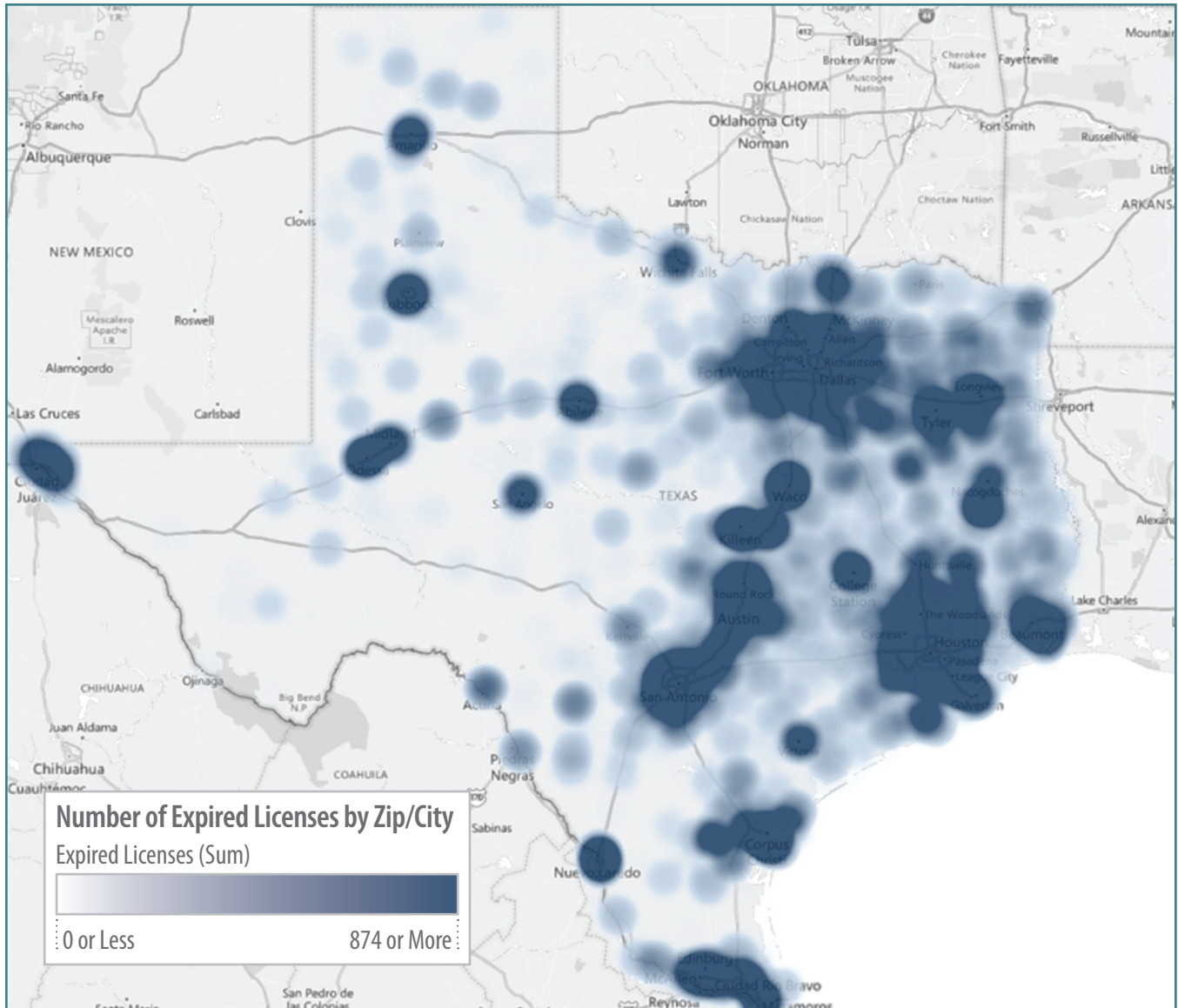
To ensure confidence in plotting at the city level, zip codes are used to illustrate both the count of expired licenses (Map 1) and estimated lost earnings (Map 2) by city. Zip codes were merged to create county-level counts and estimations, which are summations of the expired licenses (Map 3) and lost earnings (Map 4) of the zip codes located within their respective counties. Lost earnings were calculated by multiplying the number of expired licenses by \$12,700.⁶⁸

Reasonably, the cities and counties with larger populations are among those with the most Texans impacted by the FTAP program and are, therefore, more monetarily affected than others. That is not to say that communities classified as rural or suburbs are not impacted; they are just not on the extreme upper end of the values discussed in this section: the count of expired licenses and estimated earnings lost.

FTAP Cost to Cities: Expired Licenses and Estimated Lost Earnings

As depicted in Map 1, the number of expired licenses with an FTAP hold(s) across the state varies widely, with residents living in metropolitan cities being the most affected. The map style used to depict these values is commonly called a heatmap. An increase in value corresponds to a richer, darker color, and the permeation of that color illustrates the radius of people impacted in that area.

Map 1: Number of Expired Licenses with an FTAP Hold(s) by Zip/City of Resident(s)



In total, 1,370 Texas cities have at least one resident who cannot renew their licenses due to a hold(s) under the FTAP program. Map 2 takes this data a step further and illustrates the loss in earnings these individuals experience by not being able to renew their licenses. As previously stated, this loss in earnings collectively amounts to over 5 billion dollars. Table 5 offers a closer look at the top ten cities with the most expired licenses and the annual earnings loss by these residents (see Appendix C for a list of the top 20).

Map 2: Estimated Annual Earnings Lost for Residents with Expired Licenses with an FTAP Hold(s), Zip/City Level

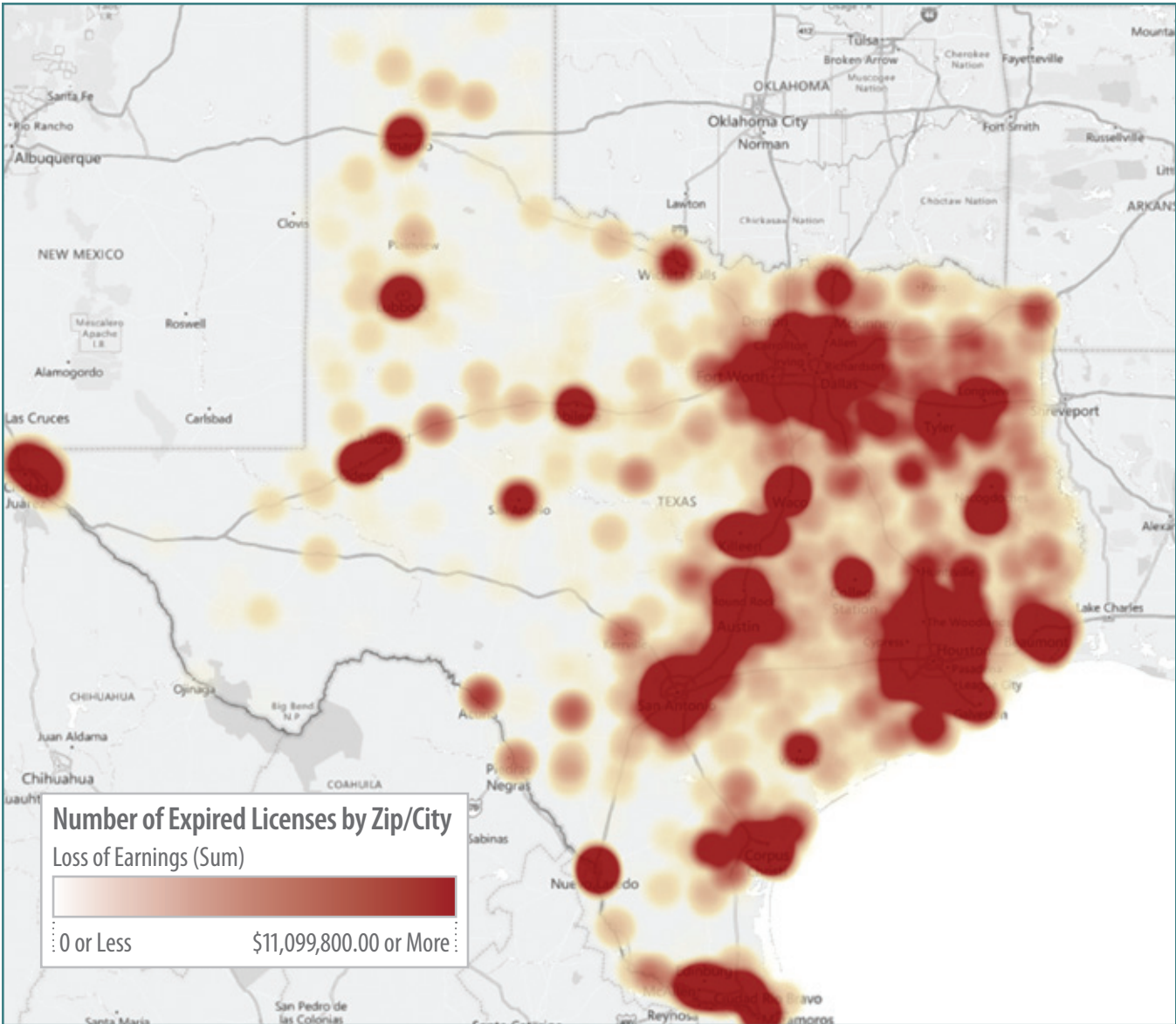


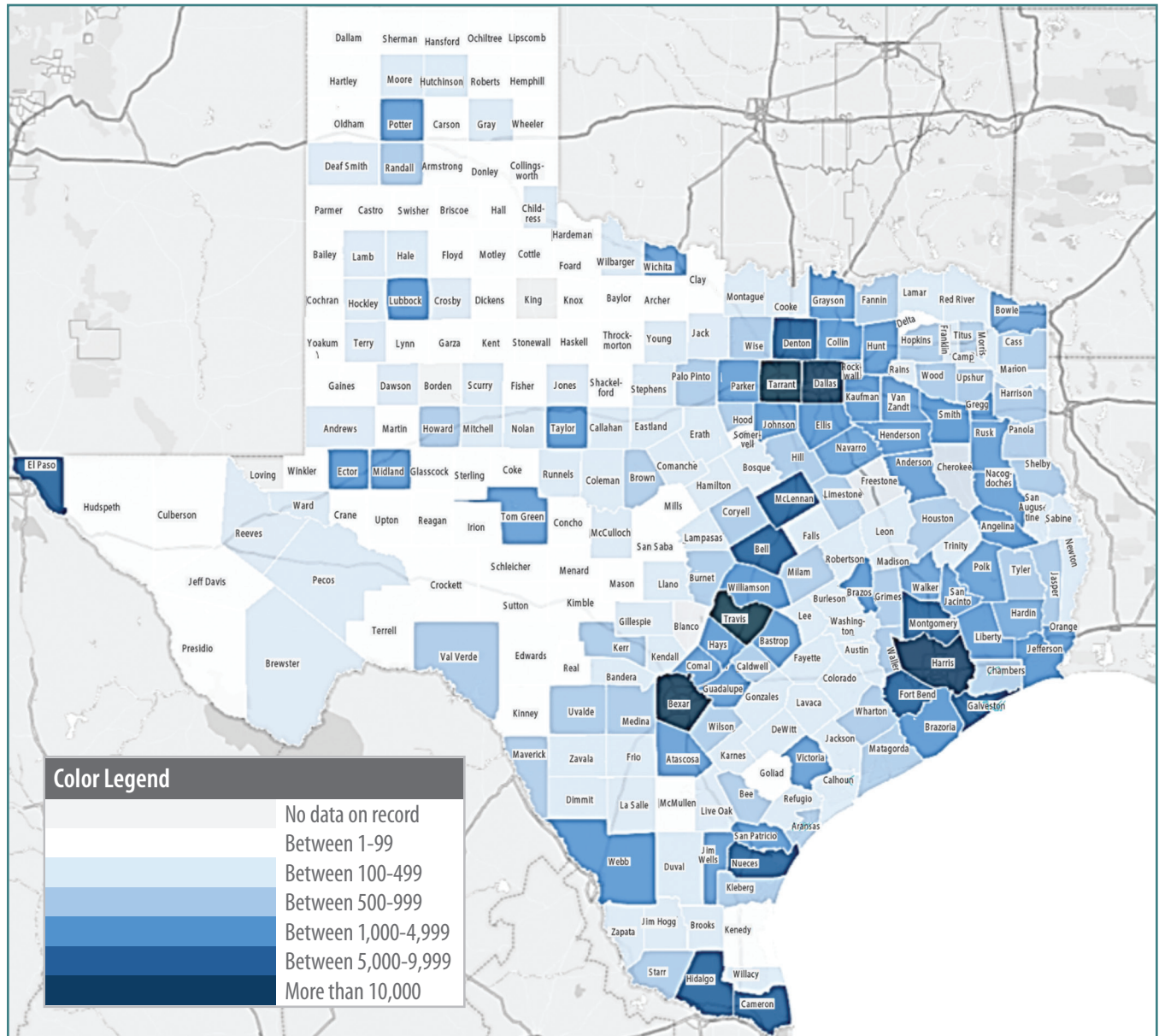
Table 5: Top 10 Cities with the Most Expired Licenses and Lost Earnings Under the FTAP Program

City of Resident(s)	Number of Expired Licenses with an FTAP Hold(s)	Estimated Earnings Lost (Annually)
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

FTAP Cost to Counties: Expired Licenses & Estimated Lost Earnings

Given that the FTAP program operates within municipal and county courts (specifically JP courts), these values were also mapped at the county level. Like with cities, how expired licenses impact counties varies widely. Counties that are darker in color illustrate more expired licenses, while lighter counties have fewer. Two counties—King and Loving—have no data on file. Meanwhile, Borden, also seemingly absent, has only one expired license and is thus the lightest on the color spectrum.

Map 3: Number of Expired Licenses with an FTAP Hold(s) by County of Resident(s)



Mapping these values at the county level allows for a more comprehensive look at how the FTAP program impacts more rural communities. Map 4 illustrates this estimated loss in earnings by county of residence, while Table 6 offers the top 5 with the most earnings lost per respective legend category (see Appendix D for a list of the top 20).

Map 4: Estimated Annual Earnings Lost for Residents with Expired Licenses with an FTAP Hold(s), County Level

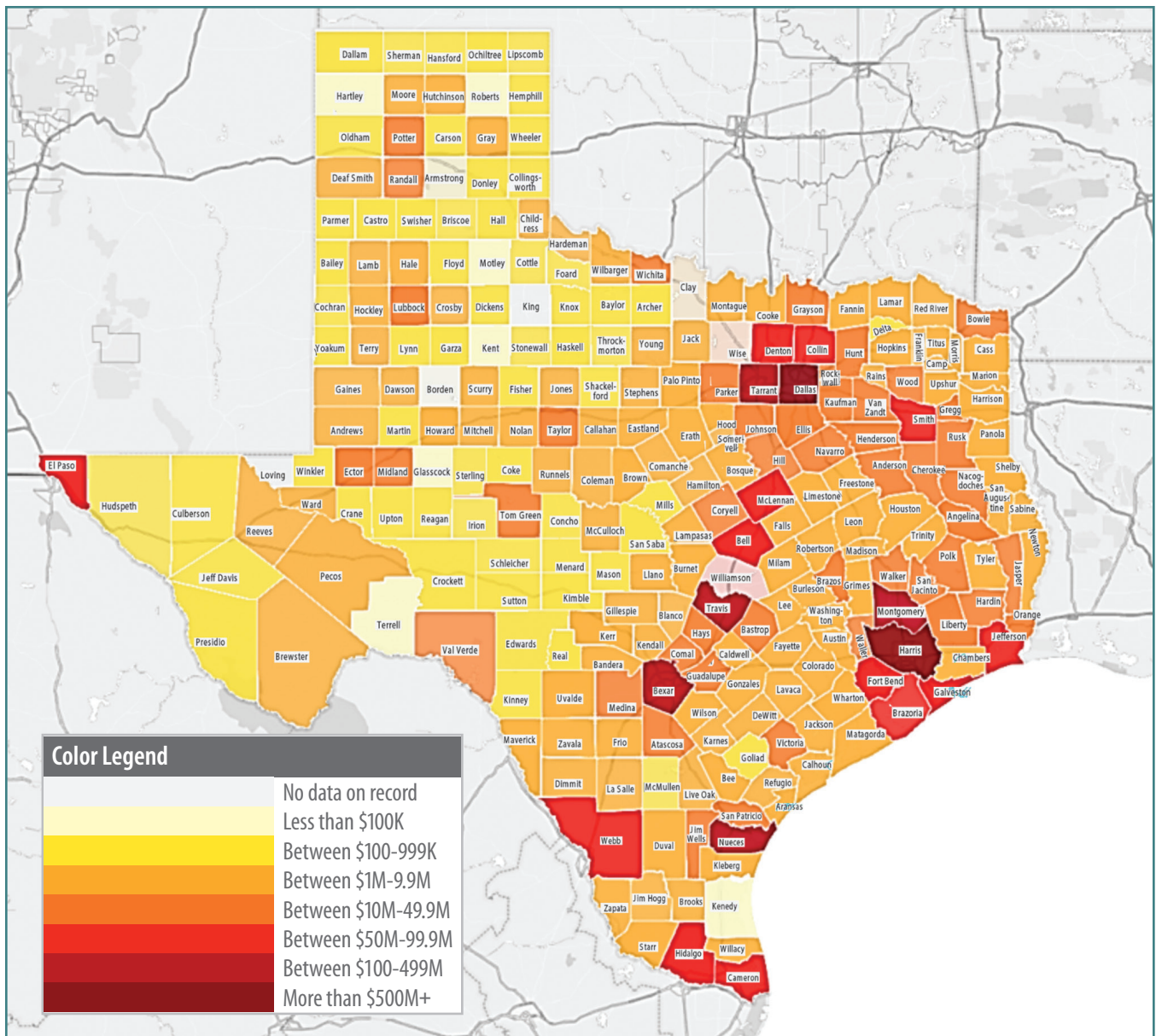


Table 6: Top 5 Counties by Legend Category with the Highest Earnings Lost

Legend Category	Top 5 Counties	Earnings Lost
Less than \$100K	Roberts* Terrell* Hartley* Kenedy* Motley*	\$76,200.00 \$76,200.00 \$88,900.00 \$88,900.00 \$88,900.00
Between \$100K – 999K	Kimble* Parmer* San Saba* Swisher* Real*	\$889,000.00 \$889,000.00 \$901,700.00 \$952,500.00 \$990,600.00
Between \$1M – 9.9M	Limestone* Caldwell Upshur Harrison Wharton	\$9,004,300.00 \$9,029,700.00 \$9,575,800.00 \$9,817,100.00 \$9,982,200.00
Between \$10M – 49.9M	Gregg Angelina* Lubbock Ellis Ector	\$37,020,500.00 \$39,789,100.00 \$40,246,300.00 \$40,754,300.00 \$41,313,100.00
Between \$50M – 99.9M	El Paso Galveston Fort Bend Hidalgo Bell	\$79,794,100.00 \$86,194,000.00 \$86,614,000.00 \$87,871,300.00 \$92,011,500.00
Between \$100M – 499M	Montgomery Nueces Travis Tarrant Bexar	\$106,197,400.00 \$120,269,000.00 \$217,601,800.00 \$261,118,600.00 \$407,581,100.00
More than 500M+	Dallas Harris	\$706,259,700.00 \$814,349,400.00

*Rural county as defined by the Texas Department of Housing and Community Affairs, retrieved from <https://www.tdhca.texas.gov/sites/default/files/SFHP-division/docs/24-IndexCounties.pdf>.

As shown in Table 6 and Map 4, the ramifications of the state's FTAP program do not apply solely to metropolitan or urban areas. In other words, this is not just a "big city" problem. Texans across the state are being impacted by the counterproductive nature of the FTAP program, with residents in some rural areas collectively losing hundreds of thousands, if not millions, annually. It is a cost that is not just felt by the person with the expired license but by the communities they live in.

Once the issue's dollars are considered, one thing becomes abundantly clear: the FTAP program does not make any "cents." The cost to Texans with expired licenses *alone* far surpasses what courts collect in the aggregate. Any policy maker considering whether their subdivision should continue to opt into this program only needs to ask: How much is the court collecting with this program, and how does that compare to how much the constituents in my community are losing?

Discussion

The purpose of this report was twofold: 1) to extend the prior analysis of differences in revenue collected⁶⁹ and warrants issued⁷⁰ by JP courts or county justice courts, and 2) to examine the geographical variation of the annual earnings lost⁷¹ for Texans who are unable to renew their license due to an FTAP hold. Through a series of tests of differences and mapping, the following answers were answered:

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 pro fine 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?

While the results vary for courts under each test, the findings support the following takeaways:

- There is *no significant difference* in the revenue collected for criminal cases between courts that use FTAP holds and those that do not. This is true for both municipal and JP courts.
- There is *a significant difference* in the issuance of *capias pro fine* warrants by municipal courts participating in the FTAP program and those that do not. Municipal courts that issue FTAP holds issue *capias pro fine* warrants at a rate that is 3.9 times higher.
- There is *a significant difference* in the issuance of *Class C* warrants by municipal courts that use FTAP holds. City courts participating in the FTAP program issue *Class C* warrants at a rate that is 3.8 times higher than those that do not.

- While there was *no significant difference* in the issuance of warrants between JP courts that do and do not use the FTAP program, decision-makers should consider that 1) cities are the main drivers of this program—given that they issue holds at a higher rate and 2) have more courts issuing holds than JP courts.

A simple z-test of differences in the rate of holds issued by JP (43.3 per 100 residents) and municipal (50.9 per 100 residents) courts reveals that municipal courts do issue holds at a significantly higher rate than JP courts that participate in the FTAP program ($z = 2.1, p = .04$). The effect size of this difference, however, is small ($h = 0.14$) with city courts issuing holds at a rate that is only 1.18 times higher than their JP counterparts.

- Cities and counties with larger populations are understandably those with the most earnings lost due to the number of residents with unrenovable licenses. Rural populations, however, are not exempt from the FTAP program's impact, as many of their communities are losing hundreds of thousands, if not millions, of dollars annually.

Recommendations

Given the FTAP program's counterproductive and inefficient nature, **Texas Appleseed strongly recommends that it be repealed and that all current holds under it be lifted** at no cost to the driver. Contractually, the state has no financial obligation to participate in or use this program. Thus, no expected financial loss or cost at the state level will occur if repealed.⁷²

COMMUNITY IMPACT



Molly (pseudonym), a chronically unhoused resident of San Antonio, has personally struggled under the city's contract with OmniBase, which manages the Failure to Appear/Pay program. In addition to her hardships, Molly works with other residents in San Antonio who experience all forms of homelessness attributed to the FTAP program.

"[The FTAP Program is] causing people to lose their housing, lose any form of obtaining housing, as well as causing people to lose their jobs or remain unemployed," she explains. "I speak from personal experience, as I nearly became homeless again because I was not able to obtain an ID card, which Human Resources demanded to continue my employment."

While some may claim that ending this program will result in a financial blow to their court's revenue, there is no empirical evidence to support this claim. There is, however, data to support the thousands, if not millions, of dollars that are being lost across Texas communities due to *just* the expired licenses with an FTAP hold. Assertions have also been made that FTAP holds allow judges to keep individuals out of jail. Still, they also lack credibility, as it has been made clear that courts that participate in the FTAP program issue warrants at a significantly higher rate than those that do not.

Additionally, decision-makers should continue to prioritize moving toward data-driven court practices by supporting research-based methods that can help standardize operations even further, ultimately making Texas courts more efficient. Practices such as continuing to encourage buy-in to the state's court text-messaging reminder system, creating a uniform citation/court summons for all jurisdictions to employ, and moving Texas into the 21st century by exploring the benefits of integrating technology to save personnel time and energy and assure the fidelity of data (e.g., e-citations).

Conclusion

In conclusion, the Failure to Appear/Pay program burdens courts and law enforcement by prioritizing revenue collection over public safety. It creates unnecessary hardships for Texans who cannot afford to pay off their court fines and fees and exacerbates inequitable outcomes for low-income communities and communities of color.

Continuing to rely on an inefficient and harmful approach to unpaid fines and fees results in a cycle of debt and justice system involvement for those who do not have the means to pay. Policymakers and agency heads alike should continue their progress toward a more data-driven court system and help Texans impacted by the FTAP program get back on the road because when you are free to drive, you are free to work, and a working Texan contributes to the growth of Texas!

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- ⁵⁹ Note: Keep in mind that not all courts participate in the FTAP program, though all courts *do* issue capias pro fines and/or Class C warrants. Thus, these rates offer a descriptive analysis of ALL courts, not just those issuing FTAP holds.
- ⁶⁰ Note: The threshold for the statistical significance study was below or equal to .05.
- ⁶¹ Note: For ease of interpretation the W values yielded by the Wilcoxon Mann-Whitney tests were converted to both z-scores and t-stats.
- ⁶² Note: Additional z-tests for differences in proportions were administered to confirm significance and to generate effect sizes (Cohen's *h*). Results of these tests confirmed the significance of differences in both capias ($z = 1.98, p = .05$) and Class C warrants ($z = 3.64, p < .01$) issued by municipal courts participating in the FTAP program, as well as the insignificance associated with JP Courts – (Capias: $z = -0.73, p = .47$; Class C: $z = 0.29, p = .77$). The effect size for the difference size seen in municipal courts are statistically small (capias pro fine, $h = .2$) to moderate (Class C, $h = .3$).
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- ⁷⁰ Texas Appleseed. (2023). *SB1281/HB4074 fact sheet: 2023 legislative session*. <https://www.texasappleseed.org/sites/default/files/2023-05/tacj-88th-fact-sheet-sb1281-hb4074-march-2023.pdf>.
- ⁷¹ Chien, C., George, A., Shekhar, S., & Apel, R. (2022). Estimating the earnings loss associated with a criminal record and a suspended driver's license. *Santa Clara Law Digital Commons*. <https://digitalcommons.law.scu.edu/facpubs/994/>.
- ⁷² *Electronic communication with the Department of Public Safety Driver's License Division* (Dec 2022). Note: per DPS representative C.G., in re: financial penalties for terminating the state's current FTAP contract: "the contract does have language that allows the department to cancel without penalty due to changes in [the] law." Section 2.1.7 of said contract states "DPS may immediately terminate the Contract, in whole or in part, without penalty to or any liability whatsoever on the part of DPS, the State of Texas...if DPS or the subject matter of the Contract become subject to legislative or regulatory change." Correspondence on file with the author.

Appendix A

City Court Rates, Top 20

Table A1: Hold Rates per 100 Residents, Municipal Courts (Top 20)

City	Hold Rate per 100 Residents
Balcones Heights	525
Buckholts	635
Caney City	427
China Grove	321
Coffee City	1175
Corrigan	360
Cumby	629
Encinal	377
Eustace	310
Garrett	300
Itasca	411
Lakeside	525
Milford	481
Palmer	853
Rice	459
Richland	360
Riesel	355
Rose City	365
Splendora	349
Surfside Beach	308

Table A2: Capias Pro Fine Warrants per 100 Residents, Municipal Courts (Top 20)

City	Capias Pro Fine Warrants per 100 Residents
Avinger	349
Baird	155
Caney City	60
Clarendon	15
Clifton	19
Coffee City	19
Ferris	21
Hitchcock	23
Jersey Village	15
Lakeside	55
Laredo	14
Lone Oak	82
Morgan's Point	23
Pantego	34
Patton Village	40
Payne Springs	44
Penitas	19
Vidor	14
Wells	86
West Orange	25

Table A3: Class C Warrants per 100 Residents, Municipal Courts (Top 20)

City	Class C Warrants per 100 Residents
Arcola	86
Arp	67
Balcones Heights	151
Clarendon	73
Cockrell Hill	85
Coffee City	608
Elmendorf	84
Eustace	169
Grandview	71
Kosse	102
Lakeside	209
Oak Ridge North	80
Palmhurst	76
Pantego	158
Patton Village	108
Rice	79
Riesel	71
Smiley	78
Surfside Beach	120
Windcrest	136

Appendix B

County Justice Court Rates, Top 20

Table B1: Hold Rates per 100 Residents, County Justice Courts (Top 20)

County	Hold Rate per 100 Residents
Borden	77
Brooks	126
Concho	76
Crockett	286
Culberson	261
Dimmit	108
Glasscock	140
Hardeman	86
Jeff Davis	575
Kenedy	2044
Kinney	166
La Salle	169
Loving	1267
McMullen	589
Menard	269
Refugio	219
Sterling	261
Sutton	268
Terrell	152
Zavala	107

Table B2: Capias Pro Fine Warrants per 100 Residents, County Justice Courts (Top 20)

County	Capias Pro Fine Warrants per 100 Residents
Aransas	1
Coke	1
Dewitt	1
Franklin	1
Hartley	9
Houston	1
Hutchinson	1
Jeff Davis	1
Loving	77
Matagorda	1
Moore	2
Orange	1
Polk	1
Reagan	3
Red River	1
Schleicher	2
Stephens	1
Trinity	1
Webb	1
Winkler	25

Table B3: Class C Warrants per 100 Residents, County Justice Courts (Top 20)

County	Class C Warrants per 100 Residents
Andrews	5
Aransas	5
Bastrop	3
Calhoun	6
Coke	11
Concho	18
Fayette	3
Goliad	4
Hale	4
Howard	3
Irion	6
Jeff Davis	27
Loving	295
Moore	5
Orange	4
Reagan	4
Refugio	8
Schleicher	3
Shackelford	4
Somervell	5

Appendix C

Number of Expired Licenses Under FTAP & Annual Earnings Lost by City, Top 20

Table C1: Expired Licenses and Annual Earnings Lost by City, Top 20

City	Number of Expired Licenses	Annual Earnings Lost
Arlington	4,716	\$59,893,200.00
Austin	15,467	\$196,430,900.00
Beaumont	2,876	\$36,525,200.00
Conroe	3,142	\$39,903,400.00
Corpus Christi	8,464	\$107,492,800.00
Dallas	35,136	\$446,227,200.00
El Paso	5,834	\$74,091,800.00
Fort Worth	11,314	\$143,687,800.00
Garland	3,302	\$41,935,400.00
Houston	49,396	\$627,329,200.00
Irving	2,601	\$33,032,700.00
Killeen	3,602	\$45,745,400.00
Laredo	4,576	\$58,115,200.00
Lubbock	2,871	\$36,461,700.00
Mesquite	3,750	\$47,625,000.00
Odessa	3,205	\$40,703,500.00
San Antonio	29,846	\$379,044,200.00
Spring	3,187	\$40,474,900.00
Tyler	3,207	\$40,728,900.00
Waco	4,413	\$56,045,100.00

Appendix D

Number of Expired Licenses Under FTAP & Annual Earnings Lost by County, Top 20 (by Monetary Range)

Table D1: Expired Licenses and Annual Earnings Lost by County, Top “20” (<\$100K)

County	Number of Expired Licenses	Annual Earnings Lost
Borden	1	\$12,700.00
Glasscock	5	\$63,500.00
Hartley	7	\$88,900.00
Kenedy	7	\$88,900.00
Kent	5	\$63,500.00
Motley	7	\$88,900.00
Roberts	6	\$76,200.00
Terrell	6	\$76,200.00

Note: Tables D1, D5, D6, and D7 all have fewer than 20 counties per their monetary category (e.g., <\$100K or >\$500M), thus the use of quotations around the number 20 in the titles of these tables. They were titled this way to maintain consistency throughout the appendices.

Table D2: Expired Licenses and Annual Earnings Lost by County, Top 20 (\$100-999K)

County	Number of Expired Licenses	Annual Earnings Lost
Archer	69	\$876,300.00
Bailey	65	\$825,500.00
Castro	64	\$812,800.00
Dallam	63	\$800,100.00
Delta	59	\$749,300.00
Donley	54	\$685,800.00
Garza	68	\$863,600.00
Goliad	54	\$685,800.00
Hall	55	\$698,500.00
Haskell	61	\$774,700.00
Kimble	70	\$889,000.00
Martin	52	\$660,400.00
Mills	54	\$685,800.00
Ochiltree	61	\$774,700.00
Parmer	70	\$889,000.00
Presidio	59	\$749,300.00
Real	78	\$990,600.00
San Saba	71	\$901,700.00
Swisher	75	\$952,500.00
Winkler	64	\$812,800.00

Table D3: Expired Licenses and Annual Earnings Lost by County, Top 20 (\$1-9.9M)

County	Number of Expired Licenses	Annual Earnings Lost
Burnet	598	\$7,594,600.00
Caldwell	711	\$9,029,700.00
Cass	591	\$7,505,700.00
Fannin	579	\$7,353,300.00
Grimes	623	\$7,912,100.00
Harrison	773	\$9,817,100.00
Hood	595	\$7,556,500.00
Hopkins	590	\$7,493,000.00
Howard	610	\$7,747,000.00
Kerr	648	\$8,229,600.00
Kleberg	603	\$7,658,100.00
Limestone	709	\$9,004,300.00
Palo Pinto	660	\$8,382,000.00
Shelby	696	\$8,839,200.00
Starr	678	\$8,610,600.00
Tyler	609	\$7,734,300.00
Upshur	754	\$9,575,800.00
Uvalde	690	\$8,763,000.00
Wharton	786	\$9,982,200.00
Wilson	598	\$7,594,600.00

Table D4: Expired Licenses and Annual Earnings Lost by County, Top 20 (\$10-49.9M)

County	Number of Expired Licenses	Annual Earnings Lost
Angelina	3,133	\$39,789,100.00
Bastrop	1,733	\$22,009,100.00
Brazos	2,221	\$28,206,700.00
Ector	3,253	\$41,313,100.00
Ellis	3,209	\$40,754,300.00
Grayson	2,038	\$25,882,600.00
Gregg	2,915	\$37,020,500.00
Guadalupe	1,504	\$19,100,800.00
Hays	2,156	\$27,381,200.00
Henderson	2,093	\$26,581,100.00
Hunt	1,643	\$20,866,100.00
Johnson	2,011	\$25,539,700.00
Kaufman	2,211	\$28,079,700.00
Liberty	2,566	\$32,588,200.00
Lubbock	3,169	\$40,246,300.00
Midland	1,630	\$20,701,000.00
Orange	1,624	\$20,624,800.00
San Patricio	1,756	\$22,301,200.00
Taylor	2,042	\$25,933,400.00
Tom Green	1,414	\$17,957,800.00

Table D5: Expired Licenses and Annual Earnings Lost by County, Top “20” (\$50-99.9M)

County	Number of Expired Licenses	Annual Earnings Lost
Bell	7,245	\$92,011,500.00
Brazoria	4,110	\$52,197,000.00
Cameron	5,301	\$67,322,700.00
Collin	4,567	\$58,000,900.00
Denton	5,802	\$73,685,400.00
El Paso	6,283	\$79,794,100.00
Fort Bend	6,820	\$86,614,000.00
Galveston	6,787	\$86,194,900.00
Hidalgo	6,919	\$87,871,300.00
Jefferson	4,638	\$58,902,600.00
McLennan	5,726	\$72,720,200.00
Smith	4,493	\$57,061,100.00
Webb	4,590	\$58,293,000.00
Williamson	4,045	\$51,371,500.00

Table D6: Expired Licenses and Annual Earnings Lost by County, Top “20” (\$100-499M)

County	Number of Expired Licenses	Annual Earnings Lost
Bexar	32,093	\$407,581,100.00
Montgomery	8,362	\$106,197,400.00
Nueces	9,470	\$120,269,000.00
Tarrant	20,561	\$261,118,600.00
Travis	17,134	\$217,601,800.00

Table D7: Expired Licenses and Annual Earnings Lost by County, Top “20” (>\$500M)

County	Number of Expired Licenses	Annual Earnings Lost
Dallas	55,611	\$706,259,700.00
Harris	64,122	\$814,349,400.00



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