



# EXPLAINER: FAILURE-TO-APPEAR RATES IN TEXAS COURTS

Knowing a court's "failure-to-appear" (FTA) rate is critical to improving caseload efficiency during the initial stages of processing.<sup>1</sup> When a case is referred to a court but the defendant does not appear, the actions required to move the case forward cannot proceed. **Courts, administrators, and advocates should measure and evaluate FTA rates to allow for the efficient and fair processing of cases through the court system.** Doing so is critical to preserving and allocating resources effectively. Courts with higher-than-average failure-to-appear rates should consider implementing data-driven initiatives to address this concern.

## MEASURING FAILURE-TO-APPEAR RATES

To generate an FTA rate, the court needs to identify the number of cases in which a defendant has failed to appear, divide that number by the number of cases referred to the court, and multiply by the population of interest. Which, in formula form, looks like this:

$$\left( \frac{\text{\# of cases in which a defendant has failed to appear}}{\text{\# of cases referred to the court}} \right) \times 100$$

The value this equation yields illustrates the rate of non-appearances per 100 cases filed in a court. Courts with higher referral rates may want to adjust the per caseload value to reflect FTA rates for every 500 or 1,000 cases.

What matters most in this instance is whether the data points required for this equation are available in the purest form, and, if not, whether there are alternative data points that could be used to estimate FTA rates (e.g., warrants issued for non-appearance).

## DATA AVAILABLE IN TEXAS TO ASSESS/ESTIMATE THE EXTENT OF FAILING TO APPEAR

While courts in Texas know which cases involve defendants who are not appearing, the way this data is collected and reported does not, in the simplest form, support generating a failure-to-appear rate for individual courts or groups of courts (i.e., all Justice of the Peace courts in a county).

Across all courts - Municipal, Justice of the Peace (JP), County, and District Courts - any defendant who has failed to appear is reported into an "inactive" category.<sup>2</sup> This *could* be used to determine the rate at which people are failing to appear *if* it only included cases that could not proceed due to non-appearance. However, this category also includes cases in which warrants have been issued, license/registration holds have been placed, or individuals have been deemed ineligible to move forward for several other reasons (e.g., mental health grounds or being held elsewhere for state/federal charges).<sup>3</sup>

To estimate non-appearance, a few alternative data points exist, including:

- 1. Class C Warrants Issued.** If someone fails to appear in court for a Class C misdemeanor (aka a fine-only misdemeanor, such as a traffic ticket), the court can issue a Class C Warrant for that individual's arrest. This action is at the court's discretion and thus not an exact parallel to non-appearance, but still a viable indicator.<sup>4</sup> These warrants, also known as alias warrants, are reported to and produced by the Office of Court Administration (OCA), the administrative agency of the state's judicial branch.<sup>5</sup>

Note: Class C misdemeanors are only heard in JP and Municipal Courts, though County and District Courts also issue similar warrants. While courts may be collecting this data, it is not being publicly reported, unlike Class C warrants.

**2. Failure to Appear/Pay (FTAP) Holds.** If someone fails to appear in court, or fails to pay the fine associated with a traffic violation, which are Class C misdemeanors, the court may issue a license renewal hold on that person's driver's license.<sup>6</sup> This information is only available via an information request to the state's Department of Public Safety, which Texas Appleseed submits annually. This data is not without its limitations, as a court can place multiple holds on an individual's license. **In fact, further examination of the state's data shows that Texans with an FTAP hold have, on average, between five and eight holds.**<sup>7</sup>

**Note:** Because FTAP holds can also be issued for non-payment, a good complementary data point to consider is the number of *capias pro fine* warrants issued.

**2a. Capias Pro Fine Warrants.** When a judgment has been entered and the defendant has failed to pay the fines/fees related to their case, the court can issue a *capias pro fine* warrant for the defendant's arrest. The rate at which a court issues *capias pro fine* warrants vs. class C warrants can indicate whether the underlying issue is failure to appear or failure to pay. *Capias pro fine* warrants are reported to and published by OCA under a court's additional activity reports.<sup>8</sup>

**It is important to note that while these data points may serve as a proxy for measuring failure-to-appear, they are not the same.** These alternative data points are the actions available when someone fails to appear. Ideally, these data points would serve as independent measures to determine whether their use affects the underlying factor of concern, non-appearance.

Lastly, to estimate a court's actual caseload, the OCA collects data on the number of *new cases added/added*, the number of *inactive cases*, the number of *pending cases*, and the number of *reactivated cases*.<sup>9</sup> The latter two include cases pending adjudication/judgment, and cases that have been reactivated as a result of a defendant responding to a warrant or a license/registration hold for non-appearance. To establish an occurrence rate for non-appearance, the denominator in the equation must include the population at risk of failing to appear<sup>10</sup>, making the *number of new cases added/added* the most appropriate indicator for this variable.

## REFERENCES & ENDNOTES

<sup>1</sup> Council of State Governments (nd). Justice Counts. *Metrics: Courts & Pretrial, Population Movements, Tier 2*. <https://justicecounts.csgjusticecenter.org/metrics/>, if it included only This

<sup>2</sup> Office of Court Administration (2025). District & County Level Reporting. Reporting Instructions and Guidance. *Defining Inactive Status for OCA Reporting*. <https://www.txcourts.gov/media/1459923/inactive-cases-guidance-document-11625.pdf>; Office of Court Administration (nd). Judicial Council Trial Court Activity Reports. Justice & Municipal Courts. *Active/Inactive Pending Case Flowchart*. <https://www.txcourts.gov/media/8323/pending-flowchart.pdf>.

<sup>3</sup> Office of Court Administration (2025). Judicial Council Trial Court Activity Reports. *Reporting Forms & Instructions: Justice Court Form Instructions* (p. 11). *Placed on Inactive Status*. [https://www.txcourts.gov/media/1461777/jp-report-instructions-rev\\_12\\_16\\_25.pdf](https://www.txcourts.gov/media/1461777/jp-report-instructions-rev_12_16_25.pdf)

<sup>4</sup> The Texas Office of Court Administration (nd). Court Activity Reporting and Directory System. Justice & Municipal Courts: Justice Courts, *Justice Court Additional Activity by County*. <https://card.txcourts.gov/ReportSelection.aspx>; Note: This report generator will generate activity based on court type. A review of County and District court activity does not provide information on warrants issued, as those provided by JP and Municipal courts.

<sup>5</sup> Texas Judicial Branch. Office of Court Administration. *Welcome to the Office of Court Administration*. <https://www.txcourts.gov/oca/>

<sup>6</sup> Texas Transportation Code Chapter 706: Denial of Renewal of License for Failure to Appear. (n.d.). *Texas Constitution and Statutes*. <https://statutes.capitol.texas.gov/Docs/TN/htm/TN.706.hcomplementaryism#706.004>

<sup>7</sup> Texas Appleseed (2025). [Unpublished raw data on holds issued by OmniBase Services of Texas and on record with the Texas Department of Public Safety]. Texas Department of Public Safety. Note: Per DPS, the number of current active holds on record is 3,621,729. With a total of 432,486 drivers in Texas with a hold on an active or expired license. This equates to an, average of 8.4 holds per driver. In 2023, that number of holds per driver was 5.3 holds.

<sup>8</sup> The Texas Office of Court Administration (nd). Court Activity Reporting and Directory System. Justice & Municipal Courts: Justice Courts, *Justice Court Additional Activity by County*. <https://card.txcourts.gov/ReportSelection.aspx>; Note: This report generator will generate activity based on court type. A review of County and District court activity does not provide information on warrants issued, as those provided by JP and Municipal courts.

<sup>9</sup> Texas Judicial Branch (July 2025). District & County Court-Level Reporting. *Clerk Reporting Instructions + Guidance on Transfers*. <https://www.txcourts.gov/media/1460933/instructions-plus-guide-july-2025.pdf>; Texas Judicial Branch (January 2026). Judicial Council Trial Court Activity Reports. *Reporting Forms & Instructions*. <https://www.txcourts.gov/reporting-to-oca/judicial-council-trial-court-activity-reports/justice-municipal-court-reports/>.

<sup>10</sup> StatsDirect (nd). *Statistical Help: Incidence and Prevalence*. [https://www.statsdirect.com/help/rates/incidence\\_and\\_prevalence.htm](https://www.statsdirect.com/help/rates/incidence_and_prevalence.htm)



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