



San Antonio Should Exit the OmniBase Program: A Barrier to Employment for Low-Income Residents



Among Texas cities, San Antonio is one of the heaviest users of the OmniBase Program,¹ through which municipal courts and justice of the peace courts can put a renewal hold on a person's driver's license when they miss a court date or are unable to pay fines and fees in traffic and other low-level criminal cases. When the license of a person with an OmniBase hold or holds expires, they typically cannot legally drive until they have paid all their fines and fees or made other arrangements with the court.

Once somebody enters the OmniBase Program and loses their ability to obtain a valid license, they become trapped in a cycle of debt. They often must continue to drive to work and take care of their families, and then end up receiving more and more tickets for driving with an invalid license. Each unpaid ticket comes with additional debt, another warrant, and another OmniBase license hold.

The San Antonio Municipal Court has more than 71,000 outstanding holds on people's licenses.² Combined with the more than 130,000 from Bexar County justice of the peace courts, as well as the tens of thousands of holds from municipal courts in the surrounding suburbs, low-income San Antonio residents shoulder a massive burden from the OmniBase Program. The residents impacted are overwhelmingly people of color.

The San Antonio Municipal Court has taken significant steps to improve racial and economic equity in the court, developing processes and programs to improve outcomes for residents who cannot afford their fines. Additionally, the Court only uses OmniBase holds for people who fail to appear or satisfy their requirement to appear by paying in full, and lifts holds as soon as people appear in court. The Court is implementing text message reminders, a best practice to increase court appearance rates, and is conducting a study of how to reach people who have been unresponsive. Nonetheless, OmniBase holds have the same impact on San Antonio residents as they do wherever they are used in Texas – they lead to a seemingly inescapable cycle of debt for those who cannot pay.

The City of San Antonio has been working to implement important workforce development and economic recovery programs in the wake of the pandemic, with a focus on improving racial and economic equity. **For these initiatives to succeed, it is critical that the city remove counterproductive barriers to employment like the OmniBase Program that exacerbate racial and economic injustice.** The San Antonio City Council should cancel the city's contract to participate in OmniBase, just like the City of Austin, City of Dallas and Harris County have all voted to do over the last two years.

The OmniBase Program is a Major Barrier to Low-Income San Antonio Residents Getting a Job and Keeping a Job

The OmniBase Program leads to people not having a valid driver's license—not because they are dangerous drivers but simply because they cannot afford their fines and court costs. The people harmed by this program do not have money for fines and court costs, so are most in need of employment. Yet, a driver's license is essential for many jobs that involve driving and often a prerequisite to apply to jobs that don't. Research has shown that having a driver's license makes it twice as likely for a person to have earnings above the poverty level.³

For those who are already employed, driving is usually critical to get to work. **Four in five San Antonio residents drive to work.⁴ Making it difficult or even impossible for them to get to their jobs by taking away their license until their court debt is paid means jobs lost and a slower economic recovery for the city.**

The OmniBase Program Most Heavily Burdens Low-Income San Antonio Communities with High Concentrations of Residents of Color

Data from the San Antonio Municipal Court indicate that OmniBase holds are most heavily concentrated in zip codes where the median income is far below the county's median income. Note that the map represents a snapshot in time of all holds that were outstanding as of the date data was requested last year, regardless of how old the hold was. So, it's possible more holds were placed in some zip codes but have since been cleared.

The ten zip codes with the highest concentration of OmniBase holds have an average median household income of \$34,564, while the median household income for San Antonio is \$52,455 and the median household income for Bexar County is \$57,157.⁵ Furthermore, these ten zip codes have residents who are overwhelmingly people of color, with white people only representing somewhere between 2% and 11% of each zip code's total population (see Figure 1 and Table 1). **In particular, Black residents disproportionately receive OmniBase holds, representing 14% of total current holds and only 7% of the San Antonio population.** Similar racial and economic injustices have been observed in other cities examined, with OmniBase holds concentrated in lower income neighborhoods and disproportionately impacting people of color in Dallas and Houston as well.

Fig. 1: Bexar County Driver's License Holds and Median Household Income by Zip Code and City of San Antonio Council Districts⁶

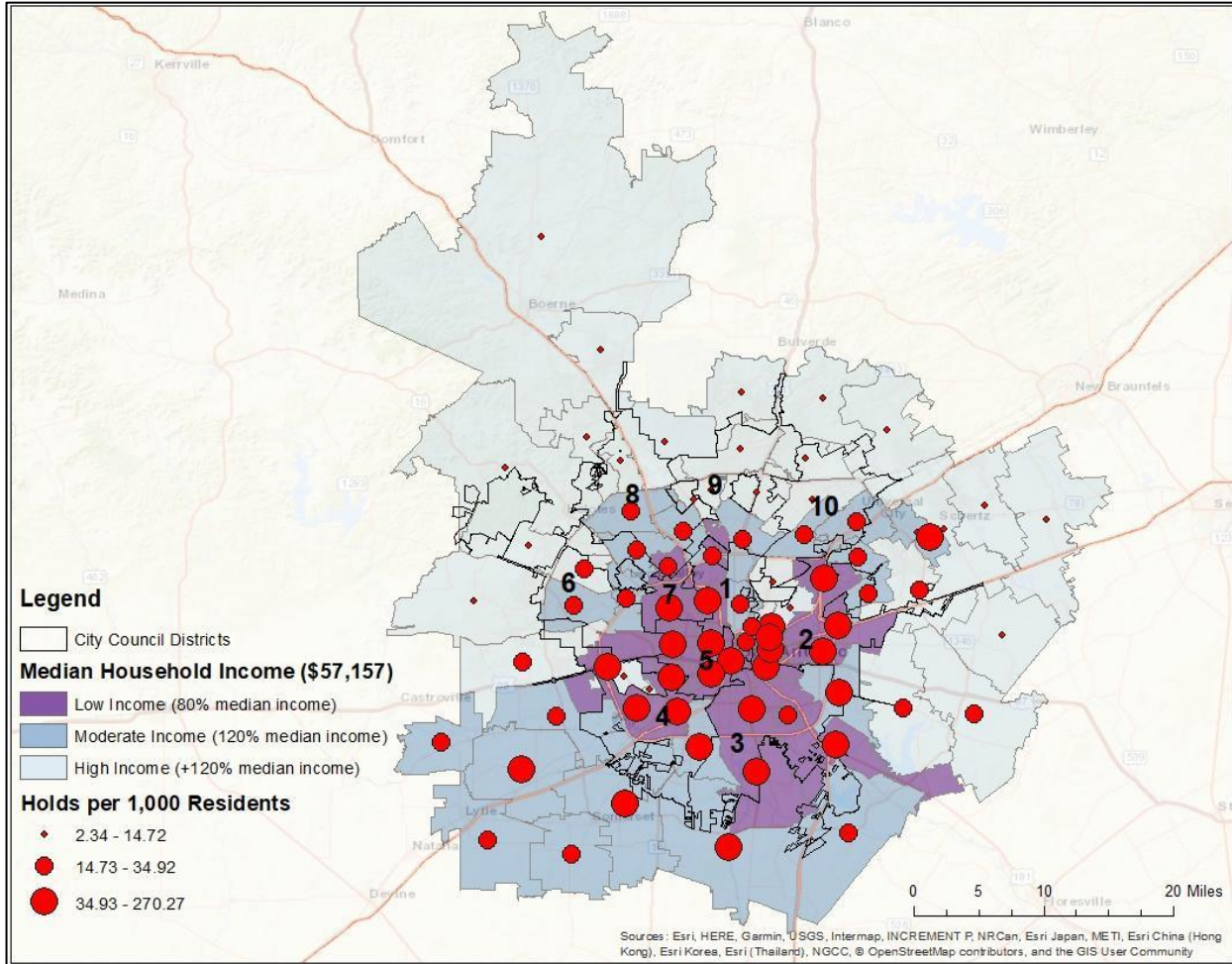


Table 1: Top Ten Zip Codes with Highest Rate of OmniBase Holds from San Antonio Municipal Court

Zip Code	Population	Hold Rate per 1,000	Median Income	Latinx	Non-Latinx Black	Non-Latinx White
78203	6,180	75.24	\$32,216	75.2	16.4	5.3
78220	16,700	69.76	\$30,772	48.1	40.3	9.0
78202	11,453	67.41	\$28,130	60.5	27.0	10.6
78237	39,105	61.63	\$31,399	95.4	1.8	2.3
78211	32,769	60.24	\$39,348	94.4	0.6	4.7
78242	34,893	55.17	\$42,857	87.1	3.6	8.4
78210	37,683	54.80	\$38,248	82.8	4.4	11.2
78225	14,472	53.76	\$35,431	97.2	0.0	2.3
78207	55,484	53.71	\$27,205	91.1	3.8	4.7
78204	12,231	48.57	\$40,031	85.4	1.3	11.4

The OmniBase Program Traps San Antonio Residents in a Cycle of Debt

The OmniBase Program leads to people being unable to legally drive, and yet many must continue to drive to provide for their families and themselves—to go to work, go to medical appointments, to take children to childcare and school, and so on. As a result, people who do drive with holds risk more and more tickets for driving without a valid license. Each of these tickets comes with additional fines and triggers new license holds under the OmniBase Program, trapping people in a never-ending cycle of debt. As court debt mounts, many people lose hope of ever getting their license back again.

The fact that people accumulate additional holds is evidenced by the fact that on average, people with holds from the San Antonio Municipal Court have two holds. They may have additional holds with other courts as well—each ticket or charge leads to its own individual holds. **Furthermore, the current holds on licenses placed by the San Antonio Municipal Court have an average length of five years since they were imposed, demonstrating that people are not able to quickly resolve these holds.**

The OmniBase Program Leads to Deeper Involvement with the Criminal Legal System Due to Poverty, Not Public Safety

A second Driving While License Invalid (DWLI) offense is a Class B jailable misdemeanor in Texas, meaning people may be arrested and jailed for it, even if the only reason their license was invalid was that they are too poor to pay fine and court costs. Typically, the Bexar County district attorney does not enhance DWLI to a Class B misdemeanor, nor does the San Antonio Police Department frequently arrest people for DWLI. Still SAPD reported 43 arrests in 2020. Importantly, most police departments across Texas do not have cite-and-release policies and most counties do charge repeat DWLIs as Class B misdemeanors, meaning that people with holds from San Antonio traveling in other counties will be at risk for arrest if stopped. Nearly one-fourth of people prosecuted for a Class B DWLI or Driving While License Suspended are sentenced in jail across Texas, a total of more than 3,000 people last year.⁷ Given the disproportionate burden that the OmniBase Program puts on people of color and the unjust risk it creates for them being arrested and jailed for no other reason than their lack of money to pay fines and fees, the program must be scrapped.

Furthermore, ending the OmniBase Program will significantly reduce the number of people on the road without valid licenses and insurance. The OmniBase Program creates debt-based barriers to obtaining either a license or insurance, and once it is gone, more people will be able to obtain their licenses and purchase insurance.

The Solution: The San Antonio City Council Should Cancel the City's Contract to Participate in the OmniBase Program and Lift Existing Holds

The often-stated purpose of the OmniBase Program is to get people to court and have them pay their fines and fees. As illustrated in this analysis, the OmniBase program does not achieve these objectives. However, there are methods that the City of San Antonio and Bexar County can employ to accomplish these goals. Accessible and timely reminders and clear communication on the front end – such as explaining the many ways in which one can handle their financial debt to the court – have shown to have significant and positive effects in reducing one's failure to pay/appear.⁸

While waiver and community service options are mandated by state law, this information is not clearly communicated in the San Antonio Municipal Court's or the Bexar County justice of the peace courts' notices or mailers. As in nearly every jurisdiction across the state, **people who have tickets receive notices that list out many ways to pay but do not spell out that they can get the amount they owe waived, reduced, or converted into community service.** The notices also do not mention that they will not be arrested on Class C warrants if they come to court and are often written in legalese making them difficult to decipher. **San Antonio and Bexar County should consider redesigning their court forms with these factors in mind.** Studies show that redesigning court forms to make them easier to read increases appearance rates by 13%.⁹ Adding information about waiver and community service options, which are both intended to serve as incentives for resolving one's debt to the court, is also likely to increase appearance.

As previously mentioned, the San Antonio Municipal Court *is* working to implement one of these practices: text message reminders. Text message reminder systems are an inexpensive and easy way for courts to drastically increase appearance rates. This makes intuitive sense – we receive text message reminders for medical appointments and haircuts, why wouldn't we also have them for court dates? Studies have shown that text message reminders can increase court appearance rates by 26%.¹⁰ To ensure this system is effective, the municipal court should plan to collect, analyze, and report on their use of this method and the impact on its intended outcomes (e.g., court appearance rates, debt clearance rates, appropriate application of waivers).

Debt-based driver license suspension programs, like the OmniBase Program, are counterproductive and harmful, leading to higher unemployment rates, lost wages, and fractured communities and households. It is illogical that we would erect barriers to people working due to their unpaid court debt, as the practice itself perpetuates a vicious cycle that seems impossible to escape. Ending license holds for court debt is a commonsense reform that has generated diverse support from national leaders and organizations, from both the left and the right.¹¹ Recently the cities of Dallas and Austin, as well as Harris County, voted to cancel their OmniBase contracts, acknowledging the harms that the program does to their most vulnerable residents. Other jurisdictions and courts simply do not participate in the program, and there is no obvious correlation between a court's collections and its participation.¹² **The San Antonio City Council should exit OmniBase and remove this hurdle to financial stability for their residents and barrier to economic recovery for the city.**

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References & Endnotes

¹ Established pursuant to Chapter 706 of the Texas Transportation Code, the program is officially called the “Failure to Appear/Pay Program.” The Texas Department of Public Safety has contracted with a private vendor, OmniBase Services of Texas, to work with courts to administer the holds, leading to the program commonly referred to as the “OmniBase Program.”

² Data obtained from the San Antonio Municipal Court and the Texas Department of Public Safety on file with authors.

³ John Pawasarat & Frank Stetzer, *The EARN (Early Assessment and Retention Network) Model for Effectively Targeting WIA and TANF Resources to Participants*, U. OF WIS. EMP. & TRAINING INST., 2007, available at <https://www4.uwm.edu/eti/2007/EARNModel.pdf>. See also Jon A. Carnegie & Alan M. Voorhees, Transportation Center at Rutgers, State Univ. of New Jersey, *Driver’s License Suspensions, Impacts & Fairness* (2007), available at <https://www.nj.gov/transportation/business/research/reports/FHWA-NJ-2007-020-V1.pdf> (Large study of drivers with suspended licenses in New Jersey found that 42% lost their jobs when their license was suspended, and the impact was even greater on drivers with household incomes below \$30,000: 64% of these drivers lost their jobs and 51% could not find another job).

⁴ Iris Dimmick, *Census Data: Almost 80% of San Antonioans Drive to Work Alone*, San Antonio Report (Dec. 11, 2017), available at <https://sanantonioreport.org/census-data-almost-80-of-san-antonians-drive-to-work-alone/>.

⁵ U.S. Census Bureau, American Community Survey (ACS), 2015-2019 5-Year Estimates.

⁶ Holds from the San Antonio Municipal Court are the only holds represented in this data. The holds impact people not just in San Antonio, but throughout Bexar County. Therefore, the map illustrates all holds placed by the San Antonio Municipal Court throughout Bexar County. Holds placed by the San Antonio Municipal Courts on residents not living in Bexar County (representing 24% of all holds) are not represented on his map.

⁷ Texas Office of Court Administration, Annual Statistical Report FY 2020, County-Level Courts Misdemeanor Case Activity Detail, available at https://www.txcourts.gov/media/1450292/misdemeanor_activity_detail-2020.pdf.

⁸ Fishbane, A., Ouss, A., & Shah, A.K. (2020). Behavioral nudges reduce failure to appear for court. *Science* (10) 1-17. Retrieved from https://www.ideas42.org/wp-content/uploads/2020/10/Behavioral-nudges-reduce-failure-to-appear-for-court_Science.full_.pdf; Cooke, B. et. al. (2018). Using behavioral science to improve criminal justice outcomes: Preventing failures to appear in court. Urban Crime Labs and Idea 42. Retrieved from <https://www.ideas42.org/wp-content/uploads/2018/03/Using-Behavioral-Science-to-Improve-Criminal-Justice-Outcomes.pdf>

⁹ Fishbane, A., Ouss, A., & Shah, A.K. (2020). Behavioral nudges reduce failure to appear for court. *Science* (10) 1-17. Retrieved from https://www.ideas42.org/wp-content/uploads/2020/10/Behavioral-nudges-reduce-failure-to-appear-for-court_Science.full_.pdf

¹⁰ Cooke, B. et. al. (2018). Using behavioral science to improve criminal justice outcomes: Preventing failures to appear in court. Urban Crime Labs and Idea 42. Retrieved from <https://www.ideas42.org/wp-content/uploads/2018/03/Using-Behavioral-Science-to-Improve-Criminal-Justice-Outcomes.pdf>

¹¹ The conservative Texas Public Policy Foundation discusses its opposition to the OmniBase Program on its website, at <https://www.texaspolicy.com/court-fees-and-fines-unjustly-burden-debtors/>. See also ALEC Resolution In Support of Limiting Driver’s License Suspensions to Violations Involving Dangerous Driving, available at <https://www.alec.org/model-policy/resolution-in-support-of-limiting-drivers-license-suspensions-to-violations-that-involve-dangerous-driving/>. For a list of diverse organizations supportive of ending driver’s license suspensions and driving-related consequences for court debt, visit the Free to Drive Coalition’s website at <https://www.freetodrive.org/about/#page-content> (last visited Feb. 2, 2022).

¹² For more information see our report, *Driven By Debt: Failure of the OmniBase Program* (2021) available at <https://www.texasappleseed.org/sites/default/files/OmniBaseRevenueReport-Aug11-Final.pdf>