



City of Galveston

MUNICIPAL COURT STAFF REPORT

July 17, 2019

To: Honorable Mayor and Members of City Council
Brian Maxwell, City Manager

From: Gladys Lopez, Clerk of Municipal Court

Re: Discuss a proposal to allow for an Amnesty Program for the City of Galveston Municipal Court which would implement an incentive-based initiative that will waive/dismiss the Failure to Appear and/or the Violation of Promise to Appear assigned to each underlying offense affording violators the opportunity to pay the original fine amount plus court costs in full. An action item will be brought forth for City Council at its regular meeting of August 22, 2019.

I. Background

- A. The City of Galveston is amongst the top tourism destinations in the State of Texas. The tourism in Galveston has increased steadily for the last several years reaching a record-breaking 7.2 million visitors in 2018. As the tourism population increases, the probability of traffic citations being issued to non-residents increases as well.
- B. According to the records of the Galveston Municipal Court, approximately 65 percent of its unresolved warrants are attributed to non-residents of the City of Galveston and 35 percent are attributed to residents of the island.
- C. On average, seventy-six thousand dollars (\$76,000.00) in warrants are collected monthly by the court.
- D. Currently, the Municipal Court utilizes the following programs in an effort to collect its unresolved warrants:
 1. Annual statewide warrant roundups; cleared 681 warrants between February 23, 2019 to March 16, 2019, and collected \$96,988.71.
 2. In April 2001, the City entered into an Interlocal Agreement with the Texas Department of Public Safety (TDPS) in order to participate in the state's "Failure to Appear Program" which denies the renewal of a driver's license for failure to appear





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or failure to pay. The TDPS contracts with a vendor which maintains a database and provides information to the TDPS so that renewal denial notices can be sent to driver's license holders. The current vendor is OmniBase Services of Texas.

3. The current contract for collection services with the law firm of Lineberger Goggan Blair & Sampson, LLP was obtained in November 2011, and continues being utilized to enforce the collection of delinquent court fines and fees for outstanding warrants.
 4. Postcards are mailed by the Municipal Court to defendants as soon as a warrant is issued.
 5. Payment plans are offered at the window on warrants for unadjudicated cases; those cases for which a defendant has not yet entered a plea.
 6. A walk-in docket is available every Monday morning for any defendant with outstanding warrants to appear without fear of being arrested to speak with the Judge or Prosecutor to resolve their case(s).
- E. Parking citations are classified as civil in nature pursuant to state law. Accordingly, warrants cannot be issued for these outstanding cases.

II. Current Situation

City Council approval is required for the City of Galveston Municipal Court to implement an incentive-based initiative (the "Amnesty Program") that will waive/dismiss the Failure to Appear and/or the Violation of Promise to Appear assigned to each underlying offense affording violators the opportunity to pay the original fine amount plus court costs in full.

A. Amnesty Program Details

1. An action item will be brought forth for City Council at its regular meeting of Thursday, August 22, 2019.
2. If approved, the Amnesty Program will begin on Tuesday, September 3, 2019 at 8:00 a.m. and end on Monday, September 30, 2019 at 4:00 p.m.





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3. **Program Incentive:** For each personal appearance on a warrant by the defendant, the Court will dismiss the fine(s) plus court costs for each Failure to Appear or Violation of Promise to Appear charge provided that the original fine(s) plus court costs are paid in full for any underlying offense(s).
4. The Failure to Appear or Violation of Promise to Appear associated with each citation can range between two-hundred forty-one dollars (\$241.00) and two-hundred seventy-nine dollars (\$279.00). Once these cases are reported to OmniBase Services of Texas and/or collection, the outstanding total can range between three-hundred fifty-two dollars and thirty cents (\$352.30) and four-hundred one dollars and seventy cents (\$401.70). The waiving/dismissing of these fines plus court costs should create an economic relief reducing the outstanding balance to a manageable level that can be paid in a lump sum without creating a financial burden for the defendant.

III. **Alternatives in order of priority**

- A. **Approve** the request to implement an incentive-based initiative (the “Amnesty Program”) that will waive/dismiss the Failure to Appear and/or the Violation of Promise to Appear assigned to each underlying offense affording violators the opportunity to pay the original fine amount plus court costs in full.
 1. Cost – Advertising to be paid by the collections firm Linebarger Goggan Blair & Sampson, LLP. Both print ads and radio announcements will be released. The City of Galveston will also make announcements via social media and the City’s website through the Public Information Office.
 2. Timing – As soon as possible to begin the process of advertising and making press releases.
 3. Departmental Improvements – If approved, the Amnesty Program initiative incentive of waiving/dismissing the Failure to Appear or the Violation of Promise to Appear fine(s) plus courts costs will encourage defendants with outstanding warrants to appear and dispose of their cases; thereby, decreasing the amount of uncollected funds owed to the City of Galveston.
- B. **Do not approve** the request by the City of Galveston to implement an incentive-based initiative (the “Amnesty Program”) that will waive/dismiss the Failure to Appear and/or





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the Violation of Promise to Appear assigned to each underlying offense affording violators the opportunity to pay the original fine amount plus court costs in full.

1. Cost – N/A
2. Timing – 30 days to 60 days
3. Departmental Improvements – If not approved, the Municipal Court will continue to rely on the programs as outlined above in an attempt to collect its outstanding warrants.

IV. **Recommendation**

Concur in Alternative A and grant approval of the request by the City of Galveston to implement an incentive based initiative (the “Amnesty Program”) that will waive/dismiss the Failure to Appear and/or the Violation of Promise to Appear assigned to each underlying offense affording violators the opportunity to pay the original fine plus court costs in full.

V. **Fiscal Impact Report**

Requested by: Gladys Lopez
Clerk of Municipal Court

Funding Source: N/A

Cost: N/A



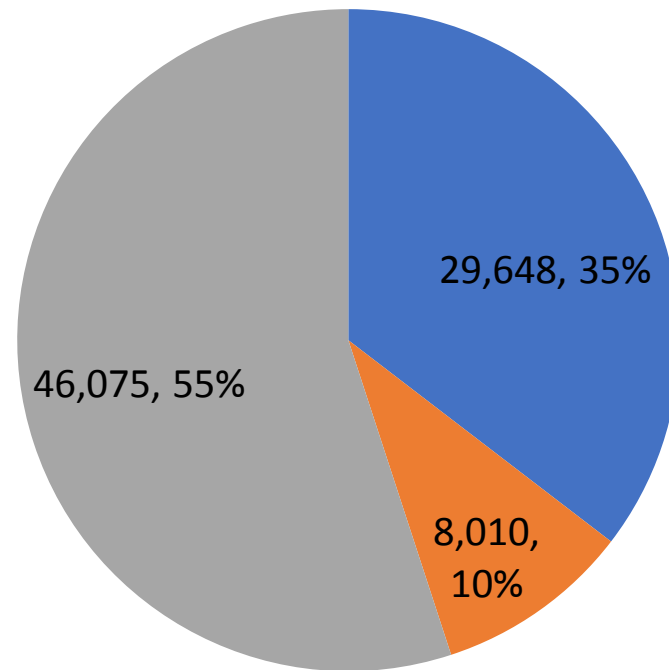


Municipal Court

*Outstanding Warrants
and
Warrant Collections*

Class C Warrants

There are currently 83,733 outstanding warrants; 65% of these are attributed to violators residing outside of the City of Galveston.



■ Galveston Residents ■ Galveston County (excluding City of Galveston) ■ All Others

Collection Efforts

Currently, the Municipal Court utilizes the following programs in an effort to collect its unresolved warrants:

- *Annual statewide warrant roundups*
- *Texas Department of Public Safety's Failure to Appear Program (OmniBase Services)*
- *Collection services with the law firm of Linebarger Goggan Blair & Sampson, LLP*
- *Postcards are mailed to defendant when a warrant is issued*
- *Payment plans are offered at the window for outstanding warrants on unadjudicated cases; those cases for which a defendant has not yet entered a plea*
- *Walk-in dockets are available every Monday morning for any defendant with outstanding warrants to appear without fear of being arrested to speak with the Judge or Prosecutor*

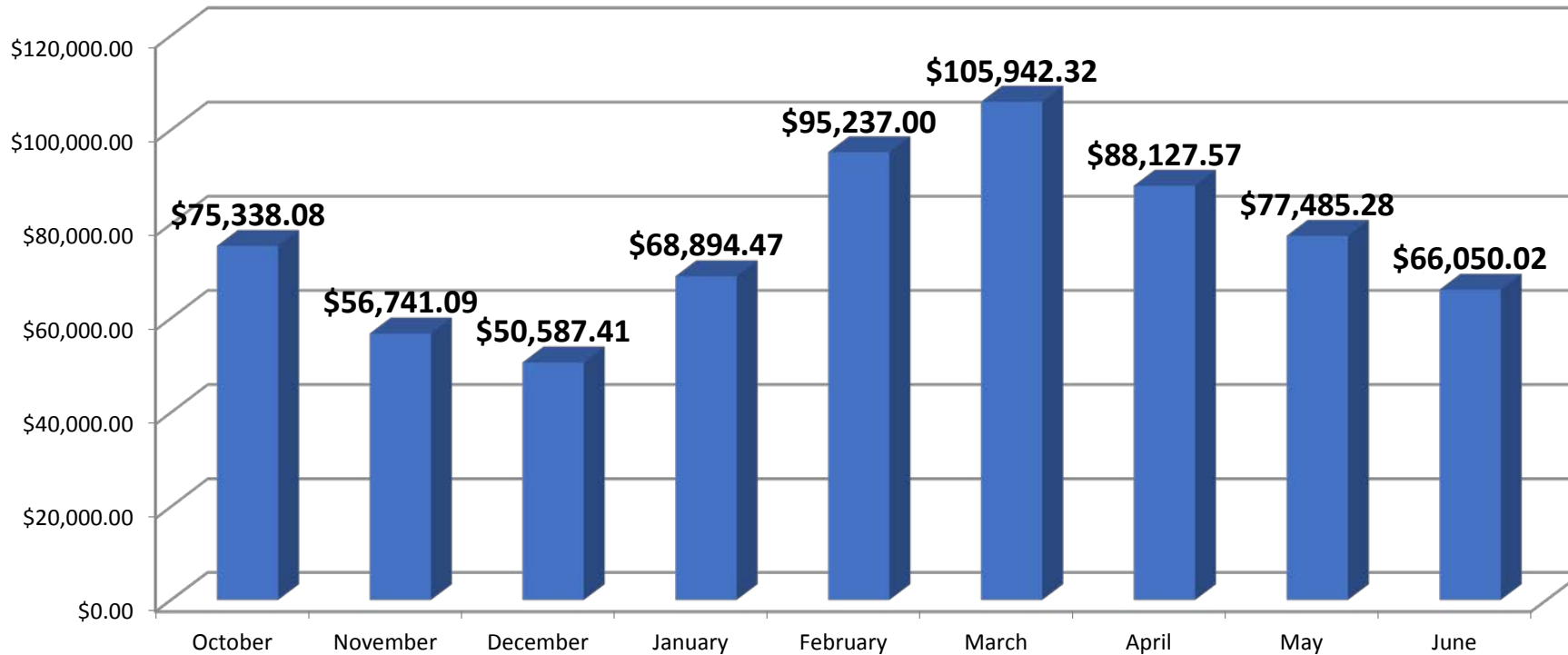


YTD Collections

Total \$684,403.24



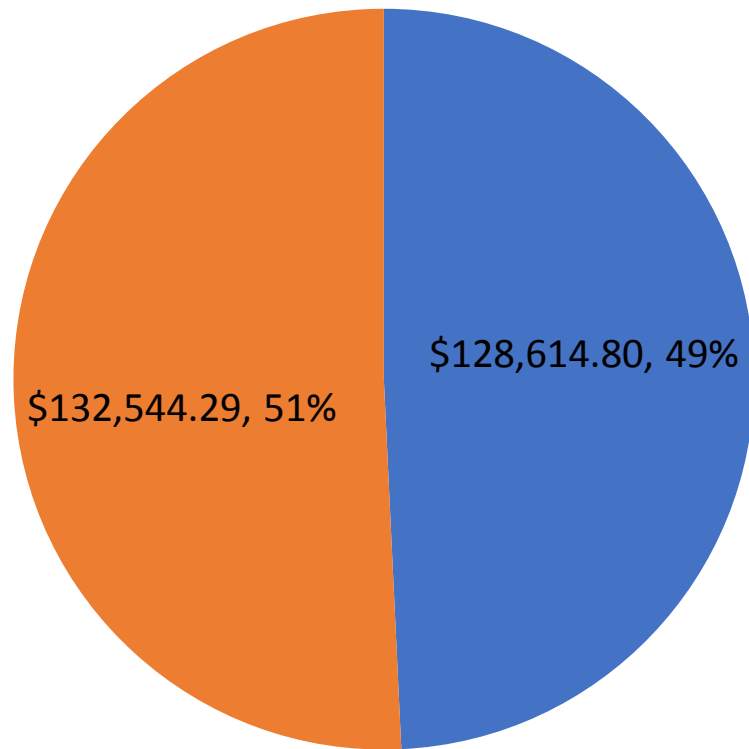
Warrant Collections FY 2019



Amnesty Program Results

August 3, 2015 – October 2, 2015

778 warrants disposed



- Total Amount Dismissed
- Total Amount Collected