

EXIT OMNIBASE

By Kayla Miranda

I was 19 when I got pulled over for the first time. A Medina County sheriff had parked somewhere with the lights all off. I suddenly saw flashing lights in my mirror. I was working three jobs because not only did I live on my own, but I wanted a truck and finally saved enough for the down payment on a brand new GMC Sierra, fresh off the lot. I had just worked 16 hours straight. I was exhausted and just wanted my bed. The officer came back to my window after running my license. He said, “*I could let you go with a warning since you’ve never gotten a ticket, but I need you to learn your lesson.*”

I don’t remember the exact words he used next, but it was something along the lines of *just because Daddy buys me a truck or something like that...* I was offended. I worked three jobs, lived on my own for two years and I had earned everything I had. Minimum wage was still \$5.15 an hour. I’m sorry if you had a chip on your shoulder but I worked hard. A few months later, I went to court. I didn’t have the money for the ticket. Between rent and bills, car payment and insurance, plus employer-based health insurance, there was nothing left. I literally was living off of old gas station hot dogs just to eat.

They reset the court date. I repeated this process several times until I moved to Dallas and couldn’t go in person anymore. Payment options were not available—only full payment was accepted. I had offered to pay a little each month—but no dice. I also offered community service or just sitting in jail a few days. No. They wanted \$250 (ticket plus court costs). The same as my monthly rent. At the time, nothing was online, in small towns they didn’t even have high speed internet yet. It was still dial-up. So that ticket went into the *OmniBase* system. I haven’t had a valid driver’s license, since. I’ll be 41 at the end of May.

Texas Center for Justice and Equity states: *The OmniBase “Failure to Pay / Failure to Appear Program” places a hold on a person’s driver’s license or renewal if that person fails to pay fines and fees or fails to appear in court, usually for traffic offenses.* To date, roughly 400,000 Texans are unable to legally drive due to the program, hampering their ability to get to work, school, or medical appointments. While *OmniBase’s* goal is to increase court compliance and collections, there is no evidence of these outcomes – with no correlation between use of *OmniBase* and revenue collection – while courts’ resources are being wasted.

For many, including myself, it’s not really the first ticket that causes the issue. I got that first ticket and didn’t receive another for over five years. It was once my driver’s license was denied renewal—that everything became a real problem. My license is not



At 19, I got pulled over for the first time. My inability to pay in full landed me in the *OmniBase* system.

suspended or revoked. It’s simply expired. I cannot renew it until I am out of the *OmniBase* system. Once my license expired, I started getting pulled over frequently.

In 2009, I was pulled over 52 times. Sometimes they gave a ridiculous excuse: low tire pressure, dim third brake light. Another excuse was that a vehicle matching the description of my vehicle was doing something in the area I was stopped. Sometimes, they wouldn’t say anything at all,

just look around my car and take off. Working gas stations, police hang around and you talk. I asked them about the situation many times and they were honest: *Something must have come up on your plate.*

Later, after having been arrested many times over the years for tickets, I saw the system first hand. The officer was driving me to the magistrate and I was cuffed in the backseat, but I kept seeing his screen flash red. I asked him about it. He explained that as he drove, plates were automatically running and when someone has warrants or doesn’t have insurance, the registration is expired, etc. it flashed red. I also asked how he knew to stop me driving to work in my dad’s truck. He said that known associates are attached to registrations. It explains a lot really. No, it wasn’t that first ticket that hurt me. Eventually, I paid it off when I had the money.

It was *OmniBase* and the snowball effect. The majority of the time I was pulled over, I got tickets. Since they already had me pulled over, might as well make it worth their while, right? I forgot to change out the new insurance card (now it shows so it’s no longer an issue). My cell phone was in my lap so I must have been texting and driving (as many times as I’ve been arrested, the second I pull over I call family and leave it on speaker). My kids would get scared and jump the seat—so they must have not been wearing seat belts. That officer knew well there wasn’t a screaming, crying child on my lap squeezing my neck when he pulled me over—but I still got a ticket. If I had been driving with a kid on my lap, it wouldn’t have been a ticket, but child endangerment and an arrest. Their excuse is always the same, tell it to the judge, you’re not admitting guilt just agreeing to go to court.

A meeting with a local municipal court judge last month proved everything I’ve been saying. I gave my story, asked if there were any questions. No, she shook her head. But right at the end, she pulled up my record and flat out attacked me, making the mistake of assuming my guilt or circumstances without asking anything. Then she brought my kids into it, trying to justify mistreatment by the police, courts and the *OmniBase* system saying that my kids were in danger. Once anyone crosses that line with me, they get the other side of me. Not the logical, reasonable side that attempts to be polite and well-mannered.

The tickets she was referring to were dismissed, I didn't have to pay anything because they were ridiculous. Sometimes you get a reasonable judge. She just saw they were closed, didn't have the details on screen, she ran with her assumptions and she played her hand badly. We are talking about minor traffic violations, not reckless driving or DWI or anything endangering the public. Nothing that would result in a suspension of license.

Once you are in the system, it's hard to get out. There have been many changes in the last few years that have opened the door for some to get their licenses back. I have been going through that process, I even got to the DPS office twice only to find out a different old ticket popped up in *OmniBase*. I have been arrested too many times to remember, often having my car towed and spending up to 18 hours in jail at the magistrate. Sometimes my kids were with me, and those times I was threatened with CPS if someone didn't come pick them up. I've been denied jobs not only because my license is expired but because of the number of arrests. I've been denied apartments and twice I've been terrorized by the police. The first time in Houston when I was pregnant with my youngest daughter and



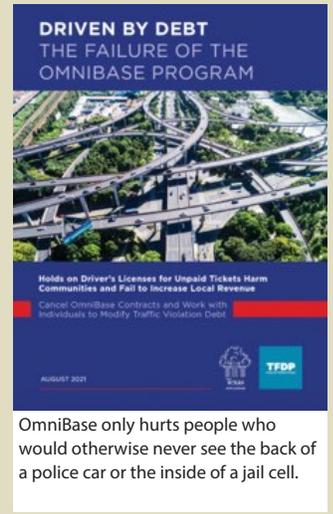
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my two older kids were four and one years old. The officer didn't speak Spanish. He pulled up talking to their father who only speaks Spanish. He didn't understand and by the time I stepped out of the truck to help, we were surrounded by five police cars, guns drawn. My oldest then came running out of the truck, scared and could have been shot.

The second time, not much later, my youngest daughter was two weeks old, I was heading back to Houston from San Antonio, after having visited my parents and still in a lot of pain from the C-section. An officer saw us leave a gas station and followed us, pulling me over on the side of the highway at 2am. He kept me and my kids on the side of the highway for three hours, while he tore apart my van and ran drug dogs. He was convinced that I was up to no good. At the end of the search he said: *I can't believe I didn't find anything*—so disappointed because he really thought he was going to make a huge bust. He told me over and over that if I had had my license he wouldn't have able to do all this.

My story is pretty tame in comparison to others. People have lost jobs, housing and had to deal with CPS because they got arrested for a ticket on the way to pick up their kids from school. If no one showed up to pick the kids, CPS would take them away. Cars that were towed have been lost in impound. If you can't pay the money to get it back after 14 days it goes up for auction. The eighth amendment of the U.S. Constitution says Excessive Bail shall not be required, nor Excessive Fines imposed, nor Cruel and Unusual punishments inflicted. Yet a ticket as low as \$50 can cost you everything. What is not considered is how individuals are affected by *omnibase*. People with money will just pay the ticket and be done with it. When you don't have the money you end up in this horrible system that attacks low income and people of color communities.

Texas Appleseed has put together a document with *Texas Center for Justice and Equity* called *Driven by Debt, the Failure of the OmniBase Program*. "Even drivers in compliance with the court and working to pay down their fines are unable to renew their licenses until the full debt is paid". This puts them at risk of receiving additional tickets which then get sent to *OmniBase* and drag out the process. "Self-reporting data from over 800 active B municipal courts across Texas indicates that no relationship exists between the use of the *OmniBase* program and revenue collections. To the contrary, the average collection rate for active courts that use the *OmniBase* program is \$45.44 less than active courts that chose not to use the program." So why would courts use a program that actually brings in less money and has less compliance? Warrants are issued at the same time a ticket is entered into *OmniBase*, so it doesn't force people into the courtroom any more than those courts that don't use it. It is a means of forcing payment from those who can't afford to pay. "Conflating court compliance with collection rates can cause courts to prioritize revenue collection and create a regressive taxation scheme that disproportionately affects Black, Brown and low income communities subjected to disparate police presence and arrests."



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The document cites the 2014 killing of Michael Brown by Missouri Police. *The United States Department of Justice (DOJ)* released *Investigation of the Ferguson Police Department*, in which the *DOJ* addressed the dangers of a local court overly focused on fine and fee collection. The investigation explained that the *Ferguson Municipal Court* suspended drivers' licenses and would not lift the suspension until paid in full. When unpaid, additional fines and fees were assessed for each missed payment or meeting, and only reluctantly considered ability to pay in determining the amount of fees or alternative methods of compliance. Additionally, the court's instructions regarding fulfilling penalty obligations were unclear. These fines and fees snowballed into mass surveillance and arrests. In one year, the *Ferguson Municipal Court* disposed of three warrants per resident. It is a danger when courts seek only to collect revenue, and in the *DOJ's* view it undermines the court's ability to act as arbiters for fairness.

It is the experience of most individuals I know affected by *OmniBase* that the courts are not unbiased. Judges automatically take the written report of a police officer over the word of a person as I experienced last month. When I pointed that out, the judge's response was that she has no control over the police department. The fact remains that *OmniBase* only hurts people who would otherwise never see the back of a police car or the inside of a jail cell. It causes so much "collateral damage" that it actually violates our 8th amendment rights, yet local courts across the state still participate in this program even though it is not mandatory. It is completely voluntary. So, it is up to all of us: the residents, the voters, the community to stand up and say *EXIT OMNIBASE!*

BIO: *Kayla Miranda, a housing justice advocate organizing in the Westside of San Antonio, resides at the Alazan/Apache Courts with her family.*