


To the Mayor and Members of the City Council
September 22, 2020

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SUBJECT: MUNICIPAL COURT - UPDATE ON PANHANDLING CASES

The purpose of this informal report is to brief the Mayor and City Council on current data and information related to the filing of panhandling and related solicitation offenses with the Fort Worth Municipal Court and summarize the process related to jail magistration. In May 2019, IR 10274 titled "The Role of Magistrates" was previously provided to the Mayor and City Council to address the authority and related laws for judges serving as magistrates including determination of indigence and jail commitments. Data on case filings for Panhandling cases were provided for consideration as well.

Before diving into the data related to indigence findings it is also important to note the following:

- Almost half of the cases filed for these types of citations are non-adjudicated due to failure to appear for court (Aggressive Panhandling 47%) (Solicitation 45%)
- This is a high mobility group who primarily are homeless, making it very hard to get cases to adjudication and resolution
- The Court participates in the city's Directions Home program through the homeless court initiative and will direct cases like this to that process whenever

The below statistics are for the number of Class C Aggressive Panhandling and solicitation cases filed from January 2017 to August 31, 2020 with the Court; and number of indigence findings. Determination of indigence is considered upon a guilty finding (adjudication) and notice by the defendant of inability to pay. There are specific laws and guidelines for who can be determined indigent by a judge; and is on a case-by-case basis. Based on the data the number of cases resulting in a finding of indigence is very low for the current and prior years.

PANHANDLING CASES DATA

Month	FY20(thru 8/31)	INDIGENT FINDING	FY2019	INDIGENT FINDING	FY2018	INDIGENT FINDING	FY2017 (1/2017-9/2017)	INDIGENT FINDING
Jan	18	1	27	1	35	2	1	0
Feb	30	0	31	0	31	0	0	0
Mar	14	0	33	2	18	0	1	0
Apr	21	0	38	1	24	0	1	0
May	16	0	26	0	26	3	34	7
Jun	11	0	52	0	29	1	34	5
Jul	22	1	36	3	69	10	40	3
Aug	32	0	42	1	82	6	21	2
Sep			38	1	73	2	36	1
Oct	20	0	30	0	33	1		
Nov	19	0	61	3	53	2		
Dec	24	1	26	1	25	1		
Grand Total	227	3	440	13	498	28	168	18

Note: January 1, 2017-August 31, 2020 -total of 62 cases tied to 29 persons declared indigent



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SOLICITATION CASES DATA

Month	FY2020 (thru 8/31)	INDG	FY2019	INDG	FY2018	INDG	FY2017 (1/2017-9/2017)	INDG
Jan	21	1	15	1	19	0	53	11
Feb	33	1	37	1	23	0	83	7
Mar	16	0	21	0	25	1	63	12
Apr	33	1	27	2	22	1	63	13
May	24	0	21	1	33	1	120	17
Jun	21	0	41	4	34	0	84	13
Jul	18	1	31	1	22	0	95	19
Aug	40	0	61	4	37	2	71	8
Sep			41	0	39	2	55	2
Oct	21	1	36	8	32	2		
Nov	47	0	44	2	32	2		
Dec	30	1	21	0	19	1		
Grant Total	304	6	396	24	337	12	687	102

Note: January 1, 2017-August 31, 2020 -total of 144 cases tied to 28 persons declared indigent

JAIL PROCESSES

There are generally two primary ways a defendant can end up at the jail for a non-adjudicated Class C citations.

1. At the time of the violation if the officer determines an arrest is necessary and they are taken to the jail for arraignment.
2. After receiving a citation the defendant fails to appear to resolve the citation and a capias warrant (also referred to locally as an alias warrant) is issued for failure to appear. Purpose is to bring the individual before a magistrate to adjudicate the case(s).

Release from jail on either of these two without adjudication would result from:

- posting of a bond (cash, surety, personal) for a future court date
- release or transfer to a medical facility due to medical/mental health issue
- judge's decision to have them report to court within 30 days
- release and transfer to Tarrant County or other agency for higher charges

Our judges do not commit persons on non-adjudicated cases.

Upon adjudication defendants who fail to satisfy the judgment in a timely manner are notified by letter to appear for a showcase hearing. If they appear at the showcase hearing, the judge will review the case(s) with them and determine options to satisfy the fine which can include:

- payment (full/partial)
- Community Service
- Credit Time Served
- determination of indigence

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Persons who fail to appear for the hearing may have a capias pro fine warrant issued for their arrest. The purpose is to take them to jail for them to satisfy the judgment through payment or brought before a magistrate if they are unable to pay for determination of other options.

In addition our current jail contract limits the capacity (number of persons and days) to commit persons on adjudicated cases in a capias pro fine warrant status.

Special Note: Since late March 2020 thru the writing of this IR, due to COVID -19, Class C warrants are not accepted at the jail unless there are exigent circumstances.

If you have any questions, please contact Danny Rodgers, Chief Judge at 817-392-6715 or William F. Rumuly, Municipal Court Director at 817-392-6736.

David Cooke
City Manager