

ONE DECADE DOWN: POSSIBLE EXPLANATIONS FOR THE DECREASE OF TRAFFIC CITATIONS IN TEXAS

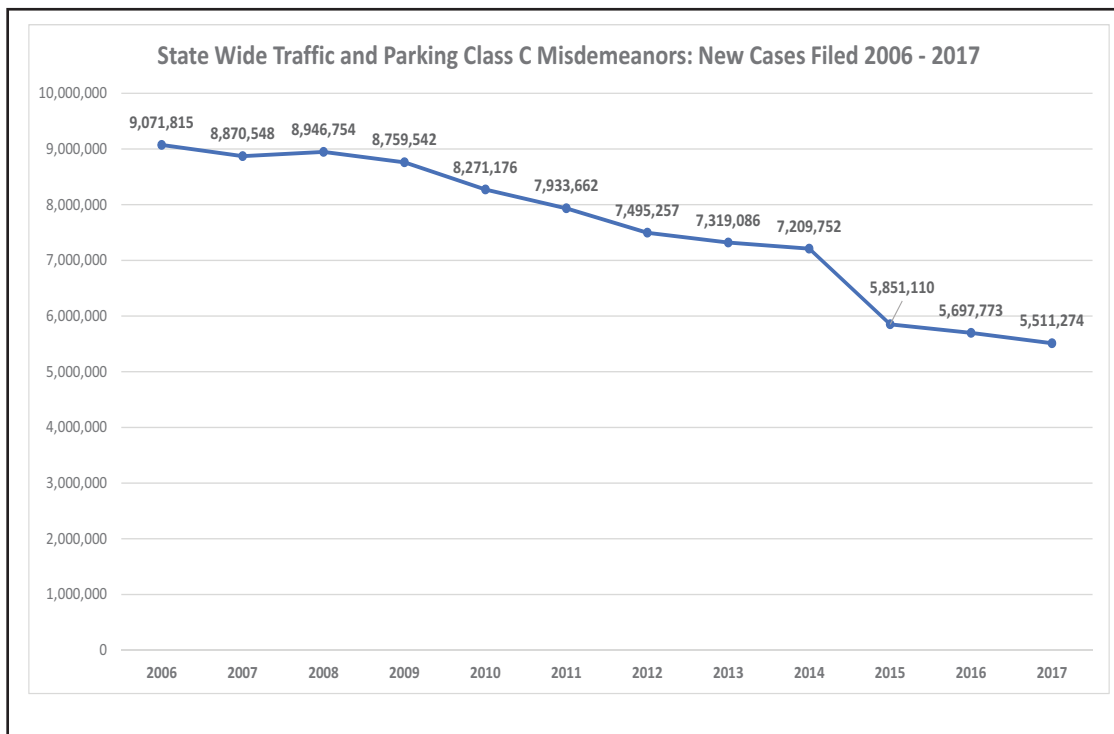
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In the last decade, citations issued for Class C fine-only misdemeanors have decreased significantly in Texas. Between 2006 and 2016 there has been a 37 percent decline in the number of traffic and parking cases filed statewide in justice and municipal courts.¹ Because traffic and parking offenses make up 80 percent of all Class C misdemeanors in Texas, any explanation for a decrease in Class C misdemeanors will necessarily revolve around traffic and parking offenses.²

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AROUND THE STATE

**CONGRATULATIONS TO THE 2018 MTSI
AWARD WINNING AND HONORABLE
MENTION MUNICIPAL COURTS!**

Since their inception in 2008, TMCEC's MTSI Awards have been recognizing those municipal courts that have displayed exemplary achievements in preventing impaired driving and advancing traffic safety. This year, courts engaged in numerous innovative activities: displaying a wrecked vehicle outside the courthouse, showing traffic safety videos before each docket, inviting drunk driving victims to speak at the courthouse, and many more. Representatives from each court were awarded complimentary registration at the March Traffic Safety Conference in San Antonio to receive their awards. The awards are made possible by a generous grant from the Texas Department of Transportation.

Low Volume Winners	Medium Volume Winners	High Volume Winners	Honorable Mentions
Alvin	Baytown	Arlington	Amarillo
Forest Hill	College Station	Houston	Austin
Freer	Conroe	Irving	Columbus
Harker Heights	Edinburg	Laredo	Lott
Helotes	Harlingen		Pearsall
Linden	La Porte		
Melissa	Mesquite		
Rosebud	Midland		
	Missouri City		

To learn more about the awards, how your court can apply, and free resources to help get you started, please visit www.tmcec.com/mtsi. Watch the video that highlights what each city accomplished at <http://www.tmcec.com/mtsi/mtsi-awards/>.



OP-ED

Reactive Policing: The Chief Culprit for the Recent Drop in Stops, Citations, and Class C Misdemeanors

Ned Minevitz, TxDOT Grant Administrator & Program Attorney, TMCEC

Numerous possible reasons exist which explain the sharp decline in traffic stops, citations, and Class C misdemeanors over the past decade. I firmly believe, however, that systemic changes within law enforcement agencies is far and away the most significant contributing factor. In recent years, there has been a marked shift from *proactive* to *reactive* policing. Proactive policing is when law enforcement seeks to prevent unlawful activities before they occur by engaging with the community through outreach, traffic stops, and other methods of deterrence. Reactive policing is just the opposite: law enforcement will only engage with the community in response to a complaint or upon witnessing the commission of a criminal offense. With this nationwide shift toward more reactive policing has come a significant byproduct: law enforcement agencies, in many instances, are ratcheting down enforcement of non-collision traffic offenses such as speeding, red light running, and jaywalking. How else can the dramatic reduction in traffic stops and citations in the past decade be explained? Rising per capita fatality rates amongst motorists and pedestrians prove that improved driving or stricter adherence to traffic laws does not account for the decline. In my view, the only logical explanation is that law enforcement has shifted its attention away from enforcing non-collision traffic offenses.

This shift is not altogether surprising given our country's recent social landscape. Law enforcement, city governments, and municipal courts are subject to more scrutiny today than ever before. Negative encounters between law enforcement and the public are constantly being publicized. I have heard anecdotes from officers claiming that their city, to appease an increasingly disgruntled citizenry, has asked law enforcement to engage the public only when directly necessary to preserve public safety (reactive policing). Under this arrangement, it follows that officers generally avoid ticketing for offenses such as speeding because no direct harm has (yet) been inflicted. When I recently asked an officer why his department so rarely enforces Transportation Code Section 552 offenses (pedestrian laws such as jaywalking), he responded that to do so would cause a "public outcry." It is worth noting that concerns about officer safety are another central consideration. The less interaction officers have with the public, the less chance there is for officer endangerment. This is yet another reason why law enforcement agencies across the country are espousing reactive policing—and, as a result, stops and citations are dropping.

My position is by no means an affront or criticism against the selfless, dedicated police officers in our country: the issue is purely systemic. This dramatic shift, however, does not bode well for public safety. Class C misdemeanors truly do matter and result in serious injury and death every day. Rising death tolls show us that fewer stops and citations absolutely do lead to more dangerous roads. More vigilant enforcement of misdemeanor traffic offenses and a shift back to proactive policing structures will undoubtedly help correct this deadly trend.

At TMCEC's 2018 MTSI Conference in March, Chief Steven Casstevens of the Buffalo Grove, Illinois Police Department presented his course, *Re-Engaging Law Enforcement in Traffic Safety*. An audio recording of this presentation is accessible at <http://www.tmcec.com/course-m/traffic-safety-initiatives-conference/2018-traffic-safety-conference/>.

A decrease in Class C misdemeanors could indicate that road safety is increasing as traffic violations decrease. Yet traffic fatalities have actually increased from 2009 to 2016.³

It is hard to reconcile the decrease in Class C misdemeanors with what is generally known about Texas. The population of Texas continues to increase.⁴ As one might expect with a growing population, there is also a growing number of drivers on Texas roads. In fact, there were about one million more licensed drivers in Texas in 2016 than there were in 2006, the start of the decline in Class C misdemeanors.⁵ With a growing population presumably using roadways, ostensibly the number of traffic citations would increase. Seeing the inverse is potentially concerning. The lack of additional data potentially exacerbates such concerns. The Uniform Crime Report (UCR) which is generally relied upon to ascertain whether “crime” is up or down excludes traffic offenses including offenses resulting in traffic fatalities. Furthermore, all Class C misdemeanors are excluded from the Computerized Criminal History System, the statewide repository of criminal record history information reported to the Department of Public Safety (DPS) by local criminal justice agencies in Texas.⁶

Year	Total Texas Traffic Fatalities
2009	3,104
2010	2,998
2011	3,068
2012	3,417
2013	3,407
2014	3,536
2015	3,578
2016	3,773

Sources: TxDOT, NHTSA

Possible Explanations, No Singular Answer

With the hope of sparking a conversation that leads to further research, the purpose of this article is to identify possible explanations for the decline of Class C misdemeanor filings in Texas. Class C misdemeanors play an understated yet important role legally and socially in Texas.⁷ Class C misdemeanors permeate Texas law. Excluding those promulgated by city ordinances, there are more than 1,300 Class C misdemeanor offenses in state law.⁸ Some Class C misdemeanors are initiated by arrest. Some are initiated by complaint. Most are initiated by citation. Traffic citations are of particular importance. A 2014 study published in the *Journal of Policy Analysis and Management* showed that traffic citations have a causal impact on traffic collisions and injuries (i.e., more ticketing resulted in safer driving).⁹ Because of the potential implications of a decrease in traffic citations on public safety, and because a majority of citations are issued for alleged Class C misdemeanor traffic offenses, the scope of this article is limited to traffic citations.

What follows are three clusters of theories and insights into the decrease in traffic citations. Some explanations are better than others. No single theory by itself can conclusively explain the decrease in traffic citations. Collectively, however, perhaps they offer a plausible piecemeal explanation.

I. Changes in Law Enforcement

Photographic traffic signal enforcement programs (i.e., “red-light cameras”) were authorized for municipal use by the Texas Legislature in 2007, the first year that Class C misdemeanors started to decline.¹⁰ The relatively limited use of red-light cameras predominantly in urban cities certainly cannot explain the decrease in traffic citations in Texas. Nevertheless, red light cameras may provide some indirect insight into why traffic citations have declined.

A study conducted by John Dunham and Associates on behalf of American Traffic Solutions found that red-light cameras saved cities money in a number of ways which included *fewer officers working traffic enforcement*.¹¹ Could it be that red light cameras (which replace cops and criminal citations with cameras and

civil penalties) are indicative of other general changes in law enforcement that can explain the reduction in traffic citations?

A. Different Strategies and Focus

The decrease in traffic citations has not gone unnoticed by the media in Texas or in other parts of the United States. In 2013, the *Austin American Statesman* reported that nine of the 10 most populous cities in Texas had decreases in traffic cases filed in municipal courts.¹² The *Statesman* reported that other states, including Ohio and Florida, had reported decreases in traffic citations. Subsequently, newspapers in Dallas,¹³ Michigan,¹⁴ Maine,¹⁵ Massachusetts,¹⁶ and Seattle¹⁷ each sought to explain the decrease in traffic citations. Each newspaper interviewed heads of law enforcement. Recurring and similar explanations in these news accounts provide important insight and suggest changes in law enforcement focus and strategies.

1. More Traffic Warnings

Four of the six newspaper investigations suggested the decrease in traffic citations may be due to an increased use of traffic warnings. In Massachusetts, law enforcement has shifted to “using stops as an opportunity to teach drivers about their mistakes, with the hope that an explanation—and perhaps a written or verbal warning—will do more to correct bad driving habits than issuing a fine.”¹⁸ In Maine, law enforcement explanations for the decrease in traffic citations ranged from peace officer discretion and charitability to questions about the effectiveness of fines as a deterrent. As one officer explained, “tackling driver tendencies to flout speed limits can, in some cases, be done just as effectively with a verbal warning.”¹⁹ The executive director of the Maine Chiefs of Police said that it has been common for officers to use discretion in issuing traffic citations and that police officers recognize that fines can pose a financial hardship for working class people.²⁰ An officer with the Maine State Police Traffic Safety Division explained that while a warning may have less gravity than a fine, it gives officers a chance to talk with and educate drivers.²¹ In Dallas, the president of the local police association similarly echoed that “traffic stops—even those where no ticket is written—remain a key enforcement tool.”²² The increased use of traffic warnings make sense in light of increased focus on community-oriented policing and procedural justice²³ for law enforcement agencies which began in 2008.²⁴ As one chief of police explained, written and verbal warnings can “increase police legitimacy” and “enhance the practice of fair and impartial policing to the public at large.”²⁵

Could an increase in traffic warnings, in part, account for the decrease in traffic citations in Texas? DPS has been tracking traffic offenses since the 90’s, and traffic offense warnings outnumber citations by nearly two to one.²⁶ It is an intriguing possibility. However, the absence of traffic warning data makes it a question that cannot be conclusively answered. DPS began collecting data on written warnings in 2007. Amendments in 2017 to Article 2.133 of the Code of Criminal Procedure, pertaining to reports required for motor vehicle stops, require all Texas law enforcement to record verbal and written warnings resulting from a traffic stop.²⁷ There is, however, no statewide central repository for traffic warnings issued by DPS or county or municipal law enforcement (OCA’s data only counts citations and complaints resulting in cases filed in court).

2. More Responsibilities

Even in metropolitan areas where police departments have designated traffic divisions, police work entails more than enforcement of traffic laws. Four of the six newspaper reports suggested the decrease in traffic citations may be because of other job responsibilities. In some places, “officers in the traffic division have taken on more responsibilities recently, pulling them away from regular duties.”²⁸ In Austin, a former police chief explained that between responding to calls and covering a bigger city boundary, officers “have less down time when they can write traffic tickets.”²⁹

In addition to service calls, police officers whose regular duties entail traffic enforcement are assigned to demonstrations, parades, and special events.³⁰ According to law enforcement, collision investigations are an additional job responsibility that consumes time that may otherwise be used enforcing traffic laws.³¹

3. Allocation of Resources

The Dallas Police Department attributed the decrease in traffic citations in Dallas to its shift in resources to reduce violent and property crime.³² As part of its reallocation of resources, the number of motorcycle units, which primarily write citations, was reduced by almost 40 percent and more officers are working in specialized task forces which focus on non-traffic crimes.³³ In other places, the reallocation of resources has been attributed to the use of data analysis to determine target enforcement areas and surveys in which unsafe driving and speeding were not among the top concerns of residents.³⁴

B. On the Border

One particular law enforcement “allocation of resources” explanation for the decrease in traffic citations is specific to the Lone Star State. Operation Strong Safety involves a surge in law enforcement, primarily DPS, along the border region of Texas to thwart a variety of criminal activity ranging from drug trafficking to illegal border crossings.³⁵ Operation Strong Safety was followed by Operation Secure Texas.³⁶ Could the statewide decline in traffic citations be caused by the state’s reallocation of law enforcement resources along the southern border?

In March of 2015, the *Dallas Morning News* published a story titled, *DPS border surge leaves the rest of Texas just a tad bit less safe*.³⁷ Fox News mirrored the report.³⁸ Regarding traffic citations in particular, various articles pointed to an unspecified time period in 2014 in which there were 14 percent fewer citations written by the DPS highway patrol.³⁹ In 2016, a central Texas judge testified to the House Committee on Homeland Security & Public Safety that the Legislature’s efforts to secure the border had the unintended effect of nearly 500,000 fewer traffic citations written that year across the state (a 28 percent decrease) compared to two years earlier and attributed the decrease to a rise in traffic fatalities.⁴⁰

While the surge in law enforcement to the border region may have effected DPS’s traffic enforcement, neither operation can fully explain the statewide decrease in traffic citations. On average DPS issues 1,010,248 citations per year.⁴¹ Most traffic citations in Texas are written by local law enforcement (municipal and county), not state law enforcement (DPS).⁴²

C. Loss of Resources and Funding

Half of the newspaper reports suggested the decrease in traffic citations may be because of reductions in force and funding.⁴³ Since the Great Recession of 2007, law enforcement agencies across the nation have lost funding and officers.⁴⁴ The reduction in size of police forces in Texas’ largest cities has been described as a “perfect storm.”⁴⁵

However, the decrease in traffic citations in Texas may also be part of a larger national trend which began *prior* to the Great Recession. A trend analysis conducted by the U.S. Department of Transportation in 2001 reported an overall declining trend in the number of citations issued for all traffic violations nationally.⁴⁶ The decline was attributed to increasing population and increased complexity in legal issues, but most notably it was attributed to a *shortfall in resources*.

The issuance of traffic citations involve time and expense. Reductions in force and funding may have increased reliance on various types of grant funding. Selective Traffic Enforcement Program (STEP) projects are a way to pay police overtime for traffic enforcement.⁴⁷ In Austin, grant funding to pay officers overtime for traffic enforcement resulted in an additional 17,000 citations per year.⁴⁸ However, such funding is not guaranteed.⁴⁹ In Massachusetts, the reduction of federal and state grant funding for traffic enforcement led to cuts in the number of officers assigned to patrol duties.

Traffic enforcement grants, like STEP, raise interesting questions. In the absence of grant incentives, do law enforcement agencies issue fewer traffic citations? What if peace officers, for various reasons, are not interested in working overtime in traffic enforcement? Could these and related issues explain the decrease in traffic citations? More research is needed.

II. The Ferguson Effect

The incident from which the “Ferguson Effect” gets its name was the shooting of robbery suspect Michael Brown in Ferguson, Missouri.⁵⁰ The Brown shooting culminated in the Department of Justice issuing a report critical of racially discriminatory police practices including the use of citations and arrests stemming from traffic stops. Texas was similarly in the national spotlight and experienced its own tragedy when Sandra Bland committed suicide in jail after being arrested in an incident stemming from a traffic stop.⁵¹ While the two incidents are not directly related, they are often used together in part of the wider conversation regarding police and citizen interaction and can be said to have brought the Ferguson Effect home to Texas.⁵²

A. Chilling Effect on Law Enforcement

Could greater scrutiny on police cause fewer citations to be issued? There have been local reports throughout the country that suggest the Ferguson Effect is responsible for wide-ranging public safety issues, including fewer traffic citations.⁵³ And there have been similar national level news stories. *USA Today* reported on a Pew Research Center study which noted that 72 percent of U.S. law enforcement says that they “are more reluctant to stop and question people who seem suspicious as a result of increased scrutiny of police.”⁵⁴ Anecdotally, some law enforcement officers reportedly have “reduc[ed] stops for broken tail lights and other defective equipment that snare more minorities than whites.”⁵⁵ Another explanation is that scrutiny combined with concern for personal safety has created apprehension resulting in reduced self-initiated activity, such as making traffic stops (which are a prerequisite for the issuance of a traffic citation).

Assuming the Ferguson Effect actually exists, can it explain the declining number of Class C misdemeanors and traffic citations in Texas? Analysis of the decline in proactive policing, such as traffic enforcement, are said to be “long on guesswork and anecdote but short on data and research.”⁵⁶

B. Changing Attitudes at City Hall

Scrutiny surrounding traffic citations and administrative pressures from city hall is nothing new. Since 1989, Section 720.002 of the Transportation Code has prohibited local and state governments from imposing traffic quotas. Violations can result in employees being terminated and public officials being removed from office.⁵⁷ Since 1975, state law has limited the amount of revenue a city with a population of less than 5,000 can generate from traffic fines.⁵⁸ Former municipal judges have alleged traffic quotas and pressure to meet projected revenue goals.⁵⁹ Traffic ticket scandals have resulted in prosecutions and allegations of departmental quota systems.⁶⁰

Post-Ferguson, do Texas cities face a new kind of scrutiny in issuing citations? In the wake of the harsh realities revealed by the DOJ's 2016 Ferguson report, all municipalities and municipal courts are under increased scrutiny and have been asked to critically examine their own motives and practices.⁶¹ Assuming that the scrutiny of local law enforcement and courts extends to decision makers at city hall, changes in administrative pressures may have contributed to more recent declines in traffic citations.

Even if it had a chilling effect on law enforcement or alleviated pressure from city hall to issue traffic citations, there is an obvious problem with the Ferguson Effect explanation. The Michael Brown incident occurred in 2014. The Sandra Bland tragedy occurred in 2015. The decrease in Class C misdemeanor citations dates back to 2007.⁶²

While increased scrutiny on law enforcement may have had an effect on law enforcement practices, including the issuance of fewer traffic citations, Ferguson's chilling effect on policing cannot singularly explain the decrease of traffic citations in Texas.

III. Changes in Driving Behaviors

Peace officers can issue traffic citations when they have probable cause to believe a Class C misdemeanor has been committed. Many of these offenses are linked to driving behaviors. Perhaps changing driving behaviors also play a part in the decrease in traffic citations.

A. Changing Demographics

Texas, like the rest of the nation, is experiencing age-related changes in driver demographics. These changes have important implications on traffic safety, but can they explain the decrease in traffic citations?

1. Older Drivers

Could the decline in traffic citations be related to older drivers? Have stiffer laws regulating older Texans' driver's licenses decreased the number of older drivers, consequently decreasing the number of traffic citations? The simple answer is that it is too soon to tell.

"Katie's Law," which increased the difficulty for Texas drivers age 79 and older to maintain a driver's license, took effect the same year that Texas began to see a decline in Class C misdemeanors.⁶³ Fewer Americans are seeking their driver's licenses.⁶⁴ In Texas, however, the number of older drivers (drivers over age 65) are increasing. Between 2006 and 2016, the number of Texas driver's license holders over the age of 65 increased from 1,883,439 to 2,544,333.⁶⁵ This increase occurred in the same time-period that traffic offenses fell by 37 percent.⁶⁶ Some older drivers may be more experienced drivers, but that does not necessarily mean they are safer. While data on drivers older than age 65 is lacking, data from 2015 indicates that drivers age "50 to 64 are actually the most likely to have been cited for speeding in the past five years."⁶⁷

For years traffic safety experts have warned of a forthcoming "silver tsunami."⁶⁸ In states like California, the number of older drivers, who are reported to be more vulnerable in crashes, is facing a 40 percent increase.⁶⁹ It is too soon to truly understanding the implications of a silver tsunami on traffic citations in Texas. Changes in demographics pertaining to older drivers tell us little about the past (including decreases in traffic citations), but they may be an indicator of a forthcoming public safety challenge on Texas roadways.

2. Young Drivers

Only young drivers have higher traffic fatality rates than older drivers.⁷⁰ Teenaged drivers are involved in traffic incidents at a higher rate than more experienced drivers. People between the age of 15 and 19 make up about seven percent of the United States population but account for about 11 percent of the monetary cost of motor vehicle injuries.⁷¹ Young drivers are also more likely to have been speeding at the time of a fatal crash than more experienced drivers.⁷²

If teens generally make more mistakes behind the wheel, ostensibly they are more likely to receive traffic citations at a higher rate than more experienced drivers, and therefore, their behavior could influence the rate of citations written. Concerns about young drivers and their mistakes behind the wheel are why all 50 states and the District of Columbia have a graduated driver's license program.⁷³

While obtaining a driver's license has historically been a teenage rite of passage, a widely reported study from the University of Michigan's Transportation Research Institute indicates that fewer teens are getting their driver's licenses.⁷⁴ This decrease in teen drivers seems to be happening while the total population of teens is rising.⁷⁵

A number of reasons have been postulated for fewer teen drivers. An article from the *New York Post* related it to increases in video games and the internet, or perhaps parents are more likely to give teens rides.⁷⁶ Could it be the emergence of smartphones and their use by teens? Possibly. Dr. Jean Twenge, author of the 2017 book, *iGen: Why Today's Super-Connected Kids are Growing Less Rebellious, More Tolerant, Less Happy – and Completely Unprepared for Adulthood and What that Means for the Rest of Us*,⁷⁷ suggests that teens are maturing slower and are less likely to drive than their counterparts 10 or 20 years ago.⁷⁸ *The Atlantic*, citing a University of Michigan study, reported the top three reasons why teens say they do not want a driver's license: (1) "not enough time," (2) "vehicles are too expensive," and (3) "other sources of transportation."⁷⁹ Whatever the reasons, if teen drivers make up a significant part of traffic citations, fewer on the road could help explain a decline in traffic citations. More data is needed.⁸⁰

B. Changes in Speed Limits

Has the increase of speed limits on Texas highways decreased the number of traffic citations? In 2006, Texas created the highest posted speed limit in the country, 80 miles per hour, on 544 miles of Interstate 10 between El Paso and San Antonio.⁸¹ In 2012, Texas surpassed itself when the State Transportation Commission raised the speed limit to 85 miles per hour on a section of State Highway 130, the toll road between Austin and San Antonio.⁸²

Nationally states have raised speed limits to better conform to the average speed people actually drive.⁸³ Backed by road experts and traffic studies, states have moved to eliminate "speed traps" and emphasize the enhanced safety of drivers all driving at roughly the same speed.⁸⁴ "Studies show that, regardless of the average speed on the highway, the more a vehicle deviates from the average speed, the greater its chances of becoming involved in a crash."⁸⁵ This was the reasoning behind the 80 miles per hour speed limit on I-10 between El Paso and San Antonio in 2006.⁸⁶

In Michigan, increases in speed limits are attributed to the decrease in traffic citations. In other states, there is evidence that violations decrease when speed limits are raised, which is not a reflection of a change in driver behavior, but rather a change in how compliance is measured from the posted speed limit.⁸⁷ "Years of observing traffic have shown engineers that as long as a cop car is not in sight, most people simply drive at whatever speed they like."⁸⁸

If we assume that increasing speed limits decrease traffic citations, attributing it to the decline in traffic citations in Texas remains a complex proposition. As previously stated, local law enforcement issues more traffic citations than DPS.⁸⁹ What percentage of citations issued by local law enforcement issued on highways subject to increased speed limits is unknown.

C. Increased Public Awareness

Are you familiar with the “Click it or Ticket” campaign? Has your court received a Municipal Traffic Safety Initiatives Award? Does the GPS in your car show red when you are driving in violation of the posted speed limit? As a society, now more than ever, we are aware of traffic safety. More importantly, we are more aware of the consequences our actions can have on the road.⁹⁰ We see commercials, read statistics—safe driving has not only become common sense; it has become an active campaign to ourselves and to others. Can an increased societal awareness to take caution while driving create a greater population of law-abiding, safety-considerate citizens?

TxDOT has shown these campaigns can be effective.⁹¹ Estimates from the National Highway Traffic Safety Administration show that since its inception in 2001, the “Click it or Ticket” campaign urging motorists to buckle up has resulted in 5,068 fewer nationwide traffic fatalities.⁹² Further campaigns focusing on impaired driving, distracted driving, and work zone safety seek to raise awareness of the importance of traffic safety.⁹³ These campaigns are easily recognizable, as phrases like “Plan While You Can,” “Talk, Text, Crash,” or even the long recognized “Don’t Mess With Texas” campaigns leave lasting phrases in our minds.

The World Health Organization states that, not accounting for reasonable human error, road safety campaigns are an important and effective tool in influencing public behavior.⁹⁴ They work best used in combination with legislation and law enforcement, particularly programs using local, personally directed campaigns.⁹⁵ Without additional enforcement or education, however, mass media campaigns have little effect in reducing the number of crashes.⁹⁶

It is difficult to determine to what extent traffic safety campaigns have contributed to the reduction in traffic citations. While they have been universally praised for their effectiveness in creating better, more informed drivers, the fact remains that fatalities and serious injury crashes are increasing. If these campaigns have created safer, less citation-prone drivers, shouldn’t fatalities and serious injury crashes also be decreasing?

Conclusion

Regardless of the reasons for the decrease of traffic citations in Texas, it is intriguing that the decline began about the same time as the Great Recession of 2007, a period in which many municipalities and state governments faced a depletion of revenue and resources. Yet, despite the fact that traffic citations can generate substantial sums of money for state and local governments, enforcement was not stepped up to generate revenue. Contrary to the allegations of critics that traffic enforcement is primarily about generating revenue, not public safety or personal accountability, state and local law enforcement began to issue fewer traffic citations. It is a trend in Texas that has lasted a decade.

Whether a decrease in traffic citations should be a matter of public concern is a complicated matter. It has drawn the attention of the media and state and local governments in Texas. Yet, in absence of additional information, it is hard to say whether the decrease is a “good” or “bad” thing. The theories and explanations we have described may help explain the decrease in traffic citations but even when combined they may not tell the entire story. More research is necessary.

Footnotes begin on page 29

TEXAS MUNICIPAL COURTS EXPERIENCING SUCCESS BY UTILIZING WALK-IN DOCKETS

Mark Goodner, Deputy Counsel & Director of Judicial Education, TMCEC

Many courts in Texas enhance the administration of justice in their jurisdictions through the use of walk-in dockets. As opposed to a typical docket where defendants are scheduled to appear at that specific time, a walk-in docket is a time where courts are available for defendants who are either scheduled to appear at a different time or are not scheduled at all. While defendants are still given a scheduled court date on their citation or summons, an available walk-in docket “makes the court more defendant friendly,” according to Janis Fletcher, Court Clerk for the City of Sherman. At these walk-in dockets, defendants may be able to see a judge to enter a plea, request a payment plan, inform the court of difficulty with satisfying the judgment, or for an indigency determination. Allowing defendants an option where they have some measure of control as to how and when they resolve their cases can lead to increased confidence in the judiciary and, as Janis Fletcher says, “more cases being closed.”

TMCEC polled representatives from a dozen Texas municipal courts who were willing to share information about their walk-in dockets and the success they have seen in their cities.

Scheduling

All of the courts that have implemented walk-in dockets tailor them according to the needs of the community and the constraints of court staff. The City of Woodway has found that a weekly walk-in docket on Wednesday mornings is sufficient, according to Court Administrator Malia Elkins. Other municipal courts, such as those in Amarillo and Luling, offer times every day when defendants may walk in to see the judge. According to Court Administrator Kim Pekofske, Lancaster Municipal Court offers monthly walk-in dockets with some additional Saturday dockets during warrant round-up.

Getting the Word Out

The most well-intentioned walk-in docket will prove useless if the public is unaware of its existence. Courts use many different tactics to ensure that court users know about the availability of the docket and what can be handled there. In Woodway, citizens are made aware through multiple means including notices on citations, website, collection agency letters, information sheets, and receipts. In Lancaster, many of the same methods are used and they also post notice in the court lobby during open court dockets, give notice at the clerk’s window, and through the marshal’s office. In Sherman, defendants are told of the walk-in dockets anytime they contact the court in any manner. In small towns such as Wilson, Idalou, and Petersburg, the court staff tell defendants when they call and inquire and can also rely partially on word of mouth; as Judge and Prosecutor Jan Blacklock Matthews says, “everybody knows everybody and everything.” Once walk-in dockets are established and in practice for a number of years, they can become an institution. According to Court Administrator Victoria Medley, “Amarillo Municipal Court has had the current walk-in schedule for 14 years. It is also posted on-line and attached to all court correspondence emails/mail.” In Midland, the practice has been in place for even longer. According to Presiding Judge Sharon Hatten, “having open walk in sessions is not something new for the City of Midland Municipal Court. The daily open session times have been the same for 30 years. In these sessions, defendants have the opportunity to appear before a judge to discuss their rights and options for cases pending in the Municipal Court.”

Results after Implementation

Courts implementing walk-in dockets have witnessed impressive results. Seguin has offered walk-in dockets for the last 10 years. Prior to that, defendants were only allowed to see a judge if they were on a docket. According to Court Administrator Landra Solansky, “defendants seem to like the fact that they are allowed to appear any Tuesday before their scheduled appearance date.” Court Coordinator Cara Everts of Midland says “by making our court more accessible to defendants, we have experienced higher rates of compliance. More people come in, get their citations resolved, and get to experience a justice system in which they are treated fairly and respectfully.” Handling cases at a walk-in docket can also ease the burden of other dockets crowded with cases. In Addison, their “formal first appearance dockets are much smaller, and the case gets resolved much quicker. People seem to be much happier once someone has listened to them and explained options, according to Court Administrator Paula Dale.

Implementing in Your Court

Establishing an effective process takes time and careful planning. Courts should consider the needs of the community and the availability of staff. The greatest challenge in setting up a walk-in docket is generally time—staff time, judge time, docket wait time. Courts may only have a judge available on certain days that will limit when a docket may be offered. Also, walk-in dockets could lead to large numbers of defendants showing up for multiple reasons, each requiring different forms to be printed and prepared. This variety can lead to a slower pace than handling only cases of a common type or cases at a common stage. Courts should prepare some pilot walk-in dockets and adjust accordingly. After initial challenges are overcome, courts should begin to see meaningful benefits from this service. Judge Bonnie Townsend of Luling said it well: “My thought on the walk-in docket is that it equals access to justice, and if we as public servants want the public’s trust and confidence, then we must earn it.”

What is the Greatest Benefit to Your City and/or the Public in Offering Walk-in Dockets?

A walk-in style docket each day affords any and all Defendants (homeless, indigent, and wealthy all alike) more options to appear at the court on a date and time that best fits their own schedules. –Robert J. Nash, Presiding Judge, City of Coleman

I think the greatest benefit from a walk-in docket is accessibility to justice. Our citizens and folks from out of town appreciate that the judge is available on a regular basis and do not have to wait two weeks or a month to be seen. We are moving cases along more quickly than those that do not see people on a daily basis. –Bonnie Townsend, Presiding Judge, City of Luling

Many people can take care of their business with the court on their own time. Shorter wait times. Faster resolutions. Continued case activity. –Sharon Jennings, Municipal Court Administrator, City of Corsicana

The public is allowed to appear in court when it is convenient for them. –Landra Solansky, Court Administrator, City of Seguin

Accessibility to judges and the court system. –Victoria Medley, Court Administrator, City of Amarillo

The biggest advantage is giving the defendant more options to resolve their cases and easy access to the court. –Kim Pekofske, Court Administrator, City of Lancaster

If the matter can be resolved without a hearing then the person does not have to return thus saving their time away from work, etc. –Paula Dale, Court Administrator, Town of Addison

COURT SECURITY UPDATE

TIME TO ACT: COURT SECURITY COMMITTEES

Regan Metteauer
Program Attorney, TMCEC

The 85th Legislature passed S.B. 42, the “Judge Julie Kocurek Judicial and Courthouse Security Act of 2017,” effective September 1, 2017. On November 6, 2015, a defendant hid and waited for Travis County District Court Judge, Julie Kocurek, outside her home, ambushing her with gunfire in her driveway. Judge Kocurek and her 15-year-old son in the car both survived the attack. However, Judge Kocurek underwent multiple surgeries for 15 consecutive days and spent three days in a medically-induced coma.¹ She was discharged from the hospital on December 15, 2017.

Prior to the incident, the defendant, later identified as Chimene Onyeri, had made a threat to the court, but Judge Kocurek was not made aware of it. FBI agents recovered images from Onyeri’s phone, including photos with Judge Kocurek’s home phone number and address along with pictures of vehicles similar to the ones she owns. One photo was taken of her rear license plate as well as from outside her son’s school after he was dropped off on the day of the shooting. Photos also included pictures from her son’s football game taken the night of the shooting so that Onyeri could determine when she would return home.²

Judge Kocurek’s court subsequently implemented a policy involving incident reports. When a threat is made, a report is generated and includes the court involved, the person who made the threat, and a picture of the person making the threat. Article 102.017(f) of the Code of Criminal Procedure, as amended by S.B. 42, requires the court’s security provider (whether sheriff, constable, or other law enforcement agency or entity) to report any security incident to the Office of Court Administration (OCA) and provide the report to the presiding judge of the court in which the incident occurred.

Trial began for Onyeri on March 25, 2018. Onyeri was wanted in Travis County for violating his probation in connection to a case in Judge Kocurek’s courtroom. He and two others, Marcellus Burgin and Rasul Scott, identified in court documents as his co-conspirators, were indicted in September 2016 on federal charges related to the shooting, as well as other charges.³

Despite the seriousness of the incident that prompted S.B. 42, courts have been slow to implement its requirements, including creating court security committees. Specifically, Sections 29.014 and 30.00007 of the Government Code require a presiding or municipal judge, as applicable, to establish a court security committee composed of:

- 1) The presiding or municipal judge, or the judge’s designee;
- 2) A representative of the law enforcement agency or other entity that provides the primary security for the court;
- 3) A representative of the municipality; and
- 4) Any other person the committee determines necessary to assist the committee.

Establish a Court Security Committee

However, not all courts have been slow. The City of Arlington’s Court Building Security Committee pre-existed the new legislation, having been formed in 2016. Presiding Judge, Stewart Milner, says judicial

leadership is crucial to the meaningful success of a committee. As the statutory language above suggests, start the committee with the judge, a court security officer, and a representative of the municipality. That small group can then determine who should be added to the committee. The Arlington Court Building Security Committee is made up of: the presiding judge, an associate judge, the court director, assistant court director, a lieutenant and sergeant from the Arlington Police Department, the chief prosecutor, and a representative from the Information Technologies Department.

The National Center for State Courts (NCSC), through its Court Consulting Division, conducted security assessments throughout the country and identified best practices or guidelines describing security measures that should be in place regarding court buildings and operations.⁴ Those guidelines describe a security committee as fundamental. Without one, it is difficult, if not impossible to assess and address security challenges. After addressing membership of the committee, which for Texas is now statutory,⁵ NCSC outlines steps and best practices. The committee should meet regularly to discuss security concerns and improve security at the court building.⁶ In addition to the judge, court security officer, and city representative, add the prosecutor and a defense attorney as members of the committee.⁷

Next, conduct a self-assessment of the security in place within the court building.⁸ Use task forces to provide the committee with additional research and information gathering. Members of such task forces (or the committee itself) could include court staff members, local and state officials, and local and state subject matter experts.⁹

Down the road, reconstitute the court security committee to be additionally responsible for emergency preparedness, disaster recovery/continuity of operations plan (COOP), and response to pandemic flu.¹⁰ Add members with this expertise as appropriate. Rename the committee the court security and emergency preparedness committee. Planning responsibility for building new or improving current court facilities can be placed on the new committee.¹¹

Judge Robert Cadena with the 83rd Judicial District Court followed similar steps in setting up the court security committee for Val Verde County. The first meeting of the committee consisted of the statutorily required members and had one sole purpose: gathering carefully considered suggestions for additional members of the committee. As a result of this meeting, the committee was expanded to include a constable trained in court security, all the justices of the peace in the county, an auditor, representatives from the County Judge's Office, representatives from the Sheriff's Office, and an IT technician. The justices of the peace were added because the committee must have judges represented, according to Judge Cadena, and "an attack on any judge is an attack on the whole system."

An auditor was able to provide the committee with the amount of money available in the courthouse security fund. The committee generated good ideas and identified deficiencies, which were then prioritized and placed on the agenda for the Commissioners Court as deemed appropriate. For example, one of the first deficiencies identified was the fact that the public has the most access to the justice of the peace courts, but those courts had the least amount of security. This was addressed by implementing keyless entry with key cards, creating one point of access controlled by officers. The Sheriff's Office controls the key cards as an added security measure. This need would not have been addressed if not for the court security committee. Also, including an IT technician in the committee identified issues with cyber-attacks. As a result, applications for grant money became a priority.

The committee meets every six weeks. This allows time for information gathering. In prioritizing, Judge Cadena recommends identifying what the committee can do with no money, with a little money, and with

a lot of money. Identify the court's biggest weakness and how to address it. Momentum is important. The committee creates that momentum as ideas are generated, prioritized, and implemented. Judge Cadena said the judge leading the committee should make sure everyone has a voice. "Leading is getting people to join you in a common cause. If you get out in front by yourself, you won't accomplish anything," he said. "You are only as good as the people around you." The court security committee in Val Verde County has developed a strong line of communication, which has resulted in momentum, transparency, and trust. Judge Cadena said with that, you can do anything.

The momentum of the Cedar Park Municipal Court Security Committee originates from the support of city leadership, which Court Administrator April Christiansen said is critical to the success of a court security committee. Through that support, the court was able to form the committee and have a court security expert conduct a security assessment of the municipal court. The committee consists of individuals from different levels of the court, the city legal department, the Cedar Park Police Department, and an IT specialist. The committee will likely add a member from the finance department. Getting the right people on the committee was the first important task.

Policies and Procedures

The most important task currently facing Cedar Park's Municipal Court Security Committee is updating their policies and procedures. The court security committee is required to establish the policies and procedures necessary to provide adequate security to the municipal courts served by the presiding or municipal judge.¹² NCSC outlines best practices for this fundamental category in phases.

Phase One tasks judicial branch leadership with understanding the need for and committing to the implementation of effective, comprehensive security based on best practice models and establishing orders directing court security policies and procedures.¹³ Phase Two adds establishing a task force under the direction of the court security committee and with the cooperation of the appropriate law enforcement agency to draft essential documents for the establishment of policies and procedures on court building security.¹⁴ The task force on policies and procedures should include court administration, security personnel, facilities management, fire and rescue personnel, and others responsible for and impacted by court security.¹⁵ The policies and procedures should include overall court security operations, screening protocols, and procedures to govern courtrooms and other areas in the event of a security incident.¹⁶ Other essential documents to be developed are risk and resource assessment instruments and protocols for use, incident reporting instruments and protocols for use, operations manuals and materials, training manuals and materials, and administrative orders with authority to revise.¹⁷

Phase Three adds establishing communication to stakeholders that allows for feedback and adjustments.¹⁸ For example, assign a liaison between the task and stakeholders. Provide periodic briefings in various forms to stakeholders. Solicit formal feedback from them. Adjust the essential documents as necessary. Phase Four adds providing training and evaluation by training everyone with a direct role in court security, conducting drills to test procedures, evaluate results of the drills, evaluate results of responses to actual incidents, and modify the essential documents to improve practice.¹⁹ Finally, review and update the policies and procedures at least every other year. Analyze Phases Two through Four for operational effectiveness.

So where does the committee start in developing policies and procedures? Allen Gilbert, Municipal Judge for the City of San Angelo, says to begin at the parking lot. Start with writing regulations for parking. Then follow a hypothetical person through the court, establishing policies and procedures at each stage. After that, address specific situations, like bomb threats, natural disasters, and nights where clerks stay late. Finally, Judge

Gilbert says, include setting training as part of your policy and procedures. Then practice the procedures. Another good place to start for policies and procedures, according to Judge Milner, is to have an expert look at the building and make suggestions or recommendations. There are companies that specialize in court buildings. If funding is an issue, the local police department is a good place to find someone to assist in the safety assessment and to make safety recommendations. The Arlington Municipal Court building was renovated and opened in 2006. As part of that renovation, a company made a security audit and plan recommendation; that plan, though updated, remains the basis for the current safety policy.

Judge Milner adds that the policies and procedures can cover the basics and then expand over time. Areas such as limiting entry and exit, screening entries, management of negative events (man-created or natural), managing high-profile cases, limiting use of cell-phones, cameras, and other electronic devices in the courtroom, and developing an emergency management manual should be covered. Judge Milner also recommends having a list of all employees and an evacuation plan for the whole building as a good practice. A policy for immediate notification of all building occupants of hazards or negative events is also vital. “Today’s technology makes this relatively simple to do as long as preparation is done prior to the emergency,” says Judge Milner.

Judge Milner agrees that testing of policies and procedures is also valuable. His committee organized and announced a fire drill for the whole building last January. Police officers and firefighters monitored the event and generated a report. They have plans for an unannounced drill in the next six months.

Court Security Resources

S.B. 42 anticipated the need for resources, creating a Judicial Security Division within OCA. The division is tasked with serving as a central resource for information on local and national best practices for court security, providing expert opinions on the technical aspects of court security, and keeping abreast of and providing training on recent court security improvements.²⁰ Pursuant to the bill, OCA appointed Hector Gomez as Director of Security and Emergency Preparedness. Mr. Gomez served in the U.S. Marshals Service for over 30 years, spending the last 15 years as Supervisory Deputy U.S. Marshal. Courts should look for guidance on developing policies and procedures for their committees on OCA’s Court Security page as new information becomes available.²¹ Court security resources can also be found on the TMCEC website, including the latest edition of *The Brief*, a publication for Texas municipalities about Texas municipal courts, which addresses the role of local governments in court security.²²

Despite available resources, several dynamics may contribute to the delay in forming court security committees. Some courts are in transition due to elections. Some courts remain in a state of rebuilding from Hurricane Harvey. Some courts and cities are leery of potential disclosure requirements for court security committee documents, such as security plans, due to involvement in the committee by city officials.²³ Finally, some cities do not understand that the court security committee is required by law, regardless of the size of the court or the city the court serves. However, S.B. 42 created a duty to form the committee. Courts should make every effort to take that first step with the mindset that security is not a one-time achievement.²⁴ It is a serious and continuous goal and requires constant vigilance.²⁵ Though the risks involved in court building operations are great, varied, and can never be eliminated, they can be minimized.²⁶ It is the hope of the Cedar Park Municipal Court Security Committee to not just give lip service to the requirement by merely forming the committee, said Ms. Christiansen, “but to use it in a way that actually makes a difference and improves security.”

Footnotes begin on page 32

RESOURCES FOR YOUR COURT

Funding Opportunity: Deadline May 30th

Community courts seek to improve neighborhood safety and engage residents in solving local problems. Researchers have documented that community courts help to reduce recidivism and the use of jail while improving public trust in justice. Since the launch of the first community court in Midtown, Manhattan, the model has expanded to new jurisdictions, new settings (including libraries), and new populations (including veterans). Some cities have also sought to “go to scale” with community justice, applying community court principles and practices broadly across an entire jurisdiction.

In partnership with the U.S. Department of Justice’s Bureau of Justice Assistance, the Center for Court Innovation is excited to announce the 2018 Community Court Grant Program. Assistance is available in three categories: (1) funding and technical assistance to create or enhance a community court; (2) funding and technical assistance for an impact evaluation of an established community court; and (3) recognition of, and technical assistance to, community courts that wish to serve as mentors to the field.

The solicitation announcement and application instructions are available here: <https://goo.gl/BgrMub>. Proposals are due on Wednesday, May 30, 2018 by 5pm EDT.

NJC Webcasts

The National Judicial College (NJC) is hosting several free webcasts over the summer. While not approved for judicial education for Texas municipal judges, viewing these is highly recommended, as NJC delivers high quality programming.

The Drug Recognition Expert (DRE): Training and Protocol. June 6th at 10 a.m. PST/12 noon CST. According to NHTSA statistics, every state has drug recognition experts as part of their traffic law enforcement team. The DRE is trained to detect and identify persons under the influence of drugs and to identify the category or categories of drugs causing driving impairment. However in the courtroom, the DRE’s testimony on an individual’s impairment is under scrutiny. This webcasts will look at the DRE’s training and review of the protocol DRE’s use in the field.

Advanced Concepts in Criminal Justice: Enhancing a Thoughtful and Effective Approach to Racially Impartial Sentencing. June 7th at 12 p.m. PST/ 2 p.m. CST. The criminal justice system and the judiciary face challenges in retaining and increasing the confidence of minority communities in sentencing decisions. This webcast will help judges evaluate their own sentencing for structural and implicit bias, and techniques they may consider employing to reduce any bias in sentencing.

The Role of the Judge in Drug-Impaired Driving Cases. August 14th at 1 p.m. PST/3 p.m. CST. The adjudication of drugged driving cases has added new challenges for trial judges as they apply emerging case law, constitutional principles, and evidence-based practices to this evolving area of the law. This course will address various aspects of a judge’s role in drugged driving cases from bail review through sentencing and beyond.

Ethically Adjudicating CDL/CMV Cases for Traffic Judges. Recorded on April 24, 2018. Access at <https://judges.docebosaas.com/learn/public/course/view/elearning/176/ethically-adjudicating-cdlcmv-cases-for-texas-traffic-judges-2018-webcast>. If eight fully loaded jumbo jets crashed every year, something would be done about it. In 2014, large trucks and buses were involved in fatal crashes on our nation’s highways, resulting in 3,649 fatalities, enough to total eight fully loaded jumbo jets. Additionally, there were an estimated 472,000 nonfatal crashes which involved one large truck or bus. Traffic judges have an ethical and legal obligation to adhere to their own commercial driver’s licensing laws and commercial motor vehicle regulations based on federal regulations.

However, most traffic judges are unaware of the nuances involved in CDL/CMV laws.

If you have never registered for a course at NJC, please email registrar@judges.org, the NJC registrar, and confirm your eligibility—NJC On-Demand is designed for state trial and appellate, administrative law, tribal and military judges, hearing officers, and adjudicators. Or, call 800.25.JUDGE(255.8342).

2018 TMCA Annual Meeting & Educational Program

The Annual Meeting and Judicial Educational Program of the Texas Municipal Courts Association (TMCA) will occur on August 24-26, 2018 in San Antonio at the Omni La Mansion del Rio, located on the historic River Walk. Members: Watch your inbox or the TMCA website [<http://www.txmca.com/>] for information on how to register and the awards program. Information may also be accessed at <http://www.txmca.com/conference-2018/conference-hotel-2/>. The educational portion of the meeting does count towards mandatory judicial education and clerk certification.



Ignition Interlock Training Program for Judges

This Ignition Interlock Training Program for Judges is a four-hour training designed to give judges the knowledge and skills related to ignition interlock to better preside over cases. This training will explore:

- Texas Ignition Interlock Laws
- Implementation of Ignition Interlock Programs and Strategies
- Ignition Interlock Technology
- Ignition Interlock Violations and Reporting
- Ignition Interlock Device Challenges and Concerns

Upcoming Training Dates: August 15th in Midland and August 29th in Fort Worth

The registration form may be accessed at <https://www.dyingtodrink.org/ignition-interlock-training-program-for-judges/>. The training is sponsored by the Texas Transportation Institute and Smart Start. There is no registration fee to attend. Questions can be answered by Cody Stewart at c-stewart@tti.tamu.edu. This program has not been approved for judicial education credit for municipal judges.

Trends in State Courts 2017

The National Center for State Courts has published *Trends in State Courts 2017*, available to download at <http://www.ncsc.org/~media/Microsites/Files/Trends%202017/Trends-2017-Final-small.ashx>. This year's edition features articles on how fines and fees impacted the work of Missouri's courts; the courts' role in eliminating the racial impact of criminal court debt; the history of bail reform in the United States; the work of the National Task Force on Fines, Fees, and Bail Practices; rethinking driver's license suspensions for non-payment; and more.

OCA Annual Report

The Office of Court Administration (OCA) and Texas Judicial Council have released the *2017 Annual Statistical Report* for the Texas Judiciary, which provides synopses and highlights of court activity. Excerpts from the *Annual Report* about municipal courts are reprinted in this issue of *The Recorder*. The entire report may be downloaded from <http://www.txcourts.gov/statistics/annual-statistical-reports/2017/>, or from the OCA website. Also, on the OCA website, readers may find the statistical reports of the municipal courts alphabetically by city or numerically by population size.

Shown below are significant changes in data when comparing FY 16 and FY 17.

Municipal Courts: Criminal Case Activity Report

	FY 16	FY 17	Change
Total Cases on Docket	13,625,334	13,216,333	↓
Show Cause Hearings Held	355,385	328,062	↓
Case Appealed			
After Trial	22,938	4,747	↓
Without Trial	15,574	7,234	↓
Parents Contributing to Nonattendance Cases Filed	1,702	2,256	↑
Arrest Warrants Issued: Class C Misdemeanors	1,570,840	348,373	↓
Capiases Pro Fine Issued	669,665	570,774	↓
Magistrate's Orders for Ignition Interlock Device Issued	3,380	3,936	↑
Cases in Which Fine and Court Costs Satisfied by Community Service			
Partial Satisfaction	7,320	9,443	↑
Full Satisfaction	46,907	53,640	↑
Cases in Which Fine and Court Costs Satisfied by Jail Credit	519,803	450,277	↓
Cases in Which Fine and Court Costs Waived for Indigency	28,369	57,508	↑
Amount of Fines and Court Costs Waived for Indigency	\$7,287,329	\$15,156,778	↑

Source: FY 2016 and FY 2017 *Annual Statistical Reports*, Office of Court Administration, Austin.

While the OCA data reflects trends across the state, TMCEC cautions courts to collect additional data beyond what OCA collects to paint a clearer, more complete picture of what their courts are doing. For example, the OCA data does not capture the number of cases per defendant or the number of cases disposed of with jail credit prior to a court appearance or trial. The Special Issue of *The Recorder* (October 2016) contains an article that further discusses this lack of data in the article “An Incomplete Picture: State Data and Indigency.” TMCEC is interested in hearing from courts who have worked on their data collection and would appreciate copies of any documents show such data. Email reports to tmcec@tmcec.com. TMCEC hopes to develop a best practice handout for all courts to use.

TRAFFIC SAFETY UPDATE

Writing About Safety: Helping Young People Learn the Dangers of Distracted Driving

The goal of TMCEC's TxDOT funded Driving on the Right Side of the Road (DRSR) program is to have every school aged child in Texas be exposed to lessons in staying safe on or near the road. DRSR's mission is to save lives, but we need your help!

Motor vehicle crashes are one of the major causes of unintentional death among children ages one to 19 (CDC, 2016). Teens ages 16 to 19 are three times more likely to be involved in a fatal crash compared to other drivers (CDC, 2016). And with one in five crashes in Texas now caused by the growing problem of distracted driving (TxDOT, 2017), learning the truth behind the myths of distracted driving is vital. These crashes were highest among new and younger drivers ages 16 to 34 (TxDOT, 2017). The best way to end these avoidable tragedies is to educate all Texans, especially the young, about the dangers of distracted driving. Any type of behavior that draws a motorist's attention away from driving is dangerous.

DRSR can provide materials for courts to help combat this dangerous trend. TxDOT produced information cards, posters, and banners are available for courts to use in safety events or community outreach to teach their communities that phones and other driver distractions can wait until they have reached their destinations. Contact DRSR at elizabeth@tmcec.com or at the website www.drsr.info for information and material order forms.



Don't drive under the influence of your phone.

TALK / TEXT CRASH
TxDOT

In 2016, more than 109,000 crashes in Texas involved distracted driving. Anything that takes your eyes or mind off the road can be a dangerous distraction.

- Always give driving your full attention.
- Put your phone away—or turn it off—before you get behind the wheel.
- Pull off the road entirely before you talk or text.
- Tell friends, family, and coworkers you won't respond to calls or texts when driving.
- Use a smartphone app that sends auto-reply texts when you're behind the wheel.
- Spread the word. Tell your friends and family about the dangers of distracted driving.

DRSR has also developed lessons to teach middle and high school students about the dangers of distracted driving. Using materials developed by the National Safety Council, DRSR created an expository writing lesson that is easy to use for all court personnel when visiting schools or talking to students visiting their courts. An expository writing piece is intended to explain or describe something, and is part of the state writing standards 4th grade through high school. These detailed curriculum requirements are called the Texas Essential Knowledge and Skills (TEKS), and are mandated for every public school in Texas.

Part of this lesson has been provided for you in this publication. There are two versions of the lessons available, one with a rubric (best used with 5th through 8th grade) and an alternate version without the rubric (for high school). The teaching strategy walks court personnel step by step through the activity.

The complete writing lessons are available for download at http://www.tmcec.com/files/3915/0755/6927/TTSA_17_Writing_Lesson_for_web.pdf. Other lessons are available on the DRSR website on the educators page for publications <http://www.tmcec.com/drsr/educators/lessons-and-curriculum/publications/>.

After completing the writing portion of the activity, students might want to discuss the activity:

- What did they already know about this subject?
- What was something that they didn't previously know about the dangers of driving distracted?
- This is a good time for the participants to share personal stories about close calls they might have had or close friends affected by this issue.

Judges and court personnel can close with facts about the law:

- What offense exist for using phones while driving?
- What does the law actually say?
- What are some safe alternatives to using their phones on the road?

By having this important discussion, judges and court personnel can help save young lives!

If your court has any questions about implementing this or any other DRSR lessons, please don't hesitate to contact us! DRSR and TMCEC would love to help you save lives! Ask us how!

Expository Writing Lesson Plan

Written by Debbie Keen, Law Educator, Career and Technical Education Campus – Frisco ISD

Learning Objectives: Students will:

1. Write an interpretive or persuasive response to expository information; and
2. Recognize and use conventions of written expression.

Materials Needed:

Copies of Handouts (Writing Prompt with Infographic)

Teaching Strategy:

1. This extension activity can be conducted as a warm-up, closure, or homework assignment. Give each student a copy of the infographic with the writing prompt.
2. Read the prompt with students and answer any questions for clarification.
3. Tell students how much time they will have to read the infographic and respond to the prompt. Students should write their response on the handout (a lined portion is provided next to the infographic). Remind students to use complete sentences, appropriate punctuation, and capitalization.
4. After students finish the assignment, students may want to volunteer to read their effort. Students should finish this activity with a discussion about the dangers of distracted driving, or personal experiences they have had with this issue. Teacher/leader may choose to collect assignment after students have completed their writing.

Student Name:

The Myth of Multitasking:

Multitasking is a term that originated in the computer industry as a description of how computers complete multiple functions almost simultaneously. Since then, it has gained popularity as a description of how we live our busy lives. Brain research shows, however, that humans cannot concentrate on multiple things at one time, but rather our minds switch focus back and forth very quickly. Review the infographic to the left and then explain how the “myth of multitasking” has negatively impacted traffic safety.

Credit source: <http://www.nsc.org/learn/NSC-Initiatives/Pages/distracted-driving-the-great-multitasking-lie-infographic.aspx>

The Great Multitasking Lie

MYTH versus REALITY

MYTH '1 Drivers can multitask
REALITY

The human brain cannot do two things at the same time – like watch tv and hold a phone conversation.

I'm good. How ya doing? Great.

PLEASE STAND BY

The same is true when driving and talking on your phone. The brain switches between the two tasks which slows reaction time.

BOTH THINKING TASKS

MYTH '2 Talking on a cell phone is just like speaking to a passenger
REALITY

Backseat drivers are good for you. Adult passengers help the driver and alert drivers to traffic problems.

WATCH OUT!

People on the other end of phones can't see what's going on

MYTH '3 Speaking hands-free is safe to use while driving
REALITY

Drivers talking on cell phones can miss seeing up to 80% of their driving environments, including pedestrians and red lights.

MYTH '4 I only use my phone at stop lights so it's ok
REALITY

27 SECONDS

Even at stop lights, it is important to remain an attentive driver. For example, a recent AAA study shows that people are distracted up to 27 seconds after they finish sending a voice text.

MYTH '5 Voice-to-text is safe to do while driving
REALITY

It is actually still very distracting. You're not only mentally distracted, but you're visually distracted due to the common autocorrect errors.

Send text to Aunt Lisa

I miss you and hope to see you soon

Sending text to Amoré Pizza

Get more info: distracteddriving.nsc.org

Sources: National Highway Traffic Safety Administration | University Of Utah | The AAA Foundation for Traffic Safety | National Safety Council

FROM THE CENTER

Upcoming TMCEC Events

Register now for the conferences and clinics shown below. Some have been planned for months, and others are new. Register at www.tmcec.com/registration or print the paper registration form associated with each program. Please click on title of the program to access the brochure which outlines course credit and other details.

Fines, Fees, Costs, & Indigence Revisited – June 1st 10:00 a.m. to 3:00 p.m. San Marcos Embassy Suites. This clinic will reexamine fines, fees, costs, and indigence in light of recent events and new laws regarding sentencing, community service, and enforcement. Designed for judges, prosecutors, and court support personnel. Four hours judicial education, CLE, and certification credit. Cost: \$20. Note: Housing is not provided, although there is a small room block at the government rate. Contact Tracie at TMCEC (tracie@tmcec.com) for information.

Regional Judges & Clerks Seminars – June 4 – 6th, 12 to 16-hour programs. El Paso Wyndam Airport Hotel. This is the last TMCEC regional conference of the year! If you have not attended your mandatory judicial education requirement, please register ASAP or find a relevant approved program and submit an “opt-out” form, form can be found at www.tmcec.com/programs/judges/alternative-judicial-education/.

Juvenile Case Manager (JCM) Conference – June 11 – 13th, 12 to 16-hour program. Austin Omni South Park. Texas law requires JCM training in accordance with local rules. This conference offers courses that track the legislative requirements. Cost: \$150 registration fee; \$50 per night single room fee.

Poverty Simulation – June 11th, 1:00 – 5:00 p.m. Austin Omni South Park. This is part of the JCM Conference (see above), but a limited number of judges and clerks may sign up, as well, if room permits. No charge, but there is a no-show fee for those who register and do not cancel one week prior to the event.

Procedural Justice Clinic – June 13th, 10:00 – 3:00, Hurst Conference Center (DFW area). Procedural Justice is a concept that addresses practical ways to address the public’s perception of the court system. This program looks at how the four key elements of voice, neutrality, respect, and understanding can be effectively communicated in municipal courts, while maintaining the court’s authority. Offered in conjunction with the North Texas Chapter of the Texas Court Clerks Association. Designed for judges, prosecutors, and court support personnel. Court security officers may attend as a part of a team. Four hours judicial education, CLE, and certification credit. No charge.

Prosecutors Conference – June 25 – 27th, 12 to 15-hour CLE program. San Antonio Marriott Northwest. This program is uniquely designed for attorneys prosecuting in municipal court. Price varies.

Poverty Simulation – June 27th, 1:00 – 5:00 p.m. San Antonio, Marriott Northwest. This is an optional program offered after the Court Administrators and Prosecutors Program. A limited number of judges, clerks, juvenile case managers may sign up, if space permits. No charge, but there is a no-show fee for those who register and do not cancel one week prior to the event.

Procedural Justice Clinic – June 28th, 10:00 – 3:00, Jersey Village Municipal Court (Houston area). See description above. Offered in conjunction with the Gulf Coast Chapter of the Texas Court Clerks Association. Four hours judicial education, CLE, and certification credit. No charge.

New Judges and New Clerks Seminar – July 16 – 20th. These 32-hour programs offer an introduction to municipal court law and practice. The New Judges is mandatory for all new, non-attorney judges within one year of appointment. Registration fee: \$250. No Single Room fee.

Impaired Driving and Ignition Interlock Laws Summit – July 17 – 18th 1:00 p.m. to 12:00 noon. McAllen Doubletree Hotel. No registration fee. No single room fee. Travel and housing provided on reimbursement basis. Topics to be covered: *Local Scope of Impaired Driving, Ignition Interlock Laws, Ignition Interlock Bond Program, Ignition Interlock Training, {practical Consideration, Reporting and Monitoring, and Innovative Bond Monitoring in the Valley.* Judges and magistrates only. Seven hours CLE credit/seven hours judicial education credit. Does not count toward the eight-hour continuous credit requirement for municipal judges. Does count towards “flex-time.”

Mental Health Summit – July 30-31st, Omni Park West, DFW area. 8:00 a.m. to 12:00 noon. This 12-hour program will bring together judges and court support personnel to examine practical ways that municipal courts can best address mental health issues that occur in their courts, as well as at magistration.

Court Security Specialist (TCOLE Course #10999) – August 1st, Omni Park West, DFW area. 8:00 a.m. until 5:00 p.m. This eight-hour course satisfies the mandate in S.B. 42 (85th Legislature) for all court security officers (any person who performs court security in a court in Texas). This training is open to individuals who perform court security in municipal courts in Texas. To obtain credit for attending this course, participants must attend all eight hours. No partial credit will be given. A TCOLE PID (personal identification number) is required to receive credit. If you do not have a PID, contact TCOLE to request one. Breakfast and lunch will be provided. No hotel rooms will be provided. Registration Fee: \$50.

Impaired Driving Symposium – August 2-3rd, Horseshoe Bay Resort in central Texas. Only for judges and magistrates – eight hours of judicial education credit. Seven hours of CLE. A joint program with judges from all types of trial courts in Texas in attendance. Travel funds available. \$50 registration fee. No single room fee.

In Appreciation

The Canyon Municipal Court and City of Canyon partnered with TMCEC to offer the now mandatory court security training to 43 officers in April. TMCEC is very appreciative of the use of their facilities and the delicious snacks and lunch provided to the officers present.

We are also very appreciative of the co-sponsorship of the local chapters of the Texas Court Clerks Association of the Procedural Justice programs to be offered over the summer.

In addition, we want to express our appreciation to the Texas Department of Family and Protective Services for providing the poverty simulation.

Certification Test Changes in FY 19

TMCEC and TCCA Education Committee have agreed to move the certification exams to Day One of the TMCEC regional conferences. They will typically be offered from 1:00 – 5:00 p.m. The reasoning behind the decision was that clerks were too often studying for the exams rather than listening in class and that they were often tired after a 16-hour seminar. Comments or concerns should be directed to the TCCA Education Committee (Rhonda Kuehn, Chairperson at rkuehn@cityofbrenham.org) or Hope Lochridge, TMCEC Executive Director hope@tmcec.com). The prep sessions will now be offered by the local TCCA chapters rather than TMCEC.

FROM THE CENTER - CERTIFICATION

Certificate Guides Updated

The Municipal Court Guide, known to court clerks informally as the “Study Guide” is a terrific resource for municipal courts, and it is required reading for any municipal court clerk that is pursuing clerk certification. Both the Level I and the Level II *Municipal Court Guides* have been updated with changes from the 85th Legislature. In addition, Robby Chapman, TMCEC Director of Clerk Education, has greatly improved the readability of the text and added illustrations to help with comprehension. In Level I alone, there have been 84 visuals added throughout the book to assist with understanding certain concepts. An example is

shown below. Practice Tips also offer useful information on applying the law in municipal court. Both books were written to be useful not only as test preparation, but also as court reference books. Below is an excerpt from Chapter 7 of the Level I Guide, discussing fees that may be collected in municipal court. Cost of each guide is \$25 plus shipping and handling. Much appreciation is expressed to Robby Chapman for his outstanding work on this project. Please go to the TMCEC website to download an order form, <http://www.tmcec.com/store/>.

Expunction Fees

There are four types of expunction in municipal court. The expunction type depends on the defendant’s age, offense, and case disposition. Some are available only following dismissal or completion of deferred disposition, while others allow for expunction even after conviction. Each also has a fee set by the specific statute authorizing the expunction. It is important for the court to accurately process the correct type of expunction so that the correct fee is assessed.

Three of the expunction types have a \$30 fee, although the statutory authorization is located in different places. Cases that qualify for expunction under Article 45.0216(i) of the Code of Criminal Procedure, Section 106.12(e) of the Alcoholic Beverage Code, and Section 161.255(b) of the Health and Safety Code carry the \$30 fee. The law provides that the fee is to defray the cost of notifying agencies of the expunction. These expunctions are available to a qualified petitioner in any municipal court.

The fourth type of expunction, under Chapter 55 of the Code of Criminal Procedure, is only available to a petitioner in a municipal court of record, justice court, or district court in the county where the fine-only offense occurred or the petitioner was arrested. Art. 55.02, C.C.P. This means that these courts have concurrent jurisdiction within those parameters for fine-only offenses. A petitioner can thus file for the expunction in any of these courts within the county. The statute authorizes fine-only cases to be expunged in instances such as acquittal at trial or successful completion of deferred disposition. Courts should read Chapter 55 closely, however, as the chapter is complicated with many requirements to qualify for the expunction.

Cases that qualify for expunction under Chapter 55 carry a fee of \$100 to defray the cost of notifying agencies of the expunction. Art.102.006(a-1), C.C.P. This statute also authorizes the court to waive the \$100 fee if the petitioner was acquitted and files the petition no later than the 30th day after acquittal. Art. 102.006(b), C.C.P.

\$100

Art. 55.02, CCP

- Petition in a court of record for fine-only offense
- Fee: 102.006(a-1), CCP

\$30

Sec. 106.12, ABC

- Only one ABC arrest or conviction while a minor
- Fee: 106.12(e), CCP

\$30

Sec. 161.255, HSC

- Cigarette, E-cigarette, or Tobacco conviction
- Fee: 161.255(b), HSC

\$30

Art. 45.0216, CCP

- Certain offenses committed under age 17
- Fee: 45.0216(i), CCP

Source: Level I Guide, Chapter 7.

Save The Date!

TMCEC is proud to announce the Impaired Driving and IID Laws Summit for municipal judges and all levels of the judiciary!

- Network with judges from other levels of the Texas Judiciary in attendance
- Travel reimbursed (within state limits) by TMCEC
- One night hotel stay at the Doubletree McAllen (conference site) covered
- No registration fee

To register, please visit: <http://www.tmcec.com/mtsi/mcallen-iid-summit/>



Impaired Driving and Ignition Interlock Laws Summit
July 17–18, 2018 ★ McAllen, TX

- Local Scope of Impaired Driving
- Ignition Interlock Laws
- Ignition Interlock Bond Program
- Ignition Interlock Training
- Practical Considerations of Ignition Interlock Panel
- Monitoring and Reporting
- Innovative Bond Monitoring in the Valley

Continuing education credits will be available

FUNDED BY A GRANT FROM THE TEXAS DEPARTMENT OF TRANSPORTATION

2018 SUMMER WEBINARS

Texas Municipal Courts Education Center

June 7: Interest of Justice Appointments	Presented by Ryan Kellus Turner, General Counsel & Director of Education, TMCEC
June 21: Administrative and Civil Cases	Presented by Ashley McSwain, Associate Attorney, Messer, Rockefeller & Fort
July 12: Productive Pairs	Presented by Patti Tobias, Principal Court Management Consultant, Court Consulting Services, National Center for State Courts
July 26: Immigration Issues in Municipal Courts	Presented by Alex Wathen, Attorney at Law, Wathen & Associates



To view the webinar no more than 30 minutes prior to the scheduled start time:

1. Click on the Webinar link inside the course page for the webinar you would like to view.
2. The link will open a new window in your web browser. You should see the title of the webinar and two options for logging in. Choose Enter as a Guest and type your full name into the space provided. Do not enter your same username and password, as it will not work with Adobe Connect.
3. Click Enter Room.
4. You will experience a short delay as the software to display the webinar is automatically installed and configured on your system. You should not be asked to download or confirm anything. When the software is configured, you should be able to view the webinar.
5. Make sure you have the sound turned up on your computer speakers as you will not be calling in on the telephone.

About Webinars:

Webinar participation is open to all municipal judges, clerks, court administrators, prosecutors, bailiffs, warrant officers, juvenile case managers, and court interpreters.

All webinars begin at 10:00 a.m. and last one hour. Webinar participation counts for one hour of credit toward the clerk certification program. Webinars noted with a label on the OLC count for one hour of judicial credit (red label) and many will be submitted for MCLE credit from the State Bar for licensed attorneys (yellow label).

Webinar Instructions:

1. First go to the Online Learning Center at <http://online.tmcec.com>.
2. Find the login box in the upper left corner of the page and enter your TMCEC username and password. Call TMCEC if you do not already know that information: 800.252.3718
3. Click Login.

To enroll in an upcoming webinar:

1. Look for the list of Course Categories in the middle of the page just below the welcome message.
2. Click on Upcoming Webinars to view a full schedule.
3. Click on the title of the webinar you would like to attend.
4. You will see a message that says "You are about to enroll yourself as a member of this course. Are you sure you wish to do this?" You need not pre-register for upcoming webinars, but you must be enrolled to view the webinar link, course materials, and most importantly, to receive credit for the webinar. Click Yes to enroll.
5. You are now considered enrolled in the webinar. You will see the webinar title and, below, links for Webinar, Course Materials (there may be more than one), CLE reporting (if applicable), Evaluation, and a Certificate.

Did You Know?

TMCEC webinars are available on demand. Go to the Online Learning Center at <http://online.tmcec.com>. Logon. Click on Webinars on Demand. Webinars are organized by year. Most are for judicial education and certification credit. Some are for CLE credit.

For more detailed instructions on watching webinars, visit the Upcoming Webinars page of the OLC, the Webinars page on tmcec.com, or contact TMCEC at 800.252.3718.

2017 - 2018 Academic Schedule At-A-Glance

Fines, Fees, Costs, and Indigence Revisited	June 1, 2018	San Marcos	Embassy Suites 1001 E. McCarty Lane, San Marcos, TX 78666
Regional Judges & Clerks Seminar	June 4-6, 2018	El Paso	Wyndham Airport 2027 Airway Blvd, El Paso, TX 79925
Poverty Simulation	June 11, 2018	Austin	Omni Southpark 4140 Governor's Row, Austin, TX 78744
Juvenile Case Manager Conference	June 11-13, 2018	Austin	Omni Southpark 4140 Governor's Row, Austin, TX 78744
Procedural Justice Clinic	June 13, 2018	Hurst	Hurst Convention Center 1601 Campus Dr., Hurst, TX 76054
Prosecutors	June 25-27, 2018	San Antonio	Marriott Northwest 3233 NW Loop 410, San Antonio, TX 78213
Court Administrators Conference (waitlist)	June 25-27, 2018	San Antonio	Marriott Northwest 3233 NW Loop 410, San Antonio, TX 78213
Poverty Simulation	June 27, 2018	San Antonio	Marriott Northwest 3233 NW Loop 410, San Antonio, TX 78213
Procedural Justice Clinic	June 28, 2018	Jersey Village	Jersey Village Municipal Court 16327 Lakeview Dr., Jersey Village, TX 77040
New Judges & Clerks Seminar	July 16-20, 2018	Austin	Omni Southpark 4140 Governor's Row, Austin TX 78744
Ignition Interlock Summit - Judges	July 17-18, 2018	McAllen	Doubletree Suites 1800 S 2nd St, McAllen, TX 78503
Mental Health Summit	July 30-31, 2018	DFW	Omni Parkwest 1590 LBJ Freeway, Dallas, TX 75234
Court Security #10999	August 1, 2018	Dallas	Omni Parkwest 1590 LBJ Freeway, Dallas
Impaired Driving Symposium	August 2-3, 2018	Horseshoe Bay	Horseshoe Bay Resort 200 Hi Cir N, Horseshoe Bay, TX 78657

Note: There are special registration forms to be used to register for the New Judges and New Clerks Seminars, Prosecutors Conference, Mental Health Summit, and Impaired Driving Symposium. Please visit our website at www.tmcec.com/registration/ or email register@tmcec.com for a registration form. See also the next page. **Register Online:** register.tmcec.com

Verify Your Renewal Status Online

There is now a way for you to verify the status of your Clerk Certification Renewal online! Once logged into your online account at register.tmcec.com look for the tab "Certification Renewal." Displayed under the tab is the most current year renewed. For example, if you have already renewed for FY 18 it will say "2017-2018 Yes" (see below for an example). If you do not remember your log in information, please contact TMCEC for assistance.

****Emails will no longer be sent out confirming renewals. This will now serve as your confirmation.****

The screenshot shows the Texas Municipal Courts Education Center website. The user is logged in as 'Status' (Active). The navigation menu includes 'About Me', 'My Courts', 'Committee/Faculty', 'Clerk Certification', and 'IDEA'. The 'Clerk Certification' page displays the following information:

- Certification Level:** Level I
- Certification Pending:** No
- Non Compliant:** No
- Non Compliant Date:**
- Level I Certification Date:** 12/30/2016
- Level II Certification Date:**
- Level III Certification Date:**

The 'Certification Renewal' section shows a table with the following data:

YEAR	RENEWAL STATUS
2017-2018	Yes

**TEXAS MUNICIPAL COURTS EDUCATION CENTER
FY18 REGISTRATION FORM:**

Conference Date: _____ Conference Site: _____
Check one:

- Regional Judges Seminar (\$100, \$50/night room fee)
- Attorney Judge seeking CLE - Regional Judges Seminar (\$200, \$50/night room fee)
- Regional Clerks (\$100, \$50/night room fee)
- Court Security Specialist (\$50, no housing provided)

- Mental Health Summit (\$50, no room fee)
- Juvenile Case Manager (\$150, \$50/night room fee)
- New Judges and Clerks (\$250, no room fee)
- Impaired Driving Symposium - Judges (\$50, no room fee)

By choosing TMCEC as your MCLE provider, attorney-judges help TMCA pay for expenses not covered by the Court of Criminal Appeals grant. Your voluntary support is appreciated. The CLE fee will be deposited into the grantee's private fund account to cover expenses unallowable under grant guidelines, such as staff compensation, membership services, and building fund.

Name (please print legibly): Last Name: _____ First Name: _____ MI: _____
 Names you prefer to be called (if different): _____ Female/Male: _____
 Position held: _____ Date appointed/hired/elected: _____ Are you also a mayor?: _____
 Emergency contact (Please include name and contact number): _____

HOUSING INFORMATION - Note: \$50 single room fee each night (when applicable)

TMCEC will make all hotel reservations from the information you provide on this form. TMCEC will pay for a double occupancy room for two nights with another seminar participant at all regional judges, juvenile case managers, and clerks seminars. To share with a specific seminar participant, you must indicate that person's name on this form. If you do not wish to share, please add \$50 a night for a single room. A private room is provided at no additional cost for the New Judges, New Clerks, Mental Health, and Impaired Driving Symposium. At the court security training there is a room block and participants must make and pay for their own rooms. See our website for more information on each seminar.

I request:

- a private room (\$50 per night : ____ # of nights x \$50 = \$ _____). TMCEC can only guarantee a private room; type of room (queen, king, or two double beds*) is dependent on hotels availability. Special Request: _____
- a room shared with a seminar participant. Room will have two double beds. TMCEC will assign roommate **or** you may request roommate by entering seminar participant's name here: _____
- I do not need a room at the seminar.

Hotel Arrival Date (this must be filled out in order to reserve a room): _____

*If you bring a companion with you to stay in the hotel, the hotel reserves the right to charge an additional fee.

Municipal Court of: _____ Email Address: _____
 Court Mailing Address: _____ City: _____ Zip: _____
 Office Telephone #: _____ Court #: _____ Fax: _____
 Primary City Served: _____ Other Cities Served: _____

I have read and accepted the cancellation policy, which is outlined in full on page 11 of the Academic Catalog and under the Registration section of the website, www.tmcec.com. **Full payment is due with the registration form. Registration shall be confirmed only upon receipt of the registration form (with all applicable information completed) and full payment of fees.**

Participant Signature (may only be signed by participant)

Date

PAYMENT INFORMATION:

Registration/CLE Fee: \$ _____ **+ Housing Fee: \$** _____ **= Amount Enclosed: \$** _____

- Check Enclosed (Make checks payable to TMCEC)
- Credit Card

Credit Card Payment:

Credit card type: \$ _____ *Amount to Charge:* _____ *Credit Card Number* _____ *Expiration Date* _____
 MasterCard
 Visa *Name as it appears on card (print clearly):* _____
Authorized signature: _____

Receipts are automatically sent to registrant upon payment. To have an additional receipt emailed to your finance department list email address here:

Please return completed form with payment to TMCEC at 2210 Hancock Drive, Austin, TX 78756, or fax to 512.435.6118.

1. Office of Court Administration, *Annual Statistical Report for the Texas Judiciary Fiscal Year 2016*, <https://goo.gl/BgmDEH>
2. *Id.*
3. Texas Department of Transportation, *Texas Motor Vehicle Traffic Crash Facts, Calendar Year 2009 and Calendar Year 2016* (available at <https://ftp.dot.state.tx.us>).
4. Alexa Ura and Ryan Murphy, *Texas Population grew to 28.3 million in 2017*, Texas Tribune, <https://goo.gl/poAdR1> (December 20, 2017).
5. The U.S. Department of Transportation reports driver's licenses in Texas at 14,906,701 in 2006, <https://www.fhwa.dot.gov/policy/ohim/hs06/htm/dl22.cfm>; compared to 15,879,876 in 2016, <https://goo.gl/yXk5WK>.
6. Chapter 60, Code of Criminal Procedure.
7. "Misunderstanding 'Fine Only' Misdemeanors," *The Recorder* (October 2016, Special Edition) pp. 11-12.
8. *Texas Class C & Fine-Only Misdemeanors*, TMCEC (2017-2019) at i.
9. Dara Luca, *Do Traffic Tickets Reduce Motor Vehicle Accidents? Evidence from a Natural Experiment*, Journal of Policy Analysis and Management, <https://onlinelibrary.wiley.com/doi/abs/10.1002/pam.21798> (September 8, 2014).
10. Senate Bill 1119, 80th Legislature (2007).
11. Joel Griffin, *Study: Red-light cameras save cities money*, Security Info Watch, <https://goo.gl/YKvKse> (July 23, 2012) (emphasis added).
12. The City of San Antonio was the lone exception with a 16 percent increase. Dave Harmon, *Traffic citations plummet in Austin and other major Texas cities*, Austin American Statesman, <https://www.statesman.com/news/crime--law/traffic-citations-plummet-austin-and-other-major-texas-cities/ytTMjHsUljtrIA5kW6eFUL/> (January 1, 2013).
13. Scott Goldstein, *Dallas officers wrote 37,000 fewer traffic tickets last year*, Dallas News, <https://goo.gl/LdKD2R> (December 2013).
14. Barton Deiters, *See where police are issuing fewer traffic tickets – and why*, Michigan Live, http://www.mlive.com/news/grand-rapids/index.ssf/2015/07/see_where_police_are_issuing_f.html (July 15, 2015).
15. Christopher Burns, *Why are Maine drivers getting fewer speeding tickets?*, Bangor Daily News, <https://bangordailynews.com/2015/07/23/the-point/why-are-maine-drivers-getting-fewer-speeding-tickets/> (July 23, 2015).
16. Matt Rocheleau and Todd Wallack, *Mass. Police issuing fewer traffic violations*, Boston Globe, <https://www.bostonglobe.com/metro/2017/06/20/mass-police-issuing-fewer-traffic-violations/wcde0HJspHIsNjBdDjdmqI/story.html> (June 20, 2017).
17. Gene Balk, *Seattle police are writing fewer traffic tickets. It's not because we're driving less.*, The Seattle Times, <https://www.seattletimes.com/seattle-news/data/have-you-noticed-seattle-police-are-writing-fewer-tickets/> (August 28, 2017).
18. *Supra* note 16.
19. *Supra* note 15.
20. *Id.*
21. *Id.*
22. *Supra* note 13.
23. Emily Gold, *The Case for Procedural Justice: Fairness as a Crime Prevention Tool*, COPS e-newsletter, Vol. 6 Iss. 9, <https://goo.gl/rphcxu>. (September 2013).
24. Jeffrey Fagan and Tom Tyler, *Legitimacy and Cooperation: Why Do People Help the Police Fight Crime in Their Communities?*, 6 Ohio State J. Crim. L. 231 (2008), available at <https://goo.gl/UvQQUp>.
25. *Supra* note 16.
26. Texas Department of Public Safety Reports, http://www.dps.texas.gov/director_staff/public_information/reports.htm (accessed March 15, 2018).
27. Section 5.02 of H.B. 1849, 85th Legislature (2017), which is part of the Sandra Bland Act, created provisions that now require officers to record all citations, tickets, and warnings – including verbal warnings – issued during a traffic stop. Taylor Durden, *Police required to record all traffic stop citations, warnings*, Central Texas News Now, <http://www.kxxv.com/story/37204251/police-required-to-record-all-traffic-stop-citations-warnings> (January 5, 2018).
28. *Supra* note 17.
29. *Supra* note 12.
30. *Supra* notes 12 and 17.
31. *Supra* note 17.
32. *Supra* note 13.
33. *Id.*
34. *Supra* note 17.
35. *Operation Strong Safety Report Highlights Criminal Activity, Vulnerabilities Along the Border*, Department of Public Safety, News Release, www.dps.texas.gov/director_staff/media_and_communications/pr/2015/0310a (March 10, 2015).
36. Operation Secure Texas – Texas Border Security Performance Measures, <http://www.dps.texas.gov/PublicInformation/documents/borderSecPerfMeasures20160719.pdf> (accessed March 15, 2018).
37. Tome Benning, *DPS border surge leaves the rest of Texas 'just a tad bit less safe'*, Dallas News, <https://www.dallasnews.com/news/texas/2015/03/27/dps-border-surge-leaves-the-rest-of-texas-just-a-tad-bit-less-safe> (March 2015).
38. Associated Press, *Border surge has compromised crimefighting across the rest of Texas, local police say*, Fox News, www.foxnews.com/world/2015/03/30/border-surge-has-compromised-crime-fighting-across-rest-texas.html. (March 30, 2015).
39. This figure was first stated by the Dallas Morning news article and hints at the time period during 2014 they are referencing was during "the months of the border surge," while a 2015 DPS News Release (cited as *Operation Strong Safety Report Highlights Criminal Activity, Vulnerabilities Along the Border* in this article) explains that Operation Strong Safety "remains ongoing today." So it is not clear specifically what time period the drop in citations Dallas Morning News is referencing occurred.
40. Texas Association of Counties, *Border Security Operations and Their Impact on Counties*, <https://www.county.org/Legislative/news/Pages/County%20Issues%2011-04-16/Border-Security-Operations-and-their-Impact-on-Counties.aspx> (November 4, 2016).
41. This figure averages citation stops from 2006 to 2017 according to DPS's Traffic Stop Data Reports, available at http://www.dps.texas.gov/director_staff/public_information/reports.htm.
42. Comparing traffic citations data from what DPS reports (*Id.*) to the statewide total figures reported by the Office of Court Administration (available at <http://www.txcourts.gov/statistics/annual-statistical-reports/>) shows that DPS writes a relatively small percentage of the total traffic citations. For example, in 2016, DPS wrote 753,038 citations while from 2016-2017 about 2,673,346 total traffic citations were issued in Texas (80 percent of the 3,341,682 Class C citations are traffic).
43. *Supra* note 12, 14 and 16.
44. Jolie McCullough, *How a "perfect storm" of problems has shrunk Texas' largest city police forces*, Texas Tribune, <https://www.texastribune.org/2017/08/24/texas-houston-dallas-police-staffing-shortage> (August 24, 2017).
45. The Impact of the Economic Downturn on American Police Agencies, U.S. Department of Justice, Office of Community

- Oriented Policing Services, Community Policing Advancement Directorate, Research & Development, http://www.ncdsv.org/images/COPwnturnOnAmericanPoliceAgencies_10-2011.pdf (October 2011).
46. *A Trend Analysis of Traffic Law Enforcement in the United States*, U.S. Department of Transportation, National Highway Traffic Safety Administration, https://icsw.nhtsa.gov/people/injury/research/TrendAnalysis/14_conclusions.htm#CONCLUSIONS (June 2001).
 47. Selective Traffic Enforcement Program (STEP) projects reimburse for overtime activities by local law enforcement to reduce the incidence of speeding, failure to use occupant restraint systems, intersection traffic control violations, driving while intoxicated, and/or driving under the influence of alcohol by a minor, and enforcement of state and local ordinances on cellular and texting devices. Organizations eligible for STEP funds include the Texas Department of Public Safety (DPS), sheriff's offices, constable's offices, local police departments, and inter-governmental coordination entities, e.g. Councils of Government (COGs). STEP projects may only be proposed for a single year (yearlong) grant term. *Traffic Safety Program Manual*, Texas Department of Transportation, http://onlinemanuals.txdot.gov/txdotmanuals/tfc/step_yearlong_proposals.html (2016).
 48. *Supra* note 12.
 49. *Id.* In Austin, there were periods where the decrease in traffic citations was directly attributed to loss of grant funding.
 50. Julie Bosman and Monica Davey, *Protests Flare After Ferguson Police Officer is Not Indicted*, New York Times, <https://goo.gl/dx5m47> (November 24, 2014).
 51. Dan Solomon, *Family and Friends Question The Story Of How Sandra Bland Died In Police Custody*, Texas Monthly, <https://goo.gl/UBXoJr> (July 16, 2015).
 52. The complex topic of police and citizen interaction and its particular modern iteration is beyond the scope of this article. However, the potential chilling effect on proactive policing is unavoidable in the discussion of reduced class C misdemeanor cases filed in Texas; examples of the relationship between the two as part of the wider national discussion is reflected in a number of stories but this Wall Street Journal photo-article is a particularly good example of the connection. WSJ News Graphics, *From Ferguson to Dallas: A Recent History of Deaths Involving Police*, The Wall Street Journal, <http://graphics.wsj.com/dallas-police-involved-deaths/> (July 8, 2016).
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 61. See, generally, Ryan Kellus Turner and Benjamin Gibbs, "'Lessons from Ferguson'" Redirecting Local Courts to Procedural Fairness and Upholding the Rule of Law," *Texas Town and City* (May 2017) at 18.
 62. Office of Court Administration, *Annual Statistical Report for the Texas Judiciary Fiscal Year 2016*, <http://www.txcourts.gov/media/1436989/annual-statistical-report-for-the-texas-judiciary-fy-2016.pdf>.
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66. Office of Court Administration, 2016 Annual Statistical Report for the Judiciary, available at <http://www.txcourts.gov/media/1436989/annual-statistical-report-for-the-texas-judiciary-fy-2016.pdf>.
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Change Service Requested

TMCEC MISSION STATEMENT

To provide high quality judicial education, technical assistance, and the necessary resource materials to assist municipal court judges, court support personnel, and prosecutors in obtaining and maintaining professional competence.

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1. FBI: Onyeri texts 'God is good' after learning friend can find judge's address, Sara Rafique, KXAN, <http://www.kxan.com/news/crime/fbi-onyeri-texts-god-is-good-after-learning-friend-can-find-judges-address/1125926555> (April 16, 2018).
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5. *Steps to Best Practices for Court Building Security*, National Center for State Courts
6. Sections 29.014 and 30.00007 of the Government Code.
7. See note 4, p.7.
8. *Id.*
9. Checklists for conducting the self-assessment are available from various sources, which can be found on the TMCEC website. See, note 22.
10. See, note 6.
11. For more information on emergency preparedness, visit the TMCEC Disaster and Emergency Preparedness webpage: <http://www.tmcec.com/resources/more-resources/disaster-emergency-preparedness/>.
12. See, note 4, p.7.
13. See, note 5.
14. See, note 4, p.5.
15. *Id.*
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19. See, note 4, p. 6.
20. *Id.*
21. Section 72.015 of the Government Code.
22. Court Security, Texas Judicial Branch, <http://www.txcourts.gov/programs-services/court-security/> (accessed April 17, 2018).
23. Court Security Resources, Texas Municipal Courts Education Center, http://tmcec.com/programs/bailiffs-warrant-officers/court_security_resources/ (accessed April 17, 2018).
24. Note that whether or not a request for a copy of a security plan is subject to disclosure under the Public Information Act depends on whether the request is made to the city or the court. If the request goes to the city and the city has the information, then the Public Information Act (PIA) would determine whether this information can be withheld. It is possible that the city may be able to withhold this information under Section 552.101 of the Government Code in coordination with Section 418.177 of the Government Code (Confidentiality of Certain Information Relating to Risk or Vulnerability Assessment). If the request goes to the municipal court and the court has the information, then the PIA does not apply, because judicial records are not subject to the PIA. Rule 12 of the Rules of Judicial Administration will allow the court to withhold court security plans under Rule 12.5.
25. See, note 4, p. 2.
26. *Id.*
27. *Id.*