

Ferguson Municipal Court

Since August 9, 2014, the City of Ferguson has implemented several new procedures as it relates to court reform. These include the following:

On September 23, 2014, Council passed four Bills as it relates to the City of Ferguson court procedures-

- Bill 7059 abolished the administrative fee which was imposed to reimburse the City for its costs in arranging for the towing of vehicles.
- Bill 7060 abolished certain fees associated with the municipal court such as fees for the witnesses, continuances, bench and arrest warrants, and court services.
- Bill 7061 limited the amount of municipal court revenue that the City will use as part of its general budget to 15%.
- Bill 7062 repealed the separate offense in the Municipal Code of Failure to Appear in municipal court.

Warrants-The Ferguson Municipal Court follows the procedure established by the Missouri Supreme Court Rule 37 and other applicable law with respect to the issuance of a warrant upon a defendant's failure to appear. A warrant is NOT issued for failure to appear at the initial court date. Instead, a letter is sent giving the defendant a second court date and instructing him or her to appear. If a defendant fails to appear in court on a subsequent court date, a warrant is issued.

Establishing a Payment Docket-At the urging of the City Council, the Municipal Judge has signed an Order establishing a special docket for defendants who are having trouble making monthly payments on outstanding fines. Missouri Supreme Court Rule 37.65

“requires a judge in a municipal division case in which a fine has been assessed, but it appears the defendant lacks the means to pay the fine, to grant time in which to pay the fine, permit the defendant to make installment payments, modify the method of payment, or waive collection of part or all of any unpaid portion of the fine”.

The City of Ferguson has already adopted this rule.

Fines have been made more uniform. Effective April 1, 2015, the Ferguson Municipal Court adopted a new Violations Bureau Schedule of Fines for designated offenses (See “Violations Bureau Schedule of Offenses and Fines” handout). Under state law, courts may establish a “violations bureau” as a mechanism by which a defendant may plead guilty to certain offenses and pay the corresponding fine and costs without appearing in court. Under Missouri Supreme Court Rule 37.49 and RSMo. 476.385.2, there are certain charges that may not be included in the TVB Schedule. Specifically, as stated in RSMo. 476.385.2,

“in no event shall any schedule of fines adopted (in a violations bureau) include offenses involving: (1) any violation resulting in personal injury or property damage to another person; (2) operating a motor vehicle while intoxicated or under the influence of intoxicants or drugs; (3) operating a vehicle with counterfeited, altered, suspended or revoked license; and (4) fleeing or attempting to elude an officer”.

Defendants appearing in front of the Ferguson Municipal Judge are told by the Judge,

“If you plead guilty but cannot pay the full amount of the fine and cost today, you may enter into a payment agreement ...I will expect you to comply with the agreement you make-I you do not, court staff will send you a letter and tell you that you need to come back to court to explain why you aren't holding up your end of the agreement...just come to court, show me that you are trying to hold up your end of the agreement and explain why you are having trouble making payments so we can work out a better payment plan for you. I am a reasonable person, and I will work with you”.

The Ferguson Municipal Judge makes it very clear to each defendant with whom he comes into contact that no one will be sent to jail for an inability to pay.

Community Service-Prior to August of 2014, community service was used as a condition of probation. There were two options for community service: (1) Through the FYI Community Service Program for teenagers; (2) Through EMASS or other alternative sentencing organization for a small fee. A third option has NOW been added: the Ferguson Municipal Court has contacted several agencies directly who have agreed to accept defendants who are performing community service as their sentence in the Municipal Court. Defendants no longer need to pay a fee to EMASS or other alternative sentencing organization. Such a program is available in very few municipal court divisions.

Other Points of Interest-

- The Ferguson Municipal Court hears cases both in the evening and in the daytime, giving a defendant the flexibility to request a continuance to a more convenient time
- The Ferguson Municipal Court does not exclude children, offering further flexibility for parents to appear in court
- The clerk staff has been directed to treat everyone with courtesy and respect.