

**Ferguson Municipal Court
Policy and Procedure Manual**

FMC Policy 4.0: Issuance and Clearance of Warrants Related to Fines and Fees

Date issued:

PURPOSE: This policy governs how and when the Ferguson Municipal Court will issue arrest warrants related to failure to appear or meet payment obligations regarding fines and fees associated with Municipal Code violations. The Court will not issue an arrest warrant at any point as a means of collecting civil court debt, or in response to an individual's inability to pay a fine or fee assessed by the Court. Moreover, pursuant to this policy, the Court will only issue arrest warrants related to municipal court violations after all other mechanisms available for securing a person's appearance in court have been exhausted.

PROCEDURES:

A. Procedures following first failure to appear at scheduled court date or meet payment plan or community service obligations

1. Defendants must appear in Municipal Court on their scheduled court date, i.e., the date listed on the citation or summons received, or, if a continuance is granted, on the date listed on their Continuance Form, or pay the fines/fees owed in advance of the scheduled court date.
2. If a Defendant does not pay in advance, request a continuance, or otherwise appear for his scheduled court date, or misses a payment or community service obligation, the Court Clerk will send the Defendant a "Summons to Appear Letter", within ten days of the missed court date, informing the Defendant that he or she failed to appear for court on the scheduled date. If the offense charged is a Major Traffic Offense, the Court Clerk will also include a "Driver's License Suspension Warning Notice," explaining that failure to appear may result in suspension of the Defendant's driving privileges, see Ferguson Municipal Court Policy 5.0, *License Suspensions and Reinstatements*.
 - a. The Summons to Appear Letter (and, if applicable, the Warning Notice) will be mailed to the Defendant's last known address as shown on court records.
 - b. The Summons to Appear Letter will include a new court date for the Defendant to appear to address the charge(s).
3. If the Defendant appears in court on the date listed on the Summons to Appear Letter, the Municipal Court Judge will follow the Court's normal procedures for addressing the Defendant's charges at that time. See Ferguson Municipal Court Policy 1.0, *Trial Procedures*; Ferguson Municipal Court Policy 3.0, *Payment of Fines and Fees*.

B. Procedures following second failure to appear at scheduled court date or meet a payment plan or community service obligation

1. If a Defendant does not pay the fines/fees owed (or, where applicable, complete his or her community service obligation) prior to the rescheduled court date listed on the Summons to Appear Letter, request a continuance, or otherwise appear in

court on the rescheduled court date, the Court Clerk will send the Defendant a "Notice to Appear and Show Cause" ("Show Cause Notice").

- a. The Show Cause Notice will instruct the Defendant to appear in court on a specified date to show cause why the Defendant failed to appear for his original court date and for the rescheduled court date listed on the Summons to Appear Letter.
 - b. The Show Cause Notice will be mailed to the Defendant's last known address as shown on court records.
 - c. The Court Clerk will also attempt to contact the Defendant via telephone, text message, or email, if such contact information is known to the Court.
2. If the Defendant appears in Court in response to the Show Cause Notice, the Municipal Court Judge will follow the Court's normal procedures for addressing the Defendant's charges at that time. See Ferguson Municipal Court Policy 1.0, *Trial Procedures*; Ferguson Municipal Court Policy 3.0, *Payment of Fines and Fees*.

C. Procedures following Defendant's failure to show cause

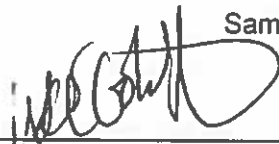
1. If a Defendant does not appear in court on the date listed on the Show Cause Notice, or otherwise resolve the charge in question in advance of that date, the Municipal Court Judge will instruct the Court Clerk to place the Defendant in Warrant Status and issue a warrant for the Defendant's arrest.
2. Failure to appear on the date listed on the Show Cause Notice may also result in the suspension of driving privileges, as outlined in Ferguson Municipal Court Policy 5.0, *License Suspension and Reinstatement*.
3. If an individual is arrested pursuant to a municipal arrest warrant, the Municipal Court will follow the standard Ferguson Municipal Court procedures for addressing that individual once he or she appears before the Judge.
4. At no point will the Municipal Court Judge assign additional fines or fees to the Defendant for failing to appear at prior scheduled court dates.

D. Clearance of warrants

1. A Defendant may clear a warrant that has been issued for his or her arrest by appearing at the Municipal Court window during normal business hours and paying the fines/fees owed, if the offense is listed on the Ferguson Municipal Court Uniform Fine Schedule. Outside of normal business hours, a Defendant may clear a warrant for failure to appear or pay fines/fees associated with an offense listed on the Uniform Fine Schedule by paying the amount owed in person at the Ferguson Police Department, or online at www.trafficpayments.com. For all offenses not listed on the Ferguson Municipal Court Uniform Fine Schedule, the Defendant must appear in court to address the charge(s).
2. If a Defendant is arrested on a municipal court warrant for failing to appear on a prior scheduled court date, the Defendant will receive a new court date upon release from custody. The Defendant will be expected to appear on that court date. See Ferguson Municipal Court Policy 6.0, *Bond Procedures*.

3. If a Defendant learns that his or her municipal court charge is in warrant status for failing to appear on a prior scheduled court date, but has not yet been arrested, and does not want to or is unable to pay the fines/fees owed that are associated with the warrant, the Defendant must appear at a scheduled Municipal Court docket to address the warrant with the Municipal Court Judge. Once the Defendant appears in court, the Municipal Court Judge will clear the warrant and follow the procedures outlined in Ferguson Municipal Court Policy 3.0, *Payment of Fines and Fees*.

Attachments: Sample Summons to Appear Letter
 Sample Driver's License Suspension Warning Notice
 Sample Show Cause Notice



William Goldstein
Ferguson Municipal Judge

10/21/19

Date

CITY OF FERGUSON MUNICIPAL DIVISION

Division of the 21st Judicial Circuit Court of St. Louis County

222 S. Florissant

Ferguson, Missouri 63135

(314) 524-5264 Fax (314) 524-4127

Email: FergusonCourt@fergusoncity.com

SUMMONS TO APPEAR IN COURT

January 8, 20XX

Re: City of Ferguson vs

John Doe
123 N. Street Ave
Ferguson, MO 63135

<u>Case #</u>	<u>Offense</u>
123456789	Driving While License or Driving Privilege Revoked

Your court date was missed. The Court has reset your case on the Ferguson Municipal Division Court Docket for

February 11, 20XX at 6:00 PM

If you fail to appear in Court on February 11, 20XX, a WARRANT for your arrest may be ordered. Court is held at 222 S Florissant Rd. Ferguson, MO 63135.

You may plead guilty by mail for most charges or by coming to the court to pay your fine during normal business hours. Please visit the City of Ferguson website at www.fergusoncity.com to view the list of charges that can be paid out of court or call 314-524-5264. If you wish to plead not guilty, come to Court on the scheduled date and you will be given a new date for a trial.

If you want to plead guilty, but you do not have the funds to pay your ticket before court, you must appear in court on the scheduled date. **If you cannot pay the fine in full, you may ask the court for alternate arrangements such as periodic payments, community service, or a reduction in whole or in part if it is determined you are indigent. You will not be arrested for not having enough money to pay your fine.**

Payments can be made online at trafficpayment.com or by calling 1-800-444-1187. Payments are also accepted Monday thru Friday at the Ferguson Municipal Court Building, 222 S. Florissant Rd, between the hours of 8:30 am and 4:30 pm. The payment window closes at 3:30 pm on the days Court is in session.

Respectfully,

Ferguson Municipal Court

CITY OF FERGUSON MUNICIPAL COURT

Division of the 21st Judicial Circuit Court of St. Louis County
222 S. Florissant

Ferguson, Missouri 63135

Phone (314) 524-5264 Fax (314) 524-4127

January 8, 20XX

John Doe
123 N. Street Ave
Ferguson, MO 63135

FAILURE TO APPEAR OR
PAY TRAFFIC VIOLATION IN THE CIRCUIT
COURT OF ST. LOUIS COUNTY
FERGUSON MUNICIPAL DIVISION

Drivers License #
X123456789 MO

HazMat: No CMV: No CDL: No

Citation # 123456789

Case # 123456789

Sex M DOB 01/23/1945

Offense Description:
DRIVING WILE LICENSE OR DRIVING
PRIVLIEGE IS REVOKED

Next Appearance Date:
02/11/20XX 6:00 PM

ORI MO095201J

Return to Court as Non-Deliverable

NOTICE AND DRIVER'S LICENSE SUSPENSION WARNING

You have failed to respond to the traffic violation described above by not appearing in court and paying fine and court costs, if applicable, within the time allowed. You must dispose of and fully pay the fine and court costs to court within 30 days of this date: January 8, 20XX or appear at Court on February 11, 20XX at 6:00 PM

FAILURE TO RESPOND WITHIN THIRTY DAYS WILL RESULT IN THE IMMEDIATE SUSPENSION OF YOUR DRIVER'S LICENSE AND DRIVING PRIVILEGE. You will receive a Notice of Loss of Driving Privilege from the Department of Revenue upon suspension if you fail to comply by the deadline.

If suspended, your license can be reinstated **only** by satisfying the requirements of the Department of Revenue. If suspended, you may NOT drive until you receive a notice from the Drivers License Bureau that your privilege has been reinstated.

Questions about payment of any fines and/or court costs must be made directly to the court. Payments can be paid on-line www.trafficpayment.com

CITY OF FERGUSON MUNICIPAL DIVISION
DIVISION OF THE 21ST CIRCUIT COURT OF ST. LOUIS COUNTY
222 S FLORISSANT, MO 63135
PHONE: 314-524-5264 / FAX: 314-524-4127
EMAIL: FergusonCourt@fergusoncity.com

LETTER TO APPEAR AND SHOW CAUSE

January 8, 20XX

Re: City of Ferguson vs

John Doe
123 N. Street Ave
Ferguson, MO 63135

<u>Case #</u>	<u>Offense</u>
123456789	Driving While License or Driving Privilege Revoked

Due to your failure to appear as scheduled, the Court has reset your case on the Show Cause Docket for:

February 11, 20XX at 6:00 PM

You must personally appear in Court at, 222 S Florissant Rd Ferguson, MO 63135 for a hearing for you to show cause why you should not be held in contempt of court. If you show cause that the default is excusable the Court will not hold you in contempt.

You may plead guilty by mail for most charges or by coming to the Court to pay your fine during normal business hours. Please visit the City of Ferguson website at www.fergusoncity.com to view the list of charges that can be paid out of court or call 314-524-5264. Payments can be made online at trafficpayment.com or by calling 1-800-444-1187. Payments are also accepted Monday thru Friday at the Ferguson Municipal Court Building, 222 S. Florissant Rd, between the hours of 8:30 am and 4:30 pm. The payment window closes at 3:30 pm on days the Court is in session. If you plead not guilty, come to Court on the scheduled date and you will be given a new date for trial.

If you plead guilty, but do not have the money to pay your fine before the court date, you must appear in court at the scheduled hearing date. **If you cannot pay the fine in full, you may ask the court for alternate arrangements such as periodic payments, community service, or a reduction in whole or in part if it is determined you are indigent. You will not be arrested for not having money to pay your fine.**

If you fail to appear in Court and you have not paid the fine, a WARRANT for your arrest will be issued.

Respectfully,

Ferguson Municipal Court