

**Ferguson Municipal Court
Policy and Procedure Manual**

Policy 8.0: Review and Auditing of Notices of Violation

Date issued:

PURPOSE: This policy governs how the Ferguson Municipal Court will review notices of violation, including citations, summonses, and other charging documents, to ensure that these documents provide Defendants with adequate notice of the charges against them, associated penalties, and court appearance information (date, time and location), and how the Ferguson Municipal Court will audit its database for compliance with the same.

PROCEDURES:

A. Review & Report of Notices of Violations by the Court Clerk

1. All notices of violation, including citations, summonses, and other charging documents, must contain the following information:
 - a. The specific municipal violation charged (including, where applicable, the required facts of the offense – e.g., “speeding 26 MPH over the speed limit,” rather than simply “speeding”);
 - b. The exact date, time, and location of the court session at which the recipient must or may appear; and
 - c. Reference to Ferguson Police Department’s supplemental handout, which contains information on pre-set fines listed on the Municipal Court Uniform Fine Schedule and options for payment of fines/fees or requesting a continuance.
2. The City Prosecutor will review each charging document first and then send to the Court Clerk to review for errors and acceptance into the court system.
3. The Prosecutor Clerk will review each case identified by the City Prosecutor for entry into the court records management system to ensure the notice of violation is complete and accurate prior to entering the case into the court records management system. This review will be completed as soon as a case file is received by the Court Clerk.
 - a. If the notice of violation does not contain the specific charge (including, where applicable, the required facts of the offense – e.g., “speeding 26 MPH over the speed limit,” rather than simply “speeding”), the charge will be dismissed. The Judge would issue a dismissal by the court, the Court Clerk would enter the disposition into the case management system ensure this dismissal is duly recorded and the Defendant receives notice.
 - b. If the notice of violation contains a specific charge, but omits or contains an error in the court appearance information (date, time and location), the Court will have discretion to dismiss the charge or to return the case file to the City Prosecutor with a notation that identifies the defect that it must address before the Court will enter the case into the court records management system.

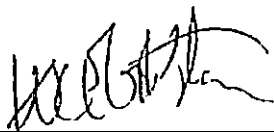
- i. Errors in the court appearance information can be remedied by either (1) Ferguson Police Department's service of a new notice of violation with complete charge and court appearance information, by personal service or by certified mail, return receipt requested or (2) a sworn statement from the City Prosecutor confirming that the City Prosecutor has made personal contact and spoke directly with the Defendant and provided the Defendant with corrected court appearance information.
 - ii. No warrant for failure to appear shall issue, no license shall be suspended or revoked, and no penalty will be levied against a Defendant who misses a court appearance that was not correctly noticed on the relevant notice of violation.
- c. At the close of each week, the Record Clerk will provide a report of all notices of violation that it receives that contain a error. The Record Clerk will provide the report to the Ferguson Police Department's Records Office. For each defective document, the report will contain:
 - i. The type of defective document (i.e., citations, summons, or arrest notification form);
 - ii. If available, a report or citation number for the document;
 - iii. The name of the officer on the defective document;
 - iv. The date the defective document was provided to the Defendant;
 - v. The date that the defective document was signed by the City Prosecutor;
 - vi. The nature of the defect; and
 - vii. What action the Court took (e.g., dismissed that charge; returned to the City Prosecutor).
- 4. If, in the course of assisting an individual, the Court Clerk discovers that a notice of violation may have been issued with a defect with the document, the Court Clerk will provide the individual with information about the charge and court appearance information available in the court records management system, as well as any information of corrective actions taken to address the defects. If there is no information in the court records management system, the Court Clerk will refer the person to the Ferguson Police Department Records Office.
- 5. The Prosecutor's Clerk will ensure that, when the City Prosecutor dismisses a citation or declines prosecution, the citation is not entered into the court records management system.

B. Audit of Court Records

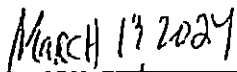
- 1. Every month, the Record's Clerk will randomly audit the case file of 10% of cases opened in the preceding month and produce a report that indicates:
 - a. The total number of case files reviewed;
 - b. The total number of case files with defective notices of violation;
 - c. The total number of cases where the defect was corrected; and

- d. For any cases where a defect was found that was not corrected:
 - i. What was the outcome of the case
 - ii. Why the defect was not detected or corrected.
- 2. The Record Clerk will provide the audit report to the City Manager and the Municipal Court Judge, with copies to the City Prosecutor and Chief of Police.

Attachments: Officer Handout on Fines & Process for Traffic and Municipal Violations



William Goldstein
Ferguson Municipal Judge



Date