

**Ferguson Municipal Court
Policy and Procedure Manual**

FMC Policy 6.0: Bond Procedures

Date issued:

PURPOSE: This policy governs the use of bond for Ferguson residents who are arrested for municipal code violations or pursuant to a warrant for failing to appear or pay fines/fees associated with a prior municipal code violation, consistent with Ferguson Municipal Ordinance 2016-3609. It is the policy of the City of Ferguson that no person shall be held in custody after arrest solely because the individual cannot afford to pay a monetary bond to secure his or her release.

PROCEDURES:

A. Applicability

1. This policy shall be followed, as applicable, by the City of Ferguson and any entity with which the City of Ferguson contracts to detain individuals arrested in the City of Ferguson for violations of the Ferguson Municipal Code, or pursuant to arrest warrants issued by the Ferguson Municipal Court (hereinafter, the "booking entity").
2. The Municipal Court Judge and Clerk for the Ferguson Municipal Court will work with staff at any facility booking an individual arrested for a municipal court violation committed in Ferguson or pursuant to a Ferguson municipal arrest warrant to ensure that the requirements of this policy are followed.

B. Release on Own Recognizance

1. In general, in accordance with State Law, Defendants arrested pursuant to arrest warrants will be released by the booking entity on their own recognizance, without being required to pay any bond associated with the arrest warrant. Defendants arrested not pursuant to a warrant will also be booked and released on their own recognizance, in accordance with Ferguson Police Department policies and procedures.
2. Release on the Defendant's own recognizance should occur as soon as practical after booking, and except under the circumstances outlined below, within 12 hours of booking.
3. The City will not refuse to release a Defendant on his or her own recognizance solely because the Defendant cannot afford to pay a bond.
4. The City will impose a bond requirement on Defendants only if the requirements of Section C of this policy are met.
5. If an individual is arrested for assaultive or threatening conduct, including assault on a law enforcement officer, or presents a danger to any person, the Chief of Police or the Municipal Court Judge may authorize detention for longer than 12 hours.
 - i. No person arrested on a municipal arrest warrant for failure to appear or pay a court debt may be detained longer than 12 hours.
 - ii. Any individual held for longer than 12 hours will be brought before the Ferguson Municipal Court within 24 hours of his or her arrest.

C. When a Bond Will be Required

1. The Ferguson Municipal Court will only impose a bond on a warrant related to failure to appear or pay fines/fees owed on a prior Municipal Court charge if the Defendant has a documented history of failing to appear for a required

court appearance – i.e., has failed to appear on a scheduled date or request a continuance in advance of that date more than two times. Any bond set by the Ferguson Municipal Court will be an unsecured bond.

2. The Municipal Court Judge may set an unsecured bond amount on a warrant related to a new charge only if the offense charged is a serious offense that involves a threat to public safety.
3. All unsecured bonds will be set according to the type of offense charged.
 - i. If the warrant was issued for failure to appear or pay fines/fees associated with a prior municipal code offense, and the prior offense charged is listed on the Ferguson Municipal Court Uniform Fine Schedule, the bond amount will be set at the total cost of fines and fees owed based on that schedule.
 - ii. If the warrant was issued for failure to pay fines/fees associated with a prior municipal code offense, and the prior offense charged is *not* listed on the schedule, OR if the warrant was issued in connection with a new charge, the bond amount will be set based on the nature of the offense and any documented prior history of failing to appear, but in no case will exceed \$200.
4. If the Defendant is arrested on an arrest warrant and there is an unsecured bond set on the warrant, the Defendant will be booked and released after doing one of the following:
 - i. Paying the fines/fees owed in full, if previously assessed and if the offense charged is listed on the Ferguson Municipal Court Fine Schedule (i.e., the Defendant is not required to appear before the Judge to address the charge pursuant to Missouri Supreme Court Rule 37.49); OR
 - ii. Agreeing to the amount of the unsecured bond. The Defendant will not be required to pay the amount of the bond in order to be released.
5. If the Defendant elects to pay the fines/fees owed in full:
 - i. the Defendant will not need to appear in court again after his or her release from custody.
 - ii. The Defendant will not be required to pay the amount of the unsecured bond.
6. If the Defendant elects to agree to the unsecured bond amount, the booking entity will:
 - i. Have the Defendant sign a bond sheet stating the amount of the unsecured bond;
 - ii. Provide the Defendant with a new court date at the Ferguson Municipal Court;
 - iii. Clearly instruct the Defendant that failure to appear as required may result in assessment of the amount of the unsecured bond;
 - iv. Release the Defendant.

D. Clearing a Warrant/Bond for failure to appear or pay fines/fees prior to arrest

1. If a Defendant learns that there is a warrant out for his or her arrest for failing to appear or pay fines/fees associated with a prior municipal code violation, and there is an unsecured bond set on the warrant, the Defendant may follow the steps outlined in Ferguson Municipal Court Policy 4.0, *Issuance and Clearance of Warrants*, in order to clear the warrant/bond prior to arrest.

E. Assessment of Bond

1. If the Defendant appears at the Ferguson Municipal Court on the scheduled date, or, where allowed (see Section C.3.i above), pays the fines/fees owed

in advance of the scheduled court date, the Court will not assess the bond against the Defendant.

2. If the Defendant does not (a) appear on the scheduled date, (b) receive a continuance of that date, OR (c) pay the fines and fees owed in advance (if the offense charged is listed on the Ferguson Municipal Court Uniform Fine Schedule), the Municipal Court Clerk will send the Defendant a Show Cause Notice via mail to his or her last known address, instructing the Defendant to appear in Court on a specific date and time to show cause as to why the unsecured bond should not be assessed.
3. If the Defendant appears for the Show Cause hearing, the Municipal Court Judge will not assess the bond amount against the Defendant, and will instead follow the procedures outlined in Ferguson Municipal Court Policy 3.0, *Payment of Fines and Fees*.
4. If the Defendant does not appear in court on the date listed on the Show Cause Notice, the Municipal Court Judge may order the assessment of the bond amount against the Defendant, and the bond amount will be added to the fines and fees owed by the Defendant.

Attachments:



William Goldstein
Ferguson Municipal Judge



Date