



BALANCING REVENUE CONCERNS WITH DISPOSITION CONCERNS IN MUNICIPAL COURT

A Post-Ferguson Discussion

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Overview

- Basics of the Court process
- Background on Department Of Justice Report
- Why are you talking about non-monetary issues with Finance Directors?
- Conclusion

Court Process

■ The Basics

– *Judicial Process*

- Neutral Arbiter of Justice

– *Adversarial*

- Defendant
- Court
- State

– *Class C Misdemeanors*

- Traffic Offenses
- Minor Offenses?
- Teenager DUI; Speeding in a school zone; Failing to restrain a child while operating a motor vehicle; Selling cigarettes to children; Public intoxication; Assault

Court Process

- Three types of punishment:
 - *Fine, Incarceration, and death penalty*
- Fine Only
 -sort of
- Fine
- Court costs

Court Process

- Citation is issued
- Appearance is required
- Non-appearance may trigger warrant

- What is a Warrant?
 - *Capias*
 - *Alias*

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UNIFORM TRAFFIC TICKET AND COMPLAINT

CASE No. _____ DOCKET No. _____ PAGE No. _____
 IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS

EVA GREGORY COMPLAINT - AFFIDAVIT

IN THE _____ COURT OF _____
 THE UNDERSIGNED, BEING DULY SWORN, UPON HIS OATH DEPOSES AND SAYS:
 ON _____ THE _____ DAY OF _____, 20____, AT _____ A.M.
 P.M.

NAME _____
 STREET _____
 CITY - STATE _____

AGE _____ BIRTH DATE _____ RACE _____ SEX _____ HT. _____ WT. _____
 DRIV. LIC. No. _____ STATE _____ KIND _____ DID UNLAWFULLY (OPERATE) (PARK) _____
 COMMERCIAL VEHICLE HAZARDOUS MATERIAL

VEH. LIC. No. _____ YR. _____ STATE _____
 MAKE _____ STYLE _____ COLOR _____

UPON A PUBLIC STREET OR HIGHWAY, NAMED (LOCATION) _____
 LOCATED IN THE CITY, VILLAGE, TOWNSHIP, COUNTY AND STATE AFORESAID AND DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:

ACCORDING TO LEADING CAUSES OF ACCIDENTS	<input type="checkbox"/> SPEEDING (over limit) <input type="checkbox"/> 5-10 m.p.h. <input type="checkbox"/> 11-15 m.p.h. <input type="checkbox"/> over 15 m.p.h.	<input type="checkbox"/> Unreasonable for conditions (MPH in MPH zone)	<input type="checkbox"/> From wrong lane
	<input type="checkbox"/> Unable to stop in assured clear distance ahead.	<input type="checkbox"/> No Signal	<input type="checkbox"/> From wrong lane
	<input type="checkbox"/> Improper LEFT TURN	<input type="checkbox"/> No Signal	<input type="checkbox"/> From wrong lane
	<input type="checkbox"/> Improper RIGHT TURN	<input type="checkbox"/> Past middle Intersection	<input type="checkbox"/> Middle of Intersection
<input type="checkbox"/> Disobeyed TRAFFIC SIGNAL (When light turned red)	<input type="checkbox"/> Past middle Intersection	<input type="checkbox"/> Middle of Intersection	<input type="checkbox"/> Not reached Intersection
<input type="checkbox"/> Disobeyed STOP SIGN	<input type="checkbox"/> Wrong place	<input type="checkbox"/> Walk speed	<input type="checkbox"/> Faster
<input type="checkbox"/> Improper PASSING AND LANE USAGE	<input type="checkbox"/> At Intersection	<input type="checkbox"/> Cut in	<input type="checkbox"/> Wrong Side of pavement
	<input type="checkbox"/> Between Traffic Lane Straddling	<input type="checkbox"/> On right	<input type="checkbox"/> On hill
		<input type="checkbox"/> Wrong lane	<input type="checkbox"/> On curve

OTHER VIOLATIONS (describe) _____ OF THE _____ OF THE _____
 State Statute Local Ordinance in such case made and provided.

PARKING: Meter No. _____ (Describe) Other _____
 Overtime Area Parking Meter

SLIPPERY PAVEMENT Rain Snow Ice Night Fog Snow Cross

DARKNESS Rain Snow Ice Night Fog Snow Cross

OTHER TRAFFIC PRESENT Oncoming Pedestrian

AREA: Business Industrial School Residential Rural

HIGHWAY TYPE: 2 lane 3 lane 4 lane 4 lane divided

CAUSED PERSON TO DOODGE Ped. Vehicle

JUST MISSED ACCIDENT Hit Fixed Object Right Angle Head on Sideswipe Rear end Ran off Roadway Intersection

TYPE OF ACCIDENT PD PI FATAL

RECEIPT No. _____

Occupation _____ Social Security Number _____

THE UNDERSIGNED FURTHER STATES THAT HE HAS JUST AND REASONABLE GROUNDS TO BELIEVE, AND DOES BELIEVE, THAT THE PERSON NAMED ABOVE COMMITTED THE OFFENSE HEREIN SET FORTH, CONTRARY TO LAW AND AGAINST THE PEACE AND DIGNITY OF THE STATE. SWORN TO AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____, 20____

(Name: and title) _____ (Signature and identification of officer or other complainant) _____ (Unit No.) _____

COURT APPEARANCE: _____ DAY OF _____, 20____, AT _____ M.

ADDRESS OF COURT _____
 I PROMISE TO APPEAR IN SAID COURT OR BUREAU AT SAID TIME AND PLACE.

SIGNATURE _____
 NOTICE, UNDERSTANDING THAT FAILURE TO APPEAR CONSTITUTES A SEPARATE OFFENSE.

Forms of Resolution

- Pay
 - *Full*
 - *Reduced*
- Community Service
- Credit for Time Served
- Dismissal
- Indigent



Court Process

- Common Misconceptions

- *The inability to pay triggers additional fines/fees*
- *The inability to pay results in a warrant or jail time*
- *The fine assessed will be collected*

Department of Justice

- Ferguson Overview
- Report Findings

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,) No. _____
)
Plaintiff,)
)
v.) **COMPLAINT**
)
THE CITY OF FERGUSON,)
)
Defendant.)
_____)

INTRODUCTION

Plaintiff, the United States of America ("United States"), brings this civil action against Defendant, the City of Ferguson ("City"), under the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141, and Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d.

Ferguson Findings

- Finance Director email to Police Chief:

- *“unless ticket writing ramps up significantly before the end of the year, it will be hard to significantly raise collections next year. What are your thoughts? Given that we are looking at a substantial sales tax shortfall, it’s not an insignificant issue.”*
- *Chief Jackson responded that the City would see an increase in fines once more officers were hired and that **he could target the \$1.5 million forecast.***

- Later email from the Finance Director

- *“Court fees are anticipated to rise about 7.5%. **I did ask the Chief if he thought the PD could deliver 10% increase. He indicated they could try.**”*

Ferguson Findings

- The influence of revenue on court operations is significant and was highlighted in a 2011 report prepared by the City
 - *“efforts to increase efficiencies and maximize collection.”*
- In that report, then-Judge Brockmeyer describes:
 - *“...creating new fines and fees [...] none of these changes could have taken place without the cooperation of the Court Clerk, the Chief of Police, and the Prosecutor’s Office.”*

Ferguson Findings

- In December 2014, the Finance Director stated publicly that Ferguson intends to **make up a 2014 revenue shortfall in 2015 through municipal code enforcement**

...
- explaining that “[t]here’s about a million-dollar increase in public-safety fines to make up the difference.”

Implications

- Court Fines are not debt
- Every citation has a resolution opportunity which may differ from the window fine
- For the Court, a resolved citation should be equal to a collected citation

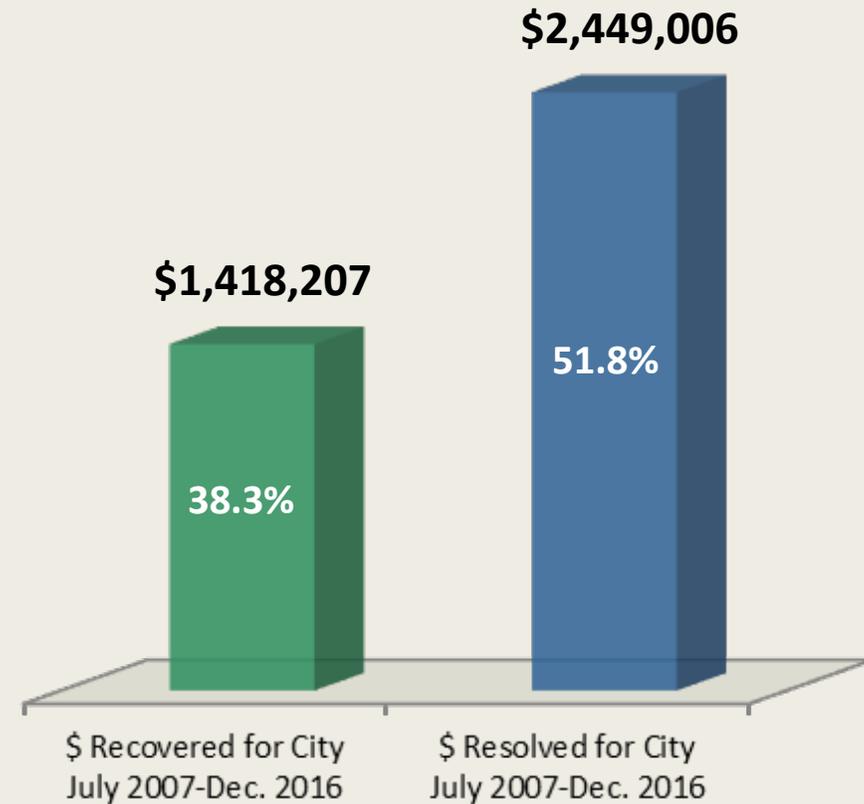
- Imagine an email out of context

Recovery vs. Resolution Breakdown

Recovery/Resolution Chart

Resolved	=	\$ 2,449,006
Recovered	=	<u>\$ 1,418,207</u>
Difference	=	\$ 1,030,799

What does the \$1,030,799 represent?



Conclusion

- Don't be afraid of the Ferguson issue
 - Be aware
 - Courts will generate revenue
 - Embrace all resolution
-
- Protect the public's trust in local government

QUESTIONS

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