

Examples

Procedure I

**IN THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI
MUNICIPAL DIVISION, CITY OF MARYLAND HEIGHTS**

OPERATING ORDER FOR PRISONER PROCESSING

- A. Prisoners arrested on a warrant for the City of Maryland Heights Municipal Court will not be held in the Maryland Heights Police Department's holdover longer than forty-eight (48) hours unless otherwise ordered or approved by the Municipal Court.
- B. If an arrest is made without a warrant and a warrant is not obtained within twenty-four hours, the prisoner must be released at or prior to the twenty-four mark.
- C. If a prisoner being held on a Maryland Heights Municipal warrant is also wanted by other municipal agencies the following procedure will be followed. When the Maryland Heights warrant is resolved the first agency must be notified immediately. If that department has not responded and took custody of the prisoner at the 12-hour detention time the next agency should be contacted. If neither agency picks up their prisoner within 24 hours from when the first agency was notified the prisoner will be released.
- D. If a prisoner wanted by another agency for a felony warrant, federal detainer or misdemeanor warrant by agencies that are outside of St. Louis County has not been picked up by the twenty-four mark, that prisoner shall be released or transferred to the St. Louis County Department of Welfare, whichever is appropriate for the situation. The St. Louis County Department of Welfare will accept prisoners that are wanted by other agencies if a felony warrant, federal warrant or federal detainer has been issued. They will also accept prisoners wanted on misdemeanor warrants by agencies that are outside of St. Louis County. Officers may call the intake desk at St. Louis County at 314-615-7098 to verify prior to conveyance that the prisoner will be admitted.
- E. If a warrant is issued on a Maryland Heights case for a state felony or misdemeanor, that prisoner will be conveyed to St. Louis County Department of Welfare at or prior to the twenty-four mark.
- F. Prisoners in custody pursuant to an initial arrest warrant issued by the Maryland Heights Municipal Court must have the opportunity to be heard by a judge in person, by telephone, or video conferencing as soon as practicable and **not later than forty-eight (48) hours** on minor traffic violations and **not later than seventy-two (72) hours** on other violations and, if not given that opportunity, are released.

A minor traffic violation is defined as a municipal ordinance violation that does not involve an accident or injury, that does not involve the operation of a commercial motor vehicle, and for which the department of revenue is authorized to assess no more than four points to a person's driving record upon conviction. Minor traffic violation shall exclude a violation for exceeding the speed limit by more than nineteen miles per hour or a violation occurring within a construction zone or school zone.

1. Prisoners in municipal custody shall not be held more than twenty-four hours without a warrant after arrest;
2. Any prisoner who is in custody on a Maryland Heights municipal warrant and cannot post bond shall be offered the opportunity to be heard by the municipal judge. The shift commander or his designee shall be responsible for contacting the municipal judge by phone daily between 8:00 - 9:00 am, and 4:00 - 5:00 pm, or at times as provided by the municipal judge. A phone conference should be initiated between the prisoner and the municipal judge. The municipal judge will decide if the prisoner will continue to be held; bond reduced, released on their own recognizance or transferred to the St. Louis County Department of Welfare. The shift commander or his designee will be responsible for documenting the judge's decision on the judge contact form.
3. If the prisoner has been taken into custody within 12 hours of a scheduled municipal court session and cannot post bond the prisoner shall remain in custody and shall appear before the judge prior to the conclusion of said court session.
4. Any prisoner who is in physical distress or has a communicable disease who is unable to post bond may be released upon their own recognizance.

G. When a Maryland Heights warrant exists (excluding minor traffic violations), and when ordered by the municipal judge the prisoner shall be taken to the St. Louis County Department of Welfare and held for the time designated by the judge, providing that they have had the opportunity to be heard by a judge. The officer should make sure that the intake clerk is clear on the amount of time the prisoner is to be held, and make sure this time is noted on the booking sheet copy.

SO ORDERED:

_____, Judge

Dated

WARRANTS – COURT POLICY/PROCEDURES

Pursuant to Senate Bill 5, the Chesterfield Court has established the following procedures for warrants and the new 24/48/72 hour hold.

New Procedures on “Warrantless” Arrest and Bonds: 24 HOURS

The Court shall not require a bond on any charge for which a warrant HAS NOT been issued. Thus, the bond schedule will be considered invalid (or moot) as of this date.

Pursuant to Missouri Supreme Court Rule 37.15 “Any person arrested for an ordinance violation **shall be entitled to be released from custody pending trial.**” Therefore, on any new arrest, regardless of the charge, the defendant should be released after booking on the summons and/or ticket with a court date. DWI’s can still be held for the “sober period” before releasing. If, for any reason, the arresting officer feels a bond should be set, they will need to contact the prosecuting attorney first to issue the charge, then the judge should be contacted to issue the warrant. Most likely Nancy or Tonia will then be contacted by the judge to do the actual warrant for the judge to sign. The judge will then set the bond amount and/or conditions of release. This has to be done within the 24 hours of a new arrest or the defendant should be released.

Warrants on a Minor Traffic Violation: 48 HOURS

The Court, upon issuing a warrant on a Minor Traffic Violation (MTV) will note on the warrant that it is an MTV. The bond amount will be set by the judge and will be on the warrant.

Upon posting the bond, the original bond sheet with the bond is placed in the bond box. The yellow copy of the bond sheet is given to the defendant with the new court date listed on it.

NOTE: We now have a strict 48 hour “hold” on these types of warrants. The new law says a defendant has the right to see and/or speak to a judge **as soon as practicable BUT must be released by 48 hours.** WE PROMOTE THE USE OF RELEASING THEM ON A SUMMONS AS SOON AS POSSIBLE WHEN IT IS DETERMINED THAT THEY WILL NOT BE ABLE TO OBTAIN AND/OR POST THEIR BOND!! FILL OUT THE WHITE AND YELLOW SUMMONSES ATTACHED AND GIVE THE DEFENDANT THE YELLOW ONE WITH THE NEW COURT DATE. CHECK WITH THE DEFENDANT IF THEIR ADDRESS HAS CHANGED AND CHANGE IT IF NECESSARY ON THE WHITE SUMMONS THAT WILL COME BACK TO THE COURT WITH THE WARRANT.

Warrants on all other type of violations: 72 HOURS

The Court (Judge), upon issuing a warrant on all other type of violations, will set the appropriate bond amount. The Court may have a notation from the judge on the warrant that states this defendant has failed to appear before on this charge. The note (in red) will say “Call Judge to possibly hold for bond, defendant has FTA X _____ on same charge.”

NOTE: We now have a strict 72 hour "hold" on these type of warrants. The law says a defendant has the right to see and/or speak to a judge as soon as practicable **BUT must be released by 72 hours.** You also have the option of accepting a lower bond amount if they can come up with any type of money. Minimum bond of \$50.00 - \$100.00 is authorized by the judge. As stated above, we promote the use of releasing them on a summons as soon as possible, BUT IF IT IS A "PROBLEM" DEFENDANT, YOU SHOULD ATTEMPT TO CONTACT THE JUDGE (OR OUR PROVISIONAL JUDGE). The judge may either come in to speak with the defendant or speak to them by phone to determine if they should be released or he may authorize holding them on the bond. Please attempt to call the judge to see if he wants to come in and do a "bond hearing" on the defendant or he may also wish to speak with the defendant via phone or skyping.

After speaking with a judge, he may authorize that the defendant be held on a bond, but without speaking to a judge, DO NOT simply send them to County without at least contacting someone in the Court. **Please note, if you have any questions do not hesitate to contact Nancy or Tonia, but they do not have the authority to hold someone for Court! Only a judge may authorize that so try calling the Judge first!**

CITY OF LADUE

Municipal Court

Directive to Police Chief

Please find attached a new directive regarding the confinement of individuals by the Ladue Police Department. The changes are a result of the enactment of Senate Bill 5.

First, in all cases involving Minor Traffic Violations (MTVs), defined under subsection 479.350 R.S.Mo. and generally as all non-moving and moving violations from 0-4 points, exceptions being those cases involving an accident or injuries, a commercial motor vehicle, construction or school zone violations and speeding over 19mph the speed limit, the defendant should be issued a citation and released. Unless there is a valid warrant or probable cause to believe a non-MTV has been committed, no one should be taken into custody simply for a MTV.

Second, in the event there is just cause to take someone into custody for a charge(s) out of Ladue and the arresting officer believes that there is sufficient probable cause to charge the subject and the circumstances dictate that a bond should be set, the officer must prepare a probable cause statement and convey it to the prosecutor for the issuance of charges. Bear in mind there are only two circumstances under which the officer should be requesting a warrant on a municipal charge. (1) The subject poses a danger to a person or the community; or (2) there is a strong likelihood that the subject will not return to Court on their own volition to dispose of their case (i.e. a solicitor from California). If the prosecutor believes that a charge should issue and that a bond be set, he must contact me for the issuance of a warrant where I will set a bond. This all must be done within 24 hours. In the event I issue a warrant and set a bond, I must be contacted within 48 hours of issuing the warrant unless the subject has made bond. Officers may still book and release a subject on citation without the need for a warrant so long as the offense being charged is not simply a MTV (i.e., DWI, DWR etc...).

Third, if an individual is taken into custody on a warrant from another jurisdiction, I would suggest that you immediately notify the jurisdiction wanting that individual and make sure that the individual is not held in our custody in excess of 24 hours on their behalf.

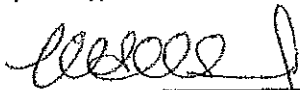
Finally, all bond schedules that I have previously set are hereby set aside. I will designate a bond on each case on an individual basis. If an arrestee claims to be indigent I am to be notified immediately and I will then see the individual or release him or her as soon as practicable, in all cases no longer than 24 hours.

For individuals arrested on a warrant and who cannot post the bond, I need to be contacted within 48 hours. In all cases, I may be contacted in the event the individual wishes to post a bond in an amount less than the designated amount of the bond.

In ability or failure to make contact with myself, Judge Vatterott or the Judge or the St. Louis County Duty Judge shall not justify holding a prisoner in excess of the time limits stated above. Contact information is Judge Keith Cheung 314-578-3340, Provisional Judge Frank Vatterott 314-517-6588 or Prosecutor Jim Towey 314-651-5097.

Please instruct your officers accordingly and feel free to call me if you have any questions.

Respectfully,



Keith Cheung, Municipal Judge

12/19/17

Date

CITY OF TOWN AND COUNTRY
POLICE DEPARTMENT

SPECIAL ORDER

Special Order Topic: Order from Municipal Judge
Special Order Number: 2017-05
Effective Date: 08/17/17
Revised Date:
Expiration Date: TBD
Certification:

Effective immediately, Judge Andrea Niehoff has issued the following Order related to bonds and arrest warrants. This Order shall supersede any conflicting policies or orders of the Court.

ORDER

Effective date: August 17, 2017

INFORMATION REGARDING BONDS AFTER COURT ISSUED SUMMONS

This information pertains to warrants issued after a defendant has been issued a summons and has failed to appear in court. The Court will be using three types of bonds; personal recognizance, unsecured bonds, and cash bonds. All warrants will be designated with the type of bond authorized. Any change in the type of bond must be authorized by the Judge, either as indicated in writing in the warrant issued by the Judge, or by verbal approval of the Judge. The Judge may be reached through the Court Administrator, Sharon Orlando, during City Hall hours or after hours at (texting is okay). The Judge, Andrea Niehoff may also be reached directly by: cell 314-973-7876 (texting is okay), work 314-539-7943, or email janiehoff@sbcglobal.net.

Preferred hours of contact are during normal business hours on weekdays and weekends from 8:30 am-10:30 pm. Please keep in mind the hours a defendant has been held when attempting to contact the Court Administrator or the Judge, noting that waiting for a return call may take additional time.

****All defendants must be provided with a new court date prior to release.****

METHODS OF POSTING BONDS

PERSONAL RECOGNIZANCE BONDS

Personal recognizance bond: Defendant is released on his/her written promise to appear at all Court proceedings. An approved bond form and next court date shall be executed and signed by the defendant prior to release.

UNSECURED BONDS

Unsecured bond: Defendant is released on his/her written promise to appear at all Court proceedings **AND** to pay the Court the full amount of the monetary bond set by the Court in the event he/she fails to appear as promised. An approved bond form and next court date shall be executed and signed by the defendant prior to release.

For these types of bonds, no defendant shall be held for more than 8 hours, unless releasing the defendant may pose a danger to that defendant or others.

CASH ONLY BONDS

Cash only bonds will be specifically designated by the Judge. Any reduction in the bond must be approved by the Judge.

1. Police Officers and Court Clerks shall accept cash, certified check, money orders or approved credit cards for cash bonds. If a certified check or money order is collected it shall be for the exact amount of the bond. ***Personal checks will not be accepted when posting bond.***
2. When a cash bond is posted the receipt shall be made in the name of the defendant. All bond money shall be considered by the Court as belonging to the defendant. If the defendant is found guilty, all assessments against the defendant, such as fines, court costs, warrant fees, and any other related court costs ordered by the Judge will be deducted from the cash bond before any money is refunded to the defendant or assignee. A third party may claim any refundable money at the conclusion of the charges only if the defendant has properly assigned the defendant bond receipt to that third party.
3. If a cash bond is not posted within 15 hours, the Court Clerk or the Judge shall be notified. No defendant will be held for more than 20 hours without notice to the Judge.

****All defendants must be provided with a new court date prior to release.****

ORDER REGARDING ARREST WARRANTS

In all instances, wherein a subject is arrested, booked, and charged with a municipal ordinance violation, the subject shall be released from custody on the person's own recognizance. If it appears to the arresting officer that the promise to appear is not sufficient to reasonably ensure the appearance of the subject or that the subject poses a danger to the crime victim, the community, or any other person, the officer shall request the Judge of the Municipal Court of the City of Town and Country consider imposition of conditions of release.

Any Defendants remaining in custody and unable to post bond, shall have an opportunity to be heard by the judge in person or by telephone as soon as practicable but not later than 20 hours. If not given that opportunity, they are ordered released on their own recognizance.

During normal business hours, Officers will contact the Court Administrator, Sharon Orlando, regarding the setting of bond. During non-business hours, the On-Duty Supervisor will contact the Judge at 314-973-7876.

Examples

Procedure II

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI
21ST JUDICIAL CIRCUIT
TOWN AND COUNTRY MUNICIPAL DIVISION

MEMORANDUM FROM THE JUDGE

December 5, 2017

On all cases where the Judge authorize warrant recalls or cancellations, the court administrator must cancel the warrant in the court system and inform the police department immediately, without delay.

Upon the closure of any case, for any reason, any outstanding warrant will be promptly canceled in the court system and the police department shall be notified immediately.

SO ORDERED:



Judge, Andrea Niehoff

**ST. LOUIS COUNTY CIRCUIT COURT
CHESTERFIELD MUNICIPAL DIVISION**

690 CHESTERFIELD PARKWAY WEST
CHESTERFIELD, MISSOURI 63017-0760
Phone: (636) 537-4718
Fax: (636) 537-4795

RICK BRUNK
Municipal Judge

NANCY MORR, C.C.A.
Court Administrator

TONIA POWELL
Asst. Court Administrator

TAMMY BROOKS
Court Assistant

**ST. LOUIS COUNTY CIRCUIT COURT
CHESTERFIELD MUNICIPAL DIVISION
WARRANT CANCELLATION PROCEDURES**


It is hereby ordered that the following procedures shall be followed for any warrant cancellation thru the court.

- Authority is given to the court staff to cancel any warrant when an attorney enters their appearance as long as it is the first time the case has gone warrant and the defendant is not currently in custody.
- Authority is given to the court staff to cancel any warrant for a defendant when they come to the court office with a bond of \$100.00 during working hours OR if they owe outstanding fines, a payment of \$100.00 is made. If a payment, a new payment plan shall then be given. Upon posting said bond, a new court date shall then be given.
- Authority is given to the court staff to inform any defendant who contacts the court about an outstanding warrant that the defendant may appear on any court date to see the judge and the judge shall then cancel the warrant.
- No defendant that appears voluntarily at the court office with an outstanding warrant from this court shall be arrested on said warrant.
- Requested by the Prosecuting Attorney

The clerk shall immediately fill out an Order to Recall Warrant and take it over to the Police Department for cancellation. Authority is given to the court staff to sign said order when one of the above conditions are met. Judge will then review and sign at the earliest opportunity.

All warrants that come back to the Court from the Police Department showing that they have been cancelled shall have a copy of the cancellation printout attached to the warrant and placed with the court file.

SO ORDERED, this 6th day of June, 2017



Rick Brunk, Municipal Judge
Chesterfield Municipal Division

ORDER TO RECALL WARRANT

Warrant Number:

Court ORI: MO095881J

☐ Posted a bond at court office
☐ Paid the fine associated with this warrant
☐ Attorney entered and recall was granted
☐ Defendant appeared in court
☐ Request from Prosecuting Attorney
☐ Other: _____

_____ Hand Carried/Delivered
Electronically transmitted

Court Staff

Rick Brunk, Municipal Judge

Return this order along with the warrant and REJIS printout showing the cancellation to the Court.

Warrant Recall Procedure

The following steps must be taken when recalling a warrant.

Send an email to dispatch (mhdispatch@marylandheights.com) telling them to recall the warrant. You can use the snip tool to copy the defendant's information and mail directly. Dispatch will recall the warrant and put the warrant and cancellation notice in the Court box in dispatch.

The case file is then placed in the vertical tray at the far left end of the payment counter.

If the case is being paid in full then put the WR code in the additional disposition field.

If the case is being continued enter WR as a line item in the disposition field.

We will pick up all papers from the court box in dispatch at least on a daily basis. The warrant and cancellations will be matched with the court file and be filed appropriately. It is imperative that the files be matched with cancellations. Any files that do not have a cancellation must be researched immediately.

CITY OF
LADUE

Municipal Court

ORDER OF THE COURT

The Court Administrator is hereby directed to take the following steps to ensure that warrants are timely cancelled upon order of the Court.

In all cases where there is a final disposition either by way of dismissal from the Prosecutor or the Court, or upon any final resolution of the case, the Court Administrator shall immediately ascertain whether there is an outstanding warrant associated with the case. In the event there is an outstanding warrant, the Court Administrator shall notify the Judge and is hereby authorized to cancel said warrant, unless otherwise instructed by the Judge. Upon cancellation of the warrant, the Court Administrator shall immediately notify the Ladue Police Department to advise and confirm that the warrant has been cancelled.

So Ordered:

Keith Cheung, Municipal Judge

Date

PROCEDURE FOR DISMISSED/DISPOSED CASES BY PROSECUTOR

1. Upon the entry of a dismissal or resolution of a case initiated by the prosecuting attorney, the prosecuting attorney files a memorandum with the court.
2. The court clerk matches the memorandum with the court file(s).
3. The court clerk reviews the court file to determine if there are any outstanding warrants arising from the case(s).
4. The court clerk notifies the judge if so and the judge approves the cancelation of any outstanding warrants.
5. Procedures outlined for cancellation of outstanding warrants is then followed.

Examples

Procedure III

**IN THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI
MUNICIPAL DIVISION, CITY OF FLORISSANT**

**ADMINISTRATIVE ORDER REGARDING FINES, INSTALLMENTS AND
ABILITY TO PAY**

NOW, pursuant to Missouri law, Missouri Supreme Court Rules, and the Local Rules of the Twenty-First Circuit Court of the State of Missouri, the Court hereby enters the following order to clarify the policy of the Municipal Division and to provide for its efficient operation and administration.

I. Imposition of Fines: when imposing fines, the Court will exercise its discretion in accordance with the following general guidelines.

- A. In determining the amount and method of payment of a fine, the Court will, insofar as practicable and in light of all the circumstances, proportion the fine to the burden that payment of the fine will impose on the defendant in view of the defendant's financial resources.
- B. If, at the time a fine is assessed it appears to the Court that the defendant does not have the present means to satisfy the amount assessed, the Court may issue an order allowing the defendant additional time for payment, reducing the amount of the time or of each installment, or revoking the time of the unpaid portion in whole or in part.
- C. The Court will consider alternatives to fines in every case, as the circumstances merit. For example, the Court should consider allowing the defendant to perform community service in a manner proportional to the fine that the court would otherwise impose for the same or similar offense.

II. Instalments: In ordering when a defendant shall pay any fine, the Court will exercise its discretion in accordance with the following general guidelines.

- A. In every case, the Court will consider allowing the defendant to pay a fine in installment payments.
- B. In determining the installment schedule, the Court shall consider all the circumstances of the case, including the defendant's financial resources.
- C. Unless otherwise appropriate in the circumstances of a particular case, the Court will not order a defendant to pay a fine or some portion thereof any sooner than four weeks from the date judgment is entered. The Court, at its discretion in light of circumstances, may allow a defendant to pay at a later date.

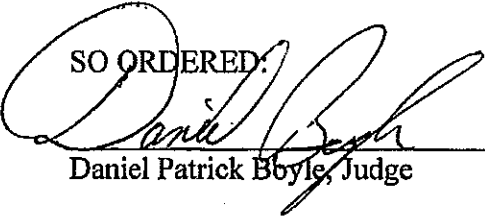
III. Opportunity for a Defendant to Prove Lack of Financial Resources

- A. The Court will consider a defendant's financial resources only if the defendant proves the defendant's financial resources to the satisfaction of the Court.
- B. Every defendant will be provided a reasonable opportunity to prove the defendant's financial resources and ability to pay a fine.
- C. In every case where the defendant submits evidence or argument to the Court about the defendant's financial resources, the City of Florissant may introduce evidence, cross-examine the defendant's witnesses, and otherwise present the City's position concerning the defendant's financial resources and ability to pay a fine.

IV. Application and Enforcement

- A. This Order applies to every case in the Municipal Division unless otherwise provided herein.
- B. This Order does not apply to any plea bargain, settlement, or other resoulution to which defendant and the City of Florissant agree.
- C. Other than specifically set forth herein, this Order does not limit the appropriate exercise of the Court's discretion to impose judgment and otherwise rule in accordance with the unique circumstances of each case.

SO ORDERED:


Daniel Patrick Boyle, Judge

12-23-16
Date

IN THE CIRCUIT COURT of ST. LOUIS COUNTY, MISSOURI
21st JUDICIAL CIRCUIT
STATE OF MISSOURI
VALLEY PARK MUNICIPAL DIVISION
POLICY REGARDING INDIGENCY

Defendants shall be advised by way of the Judge's Opening Statement of their rights, including but not limited to, their right to present information concerning their financial condition and ability to pay fines and court costs. Defendants shall be provided a printed copy of "Defendant's Rights" when they enter the courtroom. (Defendant's Rights are also distributed at the TVB and posted on the court web site). The court shall have printed signage and/or a looping video which includes Defendant's Rights regarding indigency.

The Judge shall inquire of the Defendant's ability to pay when fines and costs are assessed. In the event Defendant requests the same, after having been fully advised of their rights, Defendant may complete an Affidavit of Financial Condition Form which may be utilized by the Judge to make a determination as to indigency in accordance with the Supreme Court Order adopting new Model Local Rule 69.01(b).

In the event the Defendant is determined to be indigent the court may waive the fines and court costs; reduce the fines and costs; offer community service; order some form of alternative sentencing; or some combination of the above.

In the event the Judge finds the Defendant to be indigent, the case will be closed by an Order to Revoke or Commute Fines and Costs.

No court costs will be charged to the Defendant if they are found to be indigent.

The Defendant will be advised of the disposition of their case(s) and will receive a copy of the Court Order.

Any personal financial information provided by the Defendant shall be destroyed by the court staff.

See Bench Card-Financial Condition

**PROCEDURE TO ALLOW DEFENDANTS THE OPPORTUNITY
TO PRESENT INFORMATION ABOUT THEIR FINANCIAL CONDITION**

1. Defendant is advised that if they do not believe they will be able to pay the fines and costs assessed no matter how much time they are given; they may request to fill out the Statement of Financial Condition approved by the Missouri Supreme Court.
2. Defendant completes the form, front and back, and presents the signed copy to the Judge.
3. Judge reviews the form with the defendant.
4. Upon completion of review and based upon the responses from the defendant, the court determines if, in accordance with the Missouri Supreme Court guidelines set out in Rule 37.04 Appendix D.
5. If the defendant qualifies, the court makes a determination as to the appropriate amount of hours of Alternative Community Service the defendant should be required to complete to satisfy the judgment of the court.
6. Defendant is provided a list of agencies where the ACS can be performed and is further advised they may complete the ACS at other non-profitable, charitable locations.
7. Defendant is provided a log sheet to provide the agency to provide proof of the ACS hours and instructions to verify the completion of the hours assigned.

PROCEDURE FOR APPLICATION FOR APPOINTED ATTORNEY

1. If the defendant advises the court that they are unable to afford an attorney to represent them, the court asks the prosecuting attorney to review the file to determine if the city is seeking a jail sentence should the defendant plead or be found guilty.
2. If the city is seeking a jail sentence, the defendant is provided a financial statement to complete fully and signs the statement.
3. The court reviews the financial statement with the defendant.
4. Upon completion of review and based upon the responses from the defendant, if the court determines that the defendant is indigent, the court appoints an attorney to represent the defendant.
5. The court bases this initial determination on the guidelines set out in Missouri Supreme Court Rule 37.04 Appendix D, but also considers other information as well as the seriousness of the charge(s).

Procedures for Assessing Ability to Pay

Upon a plea and/or finding of guilty the Judge inquires of the defendant's employment status and/or ability to pay the fine the Judge is anticipating levying. If the defendant response indicates a lack of employment or an inability to pay the anticipated fine, the defendant is given the option of community service or to pay the anticipated fine in monthly installments of between \$25 and \$50. In cases in which the defendant informs the court of an inability to pay a fine and to perform community service, the Judge will assess only a nominal fine of under \$10.

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI
MUNICIPAL DIVISION

INDIGENCY SCREENING FORM

CONFIDENTIAL

Name _____

Address _____

City _____ State _____ Zip _____

1. Place an "x" next to any of the following types of assistance you receive:

<input type="checkbox"/> Welfare	<input type="checkbox"/> Poverty Related Veterans' Benefits
<input type="checkbox"/> Food Stamps	<input type="checkbox"/> Temporary Assistance for Needy Families
<input type="checkbox"/> SSI	<input type="checkbox"/> Refugee Settlement Benefits
<input type="checkbox"/> Medicaid	<input type="checkbox"/> Aged, Blind or Disabled Assistance Program
<input type="checkbox"/> Pregnant Women Assistance Benefits	
<input type="checkbox"/> Other – Please Describe _____	

2. Do you work or have a job? ☐ yes ☐ no. If so, take-home pay: \$ _____

Occupation: _____ Employer's name & phone #: _____

3. Do you have a spouse who lives with you? ☐ yes ☐ no Does she/he work? ☐ yes
☐ no If so, take-home pay: \$ _____

Employer's name: _____

4. Do you and/or your spouse receive unemployment, Social Security, a pension, or workers' compensation? ☐ yes ☐ no

If so, which one? _____ Amount: \$ _____

5. Do you receive money from any other source? ☐ yes ☐ no If so, how much? \$ _____

6. Do you have children residing with you? ☐ yes ☐ no. If so, how many? _____

7. Including yourself, how many people in your household do you support? _____

8. Do you own a home? ☐ yes ☐ no. If so, value: \$ _____ Amount owed: \$ _____

9. Do you own a vehicle(s)? ____yes ____no. If so, year(s) and model(s) of your vehicle(s): _____ Amount owed: \$ _____
10. How much money do you have in checking/saving account(s)? \$ _____
11. How much money do you have in stocks, bonds, or other investments? \$ _____
12. How much are your routine living expenses (rent, food, utilities, transportation) \$ _____
13. Other than routine living expenses such as rent, utilities, food, etc., do you have other expenses such as child support payments, court-ordered fines or medical bills, etc.? If so, describe: _____
14. Do you have money available to hire a private attorney? ____yes ____no
15. ***Please read and sign the following:***

**I understand the court may require verification of the information provided above.
I agree to immediately report any change in my financial status to the court.**

I certify under penalty of perjury that the above is true and correct.

Signature Date

City State

FINANCIAL STATEMENT AND AFFIDAVIT OF INDIGENCY

Date: _____ Case(s): _____

Court: __North __South __West Date of plea/conviction: _____

Name: _____

Address: _____ PHONE: _____

Are you a U.S. Citizen? __Y __N

__Married __Single Children __Y __N Number of Children Living w/ you _____

Do you pay/receive child support? __Y __N

Are you a student? __Y __N If yes, where? _____

Are you employed? __Y __N If yes, where? _____

Do you receive Social Security benefits? __Y __N

Other income \$ _____

Total monthly income \$ _____

Have you served in the military? __Y __N If yes, when? _____

Do you receive VA benefits? __Y __N

I hereby certify that all information provided is true to the best of my knowledge.

Signature

IN THE MUNIICPAL COURT OF OVERLAND
DIVISION OF THE 21ST JUDICIAL CIRCUIT
STATE OF MISSOURI

Procedure for Court Ordered Indigent Defendants

COURT ORDER - 8/24/17

Attached is a copy of the Financial Statement the Overland Municipal Court will use in deciding Indegency. Each defendant will be given a copy of this form to fill out and a new court date. A hearing will be set on the next court docket for the defendant to bring in his/her financial statement, and discuss any other concerns with the Judge. The Judge will make a ruling on this/or take it under advisement if he/she feels the need to take time to examine all the paperwork provided.

So Ordered:

Ma vs. Keul
[Signature]
Rebecca Thappa

ST. LOUIS CIRCUIT COURT

MUNICIPAL DIVISION

CITY OF OVERLAND

2410 GOODALE, 2ND FLOOR * OVERLAND, MO, 63114

314-428-1223

STAY OF EXECUTION ON JUDGMENT -BOND OF DEFENDANT

CASE NO. _____

DATE _____

PAYMENT PLAN REQUIRES A \$50.00 A MONTH MINIMUM PAYMENT

****If you do not pay your payment you must appear before the judge.**

WHEREAS, judgment having been rendered against the undersigned ,
defendant on the above date in the amount of \$ _____
for good cause shown, it is hereby ordered and entered of record that a stay of
execution is hereby granted to said defendant on judgment until
_____ (court date) upon the giving of his bond
at which time defendant is to surrender himself in compliance with this order
staying execution.

SO ORDERED:

Municipal Judge

BOND

Defendant having applied to the Court for said stay of execution of the
Court Judgment herein, Defendant hereby makes this bond stating the he/she will
personally appear and surrender himself/herself in execution upon such judgment

ON THE DAY MENTIONED, at 6:00 P.M., and failing to do so, will cause his/her arrest unless the monthly payment is made before 4:30 p.m. on the day of court.

Defendant Signature

Street Address

City, State, Zip Code

Witness to Signature:

PLEASE NOTE....IF YOU HAVE NOT MADE YOUR PAYMENT FOR THIS MONTH BY 4:30 P.M. ON THE COURT DATE, YOU WILL BE REQUIRED TO APPEAR IN COURT AT 6:00 P.M.

VIOLATION BUREAU IS OPEN MONDAY -- FRIDAY 8:00 A.M. TO 4:30 P.M. FOR PAYMENTS.

Examples

Procedure IV

**IN THE CIRCUIT COURT of ST. LOUIS COUNTY, MISSOURI
21st JUDICIAL CIRCUIT
STATE OF MISSOURI
CREVE COEUR MUNICIPAL DIVISION
POLICY REGARDING INSTALLMENT PAYMENTS**

All Defendants have a right to payment arrangements/installment payments. It is within the discretion of the Judge as to the terms of these arrangements.

Once payment of fines and court costs have been assessed the Defendant will be advised of their right to present information regarding their financial condition and ability to pay. If the Defendant waives that right, fines and costs shall be assessed and are due in full.

In the event the Defendant request time to pay, the Municipal Judge shall determine with the defendant if a payment date for balance in full is being requested or if there exists the need for an installment payment plan. If the Municipal Judge feels that a payment agreement via installments is in the best interest of the defendant's needs, the Judge shall order a payment agreement be established. The Municipal Court shall utilize the state payment agreement, with its show cause provision, for installment plans with established court dates serving as payments dates. The Defendant may pay the installment payments as Ordered and no court appearance is required. In the event the Defendant does not pay as Ordered, a court appearance is required. The court may have a hearing to determine if they will be held in contempt of court for not adhering to the installment plan or given additional time to pay. Alternative sentencing, including Community Service may be an option in lieu of paying fines and court costs. The Court may, in its discretion, stay execution/revoke/commute fines and costs.

Electronic payments shall be accepted for payments made pursuant to an installment plan.

PROCEDURES FOR PAYMENTS ON COURT NIGHT

1. After the fines have been assessed, the defendant is asked if they are able to pay the total amount tonight.
2. If defendant is able to pay, they are directed to the clerk to make payment and to obtain a receipt.
3. If defendant is unable to pay the full amount, but is able to make a partial payment, the court notes the amount to be paid this evening.
4. If the defendant advises the court that they will be able to pay the remaining balance in full by a certain date, the court prepares a payment slip with the amount and date for payment in full and defendant signs a copy and is given a show cause order with the amount due and the date for payment or appearance to show cause why payment has not been made.
5. If the defendant advises the court that they will be able to make monthly payments (rather than full payment by a certain date), the court prepares a payment slip with the amount and date for the next partial payment and defendant signs a copy and is given a show cause order with the amount due on the next date which serves as a court date to show cause why they have been unable to make the partial payment.
6. If the defendant is not able to make any payment, after inquiry by the court and upon determination that the defendant has the ability to pay, steps 4 – 6 are then followed.

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI, FERGUSON MUNICIPAL DIVISION
COST BILL – SHOW CAUSE ORDER
PAYMENT AGREEMENT

I agree to pay the fines and cost that have been assessed against me in the sum of \$_____

Payment must be received **ON** or **BEFORE 4:00 PM on 2/2/2018**. If payment is not received, you **MUST PERSONALLY APPEAR** in Court on Monday 02/05/2018 at 6 PM to show cause why you should not be held in contempt of court for failure to pay as ordered by the Court.

Even if you are unable to make a payment, you must appear in court to **SHOW CAUSE** why you are unable to pay. If you fail to appear a warrant will be issued for your arrest.

Each monthly payment will be due on the first Friday of each Month. If payment is not made you will need to appear in court on the following Monday at 6 PM

You can mail money order payment to the Municipal Court, 222 S Florissant Rd, Ferguson, MO 63135 or pay online at Trafficpayment.com. You can also make a payment over the phone by calling 1-800-444-1187.

Defendant's Signature _____ Date _____

I hereby acknowledge I understand the above Order and have received a copy of said Order.

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI, FERGUSON MUNICIPAL DIVISION
COST BILL – SHOW CAUSE ORDER
PAYMENT AGREEMENT

I agree to pay the fines and cost that have been assessed against me in the sum of \$_____

Payment must be received **ON** or **BEFORE 4:00 PM on 02/02/2018**. If payment is not received, you **MUST PERSONALLY APPEAR** in Court on Monday 02/05/2018 at 6:00 PM to show cause why you should not be held in contempt of court for failure to pay as ordered by the Court.

Even if you are unable to make a payment, you must appear in court to **SHOW CAUSE** why you are unable to pay. If you fail to appear a warrant will be issued for your arrest.

Each monthly payment will be due on the first Friday of each month. If payment is not made you will need to appear in court on the following Monday at 6 PM

You can mail money order payment to the Municipal Court, 222 S Florissant Rd, Ferguson, MO 63135 or pay online at Trafficpayment.com. You can also make a payment over the phone by calling 1-800-444-1187.

Defendant's Signature _____ Date _____

I hereby acknowledge I understand the above Order and have received a copy of said Order.

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI
CITY OF OLIVETTE

CITY OF OLIVETTE,

Plaintiff,

vs.

Defendant.

)
)
)
)
)
)
)

Case No.

AGREEMENT TO PAY

I, _____ hereby acknowledge that I am liable and indebted to the Court in the amount of \$ _____. I have told the Court that I am ready, willing and able to pay said sum to the Court in installments, in the following manner:

Payment Dates	Payment Amount	Payment Dates	Payment Amount
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

I understand that the payments are due on the above date(s) specified, until the sum owed is paid in full. Further, I understand the following payment conditions:

- (1) I understand there is no grace period on the payments
- (2) All payments must be paid by 4:00 p.m. on the date stated.
- (3) I am obligated to immediately advise the court of any change in address, telephone number or employment
- (4) Neither the Judge or Clerk will grant an extension by phone
- (5) Failure to comply with the payment schedule will result in the entire balance being due to the Court.

In the event I do not fully comply with the Court order regarding installment payments, I agree to appear in court on the payment date to show cause, if any, why I did not comply with the Court order and why I should not be held in contempt of Court.

Failure to make a scheduled payment and failure to appear to show cause on the payment date will result in a warrant for my arrest.

ACKNOWLEDGMENT

I have read and understood the terms of this agreement. I understand and agree that should I fail to make the above payments according to the schedule set forth, legal action will be taken against me by the Court for the entire balance. I further understand that should I fail to make payments as set forth above, the Court may report said failure to the Department of Revenue for purposes of collection.

Defendant

Date

Address: _____

Phone Number: _____

Employer: _____

ORDER TO SHOW CAUSE IN EVENT OF NON-COMPLIANCE

In the event you do not fully comply with the Court order regarding installment payments, then you will notify the Court in advance of the payment date (s) and make a court appearance on the day the payment was due, to show cause, if any, why you did not comply with the Court order, and why you should not be held in contempt of Court.

ATTEST:

Clerk of the Court

Judge Paul J. D'Agrosa

Date: _____

Date: _____

Following the assessment of a fine, the defendant is asked if they are making a payment or if they need a payment plan. If making payment in full the defendant is referred to the cashier's window. If the defendant requests a payment plan, a payment agreement is completed. If the defendant states that they are unable to afford the payments, and /or requests to complete Community Service, at no cost to the defendant, a Motion and Affidavit in Support of Request to Proceed as a Poor Person is provided for the defendant to complete.

Judge or Division: BLACK JACK	Case Number:
Defendant's Name: .	
Date of Birth: SSN:	Driver's License Number: Cell: Phone:

PAYMENT OPTIONS &/ OR AGREEMENT TO PROCEED AS A POOR PERSON

I,-----, acknowledge that I owe the Black Jack Municipal Court the amount of \$_____

1. **PAYMENT DUE IN FULL:** I agree to pay the court the full balance of \$_____ on or before
Failure to make the required payments, further actions may be taken against me by the court to
collect the unpaid fines and costs

OR

2. **PAYMENT PLAN:** I agree to the following payment schedule in the amount of \$_____ on or
before _____ of each month to be paid in full by _____. Failure to pay in full on the
date

If I fail to make the required payments, further actions may be taken against me by the court to collect the
unpaid fines and costs.

I understand that the payments are due as agreed to above. I understand the following payment
conditions:

1. All payments must be made by 4:30pm on the due date.
2. I am obligated to immediately advise the court of any change in address, telephone
number,

I understand these actions will be taken without further notice.

I understand that payments may be made by mail; however, the risk of loss of payment in the mail is upon
me and not the court. Payments by mail are mailed to: **Black Jack Municipal Court, 12500 Old Jamestown
Rd. Black Jack, Mo. 63033.**

Also, payments may be made in person at the same address, Monday thru Friday, 8:30am to 4:30pm, except
for holidays.

The court accepts the following payment methods: cash, money order, debit, credit Card or cashier's check
NO PERSONAL ARE BUSINESS CHECKS.

If you have any questions, please call the court at 314-355-0400 ext 102.

OR

3. AGREEMENT TO PROCEED AS A POOR PERSON: I agree to accurately complete the Motion and Affidavit in Support of Request to Proceed as a Poor Person. Upon successful completion, the judge will review the Motion and Affidavit in Support of Request Proceed as a Poor Person.

_____ The Court, having considered the Motion and Affidavit in Support of Request to proceed as a Poor Person, finds that the defendant has sufficient funds or assets with which to pay the fines and costs in this action, and therefore, the motion is denied.

_____ The Court, having considered the Motion and Affidavit in Support of Request to Proceed as a Poor Person, finds that the defendant is without sufficient funds or assets with which to pay the fines and costs in this action, and therefore, is granted leave to proceed as a poor person.

Upon finding the defendant may proceed as a poor person.

_____ The court authorizes the defendant to complete community service. Community Service is set at \$10.00 per hour. All fines and costs assessed are: \$ _____. Defendant will complete _____ hours of community service by ____/____/_____ and file a certificate of completion with the municipal court administrator. Failure to complete required community service by date indicated, will result in the fines and costs being reinstated. Credit will be given for community service completed.

_____ The court authorizes the defendant to complete attendance at an approved social program. Participation and successful completion of approved social program must be completed by ____/____/_____ and file a certificate of completion with the municipal court administrator by ____/____/_____. Failure to complete required social program by date indicated, will result in the fines and costs being reinstated.

_____ The judge, based upon the financial conditions of the defendant, agrees to reduce the fines to:
\$ _____

I HAVE READ AND UNDERSTAND THE ABOVE.

Defendant's Signature

Date

Judge/Clerk

Date

Black Jack DIVISION
12500 Old Jamestown Rd.
Black Jack, MO. 63033
314-355-0400

IN THE 21ST JUDICIAL CIRCUIT COURT ST. LOUIS, MISSOURI

Examples

Procedure VIII

**IN THE CIRCUIT COURT of ST. LOUIS COUNTY, MISSOURI
21st JUDICIAL CIRCUIT
STATE OF MISSOURI
CREVE COEUR MUNICIPAL DIVISION
POLICY REGARDING FINANCIAL REPORTING**

The Creve Coeur Municipal Court shall conduct all financial procedures in accordance with those rules as set forth in Municipal Court Operating Rule 4, Chapter 4 of the Missouri Court Clerk Manual and any generally accepted accounting practices as established by the Missouri State Auditor in conjunction with those suggested practices as reasonably feasible as presented by the annual City independent audits.

NOTE: City audit practices shall be considered in all efforts to work in conjunction with those established by the State of Missouri and those practices set forth by the Missouri Supreme Court and Office of the State Court Administrator, but shall not supersede mandated practices as established by local and state rule and law.

Due to the length and number of general accounting rules, reference is made to financial practices as set forth in Municipal Court Operating Rule 4 and Chapter 4 of the Missouri Court Clerk Manual. A copy of Rule 4 is retained in the Creve Coeur Municipal Court Operations Manual and as accessible to those with access to the Missouri Court Information Center.

.IN THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

21ST JUDICIAL CIRCUIT

MUNICIPAL DIVISION-CITY OF OVERLAND

Date: 8/24/17

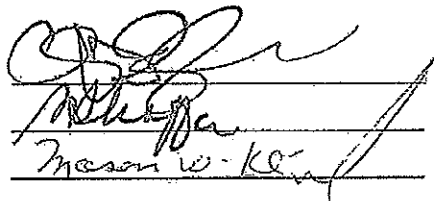
SPECIAL COURT OPERATING ORDER

Monthly Reports to City/State/Presiding Judge

The Overland Municipal Court will produce a monthly report for the City of Overland, and the State of Missouri. This report will reflect the amount of fines and cost pay to the court for the prior month. The Municipal Court Administrator will also rectify the bail bond account with City Hall the first of each month. The Court Office will maintain a balanced bail bond account for review each month.

This report shall be filed with the City/State within 10 days of the beginning of each month. A six month report to the Presiding Judge must be sent January and July pursuant to 577, 006 RSMo.

So Ordered:


Mason W. King

Monthly Reports Court Clerks Need to Do

- 1-Once a month you will need to provide the City Council, City Clerk, CA, and Mayor a copy of the previous months financial report.
- 2-Each month you will need to provide the State of Missouri –Office of State Court Administrators. This report details court information, Monthly caseload, and warrant information, as well as financial . This report is tied to Grant Money each Police Department Receives.
- 3-Once a year (normally around March) you will receive and have to fill out a Judicial Finance Commission Report (477.600 RSMo.). This is a report detailing what each person makes that works for the court, rent, telephone, and other things you might need to pay for. This is report is tied to Grant Money the Police Departments receives.
- 4-Presiding Judge Report. Each January and July the court is required to send the last 6 months State reports to the Presiding Judge. This is for Intoxication =Related Traffic Offenses Case information pursuant to 577-006 RSMo.
- 5-This report is Revised RSMo. 302.341 it is to the state to show that the Municipal Court does not collect more than 30 percent of the General Fund Revenue in fines and cost. If the City did collect more than 30% of is General Fund Revenue, the City would have to turn that differenc over to the State of Missouri.

Examples

Procedure IX

MONTHLY DISTRIBUTION POLICY
ST. LOUIS COUNTY CIRCUIT COURT
WILDWOOD MUNICIPAL DIVISION

The following procedures will be followed when the monthly report is prepared and all disbursements are requested from the Department of Finance.

- The Court Administrator shall run the monthly financial report thru the court's software by the 8th of each month for the prior month.
- The Court Administrator shall compare the totals of said report with the daily financial reports created for the daily deposits. The court software (INCODE) breaks down income reports by payments for MTV's vs. other type of payments.
- If any discrepancies are found, the Court Administrator shall immediately check for the error.
- Upon balancing these reports, the Court Administrator shall prepare the monthly report (the OSCA Municipal Summary Report) and submit requests for payments to other agencies (cvc, let, domestic shelter fees).
- A copy of these requests and the corresponding checks are mailed to the agencies by the Department of Finance on a monthly basis.
- A copy of the OSCA Municipal Summary Report is submitted to the Mayor and City Council on a monthly basis.

**IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI
TWENTY-FIRST JUDICIAL CIRCUIT
PINE LAWN MUNICIPAL DIVISION**

**MONTHLY REVENUE
PROCEDURES**

Before the 10th day of each month, the Court department will run a Cognos Report from the 1st day of the previous month to the 1st day of the current month. The report is created by the JIS case management system providing monthly caseload information, total excess revenue, disbursements and verification of other revenue not subject to the excess revenue percentage. A copy of this month and disbursement checks printed by JIS are to be given to the City Clerk before the 10th of each new month.

The fines & CTC column total added to the above four entries must equal the court deposit for that day or days.

You must distinguish between bond applied money and bond forfeiture. Bond forfeitures are deposited into the general account in the ledger sheets. Bond applied also gets recorded in the general ledger up front. It then goes into our court money/deposit. This can be a part of your general deposit. Any "other" amounts on the court report get deposited under the code 04300.1 (court fines).

At the end of the month court clerk will give you a form (4583) made out for the Missouri Department of Revenue. Take the amount shown under "Total Amount". Make a check for this to the Mo. Dept. of Revenue and mail it to the address shown at the top. You also must make a check payable to Budget Director, Mo. Dept. of Public Safety for the amount shown on the half slip of paper. Mail it to the address shown at the bottom. In Quickbooks the Mo Dept of Revenue vendor is listed as: Missouri Dept of Revenue, and you use account 15400. The Budget Director vendor is listed as: Treasurer State of Missouri, and the account you use is 15500.

The money amount shown on the Crime Victim/Training Summary Report in the middle of the form under TRAINING gets transferred into the training account. Also, under the CRIME VICTIMS section, the "Amount to City" gets put into the Training Fund. This is done by making a General Journal Entry. (See this section under Quickbooks Journal Entries, Training Fund). Then be sure to actually transfer the money online in the bank accounts. You can check my sample to see where each amount goes.

DACOM

We pay for the leases on the Police copier and City Hall copier in one payment now, which makes it slightly cheaper than paying them separately. 210906 is the Police Dept, 213111 is City Hall, and this copy machine is Lanier LD625C. A monthly bill for \$383.75 goes for standard lease payments. \$251.60 is recorded under City Hall Leases 26200. \$132.15 gets recorded under Police Dept Leases 37300. We also must pay for any extra copies used during the month or supplies ordered. The City Hall copier is machine id 31321. The Police copier is machine id 20737. A representative for Da-Com is John Reeb at 314-358-8186 cell or 314-442-2800 x 130 office.

To scan a document into the copy machine:

Choose Document Server

Scan New

Choose File Name

Type the file name

OK (top right)

Start (and feed the document through the document feeder).

If you wish to print a document already saved:

Choose File List

Choose the file by name

Choose Printing Screen

DEPOSITS/LEDGER

When you make a deposit, make sure that court clerk and admin assistant both check the amounts if possible. The court deposit (as mentioned above) must equal the total of the entries listed above. After you prepare the general account deposit, break it down according to account. There is a sheet made up to do this. This total must equal the general deposit. Then you can enter it into QuickBooks by account. Again, the total in QuickBooks must equal your deposit slip. Enter the amount in the green ledger sheet in the Deposits column.

ST. JOHN MUNICIPAL COURT

St. Louis County - 21st Circuit - St. John Division

11

8944 ST. CHARLES ROCK RD SUITE 200

ST. JOHN, MISSOURI 63114

PHONE (314) 427-8700, #6

FAX (314) 427-6112

OFFICE

MUNICIPAL JUDGE

PROCEDURES FOR MONTHLY DISTRIBUTIONS

Daily cash receipt summary is balanced in courts from Fee detail report for Monies Collected report.

Daily cash receipt summary is entered into city's accounting software. Monies collected for Crime Victims Fund, Domestic Violence Fund, and peace Officers Training Fund are recorded into separate liability accounts in the City's general ledger.

At the end of the month, the city's liability accounts for Funds listed above are reconciled to the Monthly Municipal Division Summary Reporting form for the month just ended.

The City's liability accounts are cleared for the total amount collected in the month just ended by issuing a check to the appropriate entity.

BRENTWOOD MUNICIPAL DIVISION

21ST CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

PROCEDURES FOR DISBURSEMENT OF COURT COSTS

REJIS' IMDSPlus software calculates the appropriate disbursement of the court costs by account number on each bank deposit. The finance clerk for the City of Brentwood will input the bank deposit information into the accounting Fundware software. Disbursement of funds will be done by the finance clerk, with the approval of the Court Administrator, as outlined by the most updated court costs card issued by the State of Missouri.

*As Referenced in the Municipal Clerk Manual – Courts without JIS – Chapter 4 – Financial Responsibility

The City of Brentwood collects and disburses for the following including the law enforcement arrest costs currently set at \$85.00 by the Chief of Police for the City of Brentwood.

Clerk Fee (Court Operating Rule 21.01(a) (5) Sections 479.260 and 488.012 RSMo)

Municipal Clerks with a Municipal Judge Hearing Municipal Cases

A \$12.00 clerk fee shall be assessed for all municipal cases filed before a municipal judge. The clerk fee is not assessed when the case or defendant is dismissed or when costs are to be paid by the state, county, or municipality. Remit the amounts collected for this fee at least monthly to the city treasury.

Crime Victim's Compensation (CVC) Fund Surcharge (Section 488.5339 and 595.045.6 RSMo)

A CVC surcharge of \$7.50 shall be assessed on all traffic violation cases and other municipal ordinance violation cases, including non-moving traffic cases. The CVC surcharge is not assessed when the case or defendant is dismissed or when the costs are to be paid by the state, county, or municipality.

Municipal courts should remit 95% (\$7.13) of the amount collected to the state, and 5% (\$0.37) of the amount collected to the city treasury. Report the amount of CVC funds being disbursed each month on the City Fees Form 4583. This form should be mailed to the Department of Revenue by the 20th of each month for the collections from the previous month. The City Fees Form 4583 can be obtained from the Missouri Department of Revenue website:

www.dor.mo.gov/forms/4583.pdf

Forward the City Fees Form 4583 and a separate check for the Crime Victims Compensation Fund to:

Department of Revenue
County Tax Section
P. O. Box 453
Jefferson City, MO 65105-0453

See Section 4.3 for more information on the Crime Victims' Compensation Fund.

Peace Officer Standards and Training (POST) Commission Surcharge (Section 488.5336 RSMo)

The POST surcharge of \$1.00 shall be assessed on all municipal cases. The POST surcharge is not assessed when the case or defendant is dismissed or when costs are to be paid by the state, county, or municipality. The total amount collected should be remitted monthly to the Treasurer, State of Missouri-POST Fund. Identify the municipal court on the check and mail to:

Department of Public Safety
Budget Director
P. O. Box 749
Jefferson City, MO 65102-0749

Monthly - Cost's Paid Out

4/2/14

Go to "Reports" window, to "Payment" tab. Run "Payments Other Report".

Use "Date Range", "Summary Only".

Print 4 copies (1 copy will be used for our record keeping to checkmark payments made and to keep in the bills folder)

Payments to be made using this report are:

CVC - Crime Victim Fee

PTF - Law Officer Training

PST - Peace Officer Standard Training / POST

SHR - Womens Abuse Shelter (A.L.I.V.E.)

Rest - Restitution

Crime Victim Fee (CVC): Use "Form 4583" provided by MO DOR. Fill in Reportig period, number of cases and amount to be forwarded. Prepare "Request to Pay". Place light yellow copy and a copy of "Form 4583: in Crime Victim folder. Place a red check on the record keeping copy of "Payment Other Report" Paperclip two copies for From 4583 to Request to Pay and forward to Finance.

Law Officer Training (PTF): Highlight PTF, Amt and Date on one of the copies of "Payments Other Report" Mark to the attention of Finance Dept, Attn: Dennis Rainy. Place a red check on the record keeping copy of "Payment Other Report"

Peace Officer Standards & Training/POST (PST): Use Monthly Payment Form provided by MO Dept of Public Safety (original in bills folder). Fill in amount and period covered. Prepare Request to Pay, place light yellow copy in LOT & POT folder. Paperclip two copies of Monthly Payment Form to Request to Pay and forward to Finance. Keep the original form in bills folder.

A.L.I.V.E. / Womens Shelter (SHR): Prepare a Request to Pay, highlight SHR on 1 copy of the report and paperclip to request to pay, forward to Finance. Place light yellow copy of Request to Pay in ALIVE folder. We will receive a receipt in the mail, upon receipt stable to yellow copy of Request to Pay.

Restitution: A copy of the "Request to Pay" / or Interoffice memo and the letter to victim should be in the Restitution File located in the top drawer. The total Request's to Pay and/or Interoffice Memo's for the month should equal the amount on the Payments Other Report. If the amounts do not match , go to Report Window, to Payment's Other, do not check the box for "Summary Only" and run the report. (This does not need to be printed). Skim through the report looking for Restitution payments. Find the restitution payments that are missing. (Follow the procedure for paying restitution). If the amount of Restitution matches the Request to Pay / Interoffice memo's for the month, staple a copy of the report to the copies of the Request's to Pay and Interoffice memo and place in the Restitution file.

**ST. LOUIS COUNTY CIRCUIT COURT
CHESTERFIELD MUNICIPAL DIVISION**

690 CHESTERFIELD PARKWAY WEST
CHESTERFIELD, MISSOURI 63017-0760
Phone: (636) 537-4718
Fax: (636) 537-4795

RICK BRUNK
Municipal Judge

NANCY MORR, C.C.A.
Court Administrator

TONIA POWELL
Asst. Court Administrator

TAMMY BROOKS
Court Assistant

**ST. LOUIS COUNTY CIRCUIT COURT
CHESTERFIELD MUNICIPAL DIVISION
MONTHLY DISBURSEMENT POLICY**

The following procedures will be followed when the monthly report is prepared and all disbursements are requested from the Department of Finance.

- The Court Administrator shall run the monthly financial report thru the court's software by the 8th of each month for the prior month.
- The Court Administrator shall compare the totals of said report with the daily financial reports created for the daily deposits. The court software (JustWare) breaks down income reports by payments for MTV's vs. other type of payments.
- If any discrepancies are found, the Court Administrator shall immediately check for the error.
- Upon balancing these reports, the Court Administrator shall prepare the monthly report (the OSCA Municipal Summary Report) and submit requests for payments to other agencies (cvc, let, domestic shelter fees) via the city's software "Logos".
- A copy of these requests and the corresponding checks received from the Department of Finance shall then be submitted to the Municipal Judge for his review on a monthly basis.
- A copy of the OSCA Municipal Summary Report is also submitted to the Municipal Judge for his review on a monthly basis and is then presented to the City after his review.

EXAMPLES

**VARIOUS PROCEDURES
IN ONE DOCUMENT**

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI
21ST JUDICIAL CIRCUIT
CITY OF CRESTWOOD MUNICIPAL DIVISION

ORDER MEMORIALIZING CERTAIN POLICIES AND PROCEDURES

The City of Crestwood Municipal Court is committed to protecting the rights of all persons appearing before the Court.

The St. Louis County Circuit Court requires that all Municipal Divisions within the 21st Judicial Circuit adopt and maintain formal written policies and procedures to ensure certain minimum operating standards are adhered to, conveyed to all pertinent justice system stakeholders in the Municipal Division's jurisdiction, and posted for public viewing in the Municipal Division.

While the matters addressed herein have been the longstanding practices, policies and procedures of the City of Crestwood Municipal Court, and the same have been communicated to all pertinent justice system stakeholders previously, this Order is updated and adopted with immediate effect in order to definitively communicate to all concerned the Court's expectations, policies and procedures addressed herein.

It is hereby ORDERED as follows:

1. Pre-Trial Release of Persons Charged with Municipal Ordinance Violations. No person charged with any new violation of the City of Crestwood, Missouri Municipal Code shall be held for more than **24 hours** per Section 479.360, RSMo and Section 544.170, RSMo unless that person is charged with an offense, and held by a warrant issued by a judge. Any person arrested on an outstanding warrant should be brought before judge "as soon as practicable" and will not held no more than 48 hours for minor traffic violations and no more than 72 hours for all other violations and, if not given that opportunity, are released.

In the event that the Crestwood Police Department is contacted by another law enforcement agency and informed of a custodial arrest of a person on a Crestwood Municipal Court arrest warrant, the defendant will, as soon as practicable, be authorized to post bond in the arresting jurisdiction or transported to the Crestwood Police Department for the posting of bond. In the event a defendant posts bond, he or she shall be given the next available Crestwood Municipal Court date. If bond has not been posted by a defendant, the defendant has not been released by order of the Municipal Judge or it is not possible to transport the defendant to the Crestwood Police Department within 24 hours of the initial arrest, the Crestwood Police Department shall immediately release or cause the arresting agency to release the defendant on his or her own recognizance. In the event a defendant is released on his or her own recognizance the defendant shall be provided with the next available Crestwood Municipal Court date on his or her bond form. In every such case, the Crestwood Police Department shall promptly inform the Court Clerk with written notice that the defendant has been arrested and posted bond or released on his or her own recognizance and the Court Clerk shall ensure that the warrant has been appropriately canceled and recalled. Not less than every forty-five days the Court Clerk shall confirm with a designee of the City of Crestwood Police Department that all previously executed and recalled warrants and all cases dismissed by the prosecutor or the Court have been appropriately updated in any relevant criminal justice database.

2. No Bond Schedules. The City of Crestwood Municipal Court does not utilize a bond schedule. Bonds in individual cases, when appropriate and necessary, are as set by the Municipal Judge.

3. Presentation of Evidence Regarding Defendant's Financial Condition. In cases where the court has authority to assess fines against the defendant, the court shall allow a

defendant, who is in compliance with the procedural forms, to present evidence of their financial condition and ability to pay.

4. Installment Payment Arrangements, Alternative Community Service and on-line payments. In cases where the Court has assessed a fine as a penalty for an ordinance violation, the defendant has not paid the fine as ordered, and it appears to the Court that he or she does not have at that time the present ability to pay, the Municipal Judge will order a stay of execution of the fine and (a) grant the defendant a specified period of time within which to pay the fine in full; (b) provide for the payment of the fine on an installment basis under such terms and conditions as the Municipal Judge determines are just and appropriate; or (c) in appropriate cases, permit the defendant to perform community service as an alternative to payment of some or all of the fine assessed. In all cases in which an installment payment arrangement is approved, the Court Clerk shall have the defendant complete an OSCA-approved installment payment agreement form which shall be signed by the Municipal Judge and, when so signed, shall constitute an order of the Court. The Court will continue to allow online payment and publish same on the court's website.

5. Defendants Unable to Pay Fines - Alternatives. At the beginning of each court session, the Municipal Judge shall inform defendants that if they are unable to pay a fine, they should simply inform the Court of that fact and they will be given time to pay or an installment payment agreement. The Municipal Judge shall also inform individual defendants that if payment of fines would present a financial hardship, there are alternatives to fines such as community service which the Court can make available to assist them with satisfying their obligations. Defendants are encouraged by the Municipal Judge at the start of each court session to let the Court know if there are extenuating financial circumstances that prevent them from being able to pay fines, so they can present evidence of their financial condition and the Court can take the same

into account in assessing their ability to pay, establishing installment payment arrangements, or considering alternatives to fines.

6. No Confinement for Inability to Pay Fines. Pursuant to Missouri Supreme Court Rule 37.65, in the event a defendant fails to pay a fine, or any installment thereof, when due, the Court will issue an order to show cause why the defendant should not be held in contempt of court. A summons shall be issued compelling the defendant's appearance before the Court on the order to show cause (unless the defendant was already ordered to appear at a future date as provided in Rule 37.65(b)). The Court Clerk shall send the summons by first class mail to the defendant's last known address. If the defendant fails to appear on the summons, the Court may then issue a warrant to secure the defendant's appearance for a hearing on the order to show cause. If, following a show cause hearing, the Court finds the defendant intentionally refused to obey the sentence of the Court or the defendant has not made a good faith effort to obtain the necessary funds for payment, the Municipal Judge may confine the defendant for a jail term not to exceed 30 days for contempt of court. If, however, the Municipal Judge finds that the failure to pay the fine is excusable, the Municipal Judge shall enter an order allowing the defendant additional time for payment, or may modify the method of payment, waive the collection of all or part of any unpaid portion of the fine, or, in appropriate cases, permit the defendant to perform community service as an alternative to payment of some or all of the fine assessed.

7. Judge Always Accessible. The Municipal Judge is always on duty and available by telephone and e-mail at all times to rule promptly upon warrants, bail, conditions of pre-trial release and any other matters requiring the Court's attention, without undue delay. The Municipal Judge's telephone numbers, address and e-mail address shall be kept by the Court Clerk and the

Crestwood Police Department. The Crestwood Police Department shall ensure that each Crestwood Police Department shift has the Municipal Judge's contact information.

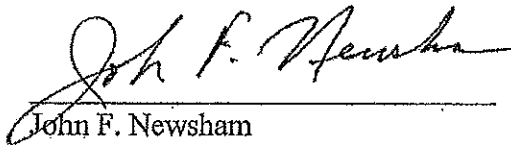
8. Recall and Cancellation of Warrants. When the Municipal Prosecuting Attorney enters a *nolle prosequi* in a City of Crestwood Municipal Court case, the Court dismisses the case, the case is otherwise finally resolved, or when the circumstances that justified issuance of a warrant no longer exist, the Court shall promptly cause to be recalled and canceled any outstanding warrant in that case. The Prosecuting Attorney shall immediately inform the Court Clerk when he or she dismisses a case via written memorandum, whereupon the Court Clerk shall ascertain whether a warrant is outstanding and, if there is a warrant outstanding, the Court Clerk shall immediately inform the Municipal Judge so that the warrant may be promptly recalled and cancelled. When the Municipal Judge orders the cancellation and recall of a warrant, the Court Clerk shall promptly make the appropriate entry in the Court's system which interfaces with LEWeb to immediately electronically cancel the warrant. If the Court Clerk is unavailable to recall the warrant when ordered by the Municipal Judge, the Crestwood Police Department Clerk shall be responsible for effecting the recall via LEWeb. The Court Clerk shall ensure the warrant recall verification is printed and placed in the defendant's file.

9. Procedures in regard to monthly distributions. Per Section 483.075.1, the Court Clerk will continue (and work with other City personnel where applicable) to ensure that accurate records are maintained to account for all payments received and deposited, that receipts are posted accurately and timely, that the method for payment is indicated on all receipts, that checks and money orders are endorsed immediately upon receipt; ensure that voided transactions are properly documented and approved, reconcile the composition of receipts to the composition of deposits, deposits all monies intact and timely, perform monthly bank reconciliations, resolve reconciling

items, make appropriate, documented adjustments to accounting records timely, prepare monthly lists of liabilities and reconcile the lists to the bank account and/or city fund balance, promptly investigate and resolve differences, review the status of liabilities to determine the appropriate disposition of funds held when applicable and ensure that monthly distributions are properly calculated and disbursed timely.

The Court Clerk is directed to: (1) keep a copy of this Order with the Municipal Court's Operating Orders; (2) openly display a copy of this Order in the Municipal Division's office and make the same available for inspection by members of the general public and all pertinent justice system stakeholders in the Municipal Division's jurisdiction; (3) send a paper copy of this Order to the Missouri Association of Criminal Defense Attorneys; (4) provide a copy of this Order to the Crestwood Police Chief for distribution within the Crestwood Police Department; (5) provide a copy of this Order to the Prosecuting Attorney and the City Administrator.

SO ORDERED.



John F. Newsham
Municipal Judge
City of Crestwood, Missouri

Dated: December 29, 2017