

IN THE CIRCUIT COURT OF WEBSTER COUNTY, MISSOURI

STATE OF MISSOURI, ex rel.)	
Attorney General ERIC S. SCHMITT,)	
)	
Petitioner,)	
)	
v.)	Case No. 19WE-CC00093
)	
CITY OF MARSHFIELD, MISSOURI,)	
)	
Respondent.)	

CONSENT JUDGMENT

Plaintiff, State of Missouri, at the relation of Eric S. Schmitt, Attorney General, and Defendant City of Marshfield, Missouri, hereby consent to the entry of this Consent Judgment.

The Court has read Plaintiff's Petition for Declaratory and Injunctive Relief, in which Plaintiff alleges that actions taken by the Defendant constitute having a policy requiring or encouraging employees to issue a certain number of citations for traffic violations in violation of Sections 304.125 and 575.320.1(6) RSMo. The Court is satisfied that the provisions of this Consent Judgment are intended to resolve the issues raised by the Petition, and that the parties want to terminate this controversy and consent to the entry of this judgment without trial.

This Consent Judgment is made, agreed upon and submitted to the Court for the purpose of settlement only, and upon the condition that the Court approves it in its entirety. In the event the Court does not approve of this Consent Judgment in its entirety and as agreed by the parties, it shall be null and void and have no effect in this or any other proceeding. The parties understand and agree that each and every term of this Judgment shall be enforceable by order of this Court, and to that end, the Court retains jurisdiction of the matter in order to each and every term of this Consent Judgment. The Court finds that the terms of this Consent Judgment protect the public's

interest.

The parties hereto, having consented to the entry of this Consent Judgment, now therefore, before the taking of any testimony and upon the pleadings, it is hereby ORDERED, ADJUDGED, AND DECREED that:

I. Jurisdiction and Venue

1. This Court has subject matter and personal jurisdiction over this action under Art. V, § 14 of the Missouri Constitution and § 506.500, RSMo. The subject matter of this action involves the conduct of Defendant within the confines of Webster County, Missouri. The Defendants' actions giving rise to this suit took place in Webster County, and venue is proper pursuant to § 508.050, RSMo, which provides that "[s]uits against municipal corporations as defendant or codefendant shall be completed only in the county in which the municipal corporation is situated."

II. Definitions

1. The following terms used herein are specifically defined:
 - a. "Consent Judgment" or "Judgment" means this Consent Judgment and all attachments, which are included by reference and fully enforceable as a term of the judgment.
 - b. "Defendant" means the City of Marshfield, Missouri.
 - c. "Plaintiff" means the state of Missouri at the relation of Attorney General Eric S. Schmitt.
 - d. "Parties" means each the Plaintiff and Defendant in this lawsuit.

- e. “Petition” or “Lawsuit” refers to the Petition for Declaratory and Injunctive Relief filed in the Circuit Court of Webster County, Missouri, Civil Division, Case No. 19WE-CC00093.

III. Parties Bound

2. The provisions of this Judgment shall be binding upon the parties to this action as well as their agents, servants, employees, heirs, successors, assigns, and to all persons, firms, corporations and other entities who are, or who will be, acting in concert or privity with, or on behalf of the parties to this action or their agents, servants, employees, heirs, successors, and assigns. Defendant shall provide a copy of this order to all persons or entities retained to perform work required by this order.

IV. General Provisions

3. On or before January 2019, the City of Marshfield, through a verbal policy issued from its Chief of Police, encouraged officers to make at least sixteen (16) law enforcement “contacts” per month, and routinely posted municipal police offer monthly traffic citation statistics to the Department bulletin board.

4. The Marshfield Police Department created a new “traffic enforcement officer” position in early 2019.

5. The number of citations issued by Marshfield police officers increased in 2018 and 2019; and the number of citations issued on Interstate Highway 44 increased in 2018 and 2019.

6. In October 2019, the Plaintiff received a complaint from a former employee of the Marshfield Police Department regarding the Department’s ticketing policies and practices.

7. On December 9, 2019, the State filed the Petition for Declaratory and Injunctive Relief in the Circuit Court of Webster County, Missouri, Civil Division, Case No. 19WE-

CC00093.

8. The Petition alleged that the Defendants' conduct violates Section 304.125, RSMo, which provides in relevant part: "No political subdivision or law enforcement agency shall have a policy requiring or encouraging an employee to issue a certain number of citations for traffic violations on a daily, weekly, monthly, quarterly, yearly or other quota basis."

9. The Petition alleged that Defendants' conduct violates Section 575.320, RSMo, which provides in relevant part: "A public servant, in his or her public capacity or under color of his or her office or employment, commits the offense of misconduct in administration of justice if he or she . . . (6) Orders or suggests to an employee of a political subdivision that such employee shall issue a certain number of traffic citations on a daily, weekly, monthly, quarterly, yearly or other quota basis or that such employee shall increase the number of traffic citations that he or she is currently issuing."

10. The Defendant concedes that actions taken could be construed as having a policy requiring or encouraging employees to issue a certain number of citations for traffic violations in violation of Sections 304.125 and 575.320.1(6), RSMo.

11. Since the filing of the Petition and a change in elected officials, the Defendant has taken steps to eliminate the suspect policies of the Marshfield Police Department of encouraging its officers to make a specified number of law enforcement contacts per month. The Defendant has also since eliminated the traffic enforcement officer position previously added in 2019.

12. The objectives of the Parties to this Consent Judgment is to ensure that the public is protected against conduct that would constitute having a policy requiring or encouraging employees to issue a certain number of citations for traffic violations in violation of Sections 304.125 and 575.320.1(6) RSMo.

V. Satisfaction and Reservation of Rights

13. Upon the completion of all terms of this Consent Judgment, Plaintiff agrees that his office will not pursue further civil or criminal actions against Defendant, its agents, servants and employees for the violations alleged in Plaintiff's Petition.

14. This Consent Judgment shall not be construed to limit the rights of Plaintiff to obtain penalties or injunctive relief under other federal or state laws or regulations, except as expressly stated in the preceding paragraph of this Consent Judgment. Without limiting the foregoing, the parties expressly agree that:

- a. Nothing in this Consent Judgment shall prevent Plaintiff from applying to this Court for further orders or relief if violations of this Consent Judgment occur.
- b. Nothing in this Consent Judgment shall preclude Plaintiff from seeking equitable or legal relief for violations of any Missouri laws or regulations concerning facts that were not alleged in the Petition.
- c. Nothing in this Consent Judgment shall preclude Plaintiff from seeking equitable or legal relief for future violations of Sections 304.125 and 575.320.1(6) RSMo, or regulations promulgated thereunder.

VI. Injunctive Relief

15. Defendant agrees and is ordered to comply with Sections 304.125 and 575.320.1(6), RSMo. Defendant agrees to develop, establish, and maintain adequate internal policies, procedures, regulations, or other operating rules designed to ensure compliance with Sections 304.125 and 575.320.1(6), RSMo.

16. In compromise and satisfaction of the claims set forth in Plaintiff's Petition, Defendant agree to the following injunctive relief:

- a. No later than August 31, 2020, the City of Marshfield shall certify compliance

to the State and provide a copy of any documents evidencing adequate internal policies, procedures, regulations, or other operating rules designed to ensure compliance with Sections 304.125 and 575.320.1(6), RSMo.

- b. No later than October 1, 2020, the City of Marshfield shall design and operate a training program to ensure compliance with Sections 304.125 and 575.320.1(6), RSMo. The training program shall be no less than ninety (90) minutes in length. Topics to be discussed shall include: (a) the legal requirements of Sections 304.125 and 575.320.1(6), RSMo, and (b) the requirements and purpose of Senate Bill 5 in 2015, Senate Bill 572 in 2016, and Senate Bill 765 in 2016. The training shall be attended by the mayor, all members of the board of aldermen, and the Chief of Police. No later than October 1, 2020, the City of Marshfield shall certify to the State that the program has been completed.

17. Defendant agrees to submit to, and cooperate with, a review conducted by the Office of the Missouri Attorney General occurring one year after this Consent Judgment is approved by the Court. The review will examine the Defendant's ticketing policies and practices; the number of tickets issued by Defendant, including annually, monthly, daily, and by officer for the year since the Consent Judgment was approved; and audit the Defendant's ticket revenue generated through Defendant's municipal court system to ensure ongoing compliance with state laws and this Consent Judgment. Defendant agrees to provide all information requested by the Office of the Missouri Attorney General to conduct its review, including any documents or interviews.

VII. Stipulated Penalties

18. If Defendant: (1) fails to comply with Sections 304.125 and 575.320.1(6), RSMo, at any point within three years of the effective date of this agreement; or (2) fails to develop, establish, and maintain the internal policies, procedures, regulations, or other operating rules as specified in paragraph 16; or (3) fails to implement and complete the training program as specified in paragraph 16; or (4) fails to file the certifications required under paragraph 16; or (5) fails to cooperate with the Attorney General's policy review in paragraph 17, then the City of Marshfield shall be liable to the State for two hundred fifty dollars (\$250) per day of non-compliance, and the State of Missouri may pursue legal action substantially similar to the Lawsuit and other just actions as appropriate.

19. Stipulated penalties shall be due and payable within ten days of demand being made by the Attorney General's Office. Defendant shall pay stipulated penalties by check payable to the "State of Missouri" and mailed, along with a copy of the stipulated penalty demand letter, to the following: "Collections Specialist, Missouri Attorney General's Office, P.O. Box 899, Jefferson City, MO 65102-0899." That check will be deposited and processed in accordance with the Consent Judgment and Missouri law.

20. The inclusion of stipulated penalty provisions in this Consent Judgment, and the payment of stipulated penalties, does not limit the State's ability to pursue other penalties for the same acts; where a violation of this Consent Judgment also constitutes a violation of a statute, stipulated penalties may be collected in addition to statutory penalties imposed for those violations.

VIII. Modification

21. Except as otherwise specified herein, this Consent Judgment may be modified or amended only upon written agreement by and among the parties, their successors and assigns, and with the approval of the Court. All modifications shall be in writing and filed with the Court.

IX. Costs

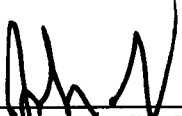
22. Each side shall bear its own attorney's fees, court costs, and litigation expenses incurred as a result of the investigation or litigation of the lawsuit, and neither side shall have any financial responsibility for the attorney's fees, court costs, and litigation expenses incurred by the other side.

23. The Parties hereby consent to this Consent Judgment through their duly authorized representatives.

/s/ Alyssa M. Mayer

Alyssa M. Mayer


Assistant Attorney General



City of Marshfield, Missouri

By: John Lightner, Atty for City
of Marshfield

SO ORDERED.


Hon. Michael O. Hendrickson, Circuit Judge

Webster County