

# Managing the Minefields Between City Hall and Municipal Court: A Map for City Officials

109<sup>th</sup> Annual Texas Municipal League Conference

Houston, Texas

October 7, 2021

Judge Ryan Kellus Turner

Executive Director

Texas Municipal Courts Education Center

E-mail: [rturner@tmcec.com](mailto:rturner@tmcec.com) Twitter: @rkellusturner

As we “focus forward” on the end of a pandemic and the ramifications of the latest legislative session, some local governments may be re-evaluating opportunities to fund their current service levels. “More than half a billion dollars in fines are collected by Texas cities every year. Yet, fines are a form of punishment for people who break the law, not a revenue source for funding government. Herein lies a tender trap for municipal governments and city officials” (TMCEC, *The Brief*, April 2021). This session will cover state law limitations on cities and traffic fines, traffic quotas and city hall, and the abuse of official capacity.

- I. Introduction by Means of Recap
  - A. TMLAC 2017: The Effects of Ferguson and the Future of Fines and Costs in Texas
  - B. TMLAC 2018: Between City Hall and Municipal Court: How City Officials Can Promote Public Safety and Confidence in the Legal System
  - C. TMLAC 2019: Councils, Courts, and Cities: The C3 Initiative
- II. Pandemic Observations
  - A. An Existential Crisis in Criminal Justice and the “Little Things” Reconsidered
  - B. America is Experiencing a Car Crash Epidemic
  - C. “Law Enforcement” and “Enforcing the Law”
- III. Extrapolating Criticisms of Law Enforcement with Courts
  - A. Academic Criticism of Municipal Courts
    - 1. Call for Critical Inquiry
    - 2. Call for Abolition
- IV. The Complicated Relationship Between Money and Behavior
  - A. Fines: A Deterrent or an Incentive?
    - 1. An Incidental Byproduct
    - 2. “Policing for Profit”
    - 3. Disparities and Inequities
- V. Monetary Minefields for Municipalities to Navigate
  - A. State Law Limitations on Traffic Fines in Texas
  - B. Traffic Quotas
  - C. Abuse of Official Capacity: A Cautionary Tale
- VI. The Map (More Like a Compass) for Traversing the Minefield
  - A. Commitment to Procedural Justice
  - B. Avoiding the Appearance of Impropriety
  - C. Promoting Judicial Independence
  - D. Being Mindful of Promoting Public Confidence