

IN THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF KANSAS

LAWRENCE MARTINEZ, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	Case No. 15-CV-9344-DDC-TJJ
)	
v.)	
)	
CITY OF DODGE CITY, and)	
FORD COUNTY,)	
)	
Defendants.)	

ORDER AND JUDGMENT

Pursuant to the Joint Motion for Entry of Final Declaratory and Injunctive Relief and Joint Stipulation of Dismissal with Prejudice filed by Plaintiff Lawrence Martinez and Defendant City of Dodge City, and for good cause shown, it is hereby **ORDERED** that:

1. Plaintiff Lawrence Martinez (“Plaintiff”) and Defendant City of Dodge City (“Defendant”), as parties to the Agreement to Settle All Equitable Claims (Doc. 23-1), are ordered to comply with its terms;
2. The Plaintiff and Defendant’s Joint Motion for Entry of Final Declaratory Relief is granted. The Court issues the following declaratory judgment:

The use of a secured bail as a condition for release of a person in custody after a non-warrant arrest for an offense that may be prosecuted by the City of Dodge City implicates the protections of the Equal Protection Clause when such condition is applied to the indigent person. No person, consistent with the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, may be held in custody after a non-warrant arrest to be prosecuted by the City of Dodge City because the

person is too poor to post a monetary bond.

3. The Plaintiff and Defendant's Joint Motion for Entry of Final Injunctive Relief is granted. The Court enters the following injunction:

The City of Dodge City, Kansas (hereinafter the "City") will release all individuals arrested (for non-warrant arrests) in the City for violation of municipal ordinances of the City on Own Recognizance Bonds ("OR Bonds") without further conditions of release as soon as practical after booking and will not require individuals arrested (for non-warrant arrests) to post any type of monetary bond. The only exceptions will be for (1) individuals who are under the influence of alcohol and/or drugs, with these individuals being held at the Ford County Jail up to a maximum of six (6) hours from the time of the offense in order to allow the person to become sober enough to no longer endanger himself or others and to be able to understand the obligations he or she has to the municipal court upon release on the OR Bond, (2) individuals who are charged with a domestic violence crime or any other crime that involves an offense against a person may have a condition of the release on the OR Bond that the individual will have no contact with the alleged victim in the offense, with this condition remaining in effect until termination or until waived or modified by the municipal court judge for the City, and (3) individuals

arrested for domestic assault, intentional assault or threatening conduct, or assault may be held in the Ford County Jail for up to 48 hours to be brought before the municipal court for the potential imposition of conditions for release other than the posting of a money bond or for a determination that the release must be denied to prevent danger to a victim, the community, or any other person under applicable constitutional standards. If the municipal court does impose conditions of release for these individuals, individuals who violate conditions of release shall be subject to such actions as determined by the municipal court pursuant to applicable law.

5. The Plaintiff's Motion for Class Certification (Doc. 4) and his request for class certification are dismissed with prejudice;

6. The Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction (Doc. 3) is dismissed with prejudice; and

7. The Plaintiff's remaining claims in the Complaint, including Plaintiff's claims for damages, costs, and attorney fees, are dismissed with prejudice with the Plaintiff to be responsible to pay the costs and attorneys' fees incurred by the Plaintiff and the Defendant to be responsible to pay the costs and attorney fees incurred by the Defendant subject only to the continuing jurisdiction of the Court to enforce the injunction as set forth above.

Dated this 26th day of April, 2016, at Topeka, Kansas.

s/ Daniel D. Crabtree
Daniel D. Crabtree
United States District Judge