

TRANSFORMING ST. LOUISIS COUNTY'S RACIST MUNICIPAL COURTS



The Problem

The predatory nature of St. Louis County’s municipal courts is well documented.¹ In the wake of the Ferguson uprising, numerous media outlets², organizations³, have pointed to the municipal courts as a prime example of entrenched, structural racism in the St. Louis region. Municipalities use non-violent municipal ordinance violation fines to fund their budgets⁴; the system disproportionately affects low-income people and people of color who end up with “bench warrants” that lead to jail time when they cannot pay their fines for nonviolent ordinance violations such as traffic offenses, fare-hopping on Metrolink, and wearing “saggy pants.”⁵ By now, it is clear that a major overhaul of the municipal court system is necessary. However, despite numerous calls for such structural overhaul, St. Louis County is refusing to act.

The St. Louis County Municipal Court Improvement Commission—headed by Overland Judge Frank Vatterott and judges, lawyers, and court administrators who have enforced the municipal court status quo in the region for decades—has not produced a holistic reform platform, and the reforms it has supported are too weak to be taken seriously⁶.

This report is intended to put forth an array of reforms that, if enacted, would dramatically transform the municipal courts and eliminate a structure that has perpetuated racism and poverty in the St. Louis region for far too long.

The Solutions

Any solutions to the disproportionate issuance of bench warrants for municipal ordinance violations to people of color and low-income people must do two main things: provide real relief to people who have outstanding bench warrants and municipal ordinance violation tickets AND prevent the issuance of future bench warrants by addressing the structural racism and profit motive of the St. Louis County municipal courts.

To address outstanding bench warrants, all municipalities in St. Louis County should eliminate all outstanding fines in their entirety and permanently cancel any warrants associated with those offenses. The municipalities should also pardon all pending unassessed cases and recall any warrants associated with those cases. These actions would provide actual relief for St. Louis region residents, as opposed to the “fake amnesty”⁷ (in which people have to pay \$100 to get their bench warrant revoked and then receive no modification to potentially specious underlying charges) which programs many municipalities have been enacting in the wake of public outcry over the municipal courts.⁸

Until the policies outlined in this report are enacted, we call for a St. Louis County-wide moratorium on the issuance of bench warrants for “failure to appear” charges associated with municipal ordinance violations.

In order to prevent the disproportionate issuance of bench warrants for non-violent offenses to low-income people and people of color, we must make structural changes to the municipal court system. The current bench warrant system generates profits by exploiting poor people. Some specific necessary reforms include:

- **Abolishing municipal courts.** There are numerous alternatives to the current municipal court structure. Many of the current system's flaws stem from its fractured nature; 81 of St. Louis County's 90 municipalities have their own courts and police forces⁹. Some A specific alternatives to the current municipal court structure include: establishing 4 regional courts, changing municipal ordinance violations to state-level infractions, moving municipal ordinance violations to associate circuit courts, and establishing a community justice model including a regional timebank.
- **Abolishing jail time as a punishment for non-violent municipal ordinance violations.** Jail time is unreasonable punishment for a municipal ordinance violation, the vast majority of which are traffic or "quality of life" offenses. A person should not be jailed for a speeding ticket. Like state-level infractions, incarceration should not be an available punishment.
- **Assessing fines for non-violent offenses in proportion to income.** As is noted in the ArchCity Defender's "Municipal Courts White Paper," a person's ability to resolve a municipal ordinance violation depends completely on their ability to hire an attorney and pay fines. If a person does not have the money to do either of those things, they will be put on a payment plan that requires them to show up to court every month to pay an installment. If they miss a court date, a warrant for their arrest is usually issued.¹⁰ People then live with the fear that they could be arrested and jailed any time they are stopped by the police. If fines were assessed in proportion to people's income, more people would be able to pay their fines right away and would therefore never be charged with "failure to appear" and subsequently issued a bench warrant. St. Louis City recently took major steps to ensure that people with traffic and municipal offenses face reasonable bonds. In December, Presiding Judge Gordon Schweitzer of the St. Louis City Municipal Court enacted an administrative order that reminded judges of their ability to reduce or eliminate fines based on an offenders' ability to pay. The order established "a special needs docket, payment plans, and alternatives to fines and incarceration, like community service, for people who cannot afford to pay. Judges will not impose the fine payment for four weeks, allowing defendants to receive another paycheck before having to settle their debt with the court. Judges may also allow additional time for a defendant to make payments."¹¹ But , yet again, St. Louis County has not yet taken steps to enact similar reforms.
- **Enforcing a cap such that the dollar amount of municipal revenue generated from traffic tickets and fines does not exceed five times the number of residents, or \$5 per resident.** By limiting this amount, municipalities would take away the financial incentive for police officers to issue municipal ordinance violations in the first place. Of course, for some municipalities, this would mean a significant drop in revenue. However, there is a range of potential solutions that could make up for those revenue shortfalls, including implementing revenue sharing models, demanding that the Federal Reserve lend money directly to municipalities¹², and holding Wall Street accountable for its decimation of municipal budgets.¹³

- **Offering timebanking, a non-monetized option similar to community service, for people to pay off their municipal ordinance violation fines.** Currently, people have the option to perform community service to pay off municipal ordinance violations, but in practice, they are rarely ever given this option. St. Louis City recently made it easier for its judges to assign community service for traffic tickets¹⁴, but county municipalities have not yet followed the city's lead. Timebanking is similar to community service, but has greater potential to build autonomous, non-monetized economies. A timebank is a network of people engaged in reciprocal exchange of services, skills, and goods through a web in which the currency is an hour of time instead of money. For example, if one timebank member paints another timebank member's house for 8 hours, they receive 8 time hour credits. They can then spend those time hour credits with another timebank member on, for example, 8 hours of babysitting. Timebanks allow for the creation of independent, non-monetized economies. Many low-income people do not pay off their municipal ordinance violation fines because they simply do not have the money to do so; they are forced to choose between paying a ticket for a non-violent offense and paying rent, food, childcare costs, etc. If, when issued a ticket, people were given the option of joining a timebank and "paying off" their ticket by devoting some pre-determined number of hours to the timebank, they would not be automatically set down a path that will end in jail time simply because they do not have the money to pay a fine. Creating a regional timebank would not only benefit individuals who cannot pay off their fines, but also the entire region, as it would be one step in enabling individuals to meet their needs in a way that does not require money. There is already some precedence for integrating timebanking and courts; for example, the Dane County Youth Court Timebank.¹⁵
- **Eliminating the "failure to appear" charge.** The vast majority of municipal bench warrants are issued not for the original offense, but for a "failure to appear" in court charge. The "failure to appear" charge should be eliminated immediately; missing a court date should not be punishable by jail time.
- **Providing public defenders to indigent people.** As articulated in the Arch City Defender's "White Paper on Municipal Courts," "the resolution of municipal ordinance violations depends on your ability to hire an attorney and pay fines."¹⁶ If one has the money to hire an attorney, a moving violation is generally amended to a non-moving violation upon the payment of a fine and court costs. This is a crucial change, since Missouri works on a point system and non-moving violations do not lead to points on drivers' licenses. If, however, a person does not have the ability to hire an attorney or pay fines, the moving violation is not amended to a non-moving violation, points are assessed on his or her driver's license, the license risks suspension, and the person still owes the municipality money they cannot afford. Additionally, if one hires a lawyer, it is the lawyer's job to show up to court so the person does not have to. Thus, if someone has the ability to pay for a lawyer, they are not at risk of not showing up to court (because their lawyer shows up for them) and will therefore not be charged with "failure to appear" and risk being jailed. Clearly, equal access to attorneys for all people is integral to ensuring that municipal ordinance violations do not have disproportionately negative impacts on the lives of low-income people who cannot afford attorneys. Thus, people should be entitled to public defenders so that indigent people have the ability to obtain similar resolutions as non-indigent people.

- **Eliminating the automatic “failure to appear license suspension” with the Department of Revenue for anything that occurs after someone pleads guilty or is found guilty.** Currently, a traffic ticket can very quickly lead to a suspended license for low-income people. This occurs when someone pleads guilty to a traffic ticket and is sentenced to pay a fine. If the person does not show up to pay the fine (often because they do not have the money), the judge will send a notice of a “failure to appear suspension” to the Department of Revenue. Then, if the person is pulled over by the police while driving again, they are charged with driving with a suspended license. These charges snowball in severity and fines very quickly. Judges should not be allowed to issue these failure to appear suspensions for anything that occurs after a guilty plea or the finding of guilt; at this point, the court is merely collecting a debt and there is no plausible connection to public safety.
- **Creating accountability mechanisms to monitor which officers and municipalities are engaging in racial profiling.** One primary reason why black people bare the brunt of St. Louis County’s predatory municipal court and bench warrant systems is because they are more frequently stopped by police and charged with municipal ordinance violations in the first place.¹⁷ In order to correct this, there must be systems of accountability that discourage racial profiling by municipal police departments. The Organization for Black Struggle’s “Quality Policing Initiative” contains several recommendations that, if enacted, would create these systems of accountability.¹⁸ In particular, all municipalities in St. Louis County should require the use of field contact cards or reports for traffic stops and investigative stops based on suspicion of criminal activity containing race and gender of persons stopped. The cards should be retained for 24 months and, in addition to the age, race and gender of the person stopped should include (a) the officer’s name, race, and badge number; (b) approximate time and location; (c) whether the stop involved a frisk or pat-down search; (d) any weapons, evidence or contraband found during the search; (e) whether the individual involved was arrested or cited, and if so, the charges. These cards, in conjunction with the creation of an Early Warning System—particularly, a database that takes into account disciplinary complaints and allegations of racial bias/ domestic violence, illegal searches, etc.—will create measurable ways to track police officers and municipalities that are perpetuating racial profiling so that appropriate interventions can be made.

Practices that should be stopped immediately

Many commonplace practices in the municipal courts are egregiously predatory and disruptive to the lives of low-income people. The abolition of the municipal courts and the implementation of the other policies above will correct many of these practices in the long term, but they must be stopped immediately. These policies include:

- **St. Louis county must immediately implement a shared information system in which all municipal courts and jails are in communication with each other so that a person in jail in one municipality does not face a bench warrant for failure to appear at a court date in another municipality.** Currently, because of the fractured nature of the municipal courts, people are not transferred from one municipality’s jail to another’s court to appear, so there is literally no way for them to appear in court. The various municipalities do not have the capacity or resources to communicate with one another about which people are being held where. To remedy this problem in the long term, the municipal courts must be abolished and consolidated.

- **If people have outstanding bench warrants in St. Louis County, they cannot obtain background checks from the police department, thereby compromising their applications for jobs, housing, etc. St. Louis County should immediately end this policy.**

- **Municipalities should order that in all cases, defendants are brought before a judge within 48 hours, or 24 hours in cases where an arrest is made without a warrant.** Currently, some municipalities only have court once or twice a month, which leaves people sitting in jail for weeks after being arrested because of bench warrants waiting to appear before a judge.

- **People are often jailed multiple times for the same ticket.** This practice should be ended immediately. In addition, all municipalities should honor time served for bench warrants and municipal fines, so that, when someone is released from jail they cannot be put back in the jail next day for that same offense.

- **All municipal jails should immediately accept payment for any other municipal jail.** Right now, in some municipalities, you cannot pay off someone's bench warrant until they are in that municipality's custody. So, for example, if your loved one is being held in Jennings, but they have a bench warrant in Maryland Heights, you cannot go pay off the Maryland Heights warrant until they have been transferred there (which can sometimes be a long process). Again, the abolition and consolidation of municipal courts and jails would address this issue in the long run.

About the Cowry Collective

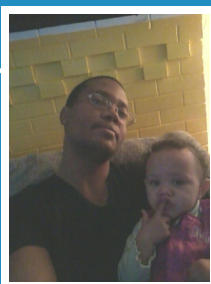


The Cowry Collective Timebank (CCTB) is an African-American led, multi-racial network of people in St. Louis who exchange services in a non-monetized way, where the currency is an hour of time for everyone.

Through membership we strengthen community bonds and economic freedom. In a little more than a year and a half, the CCTB has grown from just a handful of dedicated members to a network of more than 150 people geographically spread throughout St. Louis City and County. The CCTB addresses the economic inequalities that exist across racial and class lines through community building that happens one hour, one exchange at a time. If implemented as an alternative to paying money for municipal court fines, timebanking would de-criminalize poverty by enabling people to settle their court debts using time credits they earn through offering services to organizations and people who need them. Implementing timebanking in such a way creates the opportunity to build one of the largest scale timebanks in the country and begin to build a local economy in which people can meet their needs even though they do not have money.

Sean Bailey's Story

My name is Sean Bailey. I'm a 35 year old single father lived in Saint Louis all my life. I've been dealing with bench warrants in Ferguson and Florissant since 2003. I spent 2-3 days at a time in jail for each municipality. The conditions were completely inhumane--there was no on-site medical treatment, so people with diabetes and such were in fear for their lives. I have spent hundreds of dollars between the two municipalities and am still dealing with the same warrants. This system really is a vicious cycle. I am currently homeless and tried to get my tickets taken care of through the last amnesty program in December 2014. I was unable to due to the fact that they insisted that I pay \$100 for a new court date. I'm homeless, so if I give them \$100 to clear my warrants then that means that me and my daughter don't eat.



- **Many people do not know if they have active bench warrants stemming from municipal ordinance violations and are afraid they will be arrested if they go to a court or jail to check their status. St. Louis County should implement a county-wide system by which people can check if they have bench warrants online and over the phone without risking arrest.**

The Sources

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⁸Thus far, St. Louis City has enacted the most progressive warrant forgiveness program in the region. In October, the city automatically forgave about 220,000 outstanding warrants. See: Nicholas Pistor, "St. Louis to forgive about 220,000 warrants for nonviolent municipal offenses," St. Louis Post-Dispatch, October 1, 2014, http://www.stltoday.com/news/local/crime-and-courts/st-louis-to-forgive-about-warrants-for-nonviolent-municipal-offenses/article_7f9dbef3-7409-5e81-ae28-3c79faa8b147.html.

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