

## Introduction

Beginning five years ago in the midst of the Ferguson Uprising, a series of investigative reports by ArchCity Defenders, Better Together, the United States Justice Department, the Missouri Supreme Court, and many others revealed that many municipal courts in St. Louis County were fundamentally broken. The system of municipal courts inflicted vastly disproportionate harms on poor people and African Americans, operated without any meaningful oversight, was run by personnel with fundamental conflicts of interest, and oftentimes functioned to generate revenue for municipal governments. These systemic problems led to widespread distrust and anger at the municipal criminal justice system, and even the most effective individual courts were undermined by the system's inability to impartially administer justice.

To advance fairness, accountability, and oversight among municipal courts, many institutions and advocates called for reorganization and legislative reform of municipal courts. Many groups, including ArchCity Defenders and the Ferguson Commission, advocated for consolidation of municipal courts into a more unified system. Since 2014, a handful of municipal courts have consolidated with other courts; there are now 74 municipal courts in the County, down from 81 in 2014. And in the 2015 legislative session, a statewide bi-partisan coalition passed Senate Bill 5, which then-Governor Nixon called "landmark reform legislation [which] will help ensure all our municipal courts operate with fairness, openness and accountability." Senate Bill 5 required that no more than 20% of a municipality's revenue come from minor traffic violations, and instituted a number of procedural reforms aimed at lessening courts' ability to profit off of poverty.

The purpose of this report is to analyze the state of municipal courts in St. Louis County following five years of research and reform, and identify improvements as well as persistent shortcomings. The data and conclusions are based on extensive research of government data, publicly-available information, and structured investigative observations of 28 sessions at different municipal courts across the region. Municipal courts have improved meaningfully in the past five years, including by sharply reducing collection of fines and fees and multiple voluntary consolidations. Some of these changes have been more meaningful and impactful than others, as will be discussed throughout the report. The municipal court system as a whole continues to have deep structural problems that can only be properly addressed through reducing the number of courts so the municipal justice system can operate with effective oversight and free from perverse financial incentives. The municipal courts in the 21st Judicial Circuit of Missouri, which encompasses all of St. Louis County, are still generating revenue for municipal governments, are unreasonably difficult for residents to navigate and engage with, include systemic potential for conflicts of interest, and operate with little effective oversight.

Senate Bill 5, and its companion bill, Senate Bill 572, have led to municipal governments generating substantially less revenue through fines and fees. Generally speaking, municipal courts return less revenue for municipalities, adjudicate fewer cases, and process fewer warrants. However, these declines haven't stopped all municipalities from using courts to make

a profit, instead of to impartially administer justice. Calverton Park, a small, majority African-American municipality in North County, illustrates this trend. In 2014, it collected 66.32% of its revenue from court fines and fees, the highest percentage in St. Louis County. In 2018, the most recent year for which court data is available, Calverton Park Municipal Court generated 34.96% of the city's revenue, still the highest percentage in St. Louis County. Fines and fees have decreased dramatically. But Calverton Park is far above the legal cap of 20% instituted by Senate Bill 5. Today, seven of the 10 municipalities which generate the greatest percentage of their revenue from fines and fees have a majority African-American population.

The increased pace of court consolidation in the past five years has also not addressed some serious systemic problems. Multiple recent reports have shown that the sheer number of courts effectively allows the municipal court system to escape public oversight. Because there are so many courts, the presiding judge of the 21st Judicial Circuit, who has administrative responsibility for all municipal courts in St. Louis County, cannot effectively ensure they are meeting the reasonable standards expected of the judiciary. The average judicial circuit in Missouri contains slightly more than 8 courts; even after five years of consolidation, St. Louis County's 21st Circuit contains 74 courts. While 74 courts are easier to oversee than 81, the Presiding Judge and their two court monitors simply can't effectively oversee this many judges, prosecutors, court clerks, and the thousands of proceedings the courts produce.

Additionally, the majority of the "consolidated" courts are not truly consolidated. Pasadena Park Municipal Court, for instance, is consolidated under Normandy Municipal Court. But both municipalities have separate judges, prosecutors, and court clerks, and the revenue from cases originating in Pasadena Park still generate income for the municipality of Pasadena Park. The incentives and systemic issues are not substantially different; the main change brought by consolidation is that proceedings of Pasadena Park Municipal Court take place in the courtroom of Normandy Municipal Court.

In large part because there are so many municipal courts in the circuit, St. Louisans encounter routine and unreasonable obstacles to navigating and engaging with the courts. There is no central resource for data or basic information about the municipal court system. The public is reliant on 74 different courts to release the information we need to engage with and understand the justice system, and many courts are extremely difficult to navigate. On the most basic level, municipal court websites often don't include the name of the judge or the dates and times when the court meets, and court clerks routinely tell callers information that conflicts with what is publically available elsewhere. The failure of many courts to tell the public who is judging them and how to resolve a case contributes to deep mistrust of the criminal justice system.

The Missouri judicial system includes oversight and accountability mechanisms to ensure municipal courts promote trust, fairness, impartiality, and justice. However, the people empowered to make meaningful changes to municipal courts have not instituted changes that meet the scope and urgency of the problems in the 21st Circuit. According to Missouri law, municipal courts are a division of the judicial circuit in which they operate and have

responsibility to adjudicate disputes arising from local traffic laws, building codes, and quality of life ordinances. The presiding judge of the circuit has wide administrative and regulatory powers to ensure municipal courts inspire public trust, meet reasonable minimum standards, operate without conflicts of interest, and promote fairness, accountability, transparency, and public safety. Ultimately, the Supreme Court of Missouri is responsible for ensuring the quality and effectiveness of all municipal courts in the state, and can require changes, up to and including dissolving ineffective municipal courts.

The body of this report will place municipal courts in the historical contexts of municipal fragmentation and activism for improvements to the justice system in St. Louis; discuss in detail the improvements and positive trends of the past five years; examine the systemic problems which remain serious impediments to fairness, oversight, accountability, and impartial justice; and review actions taken in Jefferson City to increase or decrease state government oversight of municipal courts in Missouri. This report includes policy proposals throughout, which are each presented together in the final section.

## Historical Context

St. Louis is plagued by fragmentation and division. This is true both for the 74 municipal courts and also for the police departments, city councils, and even mayors. The region includes an independent city, a charter county, and 88 separate municipalities: a total of 90 different governments in an area about the size of the city of Houston. Divided government results in fractured leadership and inhibits cooperation, leading to stagnant economic growth, a widening racial wealth gap, and a deeply segregated region. The history of fragmentation in St. Louis is primarily a story of intentional economic and racial segregation; many municipalities incorporated as a way to keep communities separate.

Fragmentation in St Louis grew as a way to segregate the region and keep concentrated economic and political power in the hands of white people. In 1917, St. Louisans voted to explicitly segregate the city by race. In his book *The Color of Law*, Richard Rothstein explains that “The St. Louis zoning ordinance was eventually adopted in 1919, two years after the Supreme Court’s Buchanan ruling banned racial assignments; with no reference to race, the ordinance pretended to be in compliance<sup>1</sup>.” In the 1940s, Kirkwood City planners remarked that it would be more desirable if all the “colored families” were grouped in one “major section<sup>2</sup>”. Another municipality, Black Jack, was formed to prevent racial and economic diversity<sup>3</sup>. Clayton, Brentwood, Webster Groves and more all had “urban renewal” zoning policies during the 1950s that pushed predominantly African-American communities out to make room for newer, commercial development<sup>4</sup>. And in 1967 the City of St Louis admitted on a HUD application that “De facto segregation policies are enforced by zoning, building, and subdivision regulations”<sup>5</sup>. It also ensured that the privileged could stay insulated in their neighborhoods, not needing to see how their resource hoarding impacted fellow St Louisans. Today the annual Attorney General vehicle stops report, educational inequality, inequitable use of tax incentives and the growing racial wealth gap prove that 2019 isn't as far from 1920 as we'd like.

The quality of the services the 90 different governments deliver to their residents vary widely, and the criminal justice system is no exception. In large part due to decades of systemic racism and resource-hoarding, governments with majority white populations generally have far more resources, offer more services, and can respond more effectively to the needs of their residents. Municipalities with a majority-black population have far less access to capital than majority-white municipalities, have fewer resources to fund necessary government services, and routinely rely on fines and fees generated by their court systems to fund governments. Investigations into predatory municipal court practices in the wake of the Ferguson Uprising revealed that court revenue was being used to fund municipal services, even though state law

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<sup>1</sup>

<https://www.goodreads.com/work/quotes/52832599-the-color-of-law-a-forgotten-history-of-how-our-government-segregated-a>

<sup>2</sup> This is from the DAP powerpoint - find original source

<sup>3</sup> Same (DAP)

<sup>4</sup> Same (DAP - notes)

<sup>5</sup> Same (DAP)

required excess revenue to go to schools. This practice, which treats residents as ATMs to fund government services and raises troubling separation of powers issues, continues today. As is often the case in St Louis, the need for municipal court reform is not a result of a few bad apple courts, or a few overzealous police departments, or a few greedy municipal mayors. The municipal court system as a whole is broken. The court system is built on a decades-long history of fragmentation, segregation and systemic racism resulting in courts that operate as revenue-generating extensions of city hall, and not as impartial arbiters of justice. And just as it has always been in St Louis, black and brown people and people of low socioeconomic status continue to bear the costs.

The Ferguson Uprising highlighted the predatory practices that people in St Louis have known about for years. The calls for reform have come from a variety of sources. Better Together, Arch City Defenders and the Ferguson Commission all identified predatory municipal courts as a problem in 2014, and all made similar and overlapping policy recommendations including collecting municipal debts as civil debts, eliminating conflicts of interest among judges and prosecutors, eliminating incarceration for minor offenses, requiring judges hold hearings to assess defendants' ability to pay before assigning fines and fees, and consolidating municipal courts.

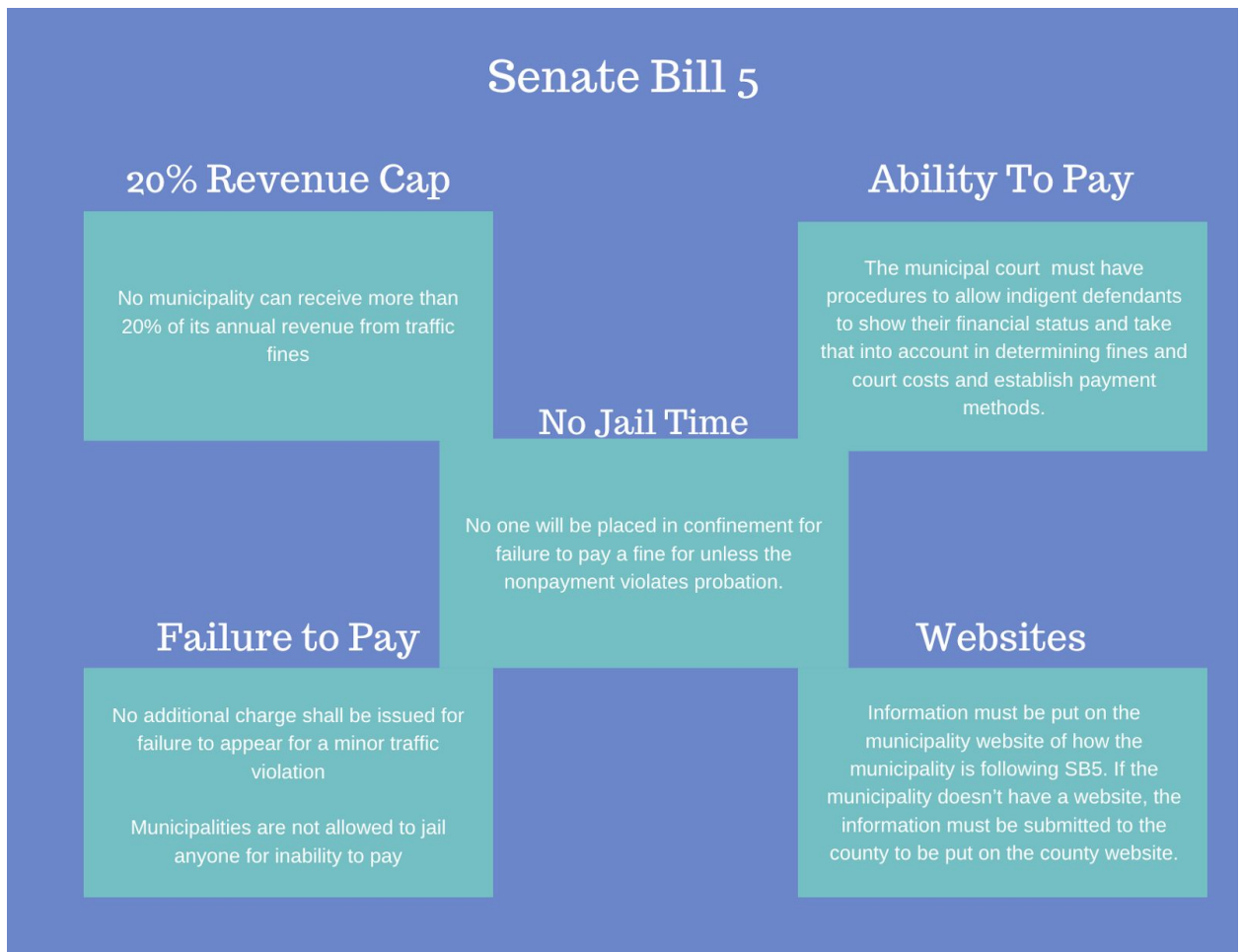
The following year, the National Center for State Courts and the State Justice Institute recommended each court adopt a community advisory board that reflects the demographic makeup of the community it serves, called on the Missouri Supreme Court prevent conflicts of interest, and, in the long-term, consolidate many municipal courts. The Missouri Supreme Court followed this report by convening a Municipal Working Group, which, in its report, concluded that municipal conflicts of interest are problematic because they erode public trust in the judicial system. The Working Group recommended the dismissal of cases filed before 2014 and a more frequent and ongoing review process of cases and warrants in municipal courts. However, they claim that the Missouri Supreme Court does not have the authority to consolidate municipal courts.

After five years of study, multiple reports, and achieved and attempted reform, the system is still plagued by deep problems which harm defendants every day. The municipal court system in St. Louis County needs wholesale reorganization. It continues to be a criminal justice system built on decades of racism, which subjects defendants to the whims of severe conflicts of interest, part-time justice, and judicial personnel who act without meaningful oversight.

## Changes Since 2014

### Introduction

After Michael Brown was killed in 2014, the Missouri General Assembly passed Senate Bill 5, a landmark court reform measure intended to increase oversight, transparency, and public trust in the judicial system, and stop municipalities from balancing budgets on the backs of their residents. Senate Bill 5 enacted five main reforms. It capped the amount of revenue a municipality can generate from minor traffic violations at 20% of the general operating budget,<sup>6</sup> required judges to determine a defendants' ability to pay before imposing fines and fees,<sup>7</sup> eliminated failure to appear charges relating to minor traffic violations,<sup>8</sup> made it illegal for courts to jail defendants for not paying fines,<sup>9</sup> and required municipalities to publish important information about their courts online.<sup>10</sup>



<sup>6</sup> RSMO § 479.359, 2

<sup>7</sup> RSMO § 479.360, 4

<sup>8</sup> RSMO § 479.353, 2

<sup>9</sup> RSMO § 479.353, 3

<sup>10</sup> RSMO § 67.287, 2, 12

In the past five years, many municipalities have enacted the reforms required by Senate Bill 5 and made significant and meaningful improvements to their courts. For example, since 2014, 52 of the 74 municipal court jurisdictions (70%) have decreased the number of warrants issued, and 29 of these 52 courts (56%) have cut the number of warrants issued by more than half. Additionally, 67 of 74 (91%) municipalities decreased the number of cases filed. Moreover, the number of courts in which the average fine was greater than \$100 has dropped precipitously, from 33 to 6. Every municipal court now has a publicly-accessible website, and each website offers the accused a way to pay fines and fees online. Municipal courts have begun moving away from imposing excessive fines and fees and adjudicating frivolous cases and have made it easier for people to navigate the system -- which shows that laws passed by the General Assembly can make real improvements to the municipal court system and benefit thousands of Missouri residents. An applause is in store for those municipal court staff, including judges, prosecutors, city attorneys, court clerks, and more, for making changes in response to public outcry and state legislation.

### **Consolidation and Administration**

In 2014, there were 81 municipal courts in the 21st Judicial Circuit; today there are 74 municipal courts.<sup>11</sup> Reducing the number of courts is an improvement, but the type of consolidation municipal courts have undertaken often appears to be consolidation in name only. In so-called consolidated courts, multiple municipalities hold court in the same building but retain separate staff. Effectively, a “consolidated” court has simply moved municipal court proceedings to a new building without making any substantive changes to the perverse incentives to generate municipal revenue through excessive fines and fees. An administered court system, on the other hand, is what true consolidation looks like. In an administered court, such as Frontenac Municipal Court, two or more municipal courts join together to hold court in the same courthouse with the same judge, prosecutor, and court clerks. Frontenac, for example, administers both Crystal Lake Park and Warson Woods. Administered courts cost less to operate and are correlated to lower revenue from fines and fees and fewer warrants. For instance, Frontenac received 8.62% of their general revenue from fines and fees in 2014 and only 3.69% in 2018. A handful of municipal courts have taken a voluntary and important step towards systemic reform and deserve praise for their leadership.

### **Warrants Issued and Cases Processed**

While municipal courts have begun making strides in the right direction, many courts are still systematically issuing unreasonable numbers of warrants and processing large numbers of court cases -- and black people and poor people continue to disproportionately bear the costs. Six municipal courts -- Calverton Park, Cool Valley, Edmundson, Flordell Hills, Pagedale, and Velda City -- issued more than one warrant per person in their jurisdiction in 2018, and five of

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<sup>11</sup> Tried to contact the administering court but was unsuccessful in finding out when the administered courts combined with the administering courts.

these six have a majority black population. Of the 10 municipal courts that issued the greatest number of warrants per person<sup>12</sup>, nine serve a majority black population, and six serve populations that are more than 90% black -- and all 10 serve populations with poverty rates greater than 10%. Troublingly, some courts have regressed since the Ferguson Uprising: 20 municipal courts issued more warrants in 2018 than in 2014<sup>13</sup>.

The places with the highest number of warrants tend to have larger black populations. There is no data disaggregated by race in the Missouri Municipal Court System leaving holes in research about racial biases. According to data from 2018, 14 municipal courts have over one case filed per person, 11 of which have majority black populations<sup>14</sup> with 9 out of the 11 having a poverty rate above 20%.<sup>15</sup> Furthermore, 30 municipal courts had over 1 pending case per person, 16 had over 4 pending cases, and 5 had over 8 pending cases.<sup>16</sup> Of these, 20<sup>17</sup> had majority black populations, and 18<sup>18</sup> had over 20% of the population living in poverty.

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<sup>12</sup> Calverton Park, Edmundson, Flordell Hills, Cool Valley, Velda City, Pagedale, Velda Village Hills, Greendale, Beverly Hills, Wellston

<sup>13</sup> Shrewsbury, Berkeley, Creve Coeur, Webster Groves, Florissant, Crestwood, Eureka, Breckenridge Hills, Vinita Park, Maplewood, Bridgeton, Sunset Hills, Warson Woods, Kirkwood, Manchester, Town and Country, Chesterfield, Olivette, Ellisville, Wildwood

<sup>14</sup> Majority Black: Flordell Hills, Calverton Park, Vinita Park, Beverly Hills, Cool Valley, Hillside, Wellston, Pine Lawn, Pagedale, Bel-Ridge, Velda City; Majority White: Bella Villa, Edmundson, Charlack

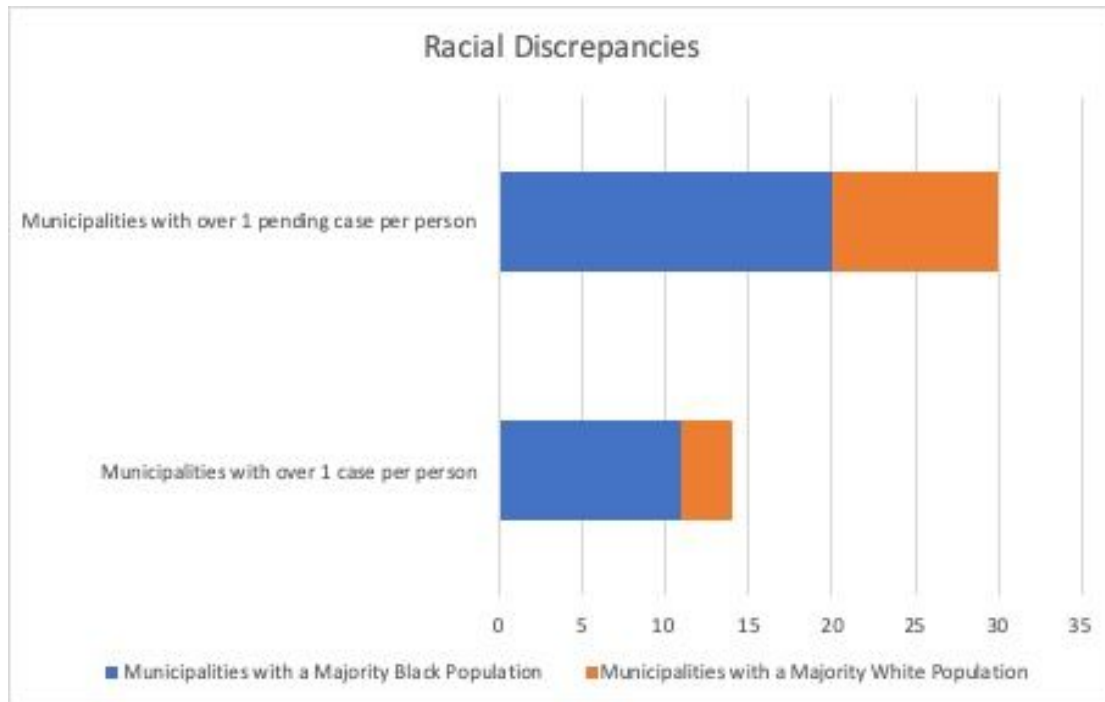
<sup>15</sup> Flordell Hills, Vinita Park, Beverly Hills, Hillside, Wellston, Pine Lawn, Pagedale, Bel-Ridge, Velda City

<sup>16</sup> Over 8 Pending Cases Per Person: Hillside, Velda City, Calverton Park, Kinloch, Country Club Hills; Over 1 Case Pending Per Person: Bella Villa, Edmundson, Charlack, Vinita Park, Berkeley, Bel-Ridge, Moline Acres, Wellston, Beverly Hills, Flordell Hills, Cool Valley, Pine Lawn, Normandy, Saint John, Maryland Heights, Riverview, Pagedale, Dellwood, Maplewood, Breckenridge Hills, Woodson Terrace, Wildwood, Saint Ann, Greendale, Northwoods

<sup>17</sup> 20 With Majority Black Populations: Hillside, Velda City, Calverton Park, Kinloch, Country Club Hills, Vinita Park, Berkeley, Bel-Ridge, Moline Acres, Wellston, Beverly Hills, Flordell Hills, Cool Valley, Pine Lawn, Normandy, Riverview, Pagedale, Dellwood, Greendale, Northwoods

<sup>18</sup> Hillside, Velda City, Kinloch, Country Club Hills, Edmundson, Vinita Park, Berkeley, Bel-Ridge, Moline Acres, Wellston, Beverly Hills, Flordell Hills, Pine Lawn, Normandy, Riverview, Pagedale, Breckenridge, Northwoods





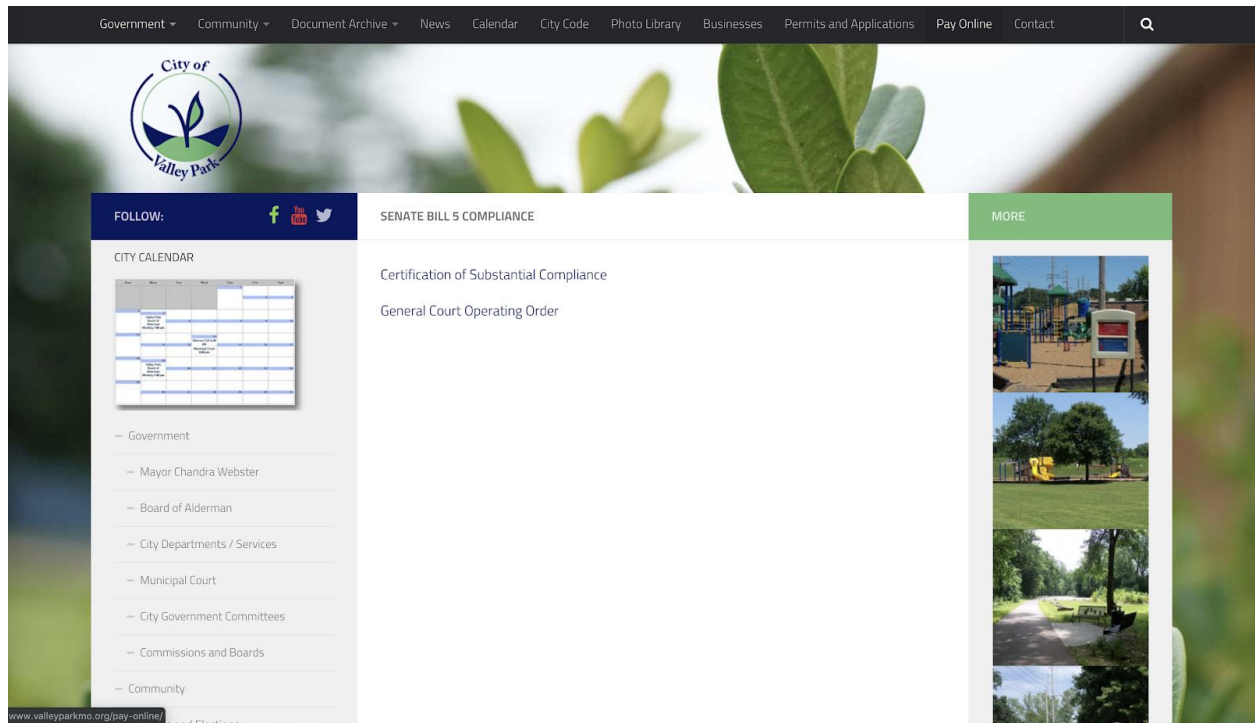
## Websites

Although there are very few requirements for a municipality to upkeep its website, the majority of the municipalities have outdated, hard to navigate websites that fail to include some basic information. In 2015, the National Center for State Courts recommended municipal courts “Maximize services to the public via the internet and court websites and develop a website that would give visitors useful information; provide a common, helpful look and feel among municipalities; and facilitate easier, more familiar navigation for users.” This recommendation is important to ensure residents of the St. Louis region receive a consistent level of service regardless of which court they visit. In reality, the 74 websites vary greatly in quality. One example of a well-maintained website is the Winchester municipal court website. It has very clear information and is extremely easy to navigate. The website also offers contact information to the municipal office to have a member of their office staff assist the caller. However, the website fails to mention that Winchester Municipal Court is no longer an independent court; it recently became administered by Ballwin Municipal Court.

Most municipalities are not in compliance with SB 5 as in Senate Bill 5 it states that municipalities must put on their website how they are following SB5<sup>19</sup>. One of the few examples of the municipalities that does do this is Valley Park:

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<sup>19</sup> RSMO § 67.287, 2, 12



The photos below are examples of how unhelpful the websites can be for people navigating courts. This is the courts section for the municipality of Breckenridge Hills. When a user clicks on the “court dates” hyperlink, they are led to an error page.court dates” hyperlink, they are led to an error page.



## Breckenridge Hills Municipal Court

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**Breckenridge Hills Municipal Court**  
9623 St. Charles Rock Road  
Breckenridge Hills, MO 63114-2637  
Phone: 314-427-1412  
Fax: 314-427-2998

- [Your Rights in Municipal Court](#)
- [Court Dates](#)



### ERROR 404 - PAGE NOT FOUND

[Why am I seeing this page?](#)

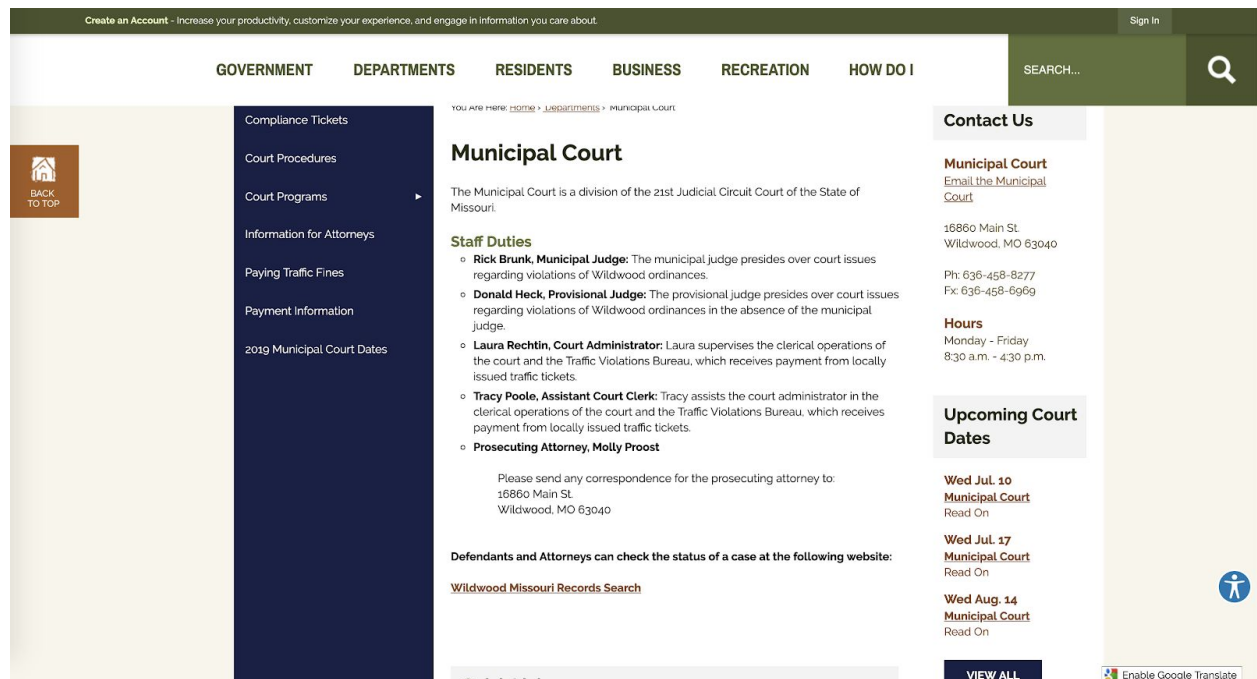
[How to find the correct spelling and folder](#)

[404 Errors After Clicking WordPress Links](#)

[How to modify your .htaccess file](#)

On the other hand, some municipal court websites are clear, user-friendly, contain easily accessible information, and provide the contact information of court personnel who can help answer questions. Wildwood's municipal court website is an example of an effective service to

the public.



Keeping websites up to date and user friendly is important in helping citizens know how to get to court and when to go to court. These websites can help citizens engage with their municipal court by giving them contact to court clerks and various court staff who can help them prepare for their court date and know what to expect.

# **Court Watch Program**

## **Introduction**

Although researching courts from websites, phone calls, and knowledgeable people provided critical data for this report, the only way to truly see how these courts were functioning was to observe them in session. The goals of the structured court observation visits were to compare courtrooms and procedures among courts, verify meeting times, watch how the judge interacted with defendants, and assess to what extent justice is administered equally among municipal courts in the 21st Circuit.

## **Development**

After referring to multiple surveys from other cities, researchers created their own survey that was easy for any volunteer to complete. It asked mostly simple yes or no questions about the physical environment of the court, the judges' conduct, resources available, and professionalism within the courtroom. Additionally, there was a space for additional comments that volunteers felt were important to note. Researchers visited 28 courts in 4 weeks, 44.6% of Saint Louis County municipal courts.<sup>20</sup> Although courts are required to be open to the public, researchers often had to identify themselves as observers to gain access to the court.

## **Observations and Results**

Overall, there were positive trends in many of the courtrooms. All of the courts observed had a posted notice of rights or a slideshow or rights playing in the courtroom; some even handed out physical paper copies of rights in court. In addition, some judges read the rights to defendants at the beginning of court and answered questions. Additionally, court rooms were well-maintained, with few lines and ample space. They were also all open to the public as required by law. In almost every single case, defendants were given continuances and payment plans if they could not pay at the time of the plea.

However, there were also areas for improvement. Additionally, almost every case observed lasted less than 5 minutes, and some cases were resolved in as quickly as 30 seconds. The majority of defendants were only given a chance to state their plea and whether they could pay that day or not. Other than that, there was rarely any other conversation between the judge and defendant. It is important to note that many conversations between the judge and defendant were difficult to hear. Although this may be for privacy, it limited the conclusions researchers could draw from court observation. Multiple defendants said they found this quick disposition to be unhelpful and disrespectful.

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<sup>20</sup> Maplewood, Normandy, Pasadena Hills, Pasadena Park, Jennings, Bel-Ridge, Clayton, Velda City, Bellefontaine Neighbors, Bridgeton, Sunset Hills, Country Club Hills, Brentwood, Fenton, Richmond Heights, Ballwin, Hazelwood, Breckenridge Hills, Saint John, Webster Grove, Glendale, Shrewsbury, Kirkwood, Ladue, Cool Valley, Riverview, Beverly Hills, Berkeley

In some of the courts, attorneys approached the bench as soon as they entered the courtroom, almost always before defendants without attorneys who had been waiting. Once at the bench -- rather than the podium where defendants without lawyers were asked to stand -- attorneys routinely had hushed conversations with the judge until a conclusion was met. Even if the conclusions were fair, the interactions between the judge and attorneys created the appearance that these attorneys had an unfair advantage over defendants without attorney and suggested the municipal court system is designed to give preferential treatment to defendants who can afford lawyers over those who cannot. As a result, it appeared at some courts that there were separate processes for justice for the rich and the poor.

Most judges were respectful and understanding of their defendants. Many of them offered repeated continuances, payment plans, and community service options. However, some judges treated the defendants with disrespect and even disdain. For example, at Glendale Municipal Court, a teenage girl was trying to understand the consequences of pleading guilty or not guilty. In response to her questions, the judge said, "I bet it's not a mystery to you." Later the judge raised his voice to the same girl and yelled, "Yes or no! Not uh uh!" Almost all of his conversations were hostile and cold to defendants with no lawyer. The judge of Bridgeton Municipal Court was brusque and dismissive of defendants' explanations. He told the courtroom, "If you have money to pay your fine, you can get out of here. Otherwise, you have to wait." Multiple defendants said his courtroom demeanor made it clear to them that his objective was to gather money, not to administer justice impartially. In Riverview, Judge McDonough started the proceedings by calling out cases on the docket. As he called names of defendants to the bench, those who were not present to make payments to their fine were issued a warrant on the spot.

## **Community Benefits**

Court observation allows community members to become more knowledgeable and involved in their local municipal courts and to hold their courts accountable to function in a just way. At the same time, citizens have the opportunity to learn more about how their court operates, how it should operate, and how to make those changes. However, if there were not 74 different jurisdictions in Saint Louis County, a court watch would not be required to help with oversight.

The main conclusion that can be drawn from this court observation program is that there is a lack of uniformity between the municipal courts in Saint Louis County. Some courts were held in city halls, some in shopping strip storefronts, and some in pristine buildings that were built only for municipal court purposes. Additionally, most judges were kind and understanding, but one mile down the road the judge might be harsh and disrespectful. Therefore, justice is not being served equally throughout the 21st Circuit.

# **Conflict of Interest**

## **Introduction**

In order to maintain public trust, it is essential that judicial personnel actively work to ensure integrity in all legal proceedings, and a key aspect of integrity is avoiding conflict of interest. Because courts gain credibility from public confidence, the appearance of conflict of interest is nearly as harmful to public trust as actual conflicts. Since 2014, a number of groups such as Better Together, ArchCity Defenders, Forward Through Ferguson, and the Supreme Court of Missouri have called on judicial personnel to take a more proactive role in preventing and eliminating conflict of interest. For instance, the National Center for State Courts strongly advised against the holding of multiple part-time roles due to the appearance of impropriety in their 2015 final report. In this same report, they emphasized the importance of maintaining separation between policing and prosecution in the courtroom.

In 2016, the Supreme Court of Missouri, in its capacity as the rule-making body for all courts in Missouri, issued an appendix to Supreme Court Rule 37 that contains standards all courts must adhere to in order to prevent the appearance or occurrence of conflicts of interest. The new rules include 10 minimum operating standards and a code of conduct for municipal court personnel with elements specifically pertaining to conflict of interest. Despite these rules, some municipal courts in the 21st Circuit continue not to adhere to these standards of operation. Specifically, the selection process for judicial and legal personnel and the fact that many judges and prosecutors hold multiple roles in multiple courts creates the perception that justice is administered according to personal relationships and financial incentives. Municipal courts could operate with justice and fairness, but their inability to address conflicts of interest means they oftentimes fail to meet this standard.

In order to understand how the municipal court system in the 21st Circuit is failing, it is important to understand how it should function ideally. The judicial personnel directly involved in executing fair municipal court proceedings are the judge, the prosecutor, the city attorney, and the court clerk.

## **How the system should work**

The municipal judge is meant to be an entirely objective and independent actor in municipal court. He or she presides over the courtroom during municipal proceedings, interacts with defendants during arraignment hearings and trials, and has final discretion over fines and fees. However, in practice in the 21st Circuit, many judges also hold multiple roles (such as additional judgeships or jobs as prosecutors or city attorneys), sometimes in other jurisdictions. Moreover, a small number of law firms - in particular Curtis, Heinz, Garrett, & O'Keefe P.C. - supply a vast amount of lawyers who fill multiple roles across jurisdictions. Independence is a foundational characteristic of any judgeship, but the practice of lawyers from the same firm holding multiple roles in dozens of courts challenges this essential foundation.

The prosecutor's office is expected to operate wholly independently from the judge and their staff. If a defendant pleads not guilty, the prosecutor presents the case on behalf of the municipality, calling witnesses and presenting evidence as needed. The separation between the judge and prosecutor is essential, as it ensures that the judge's only role is to impartially pass judgment on the facts of the case and issue appropriate fines upon a finding of guilt. In reality, this separation is not always maintained. In the city of Richmond Heights, for example, Judge Stephen O'Brien called prosecutor John Lally to the bench to ask him about a case during court on July 8, 2019. No observer, or even the defendant for that matter, could understand the conversation. Practically, the separation between judge and prosecutor can be advanced by assuring that these officers have separate offices, separate staff, and separate spaces in the courtroom. A failure to maintain the essential separation between the judge and prosecutor and called into question the integrity of the proceedings.

The city attorney plays less of a direct role in the municipal judicial process but nevertheless is an important actor in the municipal legal system. Their job is to serve as legal counsel for the municipal government. The city attorney's only role is to provide legal counsel to the municipality, and he or she should never have a personal stake in municipal court dealings. In 6 municipal jurisdictions, the same person serves as both prosecutor and city attorney.<sup>21</sup> It is possible that the attorney's prosecutorial role might come in conflict with their city attorney role. If this were the case, there would be no objective means of resolution. That is why eliminating conflicts of interest is crucial.

In an ideal world, the judge and prosecutor would be unquestionably independent, the city attorney would never have to choose between protecting the city and acting with integrity in municipal court, and there would never be any appearance of personal impropriety among judicial personnel. Most importantly, the public would have complete trust that judicial personnel were executing these basic requirements without exception. In order to achieve this necessary trust, any appearance of conflict of interest and actual conflicts must be removed.

### **Where Conflict of Interest Comes in: The Selection Process and Financial Incentives**

The personnel who administer the municipal judicial systems are largely appointed by the city's mayor and approved by the Board of Alderman. Specifically, of the 63 municipalities that present their city codes online and contain readily available information about the selection of municipal judges, 90% empower the mayor or city council to select the municipal judge. In the other 10%, the judge is selected either by the city manager or by popular election. Of the 6 municipalities that make up that 10%, the judge is elected in three municipalities, the city manager appoints in two, and the Board of Trustees appoints in one. As the municipality's legal advisor, it is common practice for the city attorney to advise the mayor about who to appoint as

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<sup>21</sup> These attorneys are Robert Jones (Sunset Hills), Stephanie Karr (Bellerive Acres), Sam Alton (Pagedale), Donnell Smith (Berkely and Moline Acres), Timothy Engelmeyer (Valley Park), Helmut Starr (Oakland), and Hardy Menees (St. John and Sycamore Hills)



judge and prosecutor. With this selection process, crucial municipal officials are all appointed by a single elected official, the mayor. This system can create the perception that judicial personnel are selected based on personal relationships or, even worse, the financial interests of the municipal government. This conflict of interest grows even more problematic when the city attorney - the person responsible for advising the mayor on who to choose - is also himself the prosecuting attorney in that city. This is the case for six attorneys: Robert Jones (Sunset Hills), Stephanie Karr (Bellerive Acres), Sam Alton (Pagedale), Donnell Smith (Berkely and Moline Acres), Timothy Engelmeyer (Valley Park), Helmut Starr (Oakland), and Hardy Menees (St. John and Sycamore Hills).

This pattern is particularly concerning because many municipal judges, prosecutors, and city attorneys are lawyers at the same law firm: Curtis, Heinz, Garrett, and O'Keefe. When a small number of people accumulate so many influential roles, power is concentrated, and the appearance of impropriety is heightened. In the 2016 Report of the Municipal Division Work Group, authors selected by the Supreme Court of Missouri specifically noted that it was nearly impossible for this particular firm to avoid conflict of interest. Code of Conduct 1 in appendix B of Rule 37 directly states: "A court professional shall avoid both impropriety and the appearance of impropriety." This selection process and resulting web of close professional relationships certainly creates the appearance of impropriety, as it challenges the delicate perception that courts are neutral arbiters of facts and no more. As such, it is crucial that robust conflict of interest checks be in place and that the public be made aware of such a process.

Substantial and well-documented perverse financial incentives create a perception that political leaders select judicial personnel based on their ability and willingness to generate revenue for the municipality. All fines generated in municipal court go towards general operating revenue for the city. (The exception is that some court costs, which are set costs that all defendants must pay in addition to fines, go to predetermined sources.) This creates a perverse incentive for legal personnel to raise more money from court operations. In 2014, ArchCity Defenders engaged in research and found that many municipal jurisdictions gained a substantial amount of revenue from court fines and fees. For example, court fines and fees were the second largest source of revenue for the city of Ferguson despite the high rate of poverty in the city. Though revenues have gone down, the same incentive to engage in revenue-generating behavior continues to exist. The diagram below represents how a search for municipal revenue can influence the actions of municipal officials in almost every part of the criminal justice system.



As indicated by this chart, there is a perverse financial incentive to continue collecting revenue from court fines and fees. This stands in violation with a subsection of operating standard number seven in Rule 37 that states: “Judges, clerks of court, and other nonjudicial personnel are not subject to informal pressure...designed to encourage or require the municipal division to operate in such a way as to maximize the municipal revenues...” This is one instance in which the appearance of conflict of interest is equally corrosive to public trust as an actual conflict of interest. Revenues may have decreased since 2014, but courts still have a financial incentive to impose excessive fines and fees on residents, which contributes to distrust of the criminal justice system.

### **Multiple Roles**

In addition to the flawed selection process and financial incentives, conflicts of interest have the potential to occur when the same people from the same law firm hold multiple positions across municipalities and municipal courts. Lawyers employed by Curtis, Heinz, Garrett, and O’Keefe hold key legal positions in dozens of municipal governments in the 21st Circuit and have a well-documented history of using the court system to benefit their friends and professional acquaintances. For example, in 2014, the US Department of Justice rebuked Stephanie Karr, a lawyer at Curtis, Heinz, Garrett, and O’Keefe who served concurrently as the city attorney and prosecutor of Ferguson, for making a red light ticket the mayor received go away without a hearing. This directly violates a subsection of appendix B of Rule 37 that states:

“A court professional shall not use his or her position (intentionally or unintentionally), to secure unwarranted privileges or exemptions for oneself or others.”

A complex web of close professional relationships creates perceived and actual occurrence of influence peddling, biased decision-making, and uncomfortably close relationships between public servants who are required to operate independently. This web can become problematic in a number of scenarios, which are outlined below.

- The city attorney advises the Mayor and Board of Alderman on legal matters concerning the municipality, including who to select as judge and prosecutor. If the city attorney is himself a judge or prosecutor, this sacrifices objectivity and invites the criticism that appointments are made by virtue of personal relationships.
  - Based on information gathered from phone calls, websites, and the East-West Gateway 2019 directory of public officials, 6 people serve as both prosecuting attorney and city attorney in a municipal jurisdiction.
  - These attorneys are Robert Jones (Sunset Hills), Stephanie Karr (Bellerive Acres), Sam Alton (Pagedale), Donnell Smith (Berkely and Moline Acres), Timothy Engelmeyer (Valley Park), Helmut Starr (Oakland), and Hardy Menees (St. John and Sycamore Hills).
- If an attorney serves as a judge in one municipal jurisdiction and prosecutor in another, a defense attorney or a defendant might find himself or herself arguing against the same person in multiple courts. This can create bias and influence the legal outcome for the defendant, especially if the relationship between the defense attorney or defendant and the judge or prosecutor is contentious.
  - Based on information gathered from phone calls, websites, and the East-West Gateway 2019 directory of public officials, there are five people who serve as both judges and prosecutors for different municipal jurisdictions.
  - Chris Graville: has three prosecuting roles (Ballwin, Clarkson Valley, Fenton), two judgeships (Des Peres, Oakland), and two city attorney roles (Chesterfield, Riverview).
  - Timothy Engelmeyer is the prosecutor for Chesterfield and Valley Park and the Creve Coeur judge.
  - Steve Clark is the prosecutor for Country Club Hills and Velda Village Hills and the judge for Hanley Hills and Valley Park.
  - Keith Cheung is the prosecutor for Frontenac and Normandy and the judge for Ladue.
  - Mark Levitt is prosecutor for Manchester and judge for Rock Hill.

In appendix B of Supreme Court Rule 37.04, a subsection of code of conduct 1 states: “A court professional shall avoid improper influences from business, family, position, party, or person.” Moreover, a subsection of code of conduct 2 states: “A court professional shall avoid relationships that would impair one's impartiality and independent judgment.” As described

above, it is clear that similar firms are supplying the same people to fulfill roles across municipal jurisdictions. As a result, there is an inevitable perception that personal and professional relationships play a role in judicial proceedings. The chart at the end of this section depicts who holds each role in each municipal jurisdiction based on websites, phone calls, and the East-West Gateway 2019 directory of public officials.

Systemic lack of transparency about court personnel contributes to public distrust of the justice system. It is often difficult to find simple information on courts' websites such as who the prosecutors and judges are. In some cases, it is inaccurate or missing. Moreover, some courts refused to disclose this basic information over the phone. For example, the consolidated court of St. Ann failed to deliver information about who judges and prosecutors were, and a representative from Velda City asked for a written request for information that should by all rights be easily publicly accessible. Courts would increase public trust in the system simply by being more transparent about who holds influential and powerful roles.

### **Next Steps and Recommendations**

- Courts should make public if and how they prevent conflicts of interest and perverse financial incentives. It is clear based on the language from Rule 37 that these mechanisms should be in place. These disclosures should come in the form of:
  - Judges and prosecutors explicitly publishing when they recuse themselves from cases
  - Judges and prosecutors explicitly publishing how they avoid the influence of outside factors and personal relationships
  - Judges and prosecutors acknowledging that they never argue a case against someone from their own firm or someone they have a relationship with
  - Each municipal jurisdiction publishing their reporting requirements about how they are meeting the 10 minimum operating standards. These can be published by either the jurisdictions themselves or the presiding judge. The presiding judge should publicize which municipal divisions are failing to meet these requirements.
- Conflict of interest training should be required, and judicial personnel should make public their completion of this training. Trainings could be mandated by either OSCA or the Missouri Bar.
- The mayor and Board of Alderman should make public how and why they appoint specific people to certain roles. This will verify that they are selecting the most qualified personnel and increase transparency, which will in turn improve public trust in the system. They should also provide a means for the public to provide suggestions and provide input about why or why not someone should hold a role if they so choose.
- We reiterate Forward Through Ferguson's recommendations from their 2014 publication, A Path Toward Racial Equity:
  - Municipal prosecutors shall be prohibited from representing criminal defendants in municipal courts within the county in which they serve as prosecutor.

- The Legislature and the Supreme Court shall create rules to require the principal actors in the entire system of municipal governance (municipal officials, police officers, prosecutors, municipal court judges) to sign an annual code of ethics that prohibits targeting or collusion.
- The 21st Circuit Division should limit the ability to hold multiple roles. At least two states have already done so, and the vast amount of municipal courts in St. Louis County make this matter even more pressing.
  - New York Code of Judicial Conduct, section 100.6(B)(2) prohibits a part-time judge from “practic[ing] law in the court on which the judge serves, or in any other court in the county in which his or her court is located, before a judge who is permitted to practice law, and shall not act as a lawyer in a proceeding in which the judge has served as a judge or in any other proceeding related thereto.”
  - Georgia Code of Judicial Conduct states that “Judges shall respect and comply with the law and shall conduct themselves at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.” A Georgia Supreme Court Advisory Opinion interpreted this to mean that a part-time judge cannot also serve as a prosecutor.
- Municipal jurisdictions should increase the transparency of their personnel by updating their websites.
- A municipal court that cannot operate without apparent or actual conflicts of interest cannot operate with public trust. Courts without the resources to operate effectively should consolidate into court systems that can uphold the judiciary's vital public role.

## Chart of Officials

The light pink color represents a person with 3-5 roles, and the dark pink color represents a person with 6-8 roles; the dashes mean that researchers were unable to find out who holds that particular role after consulting websites, phone calls, and the East West Gateway directory of public officials.

Municipal Court	Prosecutor	Judge	City Attorney
Ballwin	Chris Graville	Virginia Nye	Bob Jones
Bella Villa	Steven Sokolik	William Buchholz II	Jessica Liss
Bellefontaine Neighbors	William Clark	Judy Draper	Kevin O'Keefe
Bellerive Acres	Stephanie Karr	Jennifer Fischer	Stephanie Karr
Bel-Nor	Kate Henry	Sean O'Hagan	Stephanie Karr
Bel-Ridge	Sam Alton	Felica Ezell-Gillespie	Kevin O'Keefe

Berkeley	Donnell Smith	Theodore Hoskin-Website is incorrect	Donnell Smith
Beverly Hills	--	--	Donnell Smith
Black Jack	Zackary Smith	John Duepner	Sheldon Stock
Breckenridge Hills	Nicholas Riggio	Thomas Boone	Paul Martin
Brentwood	Michael Shelton	Patrick Dignam	Kevin O'Keefe
Bridgeton	Rob Shultz	Joseph W. Larrew	David Linenbroker
Calverton Park	Carl Kohnen	Phillip Ayers	Stephanie Karr
Charlack	--	--	Ed Sluys
Chesterfield	Timothy Engelmeyer	Richard Brunk	Christopher Graville
Clarkson Valley	Christopher Graville	April Porter	Patrick Butler
Clayton	--	--	Kevin O'Keefe
Cool Valley	Scott Pollard	Kevin Kelly	Kevin O'Keefe
Country Club Hills	Steve Clark	Chris Dulle	Kenneth Heinz
Crestwood	Daniel O'Brien	Jason Denny	Lisa Stump
Creve Coeur	Stephanie Karr	Timothy Engelmeyer	Carl Lumley
Dellwood	Timothy Smith	Donnell Smith	Anthony Gray
Des Peres	Anthony Pezzani	Charles H Billings	Christopher Graville
Edmundson	--	--	Stephanie Karr
Ellisville	Geroge Rastovich	Donald Anderson	George Restovich
Eureka	--	Samantha Wacker	Kathy Butler
Fenton	Christopher Graville	--	Erin Steele
Ferguson	--	--	Apollo Carey
Flordell Hills	--	--	Jeffrey Duke

Florissant	DeAnn Outlaw Todd Marler William Clark Ross Davis Darold Crotzer	Elizabeth Dorsie	John Hessel
Frontenac	Keith Cheung	Andrea Niehoff	Kevin O'Keiff
Glendale	Ed McSweeney	Carrie Burnett	Jim Hetledge
Greendale	--	Mark Kapocius	Philip Ayers
Hanley Hills	David Pisarciez	Steven Clark	Anthony Gray
Hazelwood	Stephanie Karr	Kevin Kelly	Kevin O'Keefe
Hillsdale	--	--	Alan Baker
Jennings	Joshua Canavan	John J Duepner	Sam Alton
Kinloch	--	--	--
Kirkwood	Jack Martin	Steven O'brien	John Hessel
Ladue	James Towey	Keith Cheung	Aaron Seelee
Manchester	Mark Levitt	Micheal Dunn	Paul Roast
Maplewood	Japalin Graves	Brian Dunlop	John Hessel
Maryland Heights	Ross Davis	Kevin Kelly	Howard Paperner
Moline Acres	Donnell Smith	Jennifer H. Fisher	Donnell Smith
Normandy	Keith Cheung	Jennifer Fisher	Steve Garrett
Northwoods	--	--	Steve Garrett
Oakland	Helmutt Starr	Chris Graville	Helmutt Starr
Olivette	Ross Davis	John Paul Frifella	Paul Martin
Overland	Melissa Smith	Mason Kilipel	Robert Herman
Pagedale	Sam Alton	Raphael Morris	Sam Alton
Pasadena Hills	Thomas Gilliam	Daniel Diemer	Anthony Gray
Pasadena Park	Randy Miller	Jeff Sandcork	Chris Dulle
Pine Lawn	Anthony Gray	Felicia Ezell-Gillespie	--
Richmond Heights	John Lally	Steven O'Brien	Ken Heinz
Riverview	Greg Smith	Chris McDonough	Chris Graville

Rock Hill	Steve Jianakoplos	Mark Levitt	Paul Martin
Saint Ann	--	--	Steve Garrett
Saint John	Hardy Menees	Phillip Ayers	Hardy Menees
Shrewsbury	John Bouhasin	Gentry Smith	Mike Daming
STL County	Wesley Bell	--	--
Sunset Hills	Robert E. Jones	Brian P. Millikan	Robert Jones
Sycamore Hills	Hardy Menees	Phillip Ayers	Hardy Menees
Town and Country	Ed Sluys	Andrea Niehoff	Steve Garrett
University City	Cindy Reeds Ormsby	Douglas Sidel	John Mulligan
Uplands Park	--	--	Brandi Miller
Valley Park	Tim Engelmeyer	Steve Clark	Tim Engelmeyer
Velda City	Patrick J. Chassaing	Heather Highland	Steve Garrett
Velda Village Hills	Steven J. Clark	Douglas Sidel	Donnell Smith
Warson Woods	Joseph McAuliffe	John Lord	Paul Roft
Webster Grove	--	--	--
Wellston	--	--	Wesley Bell
Wildwood	Molly Proost	Richard Brunk	John Young
Winchester	--	--	Howard Paperner
Woodson Terrace	Sarah Vatterott	Kelly Clarkin	Frank Vatterott

**\*Consolidated Courts:**

- Glendale, Oakland, and Warson Woods
- Normandy, Bellerive Acres, Cool Valley, Country Club Hills, Glen Echo Park, Pasadena Hills, and Pasadena Park
- Saint Ann, Beverly Hills, Charlack, Northwoods, Vinita Park, Wellston

**\*Administered Courts:**

- Ballwin administers Winchester
- Frontenac administers Crystal Lake Park and Westwood
- Maryland Heights administers Champ
- St. John administers Sycamore Hills
- Town and Country administers Country Life Acres



- Velda City administers Flordell Hills

# **Fines and Fees**

## **Introduction**

For years, municipal courts in St. Louis County have operated more as revenue generators for local government than as neutral and impartial arbiters of justice, as outlined by the Department of Justice's 2015 report on Ferguson. When a citizen is charged with a municipal ordinance violation - which routinely includes traffic tickets and housing code violations but can include more serious charges like assault - they appear before a judge to issue a plea. If they plead guilty or are found guilty after trial, the judge issues a fine or jail time. In addition to that fine, the defendant must pay court costs, which go toward a variety of government funds, including clerk fees and crime victims' compensation. The revenues from punitive fines go to municipalities' general operating budgets, where the money is used to pay for government services including police and courts. When any amount of revenue from legal fines and fees goes toward funding municipal services, as opposed to covering the cost of operation for the court, an incentive exists to increase the amount of defendants in the legal system and excessively issue fines. This incentive creates a conflict for the municipal court: when courts are generating money for municipal services, they cannot be impartial or independent. Overwhelmingly, poor and black people pay the costs of this broken system.

## **Senate Bill 5**

In 2014, the Missouri General Assembly passed Senate Bill 5 to address predatory municipal courts by mandating that revenue from fines associated with minor traffic violations could make up no more than 20% of the general operating revenue for a municipality. The bill appears to have made a substantial impact in reducing court fines and fees. In 2018, out of the 46 municipal jurisdictions for which financial data on general revenue was available, only three (Bella Villa, Calverton Park, and Charlack) received over 20% of their general revenue from municipal court fines and fees, and this data does not separate fines and fees for minor traffic violations from other violations. Additionally, compared to 2014 data, only five municipalities (Black Jack, Cool Valley, Sunset Hills, University City, and Vinita Park) have increased their revenue from fines and fees.

However, Senate Bill 5 did not address all of the issues of excessive fines and fees and revenue generation. The 20% cap does not take into account the costs of a court, only its revenue in relation to general operating revenue for the municipality. As such, a municipal jurisdiction may be required to operate at a loss if the cost of administering the court is particularly high. Conversely, and much more frequently, some courts are generating excessive revenues greater than their costs if their cost of running the court is low. Moreover, if a municipality has a large amount of general operating revenue, it could make a substantial amount of revenue from court fines and fees while remaining below the 20% limit. Neither a revenue greater than cost that does not go to the school system nor a loss is desirable for a

court to be able to effectively administer justice without incentive to generate unnecessary revenue.

Furthermore, if a court generates more revenue than it requires to cover the cost of operation, even while remaining below 20% of general revenue, the Missouri Constitution requires the court to send the excess revenue to public schools. [\[Insert legal argument here\]](#). This requirement removes the perverse financial incentives that contribute to over-policing and excessive fines and fees and result in poor people being caught in a cycle of poverty. Additionally, according to SB5<sup>22</sup>, if over 20% of the general operating revenue for a municipality comes from minor traffic violation fines and fees, a public vote is required to determine whether or not the court should consolidate. According to the St. Louis County Board of Elections, however, such a vote has not occurred. The proposed consolidation would cause courts that cannot pay for the necessary resources without excessively fining the residents of the municipality to consolidate within courts with better oversight and resources. This would help to ensure municipal courts have the resources necessary to operate at the highest standard and provide the people they serve with the professionalism and unbiased justice we are legally entitled to.

## **Racial and Economic Disparities**

Moreover, as illustrated by recent research as well as ArchCity Defenders' 2014 Municipal Courts White Paper, prosecution of seemingly trivial violations such as loud exhaust pipes as well as high numbers of cases and warrants reinforce the public perception that municipal courts are focused more on generating revenue through excessive fines and fees than on serving the public. Municipal courts have, for the most part, reduced the number of warrants issued per person and cases filed per person in their jurisdiction since Senate Bill 5 was passed. Based on the available data for 2018, 52 municipal jurisdictions have decreased the number of warrants issued per person since 2014. Additionally, 67 municipalities have decreased the number of cases filed per person since 2014. However, courts are still routinely generating enormous numbers of cases, warrants, fines, and fees, and the most vulnerable populations, specifically poor black populations, continue to bear the highest costs. The following alarming 2018 statistics reveal a system designed to punish, not to serve:

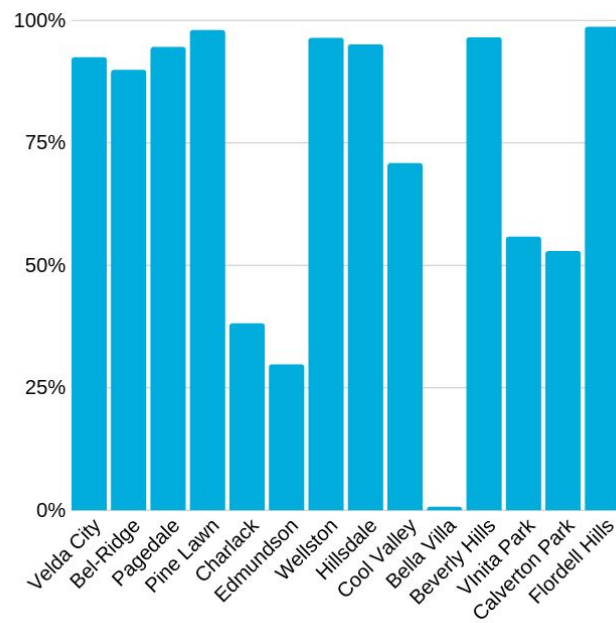
- 14 municipal jurisdictions had over 1 case filed per person, 11 of which had majority black populations. In half of these municipal jurisdictions, more than 90% of the population is black. (Top 3: Flordell Hills, Calverton Park, Vinita Park).
- 30 municipal jurisdictions had over 1 pending case (i.e. a case that is in progress) per person; 16 municipal jurisdictions had over 4 pending cases per person; and 5 municipal jurisdictions had over 8 cases pending per person. Of these 30 municipal jurisdictions, 20 had majority black populations, and 17 had poverty rates of 20% or higher. (Top 3: Hillside, Velda City, Calverton Park).

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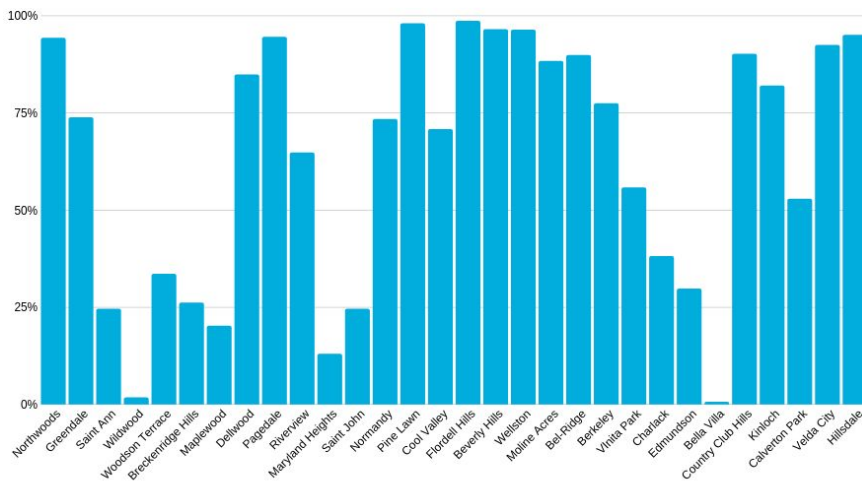
<sup>22</sup> RSMO § 479.359, 2

- 6 municipal jurisdictions have over 1 warrant per person, and 5 of those have a majority black population. (Top 3: Calverton Park, Edmundson, Flordell Hills).
- Of the 10 municipal jurisdictions with the highest number of warrants per person, 9 have a majority black population, and 6 have populations which are more than 90% black.
- Each of the 10 municipal jurisdictions with the highest number of warrants per person had at least 10% of their population living in poverty.
- Half the top 8 municipalities with the highest percentage of general revenue coming from municipal court fines and fees have black populations making up over 90% of their overall populations (Flordell Hills, Beverly Hills, Hillside, Pagedale).

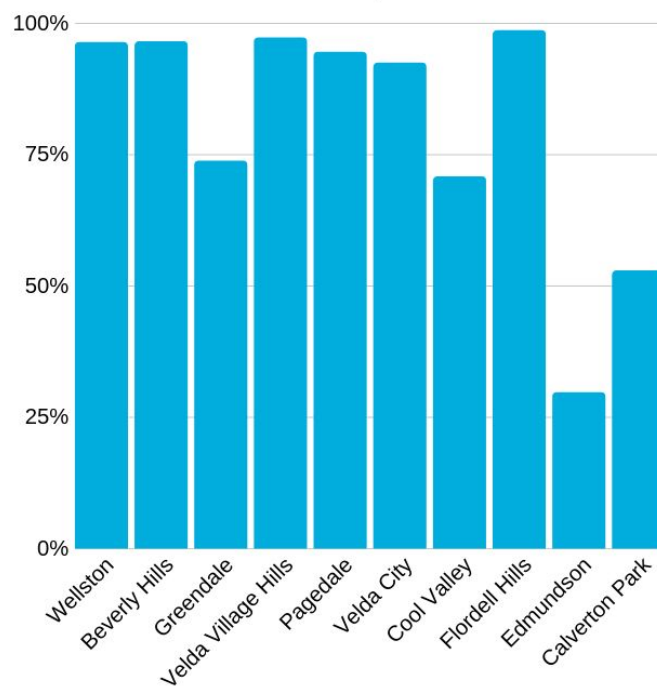
**Black Population Percentages for Municipalities with over 1 Case Filed per Person**



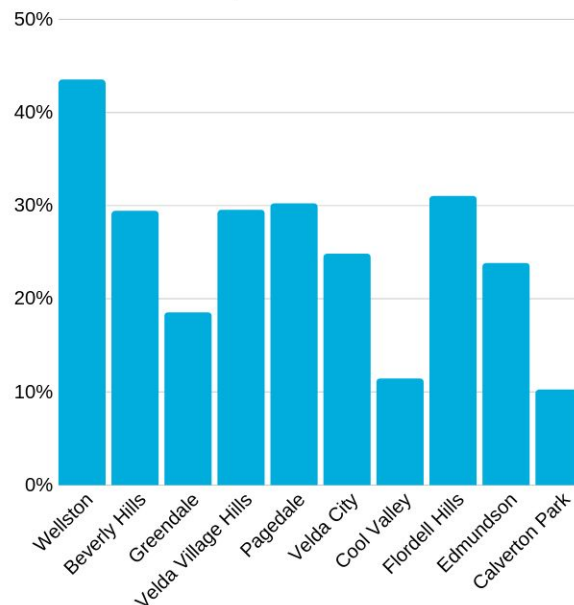
**Black Population Percentages for Municipalities with over 1 Case Pending per Person**



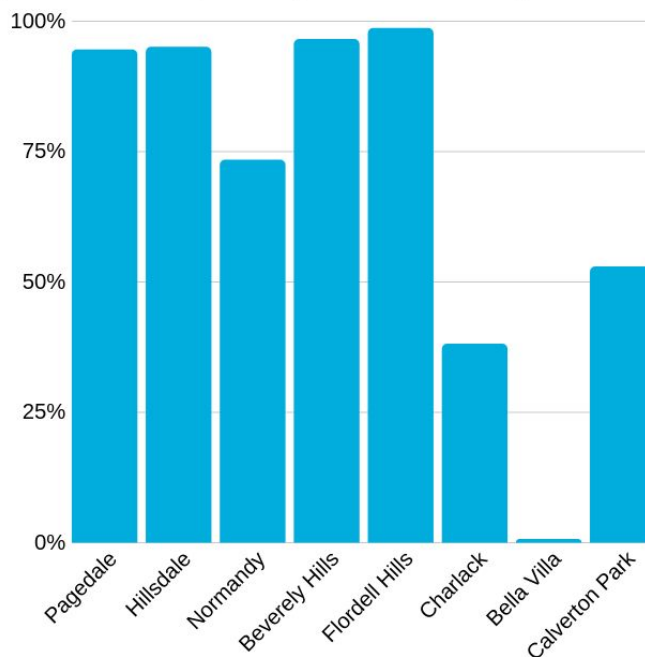
Black Population Percentages for Municipalities with the Highest Number of Warrants Issued per Person



**Poverty Rates for Municipalities with the Highest Number of Warrants Issued per Person**



**Black Population Percentages for Municipalities with the Highest Percentages of General Operating Revenue Coming from Fines and Fees**



A systemic pattern is clear: municipal courts most commonly burden the very people who are least able to bear the cost. Unfortunately, the current numbers show that the systematic

racism described by ArchCity Defenders' 2014 White Paper is still plaguing municipal courts today. Such clear patterns of racially discriminatory impact lead directly to public distrust of law enforcement and suggests ingrained racial and socioeconomic biases in the system. Unfortunately, neither individual municipal courts nor the Missouri Office of State Courts Administrator (OSCA) keep records of the number of warrants issued and cases filed disaggregated by race or income. In order to provide transparency to the public and empower the public to create a court system which provides equal justice under law, the Missouri Supreme Court or the General Assembly should mandate that courts begin collecting, tracking, and publishing racially disaggregated data.

While the courts do not provide data disaggregated by race, the police departments do. As required by SB 1053 (2000), the Attorney General's publishes an annual vehicle stops report that displays data on the number of stops and searches conducted by each police and sheriff force in Missouri disaggregated by race -- and produces a disparity index that shows the extent to which drivers of each race are disproportionately stopped and searched by law enforcement. The 2019 vehicle stops data in Missouri suggests that black people are disproportionately targeted by police. Excessive policing disproportionately funnels black people into municipal courts, where they are often charged excessive fines and fees. Out of the 53 police departments associated with an individual municipality within St. Louis County and City, 47 had a disparity index above 1 for black people, indicating that black people are more likely than white people to be stopped by police. A similar report that produced a disparity index for municipal courts would empower the public with knowledge about how the municipal courts are treating people in St. Louis. Moreover, it is mandated by law that the police collect this stop data disaggregated by race. As the police department is one body of the justice system, it logically follows that other bodies of the justice system should be legally required to collect disaggregated race data as well.

To lower the overall number of warrants and cases for all races, and therefore lessen the public perception that municipal courts are revenue generators, prosecuting attorneys should be more conservative when choosing to prosecute trivial violations. Additionally, city councils should focus on repealing unnecessary ordinances, such as Pagedale's ordinance that states that residents can be fined for failing to place their recycling bin by their curb for pickup. Imposing large costs for frivolous code violations, such as unkempt lawns or mismatched window curtains, lead directly to public resentment and distrust. Using the court system to generate revenue by charging fines for crimes of poverty can keep poor people caught in a cycle of indigency. When speaking with a defendant who was in court for a loud exhaust pipe, she stated, "they just want our money," demonstrating the public perception that results from the prosecution of such trivial violations: municipal courts appear to be focused on generating revenue, not neutrally administering justice. By being more mindful of what to prosecute and repealing trivial ordinances, prosecuting attorneys and city councils can help improve the public sentiment toward municipal courts while decreasing the total number of cases and warrants.



Recent data shows that, overall, municipal courts have improved from 2014-2018 in terms of fines and fees, warrants, and cases. However, courts continue to serve as revenue generators, with the vast majority making revenues that go toward the municipalities instead of where they should go: public schools. This creates an incentive for courts to excessively fine people as opposed to administering justice. As a result poor and black populations are faced with ever-piling loads of cases that they cannot afford. So the public can accurately assess and resolve these disparities, the General Assembly should require a report similar to the Attorney General's stop and search data report that creates a disparity index for municipal courts. Additionally, courts must be required to give all profits to schools, and city councils and prosecuting attorneys should reconsider the use of its trivial violations, so as to not stack cases and warrants against people for frivolous violations.

### **Next Steps and Recommendations**

- Any revenue that exceeds the costs to run a municipal court should go to the public school system.
- Municipal courts should collect disaggregated race data to be used in a report similar to the police vehicle stops report.
- Prosecuting attorneys should stop prosecuting trivial violations, and lawmakers should repeal trivial ordinances.

# **Access and Professionalism**

## **Introduction**

The sheer number of municipal courts in the 21st Circuit makes public access to information difficult and frustrates oversight of court proceedings. Public knowledge of basic information -- such as location, hours, contact information, hours court is in session, court personnel, and fine and fee schedules for each municipality -- allows for public engagement and oversight and can help build public trust. If this information is not easily available, defendants may miss court dates and are at risk of receiving a warrant because they cannot find the necessary information about attending court. With this lack of centralized database, oversight of these 74 courts is very difficult. Thus, this information must be accessible to the public in order to ensure a just and fair system.

## **Meeting Times**

Based on information from municipal court websites, municipal courts in the 21st Circuit meet an average of twice per month. This infrequent schedule makes courts unnecessarily inaccessible to defendants who have jobs, families, or other commitments during the rare times courts are open. The Saint Louis City Municipal Court, by contrast, is open from 9am to 5pm, Monday to Friday. However, this court only serves about one-third of the region's population. Thus, almost 1 million people are served by courts that do not make public access a priority. Infrequent court meetings make the court itself an obstacle to residents who would like to speedily address their violations and pay their fines and fees. If municipal courts in the county were held more than twice a month, they would serve the public more effectively. St. Louisans deserve better than part-time justice.

Moreover, important notices like cancelations are often not communicated to the public. For instance, researchers found online that the Flordell Hills Municipal Court met the second Tuesday of every month; however, when they arrived, a sign was posted on the door that stated that the times were changing, and court would then be held on the second Wednesday of each month. There was no notice of this on the website, and defendants would have no way of knowing about this change unless they also went to court. As a result of unclear court dates, individuals are required to forfeit their time for a court that fails to even notify them when their hours have changed. Lack of communication and accessibility breeds distrust, resentment, and can increase the amount of time people accused of violations have to navigate a system which fails to treat them with basic decency. Excessive fragmentation results in people receiving different levels of service instead of receiving the same, high quality service regardless of which court they visit.

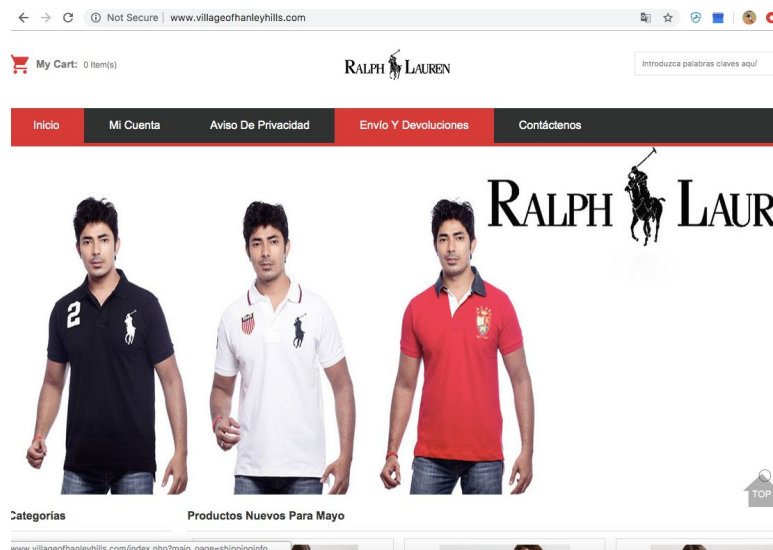
## **Website**

In 2015 the Missouri Supreme Court Working Group on Municipal Courts recommended that “municipal courts must make a reasonable effort to communicate important info (like hours) to the public.” In 2019 their recommendation remains relevant. Additionally, the Missouri Supreme Court Rule 37.04A requires municipal court websites to include a notice of defendants’ rights in court. However, six courts do not have these rights posted.<sup>23</sup>

Many defendants look to municipal court websites to learn how to engage with the court system. However, a substantial amount of basic information is missing from many courts’ websites. Roughly 34% of websites do not include the name of the judge, 36.5% do not state the name of the prosecutor, and 38% do not include a schedule of fines and fees. Chesterfield, Kinloch, and Twin Oaks do not even have their address listed. It is very rare to find a website that includes all the basic information about its court such as a notification of rights, office hours, court hours, online payment, personnel, court rules, address, phone number, and fines and fees schedule.

Even more so, many websites have technical glitches that prevent users from accessing certain pages. Below are various examples of these problems:

Hanley Hills: When a user clicks on the link to the website for Hanley Hills, a spanish version of Ralph Lauren’s website comes up, even though the address is for the Village of Hanley Hills.



Belridge: After clicking the “You can pay your court fines online” button, the following page loads:

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<sup>23</sup> Beverly Hills, Calverton Park, Grantwood, Hanley Hills, Kinloch, Velda City (who administers Flordell Hills as well), and Warson Woods

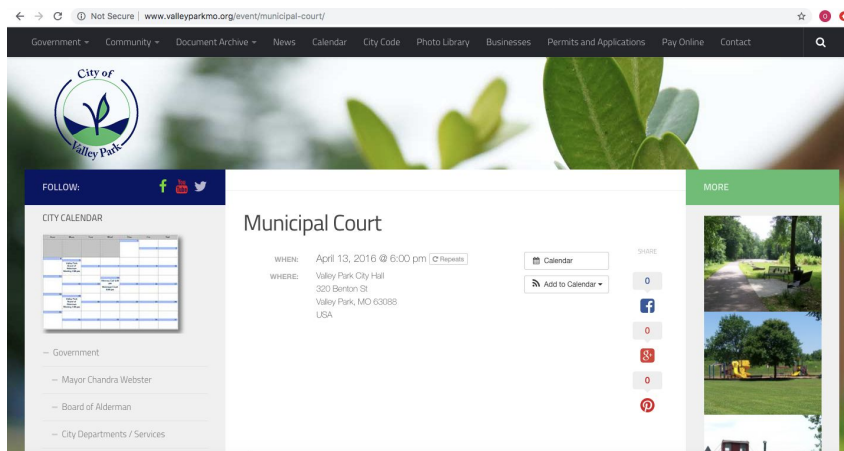


**Your session has timed out.**

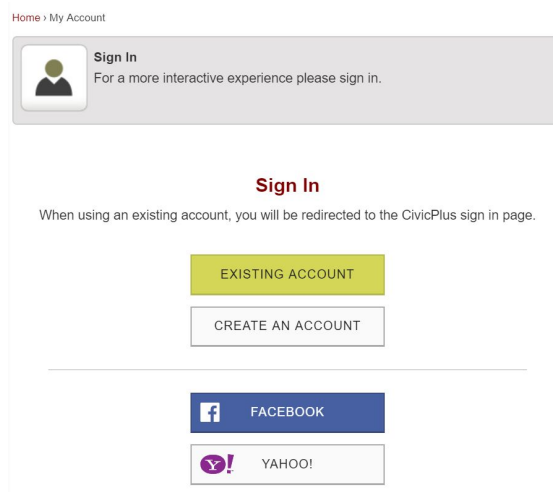
**Please close your browser and reopen (logging in, if necessary) in order to reinitialize your session.**

**Please note, this is a designed behavior to ensure system security. During prolonged inactivity, your session will reset in order to prevent undesired access.**

Valley Park: After clicking “Staff” on the main municipal court page, a page from 2016 loads:



Creve Coeur: In order to access a list of Creve Coeur employees, an account is required.



Clearly, municipal courts do not prioritize sharing accurate and relevant information with the public. Winchester is now administered under Ballwin but still has a website that appears as if it is functioning independently.

Navigating municipal courts in the 21st Circuit routinely leaves defendants feeling frustrated and disrespected. The municipal justice system might increase public trust and legitimacy if they make a conscious effort to treat all citizens with fairness and respect. Citizens' interactions with courts contribute greatly to their overall perception of their sense of justice. In the 21st Circuit, justice is not perceived to be fair or equal. One defendant said, "They're searching to find something wrong. If you dig deep enough, you'll always find dirt."<sup>24</sup> The people involved in this system feel like they are being mistreated by a system that is supposed to be just and neutral.

### **Clerks, Websites, and Discrepancies**

To find information that was not available on the websites, researchers called each of the municipal courts, ultimately conducting over 100 phone calls. Many courts clerks failed to provide basic information such as names of court personnel, when the court is in session, and when court personnel are available at their public offices.. Municipal officials often were unable to provide information and transferred calls to multiple additional officials who were still unable to answer basic questions. Some phone numbers listed on municipal websites were disconnected. One municipality required researchers to submit a written and notarized request to obtain these public records. Below are a few anecdotes from several calls to municipalities.

- Bel-Nor: When called, the clerk initially said to send her a request in writing. However, after reminding the person it was supposed to be a public record, she put the researcher on hold and then gave her the information.
- Bel-Ridge: When asked for information, the person on the phone said to look the information up on their website instead.
- Clayton: When called, the researcher was transferred to the St.Louis County Municipal Court to answer questions, even though Clayton is not consolidated under the County.
- Jennings: The person on the phone refused to provide court clerk names, even though it is a public record.
- Kirkwood: When a researcher requested the name of the clerk, the person on the phone refused and said, "We don't give out that information." This occurred twice.
- Velda City: Person on the phone told the researcher that she has to look it up on the website or submit a notarized written request in person to get the information.
- Vinita Terrace: The phone number on the municipalities' website is not a working number.
- Saint Ann: Researchers called the consolidated courts of St. Ann a total of three times. Each time, the court clerk asked for their phone number and said she would return their calls, but she never did.

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<sup>24</sup> Digital Audio: Pretextual Stops & Minor Infractions Wreak Havoc on Low-Income Residents, 0:20 (Jun. 25, 2014), <https://soundcloud.com/archcitydefenders/morepretextual-stops-more-money-for-municipalities#t=0:20>.

Even more problematic, the information given over the phone often did not match what was found on the website. Specifically, the court times provided by municipal staff were different than their website 14 times.

The municipal court system is unable to provide basic information to the public, which raises serious issues concerning access to justice, public oversight, and accountability to the people. A resident who receives a ticket from any municipality must be able to easily find out when and where to go to court. Moreover, they have a right to know who is adjudicating, prosecuting, and processing the case against them. Some courts refuse to make even this most basic level of information available. Even worse, the public cannot accurately assess the courts system's performance -- or suggest reforms to improve performance -- if they cannot access the information they need to make informed judgements. Ultimately, the court system's unwillingness and inability to respond to make basic information available contributes to widespread distrust of the justice system and implies that municipal courts prefer to operate without public oversight.

### **No Centralized Database**

In addition to these discrepancies, a substantial amount of basic information is obscure and unclear. As there is no centralized database or accurate website with all of the court information, the public has no way to guarantee we are receiving the most accurate information. Courts essentially operate without any oversight based on aggregated data. If courts had one centralized database, then courts would be accessible and transparent to the public.

In an effort to create a centralized database, [knowyourcourtstl.weebly.com](http://knowyourcourtstl.weebly.com) was created as one place to host all basic court information for the county. Each municipality has its own page that includes phone number, address, personnel, fines and fees schedule, any rules or dress code, website link, pay online option if available, and if the court is consolidated or administered. The website is an example of a short term solution to the lack of centralized data. For the time being, it allows citizens to easily access the information that should be provided to them by their own court. If courts began to collaborate on this site or one similar, citizens would have a much clearer way to navigate the courts.

### **Next Steps and Recommendations**

- Legislation should be passed that requires all municipalities to keep an updated website, including defendants' rights, office hours, court hours, online payment, personnel, court rules, address, phone number, and fines and fees schedule.
- A central database should be established among all courts in the 21st Judicial Circuit.
- Clerks should be trained on all of the information pertaining to their court as well as what information is public record.
- Courts should be required to post on their website if they are consolidated or administer another court.

# **Oversight and Accountability**

## **Introduction**

The municipal court system in the 21st Circuit is set up to fail because it is deeply fragmented. The circuit contains 74 separate municipal courts, which makes institutional oversight and public accountability close to impossible, and, in the worst cases, transforms fairness and justice from rights to privileges. Every judicial circuit in Missouri is supervised by a single presiding judge charged with providing part-time administrative oversight while also managing their own docket of cases in circuit court. The average circuit contains just over 8 municipal courts; the 21st Circuit contains 74 -- more than nine times the average. Part-time oversight is insufficient for the most crowded circuit in the state.

## **Oversight**

The extremely large number of courts in the circuit allows the municipal justice system to, in effect, escape both institutional oversight and public accountability. A part-time administrator and two court monitors cannot guarantee 74 courts are upholding the standards expected of the judiciary; as the data throughout this report shows, problems are rampant. The organizations responsible for oversight simply do not have the time, money, or resources to effectively and efficiently oversee the courts. When contacted, the Office of the Supreme Court Administrator, a state body charged with collecting data and best practices for courts in Missouri, could not even provide the number of courts in the 21st Circuit. Public efforts at reform are often discouraging and futile, since a reform campaign must be proposed, initiated, and achieved in 74 different municipal jurisdictions to bring change to all residents. Anyone pushing for more justice and equity in municipal courts must meet the challenge of tailoring their campaigns to every single one of the different court jurisdictions, as a campaign in Frontenac will be substantially different than one in Ferguson. For example, the Ferguson consent decree, which made significant improvements to the local justice system, only applies to Ferguson, and there is no mechanism to expand the beneficial reforms to any other municipality. Similarly, in 2018, when County voters overwhelmingly expressed a preference for meaningful criminal justice reform by electing Wesley Bell, the municipal court system was left unchanged.

Every driver in St. Louis County is potentially subject to being judged by a court that operates with little effective oversight. Even if one municipality's court administers justice effectively and is free from conflicts of interest, residents of that municipality will almost certainly have to drive through other jurisdictions and could be ticketed and judged by another municipal court system that is compromised by conflicts, poor access to justice, financial incentives to impose excessive fines and fees, and little effective oversight. Every citizen has a right to be served by a court system that is responsive to them and ultimately overseen by the public; this is not currently the case in the 21st Circuit.

## **Accountable People and Groups**

Municipal judges and prosecutors have a great degree of influence over day-to-day municipal court practices. Judges are required to provide a statement of the defendants' rights and abide by all the constraints of Senate Bill 5. Judges could additionally take it upon

themselves to increase transparency and access to courts, attend cultural competency and empathy trainings, and commit to treating all defendants with dignity and respect. Several California court systems have instituted similar reforms. In California's Santa Clara county, professional monitors watch tapes of court proceedings with judges, and provide constructive criticism on how the judge could better express empathy and cultural competency towards defendants. Increasing the level of empathy and respect to defendants can help to restore public trust in the justice system.

Reform is necessary, and there are people who can make it happen. The Presiding Judge of the 21st Circuit is ultimately responsible for the oversight and accountability of the municipal courts in St. Louis County and has expansive power. Currently, if the presiding judge's office does not receive proper assurance that a municipal court is operating at the level expected of the judiciary, the judge can take many enforcement actions, from deploying monitors to dissolving courts entirely and moving cases to the associate circuit level. The most meaningful and effective power the Presiding Judge has is to reduce the number of courts to a level that can be effectively overseen and held accountable.

The Supreme Court of Missouri has jurisdiction over all the state courts in Missouri, meaning they have the ultimate authority in making decisions about the functions and structure of the system. According to the Honorable Chief Justice Michael Wolff, the Missouri Supreme Court has the ability to facilitate or require the consolidation of municipal courts; however because of their tendency to avoid political stances, the Supreme Court is unlikely to take action. Washington University Law School Professor Kim Norwood has argued that the Missouri Supreme Court can and should consolidate municipal courts in the 21st Judicial Circuit.

[Insert power map]

Calls for change have been clear and persistent for the past 5 years. Organizations such as Forward through Ferguson, ArchCity Defenders, and other reformers are unified in the belief that consolidation is necessary to ensure sufficient oversight. Past reports about municipal courts have identified the lack of oversight as a fundamental obstacle to equal justice in municipal courts in St. Louis County. In 2015 the National Center for State Courts suggested that circuit courts should exercise more oversight over municipal courts and identified the 21st Judicial Circuit as a priority area. The Ferguson Commission Report also called for the consolidation of municipal courts. Still, the few changes which have been made to increase oversight of the municipal courts in the 21st Circuit have been insufficient.

## **Next Steps and Recommendations**

- Better data collection and sharing with the public will increase transparency, public oversight, and legitimacy of municipal courts. For example, San Francisco has recently adopted a system that provides arrest warrants, incarceration data, and a wide variety of other statistics that can be viewed by anyone. Publicizing this kind of data disaggregated by race will allow the public to understand the processes and consequences of the municipal justice system significantly increase the public's ability to provide meaningful oversight.
- The organizations responsible for oversight do not have enough staff or resources to effectively oversee 74 municipal courts. An increase in the staffing in the office of the



Presiding Judge and organizations like OSCA could allow more ability to hold courts accountable

- Community advisory boards that reflect the diversity of the area they represent could also provide valuable oversight mechanisms. This was first recommended by the National Center for State Courts.
- Institute empathy trainings to better equip judges to conduct equitable proceedings within the courtroom
- Consolidation is ultimately the solution necessary to create a system with sufficient institutional oversight and public accountability.

## Legislative History

Senate Bill 5, a law designed to rein in some of the most obvious and egregious abuses by municipal courts in St. Louis County, became law in the summer of 2015 in direct response to the Ferguson Uprising. Almost immediately, a backlash began. Municipal courts evaded the law by finding new ways to impose excessive fines and fees; municipal mayors challenged the law in court; and legislators have introduced 11 bills intended to undo the improvements made by Senate Bill 5, including multiple bills that would have eliminated every reform made by Senate Bill 5.<sup>25</sup>

Within months of its passage, twelve municipalities challenged Senate Bill 5 directly. Normandy, Cool Valley, Velda Village Hills, Glen Echo Park, Bel Ridge, Bel-Nor, Pagedale, Moline Acres, Uplands Park, Vinita Park, Northwoods, Wellston, and the St. Louis County Municipal League, brought a lawsuit against the court reform bill.<sup>26</sup> Five of these municipalities were among the 20 municipalities which collected the greatest share of their revenue from fines and fees.<sup>27</sup> After two years of litigation, the Missouri Supreme Court struck down parts of the law that set higher standards for the justice system in St. Louis County than for the rest of the report. In direct response to the US Department of Justice report which determined the City of Ferguson's justice system was a "abusive fundraising tool,"<sup>28</sup> lawmakers had set a cap of 12.5% on court revenues in St. Louis County (stricter than the 20% set statewide), required municipal police departments in the County to be accredited by a professional law enforcement accreditation agency, and required municipalities to have sufficient insurance to cover abuses by justice system employees. All of these requirements were struck down.

While the legal challenge was pending, courts and struggling municipalities found new ways to continue funding their governments through excessive fines and fees on their residents. Since Senate Bill 5 capped revenue from minor traffic infractions at 20%, municipal leaders turned to trumped-up building and municipal codes violations to fund their governments. The City of Pagedale, for example, was sued in federal court after it issued 2,255 ordinance violations -- or roughly two per household -- for supposed quality of life issues such as drinking a beer within 150 feet of a barbeque grill or failing to have matching window curtains.<sup>29</sup> None of the municipal ordinance violations were covered by Senate Bill 5's cap on revenue, so municipalities complied with the letter of the law while continuing to raise funds for their

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<sup>25</sup> The 11 proposed bills are: SB 520 (2017), HB 822 (2017), SB 553 (2018), SB 692 (2018), HB 1475 (2018), HB 1249 (2018), HB 2562 (2018), HB 2045 (2018), HB 192 (2019), SB 147 (2019), HB 67 (2019), SB 79 (2019), and HB 427 (2019). SB 520, HB 1475, and SB 692 would eliminate the reforms made in SB 5.

<sup>26</sup> Normandy v. Grietens

<sup>27</sup> BT Courts Report, 2014

<sup>28</sup> DOJ Report:

[https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson\\_police\\_department\\_report.pdf](https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf)

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[https://www.stltoday.com/news/local/crime-and-courts/municipalities-ticket-for-trees-and-toys-as-traffic-revenue-declines/article\\_42739be7-afd1-5f66-b325-e1f654ba9625.html](https://www.stltoday.com/news/local/crime-and-courts/municipalities-ticket-for-trees-and-toys-as-traffic-revenue-declines/article_42739be7-afd1-5f66-b325-e1f654ba9625.html)

governments by imposing hidden taxes on residents who were disproportionately poor and black.

Senate Bill 5 did not solve the problem of excessive fines and fees. In response, cash-strapped municipalities found new ways to extract municipal revenue from their residents. The Missouri General Assembly then passed Senate Bill 572, which extended Senate Bill 5's core protections against abusive courts to residents accused of municipal building code and ordinance violations. The bill was opposed by municipal mayors and the St. Louis County Municipal League, who had also opposed Senate Bill 5.<sup>30</sup>

Municipalities in St. Louis County have generally complied with the mandates of Senate Bill 5 and Senate Bill 572, though a handful remain above the 20% limit and continue to ignore the law and by refusing to provide excess court revenue to public schools, as is required by the Constitution. However, many municipalities in St. Louis County are still profiting off fines and fees. *[Molly will help me write this section about what she's found in the 2018 CAFRs.]*

In Jefferson City, legislators in the General Assembly have introduced 11 bills in the past four years which would roll back some or all of the reforms made by Senate Bill 5 and Senate Bill 572. Every provision of Senate Bill 5 and Senate Bill 572 has been threatened by a new bill multiple times since 2014. Though none of these regressive bills have become law, every year some lawmakers try to allow municipal justice systems to once again focus on generating money for local governments through fines and fees.

Bills have been introduced which would eliminate Senate Bill 5's cap on court revenue, eliminate the cap on ordinance violations completely, increase the amount municipalities can charge for ordinance violations, and almost double the maximum allowable traffic fine. Other bills would have rewritten the formula that determines what types of revenue are subject to the 20% cap, resulting in a greater share of municipal revenue coming from fines and fees. Some proposals would have allowed courts to charge indigent defendants -- people who the court has determined are unable to afford a lawyer -- for choosing to perform community service instead of paying a fine and for failing to appear for a court date. A handful would have even allowed courts to jail people who cannot pay their fines -- a practice that was abandoned by most justice systems decades ago, and finally outlawed in Missouri this session, with the passage of House Bill 192. This bill, signed into law on July 10, ended debtors' prisons in accordance with a recent Missouri Supreme Court ruling, and required judges to hold hearings to determine defendants' ability to pay fines and fees.

The recent legislative history of court reform efforts shows that the General Assembly has the power to make significant improvements to municipal courts by passing laws that promote justice, respect due process, and protect vulnerable residents from an oftentimes predatory system. Together, Senate Bill 5 and Senate Bill 572 have curbed the worst abuses of

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<sup>30</sup> Committee notes

St. Louis County's municipal court system. However, positive reforms are challenged every year.

Despite the many improvements, Senate Bills 5 and 572 did not create just and effective courts in St. Louis County. Deep structural problems remain prevalent. Our municipal justice system sanctions widespread conflicts of interest, produces unconscionable numbers of warrants and cases, and operates with little to no oversight. Above all, the justice system remains a fundraising tool for municipalities, at the expense of residents who are disproportionately poor, black, and directly harmed by their governments.

## **Next Steps and Policy Proposals**

### **Conflict of Interest**

- Courts should make public if and how they prevent conflicts of interest and perverse financial incentives. It is clear based on the language from Rule 37 that these mechanisms should be in place. These disclosures should come in the form of:
  - Judges and prosecutors explicitly publishing when they recuse themselves from cases
  - Judges and prosecutors explicitly publishing how they avoid the influence of outside factors and personal relationships
  - Judges and prosecutors acknowledging that they never argue a case against someone from their own firm or someone they have a relationship with
  - Each municipal jurisdiction publishing their reporting requirements about how they are meeting the 10 minimum operating standards. These can be published by either the jurisdictions themselves or the presiding judge. The presiding judge should publicize which municipal divisions are failing to meet these requirements.
- Conflict of interest training should be required, and judicial personnel should make public their completion of this training. Trainings could be mandated by either OSCA or the Missouri Bar.
- The mayor and Board of Alderman should make public how and why they appoint specific people to certain roles. This will verify that they are selecting the most qualified personnel and increase transparency, which will in turn improve public trust in the system. They should also provide a means for the public to provide suggestions and provide input about why or why not someone should hold a role if they so choose.
- We reiterate Forward Through Ferguson's recommendations from their 2014 publication, A Path Toward Racial Equity:
  - Municipal prosecutors shall be prohibited from representing criminal defendants in municipal courts within the county in which they serve as prosecutor.
  - The Legislature and the Supreme Court shall create rules to require the principal actors in the entire system of municipal governance (municipal officials, police officers, prosecutors, municipal court judges) to sign an annual code of ethics that prohibits targeting or collusion.
- The 21st Circuit Division should limit the ability to hold multiple roles. At least two states have already done so, and the vast amount of municipal courts in St. Louis County make this matter even more pressing.
  - New York Code of Judicial Conduct, section 100.6(B)(2) prohibits a part-time judge from "practic[ing] law in the court on which the judge serves, or in any other court in the county in which his or her court is located, before a judge who is permitted to practice law, and shall not act as a lawyer in a proceeding in which the judge has served as a judge or in any other proceeding related thereto."
  - Georgia Code of Judicial Conduct: "Judges shall respect and comply with the law and shall conduct themselves at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." A Georgia Supreme

Court Advisory Opinion interpreted this to mean that a part-time judge cannot also serve as a prosecutor.

- Municipal jurisdictions should increase the transparency of their personnel by updating their websites.
- A municipal court that cannot operate without apparent or actual conflicts of interest cannot operate with public trust. Courts without the resources to operate effectively should consolidate into court systems that can uphold the judiciary's vital public role.

### **Fines and Fees**

- Any revenue that exceeds the costs to run a municipal court should go to the public school system.
- Municipal courts should collect disaggregated race data to be used in a report similar to the police vehicle stops report.
- Prosecuting attorneys should stop prosecuting trivial violations, and lawmakers should repeal trivial ordinances.

### **Access and Professionalism**

- Legislation should be passed that requires all municipalities to keep an updated website, including defendants' rights, office hours, court hours, online payment, personnel, court rules, address, phone number, and fines and fees schedule.
- A central database should be established among all courts in the 21st Judicial Circuit.
- Clerks should be trained on all of the information pertaining to their court as well as what information is public record.
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### **Oversight and Accountability**

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