In the Rearview Mirror:

St. Louis's Municipal Courts After a Decade of Reform and Regress

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ARCH CITY DEFENDERS

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The best way to honor the Ferguson Uprising is never to place it in our rearview mirror. It took centuries for the current political landscape to form, and it will take all of us placing our hands on the plow to till the soil for the world we dream of to grow.

—Brittany Packnett Cunningham, 2019[1]

Ten years ago this summer, Ferguson police officer Darren Wilson fired twelve shots that killed Michael Brown, an unarmed Black teen. His death ignited a social movement that forever shifted, and continues to shape, St. Louis' legal and political landscape. The Ferguson Uprising emerged from communal sadness, anger, and grief rooted in longstanding tensions between the police and Black residents of St. Louis – a reality that existed decades before the city became an international news story.[2]

But the issue was not and has never been solely about police brutality. Public activists were equally frustrated with, and called attention to, the criminal legal mechanism responsible for legitimizing and incentivizing policing in poor, mostly Black neighborhoods: the municipal courts. Many of the protesters in Ferguson were targets of excessive policing in cities where the local government relied on revenue generation through fines and fees from minor ordinance violations to cover their own operational costs.

Since ArchCity Defenders opened its doors in 2009, our staff has provided legal representation and support to countless individuals who have been roped into St. Louis' profit-driven, byzantine municipal court system. From the beginning, our clients told us that the courts were not concerned with public safety but rather were extorting and abusing them precisely because they were Black and poor.[3] We believed them. A week after Michael Brown's death, we released a white paper, which had been in progress months prior, extensively detailing harmful practices in Ferguson and other municipal courts in St. Louis County.[4]

The paper revealed how the courts routinely jailed people for their inability to pay fines and fees stemming from minor offenses, without a lawyer or any inquiry into their ability to pay, and other flagrant violations of their due-process rights guaranteed by the U.S. Constitution. Thousands of people languished in decrepit jail cells until they produced enough cash to buy their freedom, or until jail officials arbitrarily decided to release them days or weeks later. What started as a traffic ticket often snowballed into losing one's driver's license, job, and housing. Nevertheless, to work and feed their family, they had to take the risk of driving again. Some called it a pay-to-play system, policing for profit, taxation by citation, or a debtors' prison. Regardless of the label, the end result was the same: thousands of families living in fear, trapped in a vicious cycle of debt and poverty.

After the white paper's release, and as the Ferguson Uprising emerged, investigations were launched, commissions were established, and public pressure mounted to confront the "municipal court problem." Over the past decade ArchCity Defenders has continued

[1] Cunningham, Brittany Packnett. "How Ferguson Woke Us Up." Time Magazine, 8 Aug. 2019, https://time.com/5647329/ferguson-police-brutality-activism-america/.

[2] Cook, Lindsey. "Racial Tensions in Ferguson Started Long before #DontShoot." U.S. News, 14 Aug. 2014, www.usnews.com/news/blogs/data-mine/2014/08/14/racial-tensions-in-ferguson-started-long-before-dontshoot.

[3] The demographics of those individuals impacted by the municipal court system vary across the geography of St. Louis County; however, the common thread is that they are low-income. These individuals are cited for infractions that often cost money to address and carry a heavy price tag in court fines and fees. Where the political landscape and demographic shifts have led to geographic concentrations of Black poverty, as is the case in municipalities like Ferguson, the operations of the municipal court have a clear disproportionate racial impact.

[4] ArchCity Defenders. "ArchCity Defenders: Municipal Court White Paper," 2014, https://archcitydef.wpengine.com/wp-content/uploads/2019/03/ArchCity-Defenders-Municipal-Courts-Whitepaper.pdf.

to uplift clients' stories while litigating and settling major civil rights lawsuits against the most egregious municipalities, most in the St. Louis region. In total, ArchCity Defenders filed 52 lawsuits between 2014 to 2024, alleging unlawful practices in 20 municipalities spanning across eight counties. Often working with local or national co-counsel, ArchCity Defenders filed 75% of these cases between 2014 to 2019, the majority citing claims under 42 U.S. Code Section 1983, a federal statute that provides people with the right to sue government employees who violate civil rights protected by the U.S. Constitution. As of writing this, four cases were dismissed, 14 remain pending, and 34 have settled with monetary and/or injunctive relief (a court order requiring defendants to take up or refrain from certain activities to prevent future harm). In total, the federal courts have ordered defendants to pay $26.7 million in monetary damages to thousands of people impacted by systemic abuses sanctioned by local governments through their systems of police, courts, and jails.

Mobilization, litigation, and advocacy on all sides of the issue led to the most sweeping municipal court reform in our state's history.[5] As a result, court operations have scaled back compared to 10 years ago. Tickets and warrants issued and revenue generation have significantly decreased. However, the same municipal court system endures. No matter how often it recalibrates in response to external pressures, the risk of backslide remains. People are still cited, prosecuted, and fined for petty things they usually cannot afford to fix.[6] Although the courts are not as profitable as they once were, they still operate as businesses sustained by their bottom line and as machinery to control the behavior and movement of its targets. The imperative to recoup every dollar spent will always be a moral hazard at the heart of a fundamentally flawed justice system. The patchwork arrangement of municipal courts remains largely unchanged, as does the demographic makeup of defendants ensnared in their courtrooms. As the 10-year anniversary of the Ferguson Uprising approaches, it is critical that we take time to reflect on how we got here and how much further we must go.

In the following sections of the paper, we will: first, centralize several key reform initiatives and policy changes that shaped the current municipal court system; second, present a decade of data on municipal court revenue, tickets, and warrants; and third, reiterate calls for transformative change to dismantle the racial and economic injustices inherent to the municipal court system.

Part 1. Municipal Court Reform and Recalibration: 2014–2024

In the past decade, Missouri's municipal court system has undergone significant transformations, driven by numerous reform initiatives and policy changes. These reforms, in response to public outcry and advocacy for greater justice, aimed to address systemic inefficiencies, biases, and inequities within Missouri's municipal courts. Notable changes include the establishment of standardized procedures, enhanced transparency, and stricter accountability measures. Additionally, the global COVID-19 pandemic deeply affected how these courts operated, necessitating swift adaptations to maintain judicial processes amidst unprecedented challenges. However, despite these efforts, considerable problems and fundamental injustices persist within the system. In this section, which unfolds chronologically, we explore the origins, implementation, and ongoing issues with these reforms.While the account is by no means exhaustive, it is intended to illustrate the magnitude of efforts that took place, as well as the limitations of those changes.

Better Together 2014 Study

Better Together, a grassroots project sponsored by the Missouri Council for a Better Economy, launched in 2013 in response to growing public interest in addressing the fragmented nature of local government

[5] Lippmann, Rachel. "Municipal Courts Are Less Of A Cash Cow Five Years After Ferguson, But Problems Remain." St. Louis Public Radio, 6 Aug. 2019, https://www.stlpr.org/government-politics-issues/2019-08-06/municipal-courts-are-less-of-a-cash-cow-five-years-after-ferguson-but-problems-remain.

[6] Stefanescu, Victor. "A north St. Louis County municipality fines like no other. Some residents say 'leave me alone.'" St. Louis Post-Dispatch, 2 Aug. 2023, https://www.stltoday.com/news/local/government-politics/a-north-st-louis-county-municipality-fines-like-no-other-some-residents-say-leave-me/article_4c3c5dec-2b2b-11ee-968a-833cc1691d7d.html. In fiscal year 2022, Calverton Park, which is nestled into the northwestern border of Ferguson, collected and disbursed $190,175 in fines, according to an annual judicial report filed with the Office of State Courts Administrator. For a city of just over 1,100 people, that's equivalent to $166 per resident — the highest per capita rate among the county's 88 municipalities, according to a Post-Dispatch analysis — and around $93 more than the next-highest municipality, Edmundson. A portion of those fines were issued to nonresidents.

throughout St. Louis City and St. Louis County.[7] On October 15, 2014, the group released a study examining issues of "court oversight, the use (and misuse) of court fines and fees, the need for access to open courts, and the importance of clarifying defendants' rights."[8] The report found that municipal courts in St. Louis City and County collected nearly half of the $132 million in fines paid statewide, despite being home to fewer than one in four Missourians. The county alone collected one-third of the statewide total, with just one out of nine state residents. Other key findings included:

- The presiding judge in St. Louis County oversaw 81 municipal courts, more than 10 times the number of courts as an average judge in Missouri.
- Twenty of the 21 municipalities that derived at least 20% of their general budget from fines and fees are located north of Olive Boulevard and within the boundary of highway I-270. The municipalities' populations were on average 62% Black, with 22% living below the poverty line. (By way of comparison, St. Louis County as a whole was 24% Black, with 11% below the poverty line.)
- According to 2013 data, 73 of the 81 then-existing municipal courts turned a significant profit, bringing in more revenue than they required to operate. On average, a municipal court in St. Louis County brought in an average of $711,506 in revenue from fines and fees each year yet cost $223,149 to operate, leaving an average net revenue of $488,367.

"Not surprisingly, many in the community view the courts as revenue centers rather than centers of justice," the report stated.

The numbers revealed in the report told a similar story. It became clear that these municipalities' method of financial survival came primarily at the expense of Black residents. "Our current system is not working, and the data shows that our African-American communities are paying the highest price for this systemic failure," said Better Together Executive Director Nancy Rice.[9]

The report and its findings were among the first to expose the disproportionate financial burden placed on predominantly Black and low-income communities, but not the last.

The Department of Justice 2014-2015 Investigation and Report

Seven months after the release of ArchCity's first white paper, and following months of its own investigation, the Department of Justice (DOJ) released its report on Ferguson's police department and municipal court in March 2015, arriving at two main conclusions.[10] First, that federal criminal charges against Darren Wilson would not be filed; and second, that the Ferguson Police Department and Municipal Court maintained a pattern and practice of violating residents' civil rights. Upon the release of the report, then–Attorney General Eric Holder described Ferguson as "a community where local authorities consistently approached law enforcement not as a means for protecting public safety but as a way to generate revenue. A community where both policing and municipal court practices were found to be disproportionately harmful to African American residents." In addition to excessive ticketing, Holder mentioned Ferguson's "[n]umerous constitutional violations by their law enforcement officials, including First Amendment abuses, unreasonable searches and seizures, and excessive and dangerous use of force." He summarized the recommendations for the Ferguson Municipal Court as achieving compliance with basic due process requirements.[11] The DOJ report was widely covered by the news media and affirmed the sentiment of people who for years had been ruthlessly targeted by Ferguson's unlawful and abusive practices. For many, the report provided valuable confirmation of their personal experiences.

"We've been saying this for years," said Roslyn "Roz" Brown in an interview with ArchCity Defenders in 2016. "It wasn't just Ferguson, it was happening in Pine Lawn,

[7] Better Together followed its initial study with several more covering public finance, economic development, public health, parks and recreation, general administration, and public safety. The organization's City-County Task Force then released a 160-page report in January 2019 outlining a plan to pass a state constitutional amendment to merge St. Louis City and County, consolidating the mayor's office, prosecutor's office, policing, municipal court system, and legislative council: https://drive.google.com/file/d/1bOFQ3HTYUzQwEjJsl2y-3bqB8Vy-eY8j-/view Better Together withdrew its effort in May 2019.

[8] Better Together St. Louis. "Better Together Releases Municipal Courts Study." October 15, 2014. https://www.bettertogetherstl.com/better-together-releases-municipal-courts-study/

[9] Ibid.

[10] United States Department of Justice Civil Rights Division. "Investigation of the Ferguson Police Department," 4 March 2015, https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf.

[11] United States Department of Justice, Office of Public Affairs. "Attorney General Holder Delivers Update on Investigations in Ferguson, Missouri," 6 March 2015, https://www.justice.gov/opa/video/attorney-general-holder-delivers-update-investigations-ferguson-missouri.

Jennings, and all over. Before the DOJ came, we called our local and state elected officials, we tried contacting the FBI about this, and no one would do anything."

The DOJ's federal intervention and findings sent shockwaves nationwide and is perhaps the most widely recognizable political response resulting from Michael Brown's death. The combined insights from ArchCity Defenders' clients and municipal court white paper, the Better Together report, the DOJ investigation, and the sustained grassroots organizing, made an irrefutable case for addressing the municipal court problem, prompting the Missouri legislature to respond.

Senate Bill 5 & Senate Bill 572

Noting heightened scrutiny of municipal court practices in St. Louis County, Missouri legislators passed Senate Bill 5 in May 2015.[12] Senate Bill 5's primary aim was to limit municipal court revenues in St. Louis County. Complementary reforms came with the passage of Senate Bill 572 in 2016.[13] In combination, these laws:

- Imposed a cap of 20% (compared to the previous cap of 30%) on the portion of a city's annual general operating revenue derived from fines, bond forfeitures, and court costs related to municipal ordinance violations and minor traffic offenses, with any amount in excess directed towards state education funding;[14]
- Created minimum standards for municipalities in St. Louis County, including a deadline for police accreditation;
- Mandated that municipalities annually submit detailed financial breakdowns, including revenue from fines and fees to the State Auditor;
- Placed limits on the confinement of defendants in the absence of a warrant or without being seen by a judge, and explicitly prohibited the use of confinement to coerce payment of fines or court costs;
- Tasked the Missouri Supreme Court with establishing rules regarding conflicts of interest for municipal court personnel;
- Capped fines and costs for minor traffic violations and prohibited confinement for such offenses or the use of additional "failure to appear" charges for such offenses; and
- Required municipalities to implement courtroom procedures, such as assessing indigency, offering payment plans, and allowing community service as an alternative to payment. It also prohibited the assessment of court costs for indigent defendants.

As we will discuss in greater detail later in the paper, these mandates undoubtedly contributed to a decrease in municipal court revenue both statewide and in St. Louis County. However, they were not the sole factor, and they did not comprehensively address the municipal court problem, leaving significant details – particularly enforcement of the mandates – unresolved.

The Missouri Supreme Court Reassigns Ferguson Municipal Cases

In May 2015, the Missouri Supreme Court released a report from the Office of State Courts Administrator and Judge Roy Richter two months after he was transferred to implement reforms in Ferguson's municipal court.[15] The following headings and recommendations are pulled directly from the report:

- Municipal court divisions should focus on fairness and the rule of law, not on maximizing revenue;
    - *The "failure to appear" charge and related fines have been eliminated;*
    - *Fines have been made more uniform;*
    - *The court considers a defendant's ability to pay a fine, offers alternatives to fines and will not arrest a person for inability to pay a fine; and*
    - *The court is improving methods of paying fines and making clear no one will be arrested for inability to make a payment.*
- The Ferguson court has improved its practices and procedures and is working to ensure defendants understand their rights and responsibilities in the municipal court division;

[12] Missouri Senate. Senate Bill 5, https://www.senate.mo.gov/15info/bts_web/Bill.aspx?SessionType=R&BillID=160.

[13] Missouri Senate. Senate Bill 572, https://www.senate.mo.gov/16info/BTS_Web/Bill.aspx?SessionType=R&BillID=22246557.

[14] Originally, Senate Bill 5 imposed a stricter cap of 12.5% of revenue on St. Louis County municipalities as compared to 20% for the rest of the state. In 2017, the Missouri Supreme Court struck down the special cap for St. Louis County on the basis that it was a "special law" in violation of the Missouri Constitution. *City of Normandy v. Eric Greitens*, No. SC95624 (Mo. banc 2017). The issue was re-litigated and the original ruling upheld in *City of Normandy v. Michael Parson*, No. SC98998 (Mo. banc 2022).

[15] Supreme Court of Missouri. "A Report by the State Courts Administrator's Office and Judge Roy L. Richter to the Supreme Court of Missouri Concerning Ongoing Efforts to Improve the State's Municipal Divisions," 11 May 2015, https://www.courts.mo.gov/file.jsp?id=95277.

- *The court treats defendants courteously and ensures they understand their rights;*
- *The court has established a comprehensive violations bureau schedule and has made clear what violations do NOT require court appearances;*
- *The court follows the procedure mandated by law for notifying defendants of the consequences of failing to appear in court or pay a court fine;*
- *The court is improving the process for handling bonds for arrest warrants;*
- *The court follows state law regarding suspension of a defendant's driver's license; and*
- *The Ferguson court is open and accessible to defendants and the public.*

- Additional recommendations should improve the Ferguson court's ability to function fairly and impartially and improve the integrity of its records;
  - *Recommendations should help insulate the Ferguson court staff from the police and prosecutor, ensuring better checks and balances; and*
  - *Recommendations should improve the integrity of the Ferguson court's electronic records.*

The Missouri Supreme Court's report suggestions marked a step towards progress in this single court. However, as ArchCity Defenders' clients and thousands of St. Louis residents had been saying for years, these issues were not unique to Ferguson's municipal court. True progress would only be achieved when municipal courts across the St. Louis region finally experienced transformative change.

"It's Not Just Ferguson": ArchCity Defenders' 2015 White Paper

In response to the Missouri Supreme Court's decision to take control of Ferguson's municipal court, ArchCity Defenders followed up with a second white paper called, "It's Not Just Ferguson: Missouri Supreme Court Should Consolidate the Municipal Court System," which illustrated that Ferguson's condemned practices were not unique to that city alone.[16] In fact, many municipalities were demonstrably worse. The paper analyzed six municipalities—Ladue, Maryland Heights, Florissant, Pagedale, Bel-Ridge, and Pine Lawn. In each of these municipalities, traffic stops of Black motorists were significantly more likely to lead to searches and arrests than stops of white motorists. Disproportionate traffic stops meant disproportionate revenue generation from Black residents through fines and fees. What is more, many of these rates were comparatively worse than those in Ferguson.

ArchCity Defenders argued that the best way to ensure compliance with the protections of the U.S. and Missouri Constitutions was to consolidate St. Louis' 81 municipal courts into a full-time, professional, regional court system:

> Consolidating this redundant and inefficient system would not only lessen the incentive to use racially discriminatory fines and fees as a revenue stream, but would also make it easier for poor and Black people to navigate the legal system in St. Louis County and make it easier for organizers and legal watchdogs to monitor compliance. Furthermore, consolidation will save millions of dollars in court operation costs. If the regional court system included four of these full-time professional courts, the total cost of the regional court system would amount to between $6,000,000 and $8,000,000. By comparison, the aggregate cost of St. Louis County's 81 municipal courts was $15,843,552 in 2013.[17]

The call for consolidation of the municipal courts gained traction and momentum as organizations across St. Louis demanded the criminal legal system be reformed at-large. The long-awaited Ferguson Commission report reinforced the urgent need.

The Ferguson Commission 2015 Report

Under pressure to address the issues underlying policing in Ferguson, former Missouri Governor Jay Nixon created the Ferguson Commission on November 18, 2014, with the goal of generating a report with policy recommendations in areas such as "citizen-law

[16] ArchCity Defenders. "It's Not Just Ferguson: Missouri Supreme Court Should Consolidate the Municipal Court System," https://archcitydef.wpengine.com/wp-content/uploads/2019/03/Its-Not-Just-Ferguson-Consolidate-the-Municipal-Courts.pdf.
[17] Ibid (pg. 15)

enforcement interaction and relations, racial and ethnic relations, municipal government organization and the municipal court system, and economic disparities."[18] Ultimately, the intention was to make "the region stronger and a better place for everyone to live and to guide the community in charting a new path toward healing and positive change for the residents of the St. Louis region." Less than a year later, in September 2015, the Commission released "Forward Through Ferguson: A Path Toward Racial Equity," a report of over 204 pages and with 180-plus calls for action.[19]

Among the Commission's recommendations were calls to: eliminate incarceration for minor offenses; establish alternative sentencing options; inform defendants of right to counsel; create community justice centers; prevent conflict of interests among judges and prosecutors; and consolidate law enforcement agencies.

"Our findings are that this fragmentation of courts and police departments is not only costly and a grossly inefficient use of taxpayer resources, but more importantly presents as an impediment to justice for many of our region's citizens," the Commission wrote.[20]

"Because municipalities operate many small courts, some courts have a lack of time and space, inadequate facilities, insufficient resources and processes for accurate record keeping, and lack the resources to provide their key personnel training beyond the basics."

The report asserts that "creating larger, better staffed courts could save money by leveraging shared resources and could raise public confidence in the effectiveness and efficiency of the courts by creating consistent procedures."

In an upcoming section, we will discuss progress towards consolidating municipal courts and police departments in the St. Louis region. However, to this day, lawmakers have not heeded this urgent call.

Changes to Supreme Court of Missouri Rule 37

In 2016, following a report by the Supreme Court Municipal Division Work Group,[21] the Supreme Court of Missouri (SCOMO) ordered significant changes to SCOMO Rule 37, the extra-statutory rules governing the operations of and proceedings in municipal court. First, it clarified via Rule 37.04 that "[t]he presiding judge of the circuit shall have general administrative authority over the judges and court personnel of all divisions of the circuit court hearing and determining ordinance violations within the circuit," i.e. all the municipal divisions in their circuit.[22] Second, it required municipal courts and personnel to "operate in substantial compliance" with ten minimum operating standards explicated in an appendix to Rule 37.04.[23] The summary-level standards include:

1. Municipal divisions and their judges shall ensure that when individuals must be held in jail in the interests of justice, this is done strictly in accordance with the principles of due process of law[.]
2. Municipal division judges shall inquire of defendants and allow them to present information about their financial condition when assessing their ability to pay and establishing payment requirements for monies due.
3. Municipal division judges shall not condition an indigent defendant's access to a judicial hearing or the granting of probation upon the payment of fines or fees.
4. Municipal divisions and their judges shall neither assess nor collect unauthorized fines, costs, or surcharges.
5. All municipal judges shall be lawfully selected, lawfully authorized to act in specific cases, and adequately prepared for their duties through appropriate training and continuing education.
6. Municipal divisions shall be operated in a manner reasonably convenient to the public and in facilities sufficient to the purpose.
7. Municipal divisions shall be operated in a manner

[18] Missouri, Governor's Executive Order 14-15. November 2014. https://www.sos.mo.gov/library/reference/orders/2014/eo14_15

[19] Forward Through Ferguson Report, 14 Oct. 2015, https://forwardthroughferguson.org/report/executive-summary/.

[20] Ibid, pg. 35.

[21] Discussed in Part 3, infra.

[22] 'In re: (1) Repeal of subdivision 37.04, entitled "Supervision of Courts Hearing Ordinance Violations," of Rule 37, entitled "Statutory and Ordinance Violations and Violation Bureaus," and in lieu thereof adoption of a new subdivision 37.04, entitled "Supervision of Courts Hearing Ordinance Violations." (2) Adoption of "Minimum Operating Standards for Missouri Courts: Municipal Divisions" as Appendix A to subdivision 37.04, entitled "Supervision of Courts Hearing Ordinance Violations," of Rule 37, entitled "Statutory and Ordinance Violations and Violation Bureaus.' Adopted September 20 2016, effective July 1 2017; available at: https://www.courts.mo.gov/page.jsp?id=115880.

[23] Ibid.

that upholds the constitutional principles of separation of powers and the integrity of the judiciary as a separate and independent branch of government.

8. Municipal divisions shall be operated in accordance with the constitutional principles and legal requirements of open courts and open records.
9. Municipal divisions shall advise litigants of their rights in court.
10. Municipal divisions shall be well-managed and accountable to the law, with appropriate oversight of municipal division operations provided by the circuit court presiding judge of the judicial circuit.

The standards also require the judge of each municipal division to certify compliance annually with the Office of State Courts Administrator. In subsequent years, Rule 37 would see more targeted revisions by SCOMO aimed at operationalizing these standards for court proceedings, establishing protective guidelines regarding important issues like the assessment of fines and the issuance of warrants.

However, due in large part to the sheer number of courts under the supervision of the single 21st Judicial Circuit Presiding Judge, this rule change essentially relied on self-enforcement by St. Louis County municipal courts. This system of self-enforcement poses significant challenges, as it places the burden of compliance on the very institutions that the reforms aim to regulate. There was and is substantial risk of noncompliance with the new rules by the municipal courts given that they have historically failed to comply with pre-reform laws.

For instance, many (if not most) St. Louis County municipal courts still fail to conduct a meaningful financial inquiry into ability to pay as required by current SCOMO Rule 37.65, or to consider the alternative sanctions included in that same rule. As an example of the continued post-Ferguson failure to comply with pre-Ferguson law: it remains the exception rather than the rule for a municipal prosecutor to file an information (charging document) that substantially complies with the requirements of Rule 37.35.[24]

More broadly, it is not at all clear that municipal divisions have been annually certifying their compliance with minimum operating standards, nor what the consequences have been for the failure to certify or meet those standards. The lack of neutral oversight can lead to inconsistent application of the standards, perpetuating the very issues the reforms sought to address, such as the improper imposition of fines and fees, failure to consider defendants' financial conditions, and the ongoing incarceration of individuals without due process. The continuation of these practices underscores a critical vulnerability in the reform process, highlighting the need for robust, independent oversight to ensure that municipal courts operate in accordance with the principles laid out in Rule 37.

Transition to Show-Me Courts

Until 2018, each municipal court division maintained its case files and conducted case management in whatever manner they chose. Some relied primarily on physical files with no publicly accessible electronic database; others maintained a regularly updated PDF file of all pending cases on their court website; and others used their choice of various electronic databases, including Case.net, Municipalrecordsearch.com, REJIS, and MuniCourt.net. Some municipal courts maintained no publicly accessible court records at all. This hodgepodge of case management systems created confusion for members of the public who needed to ascertain where they had pending municipal cases or warrants. Important events like continuances, judgments, sentences, warrants, driver's license suspensions, and payments rendered might have as little documentation as a handwritten note on a physical file.

[24] With respect to statutory and SCOMO-initiated legal reforms, it is notable how few address the role of municipal prosecutors (as opposed to the judge and court personnel). Except for the ignominious historical practice in some municipal divisions of using court staff to sign tickets in order to issue charges, every case in a municipal division must be initiated by the prosecutor, who determines whether and (theoretically) what charges will be filed. In practice, they have largely acted as a (often literal) rubber stamp on police ticketing. Prosecutors also exercise immense control over court dockets through their ability to dismiss or amend charges, essentially at will. Hired by the city, they are just as inclined as municipal judges to be motivated by efficient revenue generation in order to justify the existence and expense of their employment. The relative lack of scrutiny paid to their role by SCOMO and the Missouri Legislature leaves an enormously powerful, potential bad actor relatively unaffected by reform efforts.

On October 11th, 2018, pursuant to the Missouri Supreme Court's mandate, 21st Judicial Circuit Presiding Judge Gloria Clark Reno issued Order Number 29.[25] This order required all St. Louis County municipal divisions to transition from their prior case management system to the Office of State Courts Administrator's "Show-Me Courts" system (commonly known as Case.net). The goal of this process was to consolidate municipal court cases with state criminal and civil cases in one statewide, standardized, and publicly accessible case management system. The order created four groupings of municipal divisions, each with its own transition deadline, with all municipal divisions ordered to have transitioned to Show-Me Courts as of March 1, 2019.

Few, if any, St. Louis County municipal divisions met the required deadline.[26] Most of those that did not meet the deadline nevertheless continued to collect fine and fee revenue from defendants while operating in open contempt of the presiding judge's order. Some courts transitioned only those cases opened after the date of transition, engendering further confusion.[27] However, within the past year, it appears that the vast majority of municipal divisions have finally completed the transition to Show-Me Courts.

Systemic Impact Litigation Challenging Municipal Court Abuses

A significant amount of the growing awareness around municipal court abuses over the past decade can be attributed to a litany of impactful lawsuits challenging these practices, many of these spearheaded by ArchCity Defenders' clients. Between 2014 and 2019, ArchCity Defenders filed twenty lawsuits on behalf of clients who were charged improper court fees, cash bail, and forced into modern day debtors' prisons. These issues were so pervasive that the majority (17) were settled as class actions. Each case took years – for some, nearly a decade – to resolve, and faced many challenges in both the district and appellate courts.

One series of lawsuits challenged seven municipal courts' practice of charging an unlawful fee when removing a warrant from a person's record. The last of these cases was settled in March 2020. While they were brought by individual plaintiffs like Darrin Pruitt and Roelif "Earl" Carter, the court certified them as class action cases, recognizing that tens of thousands of people had been impacted. In total, class members were eligible to receive $3,307,705.[28] In addition to monetary relief, the court-approved settlements ordered the cities of Pine Lawn, Wellston, Ferguson, St. John, Jennings, Florissant, and St. Louis to stop collecting the fee to remove warrants, to forgive debt caused by this fee, and to partially refund impacted individuals.[29]

In 2015, ArchCity Defenders and co-counsel filed their first challenges in federal court. As a result of ArchCity Defenders clients Kellen Powell and Donya Pierce challenging cash bail in the cities of St. Ann and Velda City in 2015, the federal court ordered each municipality to stop requiring individuals pay money (bail) to be released from jail after being arrested.[30] In February 2015, ArchCity Defenders' clients Samantha Jenkins and Keilee Fant became lead plaintiffs in the first two debtors' prison lawsuits filed in federal court. While *Jenkins v. Jennings* settled within two years, *Fant v. Ferguson* dragged on for nine.[31] Following the cases against Jennings and Ferguson, plaintiff Quinton Thomas brought a landmark debtors' prison lawsuit against the towns of St. Ann and twelve others: Bel-Ridge, Bellefontaine Neighbors, Beverely Hills, Calverton Park, Cool Valley, Edmundson, Normandy, Pagedale, St. John, Velda City, Velda Village Hills, and Wellston. The suit alleged they conspired with St. Ann to unlawfully jail thousands of poor people.[32] While a federal judge struck down the conspiracy claim made in the original complaint, *Thomas v. St. Ann, et al* ultimately settled for $3 million in 2023, affecting a

[25] Order No. 29, 11 Oct. 2018, https://www.courts.mo.gov/file.jsp?id=71695.

[26] St. Louis City Municipal Court, the sole municipal division for the 22nd Judicial Circuit, did not begin transitioning to Show-Me Courts/Case.net until 2023.

[27] One notable upside to this otherwise chaotic process: a select few courts chose to dismiss large numbers of older cases in lieu of transitioning them to Show-Me Courts.

[28] ArchCity Defenders, https://www.archcitydefenders.org/our-impact/municipal-courts/.

[29] ArchCity Defenders. "For Immediate Release: Settlement Reached with Ferguson Over Court Fees," 25 March 2020, https://www.archcitydefenders.org/for-immediate-release-settlement-reached-with-ferguson-over-court-fees/.

[30] ArchCity Defenders. "Cash Bail Ends in St. Ann: ArchCity Defenders Enters into Settlement with the City of St. Ann," 4 Sept. 2015, https://www.archcitydefenders.org/cash-bail-ends-in-st-ann-archcity-defenders-enters-into-settlement-with-the-city-of-st-ann/.

[31] Oladipo, Gloria. "Ferguson, Missouri, to pay out $4.5m to settle debtors' jail lawsuit," The Guardian, 29 Feb. 2024, https://www.theguardian.com/us-news/2024/feb/29/ferguson-missouri-settlement-jailed-fines-lawsuit.

[32] Kutsch, Tom. "St Louis-area municipalities sued over alleged discriminatory 'debtors' prisons'," The Guardian, 10 Aug. 2016, https://www.theguardian.com/us-news/2016/aug/10/st-louis-civil-rights-lawsuit-debtors-prisons-african-americans.

class of 35,000 people. In addition to suing Jennings, Ferguson, and St. Ann, ArchCity Defenders filed similar lawsuits against Maplewood and Florissant and refiled claims against Normandy and Edmundson. In total, there were seven debtors' prison class action cases filed between 2015 and 2018 that settled for a total of $20,201,000, and each case impacted tens of thousands of people.

While municipalities never admitted wrongdoing, the litigation put them on notice for routinely ignoring and violating the rights of thousands of people at traffic stops, in court rooms, and in jails. The first debtors' prison class action lawsuit that settled, *Jenkins v. Jennings,* included the most terms for injunctive relief of all the cases and was considered a blueprint for the cases that followed. Some of the court-ordered changes include that the court must ask about an individual's ability to pay after a person is convicted of an offense, the end of "pay dockets," and forgiveness of fines and fees. In practice, this litigation was effective in bringing municipalities into closer compliance with existing legal requirements. For example: the courts are already legally required to make a meaningful inquiry into someone's ability to pay assessed fines and fees, and it is unlawful to put someone in jail because they cannot pay those costs. Overall, the most notable impact of these cases was to significantly curtail the unconstitutional practice of jailing thousands of poor, and primarily Black, people in the St. Louis region.

"Consolidation" of Municipalities, Courts, and Police Departments

In the past decade, with respect to municipalities, municipal courts, and municipal police departments, the landscape of St. Louis County has shifted only modestly. Despite campaigns and calls for consolidation, St. Louis County currently encompasses a total of 87 municipalities with 85 municipal court divisions,[33] and 48 municipal police departments.[34] The numbers vary slightly from 2014, in which there were 90 municipalities, 81 municipal court divisions, and 58 municipal police departments.

The reality is that a growing number of municipal courts and police departments have contracted or consolidated with another jurisdiction. This phenomenon is not new, and Better Together previously documented this occurring in 2015. Since then, numerous municipal courts that operated independently have consolidated with another municipality's court division. Many of these are under the purview of St. Ann's Consolidated Municipal Court (CMC). This trend is also seen with police departments, with ten having disbanded and merged with another jurisdiction or fallen under the North County Police Cooperative: Beverly Hills, Dellwood, Flordell Hills, Hanley Hills, Pine Lawn, Wellston, Uplands Park, Velda Village Hills, and Vinita Park.[35]

Of the 85 municipal courts, 53 operate independently. The remaining 32 have consolidated with other municipal courts (e.g. Ballwin, Berkeley, Chesterfield, Frontenac, Glendale, Maryland Heights, Normandy, Pagedale, St. Ann, St. John, and St. Louis County).[36] Take St. Ann, for example: beginning in 2016, the presiding judge of St. Louis County approved administrative handling of nine municipal divisions' cases through the St. Ann Consolidated Municipal Court (CMC).[37] As of February 2024, individuals with citations from the cities of Vinita Park, Northwoods, Charlack, Wellston, Beverly Hills, Edmunson, Overland, Breckenridge Hills, and the Village of Hanley Hills are directed to St. Ann's CMC. St. Louis County's own municipal division operates six[38] other municipal courts in addition to its own county-level municipal division, and Normandy's municipal division operates five additional courts.[39]

Despite common perception, consolidation does not necessarily equate to a reduction in or absence of resources invested in the operations of the criminal legal system. The meaning of court "consolidation" differs based on whether one is concerned primarily with the function of these courts or their physical

[33] This number fails to reflect the trend toward physical consolidation of multiple municipal divisions into one physical location, as discussed hereinafter.

[34] Missouri Office of State Courts Administrator, https://www.courts.mo.gov/mcw/findacourt/getCountyCourtData.htm. These figures are current with the publication of this paper in July 2024.

[35] North County Police Cooperative. https://www.northcountypolice.com/.

[36] ArchCity Defenders reached out to the 21st Judicial Circuit Court inquiring about the increase in municipal divisions and did not receive answers. Additionally, online searches did not provide a clear picture of which municipal court divisions contract with others. To fill in the gap, ArchCity Defenders created a chart from the data listed online: https://www.courts.mo.gov/mcw/findacourt/getCountyCourtData.htm. 6 May 2024. See Appendix.

[37] St. Ann Municipal Court Division, https://www.stannmo.org/636/Municipal-Court-Division.

[38] Missouri Office of State Courts Administrator, June 2024, https://www.courts.mo.gov/mcw/findacourt/getCountyCourtData.htm.

[39] City of Normandy Municipal Court, June 2024, https://www.cityofnormandy.gov/municipal-court.

manifestation. Due to the consolidations, there is a perception that there are fewer courts, when there are really just fewer physical municipal court locations.[40] To date, the ratio of municipal courts to residents in St. Louis County still far exceeds that of anywhere else in the state (or country).

In 2013, the municipal courts of St. Louis City and County collected $61,152,087 in fines and fees. During that same time, the combined total of court fines and fees collected by Missouri municipal courts was $132,032,351.63. This means that the municipal courts in the St. Louis region accounted for 46% of all fines and fees collected statewide, despite being home to only 22% of Missourians.[41]

In 2023, the municipal courts of St. Louis City and County collected $17,819,458.49 in fines and fees.[42] According to OSCA data, municipal courts throughout Missouri collected a total of $58,299,440.40 in the same year.[43] This means that the municipal courts in the St. Louis region accounted for 30.1% of all fines and fees collected statewide.

By comparison, the statewide municipal court system in 2023 generated 44% of the total collected in 2013, and the City and County courts generated only 29% of their 2013 total.

Pandemic Suspension of Court Operations and the Move to Virtual Dockets

COVID-19 drastically changed how legal professionals and community members interacted with the municipal courts. In order to minimize COVID-19 exposure, most in-person court proceedings in St. Louis City and St. Louis County ceased and the bulk of court operations shifted to virtual dockets. Access to the courthouse was limited, and often one could not enter without a court order. This change brought many challenges, particularly concerning accessibility. Many indigent defendants, including ArchCity Defenders clients, struggled to gain access to video technology that would allow them to participate in virtual court.

"If people are required to go to court virtually, they have to have access to the internet. And they not only have to have access to the internet itself, but pretty strong internet," University of Missouri-St. Louis Professor Beth Huebner told St. Louis Public Radio in 2020.[44] The virtual turn also caused problems for people with disabilities or language access issues, whose accessibility needs were never addressed. On multiple occasions, ArchCity Defenders attorneys witnessed judges grow impatient with defendants who were having difficulty accessing their virtual court appointments or activating their cameras and warn that failure to turn their cameras on would result in being marked as absent and facing a warrant.

The challenges, inconsistencies, and, at times, complete dysfunction of the legal system were not limited to pro se defendants. ArchCity Defenders attorneys and paralegals routinely faced significant obstacles. For instance, attempts to contact court staff for information about a client's court date, case status, or discovery request often went unanswered. For example, in March and April 2020, multiple ArchCity Defenders employees tried to reach the clerk at Moline Acres to discuss client issues, obtain court date settings, and acquire compliance letters or release orders so that clients could reinstate their driver's licenses. No one was ever able to speak to the court clerk, and the court's voicemail was full.

Even when staff managed to speak with court personnel, the information provided was often unreliable. There was a general uncertainty about case statuses and court operations. As courts began to reinstitute in-person hearings in piecemeal fashion, this created further disarray. At times, attorneys would receive notices of court dates months after the court date took place.

[40] Piecemeal, small-scale consolidation of municipal divisions probably yields marginal benefits for defendants in the form of somewhat greater professionalization, standardization, ease of monitoring, and increased access to dockets and court personnel. Nevertheless, the main impetuses for this type of municipal court consolidation appear to be the reduction in overhead expenses and increased efficiency of revenue-extraction.
[41] Better Together Municipal Courts Report. https://www.bettertogether-stl.com/studies/public-safety/municipal-courts-report/.
[42] Missouri Office of State Courts Administrator. FY2023 Table 94 Municipal Net Collection, https://www.courts.mo.gov/file.jsp?id=124013.
[43] Ibid.
[44] Lippmann, Rachel. "As Pandemic Shutdowns Drag On, St. Louis-Area Municipal Courts Go Virtual," 16 Sept. 2020, https://www.stlpr.org/government-politics-issues/2020-09-16/as-pandemic-shutdowns-drag-on-st-louis-area-municipal-courts-go-virtual.

The following internal Slack messages between ArchCity Defenders legal staff from 2020-2021 may serve to convey the chaotic state of the courts mid-pandemic:

> *"Has anyone been to County muni lately? All my cases just appear to say 'case continued' without a current court date."*
>
> *"They haven't had real court dates since the start of the pandemic. You have to contact them to get a date if you want to appear by video, I believe. Nor is CMHC [County Mental Health Court] operating at the moment."*
>
> *"I know staff at ACD spoke with a Normandy court clerk about setting up some kind of mandatory WebEx appearances. I have an upcoming court date, called the Normandy court clerk, and she said all cases are getting continued and that they are still trying to find dates for June and July cases. She said they hadn't assigned a new date to my client's case, but said they'd mail us a notice when they do. If anyone has different information, let me know. How are people without lawyers supposed to figure this out?"*
>
> *"When I talked with them, they were holding court via WebEx and said that defendants got notice of the WebEx hearing with the login info. I think it's incredibly confusing because they don't note in their docket entries if an appearance is virtual or if it's just a place holder. I was able to continue at least one of the cases on the docket fairly easily but am actually still waiting on a new date for someone else (filed the continuances on the same day). I'm wondering if their virtual docket was such a cluster#$@! that they decided to scrap it."*

A lack of clear, relevant, or accurate information on municipal court websites exacerbated these issues:

> *"Has anyone else encountered a scenario with the County munis where the County database says a court date is one day, but then when they tried to sign-up to appear on that day, there wasn't a docket available?"*
>
> *"Woodson Terrace has a notice on their website that all court is virtual but doesn't give any indication how to access it. I realized that they never informed me, nor did they send any notice about how to access it for my appearance this evening."*
>
> *"If Calverton Park is any indication, none of these munis will be able to hold remote court appearances. I followed all the instructions and was nevertheless locked out of the WebEx meeting they scheduled (after informing us of it less than a week ago)."*

These examples reflect more than just petty complaints about technology issues, which affected almost all industries during the pandemic. Instead, these reflect real concerns that COVID-19 exposed: the profound disorganization, lack of preparedness and overall dysfunction within municipal courts. Many of the fundamental communication and operational issues highlighted here existed before the pandemic and persist today.

We also believe that understanding the landscape of municipal court operations during the pandemic is crucial context for Part 2 of this paper, in which we share the trends in municipal court revenue, tickets, and warrants since 2014. While it may seem that policy reforms were responsible for the significant decreases in municipal court revenue, the COVID-19 pandemic and the resulting chaos within the court systems also undoubtedly played a substantial role. Law enforcement contact, via ticketing, is the near-universal point of entry for defendants in the municipal court system. The wide-scale shutdown of social interaction led to less police contact and a corresponding decline in ticketing opportunities. Disrupted court operations, delayed cases, and unreliable communication also contributed to a dramatic drop in court revenue as the normally efficient system of revenue extraction struggled to maintain its assembly-line function. Therefore, it is important to question the sustainability of these revenue decreases and consider how much of it can be attributed to long-term policy changes as opposed to temporary disruption from the pandemic.

Part 2:
A Steep but Tenuous Decline: Municipal Court Revenues, Tickets and Warrants

For years, ArchCity Defenders has diligently monitored the annual revenue, ticket issuance, and warrant issuance by municipalities across the region, using data made publicly available by the Missouri Office of State Courts Administrator.[45] In this section, we synthesize and visualize a decade of data for nine courts: Berkeley, Calverton Park, Ferguson, Florissant, Hazelwood, Maryland Heights, St. Ann, the City of St. Louis, and St. Louis County.

Our focus is primarily on municipalities in North St. Louis County for several reasons. These are the courts where ArchCity Defenders attorneys spend the most time representing clients and where we are most familiar with the local practices. Some of these municipalities have large or majority Black populations and a significant number of indigent residents. Additionally, the courts we have selected to examine vary in size, with larger jurisdictions like St. Louis City (286,578 residents) on one end of the spectrum and smaller jurisdictions like Calverton Park (1,143 residents) on the other. By examining this spectrum, we hope to achieve a more nuanced analysis of how courts operate in our region and identify both common issues and unique challenges across jurisdictions.

In addition to the figures below, we include data on racial disparities in vehicle stops and an appendix with residential demographic data for each jurisdiction examined to paint a holistic picture of the persistent socioeconomic and policing tensions that undergird municipal court operations.

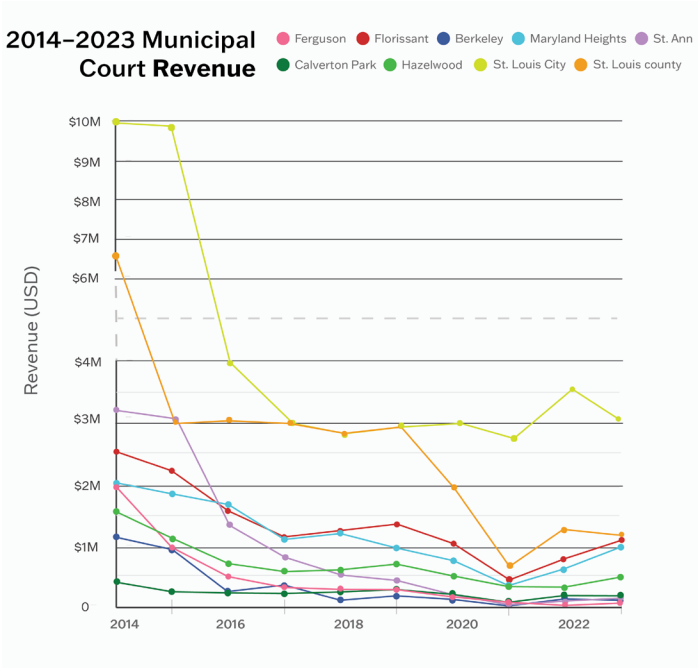

Figure A: Municipal Court Revenue 2014–2023

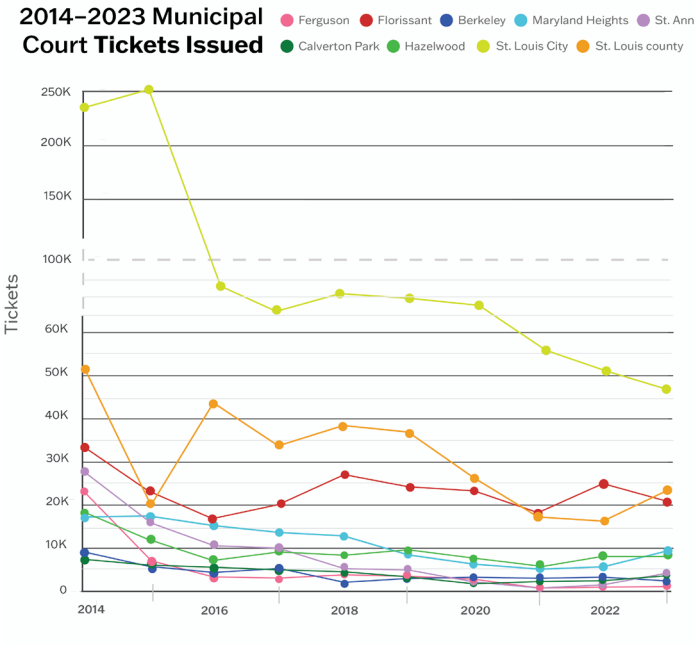

Figure B: Municipal Court Tickets Issued 2014–2023[46]

[45] Missouri Office of State Courts Administrator. "Annual Judicial and Statistical Reports," https://www.courts.mo.gov/page.jsp?id=1773.

[46] Tickets consist of moving and non-moving ordinance violations, but not parking tickets.

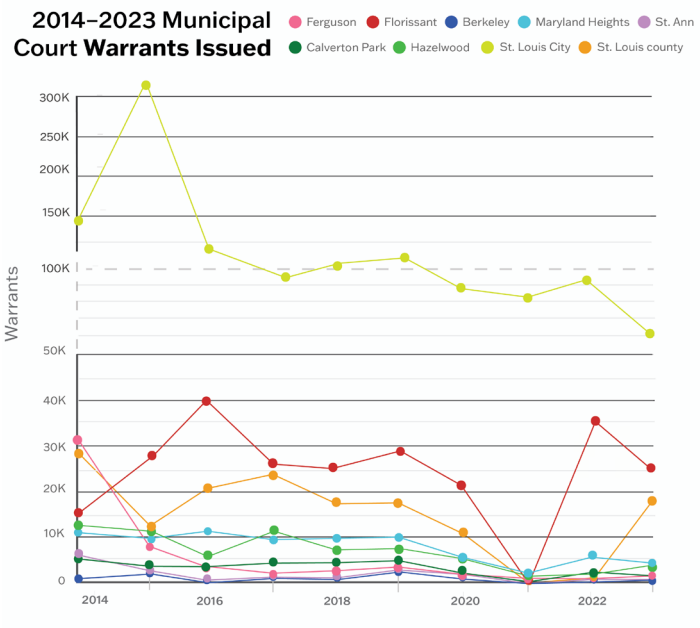

Figure C: Municipal Court Warrants Issued 2014–2023

An analysis of the revenue, tickets, and warrants data reveals the following trends:

Steep declines in revenues, tickets, and warrants

- Ferguson:
  - Municipal court revenue declined by 95.2% from 2014 to 2023.
  - Ticket issuance decreased by 91.8%.
  - Warrant issuance fell by 95.3%.
- Florissant:
  - Municipal court revenue declined by 52.7% from 2014 to 2023.
  - Ticket issuance decreased by 35.8%.
  - Warrant issuance increased 151.1%.
- Berkeley:
  - Municipal court revenue declined by 89.3% from 2014 to 2023.
  - Ticket issuance decreased by 67.2%.
  - Warrant issuance fell by 88.5%.
- Maryland Heights:
  - Municipal court revenue declined by 47.4% from 2014 to 2023.
  - Ticket issuance decreased by 45.9%.
  - Warrant issuance fell by 61.6%.
- St. Ann:
  - Municipal court revenue declined by 95.4% from 2014 to 2023.
  - Ticket issuance decreased by 85.2%.
  - Warrant issuance fell by 99.5%.
- Calverton Park:
  - Municipal court revenue declined by 30.5% from 2014 to 2023.
  - Ticket issuance decreased by 51%.
  - Warrant issuance fell by 77.7%.
- Hazelwood:
  - Municipal court revenue declined by 66.7% from 2014 to 2023.
  - Ticket issuance decreased by 54.7%.
  - Warrant issuance fell by 77.5%.
- City of St. Louis:
  - Municipal court revenue declined by 68.8% from 2014 to 2023.
  - Ticket issuance decreased by 80.1%.
  - Warrant issuance fell by 55.9%.
- St. Louis County:
  - Municipal court revenue declined by 80.9% from 2014 to 2023.
  - Ticket issuance decreased by 55%.
  - Warrant issuance fell by 37.6%.

More consistent drops in revenues and tickets than warrants

> *The existence of a municipal warrant effectively means that one is subject to state capture at any moment. It modifies behavior in a myriad of ways. My clients accept default judgments in civil cases, avoid voting at municipal buildings, and alter their driving routes, to name just a few examples. At the same time, these warrants legitimize virtually all police activity in Black neighborhoods. In communities with as many warrants as households, even the most egregiously pretextual and unlawful traffic stop will likely end with a wanted person being taken into custody.*
>
> —Brendan Roediger, 2021[47]

While revenues and ticket issuance have consistently declined, the number of warrants issued has not always followed suit.

[47] Roediger, Brendan, Abolish Municipal Courts: A Response to Professor Natapoff (February 20, 2021). Harvard Law Review, Vol. 134, No. F, p. 213, 2021, Saint Louis U. Legal Studies Research Paper 2021-08.

Florissant, for example, has shown significant variability in warrant issuance over the past decade, with sharp increases and decreases from year to year. Generally, most municipalities' warrants spiked between Fiscal Year (FY) 2021 to 2022, but Florissant's jumped the most drastically from eight warrants in FY2021 to 35,204 in FY2022 (see Figure C). In FY2022, Florissant issued 35,204 warrants, the equivalent of nearly seven warrants for every ten residents.

St. Louis County's warrants issued spiked 3330.26% from FY2022 to FY2023 (532 warrants to 18,249). Despite the City of St. Louis issuing fewer warrants in FY2023 than any other year in the past decade, it still issued a staggering 63,599 warrants—equivalent to 1 in every 5 residents having a warrant.

Warrants are a critical mechanism in the criminal legal system that drive much of the contact between police and civilians, particularly in poor and Black communities, where the rates of arrest and incarceration are staggeringly high. As ArchCity Defenders' executive director Blake Strode told MSNBC host Trymaine Lee in a 2021 interview about warrant reform, "We've seen it over and over and over again. A warrant isn't just a piece of paper. It's something that can actually have mortal consequences, particularly for Black people."[48]

Historically, the number of warrants issued strongly correlates with the number of pending charges or tickets, and consequently, the amount of revenue. Therefore, the extreme volatility in warrant issuance year to year in some municipalities should be a cause for concern and hypervigilance.

Black motorists are still disproportionately stopped

> *When I first got my license, I got pulled over and I just thought it was natural. I didn't view it as us being prey. It was just young people making foolish mistakes. But when we went to court, we were like, "Man, it ain't nothing but [B]lack people in here."*
>
> —James Clark, 2015[49]

Since the year 2000, the Missouri attorney general's office has issued an annual Vehicle Stops Report that highlights disparities in traffic stops among different racial groups, comparing the rates at which white drivers are stopped versus Black, Hispanic, Asian, and Native American drivers. Historically, the data has consistently shown high racial disparities in vehicle stops, searches, and subsequent arrests, including in 2023, when Black drivers in Missouri were pulled over 60% more frequently than white drivers.[50]

The annual report includes a racial disparity index for traffic stops, which quantifies the extent to which different racial or ethnic groups are stopped by police relative to their representation in the overall population. It conveys whether a particular group is disproportionately stopped compared to others, highlighting racial biases and systemic issues in policing practices. For example, if a demographic of drivers has a racial disparity index significantly higher than one, it indicates that they are stopped more frequently than would be expected based on their share of the population. Conversely, an index lower than one would suggest that a group is stopped less frequently than their population share would predict.

To measure progress, we have synthesized the racial disparity index data for Black and white motorists in 2014 and 2022 (see Table 1). Perhaps not surprisingly, little has changed in the past decade. In almost every municipality examined, the racial disparity index for Black drivers remains above one, while it is below one for white drivers. In some cases, disparities have worsened. Ferguson, Berkeley, Maryland Heights, St. Ann, and Calverton Park all show worse racial disparities in 2022 than in 2014. Traffic courts may be less crowded than they were ten years ago, but the makeup of drivers is more or less the same.

[48] Into America, MSNBC. "Transcript: Lessons on warrant reform from Ferguson," 12 May 2021, https://www.msnbc.com/podcast/transcript-lessons-warrant-reform-ferguson-n1267106.

[49] Stewart, Maria, and Reilly, Ryan J. "'Crazy' St. Louis County Municipal Court System Fights To Survive," HuffPost, 28 Aug. 2015, https://www.huffpost.com/entry/st-louis-county-municipal-courts_n_55df4e22e4b0e7117ba92924.

[50] Messenger, Tony. "Messenger: Legal fight over police ID numbers in Missouri is really about accountability," St. Louis Post-Dispatch, 17 June 2024, https://www.stltoday.com/news/local/column/tony-messenger/messenger-legal-fight-over-police-id-numbers-in-missouri-is-really-about-accountability/article_bd9edeec-2a5d-11ef-8fc1-1f730160d1b2.html#tncms-source=login.

Municipality	Black Motorists (2014)	Black Motorists (2022)	White Motorists (2014)	White Motorists (2022)
Ferguson	1.3	1.36	.49	.26
Florissant	2.91	2.1	.39	.31
Berkeley	.76	.99	2.45	1.17
Maryland Heights	2.86	3.33	.87	.74
St. Ann	1.77	2.5	.87	.38
Calverton Park	1.93	2.22	.48	.23
Hazelwood	1.89	1.7	.67	.48
St. Louis City	1.45	1.38	.67	.75
St. Louis County	1.44	1.38	.92	.93

Table 1: Traffic Stops Racial Disparity Index by Police Department[51]

Takeaways:

Overall, the data indicates significant declines in the revenue generated and the number of tickets and warrants issued by these municipalities over the past decade. Much of the initial decrease coincided with a huge surge in public pressure, reporting, organizing, federal investigations, litigation, and fine caps associated with Senate Bill 5. Many municipal courts saw more significant drops in the immediate post-Ferguson period and pre-pandemic than they did post-pandemic.

While these numbers show marked decreases, the rate at which municipal courts were extorting poor people for revenue was so extreme that the decreases to date ought to be viewed through that lens. It merits questioning why their collective revenue remains in the millions of dollars. For years, people paid fines, fees, and taxes to support a blatantly unlawful and abusive system. Just because it is less abusive now does not mean it is free from such abuse.

Moreover, in the years following the re-opening of the courts, the revenue, tickets, and warrant numbers for many of these municipalities signal a trend toward returning to pre-pandemic levels. This raises important questions about the primary function of these courts and offers cause for concern regarding the long-term trajectory of municipal courts in the region.

Part 3: The Way Forward

In one sense, the series of reform efforts and years of data outlined in this report reflect important progress in the decade since the Ferguson Uprising placed a spotlight on St. Louis' municipal legal system. Due to a multifaceted and sustained effort, there are tens of thousands fewer people who are ticketed, fined, and subjected to arrest by municipal police and courts every year. There are tens of millions fewer dollars transferred annually from ordinary residents to municipal courts. These simple facts cannot be overlooked, and their impact on the lives of countless St. Louisans cannot be overstated.

In another sense, we find ourselves facing very similar questions to those we faced a decade ago. While the municipal courts in this region have been investigated, shamed, and sued into their now-reduced level of activity,[52] they remain a patchwork of self-directed and unaccountable institutions. Those ensnared in the trap of municipal police and courts still face a system that punishes and exacerbates poverty, with no identifiable benefit to public safety or community wellness. The recent uptick in tickets and court revenues, however modest, should serve as a reminder that the gains of the past ten years could be erased if we do not implement more structural reforms.

[51] Missouri Attorney General. "2022 VSR Agency Specific Reports," https://ago.mo.gov/wp-content/uploads/vsrreport2022.pdf.

[52] This is in addition to that portion of the reduction which should be attributed to a multi-year global pandemic.

The structural reform that ArchCity Defenders and others have supported for nearly a decade is complete consolidation of the municipal courts into a single regional municipal court (with one or more divisions) operated by the circuit court.[53] We reiterate the urgent need for such consolidation.

In 2015, building on many of the studies, investigations, and white papers summarized in this report, the Missouri Supreme Court commissioned a Municipal Division Work Group to develop recommendations to address the myriad issues plaguing municipal courts in the state.[54] The Work Group issued its findings and proposals in a report in March 2016, which included an extensive dissent by Kimberly Norwood, a professor of law at Washington University in St. Louis and leading scholar on race, class, and civil rights and social justice issues.[55] Among Professor Norwood's core disagreements with the majority of the Work Group was its failure to embrace as a recommendation the wholesale consolidation of the municipal court system.

Rejecting the majority's argument that the Missouri Constitution does not permit consolidation, Professor Norwood emphasized the broad mandate of the Supreme Court to exercise "superintending control" over all courts in the state. She then made a compelling argument for using that authority to transform the landscape of municipal courts in St. Louis County:

> [I]n the 21st Judicial Circuit, there are 81 municipal courts; some are a square mile or less. Many, if not most, depend on revenue generated from the courts to fund their municipal operations. The aggregate cost of these municipal courts totals nearly 16 million dollars. And, despite this exorbitant amount, they cannot even afford to operate the courts more than once or twice a month and usually not even for a full day! Moreover, many of these judges (some of whom are not even lawyers) are disposing of literally hundreds and sometimes over a thousand cases in a single half-day session. This is absolutely outrageous. One cannot even pretend that justice is being served under such circumstances. The municipal courts in this circuit would be a prime candidate for consolidation of courtrooms, court services, court staff, court recordkeeping, and court judges.[56]

The logic reflected in ArchCity Defenders' 2015 white paper, the Ferguson Commission Report, 2014 and 2015 Better Together studies, and Professor Norwood's Municipal Division Work Group dissent still holds today.

There are other sensible changes that would mitigate some of the many harmful effects of the municipal court system. These include shifting municipal courts to a compliance model in which all charges are dropped upon satisfaction of certain conditions;[57] ending driver's license suspensions for unpaid fines and fees; treating all court debts as civil debts meriting only civil debt collection mechanisms[58]; automatically dismissing any tickets issued by police officers no longer employed by the relevant department; and repealing municipal ordinances to significantly narrow the range of conduct subject to prosecution. However, although obvious improvements in some ways, none of these changes address the fundamental flaw at the core of the municipal legal system, which is that it fuels an expansive and ever-growing notion of what we consider "criminal" and, therefore, appropriate for sanction.

There is fear among a certain segment of the public that reduced enforcement of municipal infractions leads to an increase in crime and the collapse of social order. However, there is no empirical evidence of a correlation between reducing or slowing down municipal court operations and an increase in crime rates. Crime rates themselves are a branch of social science rooted in

[53] One significant benefit of consolidating municipal courts into the circuit (or associate circuit) court is neutrality of the judge. In municipal court, both the prosecuting attorney and judge are (in most cases) hired and fired by the city in question. If either is an impediment to efficient revenue-generation, they may end up summarily replaced by a revenue-minded city council or mayor. This leads to a situation where the judge and prosecutor act as though they are, effectively, on the "same team." With the state judiciary, no such moral hazard exists. Moreover, state judges used to overseeing the more robust due process requirements of criminal proceedings are presumably more likely to afford those protections to municipal court defendants. As a practical matter, these two different dynamics can already be observed when a municipal division case ends up "certified" to associate circuit court through the various mechanisms in SCOMO Rule 37.

54 Supreme Court Municipal Division Work Group, 14 May 2015, https://www.courts.mo.gov/file.jsp?id=89305.

[55] "Report of the Municipal Division Work Group to the Supreme Court of Missouri," 1 March 2016, https://www.courts.mo.gov/file.jsp?id=98093.

[56] Ibid, pg. 14

[57] At the time of writing, this is the practice for the vast majority of traffic offenses in Clayton Municipal Division.

[58] This is already the case in a number of municipal divisions - for some, as a consequence of ArchCity Defenders' litigation - and for municipal court cases certified to associate circuit court.

highly dubious categorical assumptions (i.e. what types of harm do or do not constitute a crime) and unreliable data. But it should be obvious to all that the activities of these courts have little to do with public safety outcomes.

People often end up in municipal court for the enforcement of petty ordinance violations—things like tall grass, trash, busted taillights, and expired tags. These are not the marks of harmful and dangerous conduct. At worst, they are things we wish our neighbors would do differently. But the only mechanism the municipal courts use to encourage people to act differently is to make them pay money. This money serves as punishment for having done something that often stemmed from a lack of money in the first place. The illogic is plain. The municipal court system is a minor annoyance if you have sufficient disposable income. If you do not have any disposable income, it becomes a significant barrier to financial and personal stability. This is the essence of the municipal court system, and it is no different today than it was in 2014.

This insight demands a radically different approach. As an organization that has focused much of its work on St. Louis' municipal legal system for nearly 15 years, we root this approach in our values and vision:

> *In ArchCity Defenders' work with clients, partners, and each other, we strive toward abolition of the prison-industrial complex. We believe that many of the challenges we face are best addressed by being in intentional and supportive community with each other – with universal access to healthcare, housing, educational and employment opportunities, and shared public spaces—and not by prisons and jails, policing, or prosecution.*
>
> *We envision a society liberated from systems of oppression where the promise of justice and racial equity is realized; communities where our approach to public safety prioritizes investment in well-being, health, and transformation without relying on criminalization and incarceration; and people living freely in their communities, thriving regardless of their race or income.*[59]

As an abolitionist organization, we know that this future is unattainable under the current municipal court system.

Saint Louis University law professor and ArchCity Defenders board member Brendan Roediger astutely captured the limits of municipal court reform in St. Louis: "Reforms, no matter how serious or how imaginative, can never change the nature of the arrangement, which is control. It finds its level. Municipal courts, as we are fond of saying, are not broken. They are a coercive apparatus perfectly suited to limiting the mobility (physical, economic, and political) of racialized subjects. They will produce what they are designed to produce until they are abolished."[60]

Missouri's municipal court system exacerbates racial tension, oppression, and disenfranchisement by enabling municipalities to use courts as mechanisms of social control and de facto debt-collection agencies, focusing on court revenue to sustain inefficient government operations. The only way to alleviate these injustices is through abolition. Despite extensive reform attempts highlighted in this paper, the persistence of systemic problems that devastate the lives of Black and poor people underscores the need for a complete overhaul of the system.

Consolidation is not abolition.[61] And yet, we again strongly recommend fully consolidating the municipal court divisions in St. Louis in the belief that this practical, necessary, and transformative change constitutes a non-reformist reform.[62] Such a change would meaningfully reduce the size, power, and scope of the municipal legal system and thereby reduce the daily harm that it causes. It would diminish these courts' role as tools of racial and economic oppression. It would reduce their ability to generate revenue through fines and fees, thereby disrupting the cycle of poverty and incarceration that disproportionately affects marginalized communities. Consolidation into a single regional municipal court with no more than a few divisions would further eliminate a central conflict of interest embedded in existing courts:

[59] ArchCity Defenders, https://www.archcitydefenders.org/about-us/mission-vision-values/#:~:text=ArchCity%20Defenders%20is%20committed%20to,power%2C%20policy%2C%20and%20ideas.

[60] Roediger, Brendan. "Abolish Municipal Courts: A Response to Professor Natapoff." 20 Feb. 2021.

[61] Professor Norwood rightly noted in her dissent that "Consolidation does not mean abolition." As she points out, this bolsters the argument for the constitutionality of such a reform, even if one accepts the questionable premise that outright abolition is impermissible.

[62] Akbar, Amna A. "Non-Reformist Reforms and Struggles over Life, Death, and Democracy," The Yale Law Journal, https://www.yalelawjournal.org/feature/non-reformist-reforms-and-struggles-over-life-death-and-democracy.

The judge in such a system becomes a neutral arbiter rather than an employee hired and fired at the behest of the municipality in question.

For far too long, the leaders of St. Louis and the State of Missouri have failed to take courageous action to correct a systemic injustice that plagues the region. Despite this, the unprecedented focus on municipal courts over the past decade has yielded hard-fought relief from the most egregious abuses. But this work is far from complete, and there is real danger in averting our gaze. If we want to bring a sustained change to this system, we must act more boldly and transform the municipal legal landscape for good.[63]

[63] This paper was written by Angelo Vidal, Communications Specialist at ArchCity Defenders; Z Gorley, Director of Communications at ArchCity Defenders; Blake Strode, Executive Director of ArchCity Defenders; William Waller, Managing Attorney at ArchCity Defenders; and Jacki Langum, Deputy Executive Director at ArchCity Defenders.

Appendix

The following charts represent data from the 2023 Census:

Demographic and Economic Data for the City of Ferguson[64]

Statistic	Value
Total Population	18,143 residents
Total Households	7,913 households
Black Population (%)	71.7%
Median Household Income	$47,410
Residents Below Poverty Line	21.1%
Households Receiving Food Stamps (%)	21.8%

Demographic and Economic Data for the City of Florissant[65]

Statistic	Value
Total Population	51,506 residents
Total Households	20,505 households
Black Population (%)	40.7%
Median Household Income	$64,178
Residents Below Poverty Line	9.2%
Households Receiving Food Stamps (%)	10.3%

Demographic and Economic Data for the City of Berkeley[66]

Statistic	Value
Total Population	8,064
Total Households	3,133
Black Population (%)	76.8%
Median Household Income	$37,757
Residents Below Poverty Line	32.1%
Households Receiving Food Stamps (%)	21.2%

[64] https://data.census.gov/profile/Ferguson_city,_Missouri?g=160XX00US2923986#income-and-poverty
[65] https://data.census.gov/profile/Florissant_city,_Missouri?g=160XX00US2924778
[66] https://data.census.gov/profile/Berkeley_city,_Missouri?g=160XX00US2904906

Demographic and Economic Data for the City of Maryland Heights[67]

Statistic	Value
Total Population	27,769
Total Households	12,568
Black Population (%)	15.4%
Median Household Income	$82,232
Residents Below Poverty Line	5.4%
Households Receiving Food Stamps (%)	4.5%

Demographic and Economic Data for the City of St. Ann[68]

Statistic	Value
Total Population	12,658
Total Households	6,153
Black Population (%)	29.4%
Median Household Income	$48,081
Residents Below Poverty Line	12.5%
Households Receiving Food Stamps (%)	12.1%

Demographic and Economic Data for the City of Calverton Park[69]

Statistic	Value
Total Population	1,143
Total Households	493
Black Population (%)	53.3%
Median Household Income	$62,716
Residents Below Poverty Line	21.9%
Households Receiving Food Stamps (%)	20.3%

[67] https://data.census.gov/profile/Maryland_Heights_city,_Missouri?g=160XX00US2946586
[68] https://data.census.gov/profile/St._Ann_city,_Missouri?g=160XX00US2963956
[69] https://data.census.gov/profile/Calverton_Park_city,_Missouri?g=160XX00US2910612

Demographic and Economic Data for the City of Hazelwood[70]

Statistic	Value
Total Population	25,047
Total Households	11,519
Black Population (%)	43.77%
Median Household Income	$55,111
Residents Below Poverty Line	14.3%
Households Receiving Food Stamps (%)	9.8%

Demographic and Economic Data for St. Louis City[71]

Statistic	Value
Total Population	286,578
Total Households	143,059
Black Population (%)	43%
Median Household Income	$52,847
Residents Below Poverty Line	20.4%
Households Receiving Food Stamps (%)	18.1%

Demographic and Economic Data for St. Louis County

Statistic	Value
Total Population	987,059
Total Households	413,247
Black Population (%)	24.6%
Median Household Income	$79,440
Residents Below Poverty Line	10.4%
Households Receiving Food Stamps (%)	8.6%

[70] https://data.census.gov/profile/Hazelwood_city,_Missouri?g=160XX00US2931276
[71] https://data.census.gov/profile/St._Louis_city,_Missouri?g=160XX00US2965000

2024 Municipal Divisions: 21st Circuit Court, St. Louis County[72]

Count	Division	Held at this Division
1	Winchester	Ballwin
2	Moline Acres	Berkeley
3	Clarkson Valley	Chesterfield
4	Westwood	Frontenac
5	Crystal Lake Park	Frontenac
6	Oakland	Glendale
7	Warson Woods	Glendale
8	Champ	Maryland Heights
9	Bellerive	Normandy
10	Cool Valley	Normandy
11	Country CLub Hills	Normandy
12	Hillsdale	Normandy
13	Pasadena Park	Normandy
14	Flordell Hills	Pagedale
15	Greendale	Pagedale
16	Velda City	Pagedale
17	Beverly Hills	St. Ann
18	Charlack	St. Ann
19	Edmundson	St. Ann
20	Hanley Hills	St. Ann
21	Northwoods	St. Ann
22	Overland	St. Ann
23	Vinita Park	St. Ann
24	Wellston	St. Ann
25	Sycamore Hills	St. John
26	Green Park	St. Louis County
27	Kinloch	St. Louis County
28	Pasadena Hills	St. Louis County
29	Twin Oaks	St. Louis County
30	Marlborough	St. Louis County
31	Village of Norwood Court	St. Louis County
32	Uplands Park	Velda Village Hills
33	Ballwin	
34	Bel-nor	
35	Bel-ridge	
36	Bella Villa	
37	Bellefontaine Neighbors	
38	Berkeley	
39	Black Jack	
40	Breckenridge Hills	

[72] https://www.courts.mo.gov/mcw/findacourt/getCountyCourtData.htm

41	Brentwood	
42	Bridgeton	
43	Calverton Park	
44	Chesterfield	
45	Clayton	
46	Crestwood	
47	Creve Coeur	
48	Dellwood	
49	Des Peres	
50	Ellisville	
51	Eureka	
52	Fenton	
53	Ferguson	
54	Florissant	
55	Frontenac	
56	Glendale	
57	Grantwood Village	
58	Hazelwood	
59	Jennings	
60	Kirkwood	
61	Ladue	
62	Lakeshire	
63	Manchester	
64	Maplewood	
65	Maryland Heights	
66	Normandy	
67	Olivette	
68	Pagedale	
69	Pine Lawn	
70	Richmond Heights	
71	Riverview	
72	Rock Hill	
73	Shrewsbury	
74	St. Ann	
75	St. John	
76	St. Louis County	
77	Sunset Hills	
78	Town and Country	
79	University City	
80	Valley Park	
81	Velda Village Hills	
82	Village of Glen Echo Park	
83	Webster Groves	
84	Wildwood	
85	Woodson Terrace	