STL POSITIVE CHANGE
THE FERGUSON COMMISSION
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FORWARD *through* FERGUSON

A PATH TOWARD RACIAL EQUITY

A printed companion to

FORWARDTHROUGHFERGUSON.ORG

as of October 14TH, 2015

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INTRODUCTION

LETTER FROM THE CO-CHAIRS

DEAR PARTNERS IN CHANGE,

This report is presented with an understanding that it reveals difficult, uncomfortable truths about this region we call home. It should be read with an understanding that there are ways to address these issues, and that there are people of goodwill who want to address these issues. Perhaps most importantly, addressing these significant challenges will take all of us working together to find common ground. This is our opportunity to realize that we don't have to see eye to eye to walk arm in arm.

We are very grateful for the work contained here and the many people who contributed to the work. We are particularly thankful to have had the opportunity to co-chair the commission. We have worked hard to be good partners on this journey. It has been our privilege to learn from and serve alongside one another. The two of us came to this work because Governor Nixon asked us, and because of a shared faith based on love and grace, committed to peace and justice. We believe these principles, regardless of your faith perspective, compel all of us to engage and to act.

The commission hopes that you will engage more deeply the more you learn. You will find things you didn't know. You will find things you don't agree with. Understanding our disagreements has been part of our process as a commission. But we, like so many in our region, know that we must first listen to understand them and keep listening. We know we must confront our reality and then have the courage to act. And all of us must find ways to engage, regardless of where we live in the region.

So often throughout this process, friends, family, neighbors and colleagues, knowing of the work of the Commission, have asked, "What can I do?" Well, there is something for all of us to do.

In this letter, while communicating with our region, we also want to speak specifically to those who are in political, civic and business leadership roles, to those who live in well resourced communities, and particularly to those who are motivated by your moral imagination or other reasons to engage in the process of reconciliation, healing and change. You have a particular responsibility to deploy and leverage the opportunities we have been given.

We are struck by the fact that but by the privilege of the place and circumstances of birth, some of us personally experience the very troubling and incredibly difficult circumstances described in this report. Others find them hard to believe.

It is also appropriate that we directly address youth, activists and organizers, those directly affected by social conditions this report explores and who live daily under weight of the inequities it attempts to address. We're here as a commission because people went to the streets or spoke up in many other ways, seeking significant change. The commission has added a focus on the need for that change, and defined what we believe some of that change should look like.

To drive change, we will all need to continue striving. Our civic, business and not-for-profit community have incredible capacity. Our grassroots organizations and advocates have tremendous energy. Taken together, there is capacity for remarkable transformation. We are an incredibly generous and giving region that has seen great progress in many areas. With appropriate alignment, this capacity points to the opportunity for a brighter future.

But, the reality described in this report shows where we still have a great deal of work to do. It shows that we have a responsibility to seek and demand change from the accountable bodies named in this report.

We have attempted to identify specific things you can do—to learn more, to act, to voice your support or dissent, and to find ways you can join to be part of the solution. We hope that as more and more people read and engage with the report, the number of ways to connect, and the number of things you can do, will grow. We plan to update this digital report so that it is an evolving, vital engine for engagement and impact. Even if you don't agree with something in our report, there is plenty of work here. We want you to join us, to be part of this work with us.

Our commission strongly believes that a better, more unified, more equitable St. Louis is not only possible, but worth pursuing together. And we hope that you will understand what we have come to understand. We have discovered that 'once you know, you can't unknow.'

Again, we express our condolences to Michael Brown, Jr.'s family and friends, who continue to feel great pain at his loss. The expressions of the grief and pain of our community from far too many tragic events has led us to confront the deep realities of violence, of systemic racism, of inequity.

Regardless of one's view of what happened that day in Ferguson, the events of August 9, 2014 revealed deep and divisive problems in our region. While not unique to our region, this is our reality. It catapulted our community into the national and international spotlight.

Now we have the opportunity to do something with these events, to do something with this moment in our history. For the commission, this is a responsibility we have undertaken with appropriate solemnity.

Through the commission's work, we have embarked upon an experiment in inclusive democracy. We have insisted on being more than a ceremonial body, because our very existence is an admission that our region is not equitable for all. We believe this inequity makes us weaker, and we are capable of doing better. We understand that we have a responsibility and a unique opportunity to address these issues.

During this process it was frequently moving, and often inspiring, to hear from those who shared their stories and lifted their voices. We hope that with this report, we honor their belief in us, and the democratic process.

While it is important for us to express our appreciation for the hundreds of people who have engaged in the process and advanced it, it is also important for us to acknowledge that while we talked to a lot of people, we didn't talk to everyone. We know there are perspectives out there that we didn't hear, and we are sure there are people out there who don't yet feel heard. To them we say, we're still here. We're ready to listen whenever you're ready to speak. Even after the Commission is no longer in existence, this report outlines a continuing process for more listening, collaboration and action.

In 2013, as we prepared to celebrate St. Louis' 250th birthday, leaders debated whether or not to engage in community-wide planning, in a wide assessment of the region. Increasingly, civic leaders said no, and it didn't happen. But on August 9th, young people said yes. We have a Commission because our region's youth, through their actions, demanded that we rethink things. Youth voice brought us to this moment.

Mothers and fathers, extended families, faith communities, neighbors and leaders need to be there to support their hopes and dreams. We want to see our children and every citizen living peaceably, protected and safe without harassment. This requires intentional action to build positive relations between community members and police.

To be faithful to this moment, we must respond and work together with young people to bring about change for their generation, and the next. Leaders are dealers in hope. The commission's challenge to the leaders of this region – no matter how, where, or who you lead – is to engage in the hard work of creating real hope.

We particularly challenge the elected leaders in our state and in our region. We say to them: the commission has provided the needed place for focus on these critical issues at this difficult time. Much of the work identified here is public policy work for which elected bodies and officials are accountable. The St. Louis region needs your leadership and your commitment.

Because for St. Louis to get better, to become more fair, to become more equitable, to become more just, it will take all of us. We can do this. We can be better.

THE CONTEXT OF THE FERGUSON COMMISSION REPORT

CLARIFYING OUR TERMS

The title of this report is "Forward Through Ferguson: A Path Toward Racial Equity." We want to take a few moments to explain what we mean.

"FORWARD THROUGH FERGUSON"

As with any organization that works closely together on serious issues, the Ferguson Commission has found itself coming back to several phrases again and again. One of those phrases has been, "The only way forward is through."

By this we mean that if we are to move forward as a region, if we are to make true, long-term, sustainable progress, we can't avoid our reality—we must confront it, and work through it. We believe that if we attempt to skirt the difficult truths, if we try to avoid talking about race, if we stop talking about Ferguson, as many in the region would like us to, then we cannot move forward. Progress is rarely simple, and it rarely goes in a straight line. But we are convinced that progress in the St. Louis region runs through Ferguson, and every issue that the phrase "Ferguson" now conjures.

Though some may be feeling "Ferguson fatigue," we believe that Ferguson can, and should, represent a collective awakening to the issues that many in our region knew and understood, but for many others were invisible. Now they are not.

This new, shared sense of understanding calls us to a shared sense of responsibility, and also brings a shared sense of opportunity. What would a more just, a more unified, a more equitable St. Louis be capable of? We must use the energy and the urgency inspired by Ferguson to find out.

"A PATH"

We have invested thousands of hours in researching, debating, and discussing the calls to action put forth in this report. Yet still, we cannot see the future.

Thus, we do not know for certain if these calls to action are the answer. We can't. But they are what we believe to be the best starting point, the beginning of a path toward a better St. Louis.

We expect that as we travel, the path will change, and we'll find ourselves navigating places we couldn't have imagined. That is the nature of efforts like this. But there must be a starting point, and we believe, based on the work we have done, that this is the right starting point.

We are certainly open to the idea that we will uncover new routes and unexpected roadblocks. Our challenge is to keep moving, and to define the ultimate contours over time.

One thing we know for certain: this is not the easy path. That would be avoidance, and avoidance will get us no closer to racial equity. The path to racial equity demands time and persistence, risk and resources.

It is a path that we must travel together.

"TOWARD RACIAL EQUITY"

We know that talking about race makes a lot of people vuncomfortable.

But make no mistake: this is about race.

In her 2010 book "Flak-Catchers: One Hundred Years of Riot Commission Politics in America," author Lindsey Lupo examines five commissions that were appointed in response to race riots between 1919 and 1992. She argues that historically, these commissions are appointed to calm the public, and give the impression that the government is doing something—that they "give the appearance of action but are little more than a tool to maintain the status quo," and that, "social and racial issues in the cities are not actually addressed by the commission" (Lupo, 2010).

Lupo says that past commissions focused on economic revitalization "to the exclusion of social issues, such as racial tension, segregation, and discrimination. It is as though the commissions are arguing that our society has moved beyond race, thus the problems must be purely economic. But race remains at the root of the violence,

as evidenced by its very inception with *every* riot studied here being the result of white law enforcement harming a black civilian" (Lupo, 2010).

We have not moved beyond race.

St. Louis does not have a proud history on this topic, and we are still suffering the consequences of decisions made by our predecessors.

However, it's important to understand that racial inequity in our region is not the same as individual racism. We are not pointing fingers and calling individual people racist. We are not even suggesting that institutions or existing systems intend to be racist.

What we are pointing out is that the data suggests, time and again, that our institutions and existing systems are not equal, and that this has racial repercussions. Black people in the region feel those repercussions when it comes to law enforcement, the justice system, housing, health, education, and income.

For example, at its extreme in the St. Louis region, life expectancy differs by nearly 40 years depending on zip code (Comprehensive Planning Division, 2015). In mostly White, suburban Wildwood, Missouri, the life expectancy is 91.4 years. In the mostly Black, inner-ring suburb of Kinloch, Missouri, life expectancy is just 55.9 years (Comprehensive Planning Division, 2015).

The law says all citizens are equal.

But the data says not everyone is treated that way.

THE POWER OF CONTEXT

In conducting our work, we reviewed many thoroughly-researched investigative reports that already existed, examining the issues we were now focusing on. Some had a specific focus on St. Louis, while others were national in scope.

Yet as eye-opening as many of the findings in these reports were, the average St. Louisan had not heard of, let alone read them. Individually, these reports each reveal insight into a specific problem, and, in many cases, offer viable solutions. But individually, most of them fly well under the public's radar.

Taken together, however, a clearer picture emerges. One of the great strengths of the Commission has been to put all of this information into a larger context, so that individual citizens and community leaders alike can make sense of it. One of the great opportunities of the Commission is to use the attention and the platform we have to create broad awareness of that larger context, and in doing so, ensure that those leaders understand that they must do something about it.

References:

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2. Lupo, L. (2010). Flak-catchers: one hundred years of riot commission politics in America. Lexington Books
3. Public Policy Research Center. (2015). An Equity Assessment of the St. Louis Region. University of Missouri-St. Louis Retrieved from http://pprc.umsl.edu/pprc.umsl.edu/data/stl_equity_assessment_may2015.pdf

ABOUT THIS REPORT

WHAT THIS REPORT IS … AND WHAT IT IS NOT

The People's Report … Not a Typical Commission Report

First and foremost, this is the "people's report." What do we mean by that?

Our primary audience for this report is the people of the St. Louis region. The report is directed to the average citizens whose daily lives are affected by the issues we explored, and whose lives will be impacted by the calls to action we make. With that in mind, we have written this report to speak to an audience of average citizens—not lawyers, legislators, academics, politicians, or policy wonks.

We've written this report in plain language as much as possible. We've avoided jargon when we could, and tried to explain the jargon we used when we couldn't avoid it. Our goal is to present this important information in a way that anyone can understand.

We recognize and have heard citizen feedback that official documents produced by commissions like ours can be written in a way that is hard for the average citizen to understand, and a chore to read.

We have tried to make this document readable and interesting. If it's interesting and easy to read, you're more likely to read more of it—and we want you to read it. The more this report is read, the stronger the actions toward implementation will be. If we hide important ideas behind stuffy language, or bury key information, we would be disrespectful to the people who invested their time and energy into the work, and worse, we would be diminishing the importance of what we were charged to do.

That said, as you go deeper into the document, you may notice that the information does get more dense and complicated. While our focus is on speaking to the people, we also know that this document must be detailed and specific enough to be useful in directly impacting policy decisions. We have tried to keep these sections clear and readable, while meeting the needs of multiple audiences.

A Study of Underlying Issues … Not an Investigation of an Incident

This report is not in any way an investigation of what happened between Michael Brown Jr. and Officer Darren Wilson in Ferguson on August 9, 2014, nor is it an investigation of the response to the uprising that followed. Other bodies have been responsible for those investigations.

Consistent with our charge, this report is a "a wide-ranging, in-depth study of the underlying issues brought to light by the events in Ferguson." In other words, we have looked at a wide variety of factors—social, political, historic, economic, educational, and racial, among them—that contributed to the climate in which those events occurred.

Some of the things we look at may at first seem unrelated to the events in Ferguson. However, our work and the community feedback has shown that these factors have either a direct or indirect connection to the environment in the St. Louis region, and therefore must be considered when discussing any potential changes that might lead to progress.

A Narrative … Not a List of Policy Recommendations

While there are indeed many policy calls to action in this document—in total, there are 189—this report is not simply a list of policy recommendations.

We have tried to construct a narrative that takes these policy calls to action, which can often be very detailed, very data-driven, and somewhat abstract, and put them into a larger, more human context. The report aims to put a face on the calls to action, and to help you, the reader, see how the current state of affairs, and potential changes in policy, affect you and your neighbors. Ultimately, we want you to understand not only what is recommended, but also why it matters—and what it means for you. We also want to help you see the connections that link

these issues. Sometimes these are obvious, but often they are not. Too many of the issues examined here have been addressed in isolation for too long. When issues are addressed as if they are not connected, we as a region miss opportunities for collaboration, cooperation, and creative problem-solving. This report seeks to place our region's challenges in a larger context, highlight the connections between them, and encourage the partnerships, alliances, and actions that will be necessary to make lasting change.

The Outline of a Path …
Not an Implementation Plan

As a Commission, we were given a broad charge, but limited time to explore these issues and develop calls to action. Though we accomplished a significant amount of work in that time, engaging a tremendous number of citizens and exploring issues in depth, the timeframe dictated the level of detail we could provide. Moreover, there is a limit to the influence over decision-making that we as a Commission can have. No matter how sound our calls to action, they are calls—the Commission does not have the power to enact them.

This means that while this report includes many specific policy calls to action, it is not an implementation plan. Implementation may require legislation, policy changes, funding, public support, private support, or in most cases, a combination of these. Some calls to action identify half a dozen accountable bodies or more. Each individual or organization has a role in making these changes a reality.

What this means is that this report does not spell out step-by-step solutions, or answer questions about how proposed solutions will be funded. Those things are beyond our scope, as the Commission's charge was to identify needed changes and call on those accountable for that change to act.

Thus, the report provides the outline of a path forward. The report and the calls to action it includes are meant to serve as a springboard—as a way to initiate conversations and action around these urgent topics challenging our region.

The Beginning of the Work …
Not the End of the Discussion

This report is not meant to be the end of the discussion. It is not meant to provide the definitive, final answer, on any of these topics. It is meant to raise questions and offer important, community-informed calls to action on these topics. It is meant to identify resources, voices, and perspectives that should be considered when discussing these topics. And it is meant to spark extensive, nuanced, and in-depth conversations about the issues explored here, as well as the collective action to address them.

In "Flak-Catchers: One Hundred Years of Riot Commission Politics in America," Lindsey Lupo also offers a critique of commissions, particularly the later ones: "Recent [...] commissions are far less prominent, recognizable, or even known than their predecessors. [They] are rarely discussed publicly and garner little media attention. The result is that public pressure is eliminated and any recommendations that are made stand little chance of implementation …" (Lupo, 2010).

Though the Ferguson Commission differs in several substantive ways from the commissions Lupo studied, it does share similarities. Understanding those similarities, we have made it our goal that these findings and these calls to action will be discussed and debated publicly. The measure of success is not how well-researched or how well-written the report is. The measure of success is how much people engage with the report, because if the people engage with it—discuss, debate, and argue about it—there is a much greater chance that the calls to action presented here will be implemented. It will take the application of public pressure to ensure that we push forward, and not just ease back into the status quo.

Unflinching …
Not Just a Tour of the Bright Spots

This report is also a hard look at some hard truths. It is confronting our reality.

Governor Jay Nixon's executive order establishing the Ferguson Commission stated: "[T]he unrest and public discourse set in motion by the events of August 9 in Ferguson, Missouri underscore the need for a thorough, wide-ranging and unflinching study of the social and economic conditions that impede progress, equality and safety in the St. Louis region."

So often when we talk about our region's struggles, we flinch. We avoid talking about race, or poverty, or other factors that might make us uncomfortable, even though addressing those issues head-on is what is needed to move forward.

The Ferguson Commission has embraced the call to be "unflinching."

For us, being unflinching has meant confronting the reality of our region. It has meant getting comfortable with some very uncomfortable data—data that highlights harsh facts about St. Louis.

This has also meant listening, often uncomfortably, to the personal stories shared by citizens who came to our open meetings, and by people we interviewed throughout the

process of developing this report. Some of the stories people shared were uplifting and inspiring. But many were frustrating, depressing, infuriating, deflating, and heart-wrenching.

We are committed to honoring those stories, and facing those truths, throughout our work and in this report. To soften the edges, to try to polish up the rough spots and to just present the stories and statistics that put St. Louis in a positive light, would be a disservice to those citizens who spoke up, and even more so, a disservice to the future of the region. If we are to move forward, it's going to happen by confronting our reality, and moving forward through it.

WHY DIGITAL FIRST?

Why are we focusing primarily on the digital presentation versus a traditional printed report?

Engagement

There are several reasons why this report is designed with digital presentation at the forefront. First, it was important to the Commission that readers be able to engage with the content.

Our goal from the beginning has been to make this the "people's report." Releasing this report digitally makes it accessible to you wherever you are, and lets you engage with it whenever you have a moment—riding the MetroLink, walking the dog, taking a short break. This is increasingly how people interact with information, and we wanted the report to lend itself to this new reality.

Shareability

We also knew that if we wanted to increase the likelihood that people would engage with the report, we needed to make it easy for people to share sections that were exciting to them. Presenting the report digitally makes it easy for you to share content that interests you in a variety of ways.

Our hope is that when you come across a section that makes you say, "Wow, I didn't know that," your next thought will be to think of someone who should know about it, and share it with them, with a note that says, "Hey, you should check this out," or "See, this is what I've been saying!"

So many people today learn about new things via their various inboxes and feeds, and we value news and information that comes to us via our friends and trusted networks. By presenting the report digitally first, and empowering readers with social sharing tools, we hope to increase the likelihood that more people will read, engage with, and share the report. Encouraging social sharing opens a pathway for ongoing dialogue, debate, and community problem solving.

Much of the reason that Ferguson became a national and international news story so quickly was because people shared what was happening via social media, and social media has undoubtedly changed the shape of modern activism. The shareability we've built into this site is an acknowledgement of that seismic shift.

Clickability

As you read this report, we want you to feel a sense of control over your reading experience—and a sense that you are a part of the Commission's work. That's because you are.

To make the most of this report, don't just read—click. Click to explore a topic in more detail. Click to see the way different issues are connected, and click to make your own connections. Maybe the details of municipal court reform don't interest you, but you care deeply about education. Or maybe you've been hearing all about municipal court reform, and want to learn more about how it connects to law enforcement. Having the information in the report in a digital format gives you the power to easily navigate to find more of what matters to you.

It also encourages discovery. As you read, you'll see that this report is heavily linked throughout. Maybe you're a linear reader, and you want to read this report as if it were a typical document. But if you're like many modern readers, you'll find it easy to click around, follow interesting links, and make your own connections.

The linking throughout the document lets you dive deep on a single topic, but also laterally explore related topics. We hope that in the process you'll learn about topics you didn't know much about—but also that you will see the interconnectedness of all of the topics addressed here, and realize how interconnected all of these issues are.

The combination of text, photos, and video, of policy-focused language and personal stories, of broad-level views and specific details, offers a rich, clickable environment for exploration and investigation.

A Living Document

Finally, this is a living document. This means that unlike a traditional report, which would be considered final the day it was released, this report is just the beginning.

Because the report is being presented digitally, it's not

frozen in time. It can be updated to reflect new research, to connect you with additional resources that emerge to address these issues, and to provide progress updates on these issues and corresponding recommendations as residents engage and things change.

If we had released a traditional report, we would have increased the likelihood that the findings would simply sit on a shelf gathering dust. By releasing the report digitally, we've made sure that it stays alive, and will grow and evolve based on your engagement with it. We don't think there's ever been a commission report quite like it. We hope you'll agree.

ABOUT THE FERGUSON COMMISSION

WHAT IS THE FERGUSON COMMISSION?

The Ferguson Commission is an independent group appointed by Missouri Governor Jay Nixon on November 18, 2014, to conduct a "thorough, wide-ranging and unflinching study of the social and economic conditions that impede progress, equality and safety in the St. Louis region." The need to address these conditions was underscored by the unrest in the wake of the death of Michael Brown, Jr. in Ferguson on August 9, 2014.

The Commission's Charge

The Commission, composed of 16 diverse volunteer leaders, was charged with the following:

To examine the underlying causes of these conditions, including poverty, education, governance, and law enforcement;

To engage with local citizens, area organizations, national thought leaders, institutions, and experts to develop a thorough and comprehensive understanding of the concerns related to these conditions; and

To issue an unflinching report containing specific, practical policy recommendations for making the region a stronger, fairer place for everyone to live.

This is that report.

Beyond the Charge

The Governor's charge established the foundation for the Commission's work. But as the Commission met, and as we discussed the work before us, we established additional aims.

Knowing that implementing any policy changes will take the coordinated efforts of many stakeholders, we worked to engage a broad and diverse coalition of civic leaders, business leaders, faith leaders, and other respected members of the community in the process of developing our recommendations.

Understanding the importance of repairing the damaged trust many people feel toward public institutions, we made openness and transparency cornerstones of the Commission's work. Commission meetings have been open to the public and the media, and subject to the Sunshine Law. Notes, resources, transcripts, and video from Commission meetings have been openly shared online following each meeting.

Appreciating that the challenges we examined were not unique to our region, we sought the perspective and expert testimony of practitioners from around the country who could present new ways of seeing the evidence we were examining and provide new ideas and best practices from other communities that should be considered.

Similarly, we aspired to develop a work process that could serve as a model to other communities struggling with similar challenges, and to develop best practices that communities across the country could adopt locally.

Most importantly, we have embraced as our charge helping the community chart a new path toward healing and positive change for the residents of the St. Louis region.

Who Makes up the Commission?

The 16 volunteer members of the Commission come from a variety of backgrounds and represent a diversity of communities, experiences, and opinions. The Rev. Starsky Wilson and Rich McClure have led the Commission as co-chairs. A full list of Commissioners is available in the "Acknowledgements" section of the report and their biographies are on our webiste.

In addition to the 16 Commissioners, hundreds of citizens volunteered their time and expertise throughout the process, serving on Commission working groups, participating in open meetings, and making possible the numerous community events that were held in an effort to further engage the region.

HOW DID THE COMMISSION APPROACH ITS WORK?

As mentioned earlier, while our formal charge was to issue policy recommendations, we took as our informal charge to help chart a new path toward healing and positive change for the residents of the St. Louis region.

We knew that path started not with policy, but with people.

A Commitment to Community Engagement

And so we listened. At open community meetings all across the region, we invited people to speak. We had the opportunity to hear from people from communities throughout the region, from a variety of diverse backgrounds, of all ages, from all walks of life. When citizens stood up to share their thoughts and experiences, their remarks were unscripted and honest. From these frank discussions we heard about the challenges of daily life and the frustrations and struggles that many St. Louisans face every day.

While we also listened to experts from across the country, to researchers and scholars, to clergy and legislators, and to business, non-profit, and civic leaders, our commitment to listening to and honoring the voices of the people was the common thread running through our work.

This commitment to community engagement meant that we consistently got a raw view of what life was like for people in neighborhoods like Ferguson, and that we never forgot about the people who our policies were meant to serve.

Over the course of 17 full Commission meetings, which were open to the public and held in various neighborhoods around the region between November 2014 and September 2015, almost 2,000 people participated. Each of these open meetings included opportunities for open public comment, presentations from local and national experts on a wide variety of subjects, and, at several meetings, facilitated discussion in small breakout groups.

Working Groups

Based on community prioritization at the initial public meeting, the Commission was subdivided into four working groups, which met independently of the full Commission meetings. Each working group was co-chaired by a pair of Commissioners and included 10 to 20 local subject matter experts, professionals, practitioners, and citizens.

Since January 2015, the working groups have held 38 public meetings. Each group met regularly throughout the process, working with a clear charge to identify the key areas within their scope that needed to be addressed. They consulted with experts, heard community voices, and reviewed existing research.

It's important to note that by design, the working groups members didn't always agree. Each working group intentionally included voices and philosophies of practice that were in tension with one another. Members of each working group were selected because of their experience, depth of knowledge, demonstrated commitment to improving our region, and the Commission's commitment to the inclusion of diverse voices in this process.

As a result, our calls to action reflect what we believe is the result of ensuring all voices are heard. They reflect agreement in some areas, and compromise in others. The proposed calls to action from each working group do not necessarily reflect a consensus or universal agreement among participating working group members. In fact, there was disagreement on a number of major calls to action. Despite the contention, all working group members have agreed to align behind the final calls to action.

Those working groups were:

CITIZEN-LAW ENFORCEMENT RELATIONS

Working Group Co-Chairs:

Commissioner Dan Isom
Commissioner Brittany Packnett

Desired Changes:

Design accountability measures and policies that ensure law enforcement agencies serve and protect all citizens based on principles of:

- Trust;
- Mutual respect;
- Transparency;
- Cultural competence; and
- Justice

Topics Explored:

- Use of Force
- Civilian Oversight
- Anti-Bias & Cultural Competency
- Accreditation & Accountability
- Community Policing
- Public Demonstration
- Special Prosecution

- Officer Wellness
- Use of Technology

Review the full list of calls to action from this working group in the "Calls to Action" section of the report.

MUNICIPAL COURTS AND GOVERNANCE

Working Group Co-Chairs:

Commissioner Traci deVon Blackmon
Commissioner T.R. Carr

Desired Changes:

Just governance aimed at restoring community trust and enforcing laws in fair and intended ways with a focus on:

- Restorative justice and equity;
- Judicial independence;
- Fiscal responsibility; and
- Transparency

Topics Explored:

- Uniform List of Rights
- Informing Public on Court Procedures and Individual Rights
- Failure to Appear Charges
- Ability to Pay Hearings
- Restorative Justice
- Alternatives Sentences
- Establishment of Alternative Community Service
- Conflict of Interest

Review the full list of calls to action from this working group in the "Calls to Action" section of the report.

CHILD WELL-BEING AND EDUCATION EQUITY

Working Group Co-Chairs:

Commissioner Becky James-Hatter
Commissioner Grayling Tobias (December 1, 2014 – April 13, 2015)

Desired Changes:

Build a region that ensures that all children and youth, ages 0-25, are thriving in their daily lives by:

- Growing and developing to their full potential;
- Retaining the ability to be children; and
- Preparing to become fulfilled and contributing adults

Secure educational achievement, fairness, and opportunity for all youth by:

- Setting high expectations;
- Recognizing unique differences and developmental stages;
- Advancing outcome-based approaches;
- Aligning and coordinating customized services; and
- Producing college-ready and career-ready students

Topics Explored:

- School District and School Accreditation
- Hunger and Food Instability
- Public Education Funding
- College Access and Affordability
- Human Capital in Education
- Social Service Coordination with Schools
- Caring Adults (mentors, coaches)
- Early Childhood Education
- Parent Education and Engagement
- Childhood Health

Review the full list of calls to action from this working group in the "Calls to Action" section of the report.

ECONOMIC INEQUITY AND OPPORTUNITY

Working Group Co-Chairs:

Commissioner Felicia Pulliam
Commissioner Pat Sly

Desired Changes:

Enable new, proven, and innovative pathways for all residents to have equal access to economic opportunity by addressing critical needs through:

- Family and community stability;
- Institutions and organizations; and
- Systemic policy and practices

Topics Explored:

- Economic Mobility
- Job Skills and Training
- Employment and Income
- Transportation
- Housing
- Entrepreneurship and Small Business Growth
- Health and Wellness
- Youth Investment

Review the full list of calls to action from this working group in the "Calls to Action" section of the report.

RACIAL EQUITY AND RECONCILIATION

This was not a working group, but rather a topic that all working groups considered. All working groups were asked to "Intentionally apply a racial equity lens to the work" by asking the following three questions:

1. Whom does this recommendation benefit?
2. Does this recommendation differentially impact racial and ethnic groups?
3. What is missing from this recommendation that will decrease or eliminate racial disparities?

Our commitment to racial equity means that we intentionally and critically examined race and ethnicity when analyzing problems, proposing solutions, and measuring success. Therefore, these indicators are important to consider when making policy and evaluating effectiveness.

KEY CONSIDERATIONS

Throughout the process, our work was unified by a series of key considerations. Though the working groups explored very different topics, we recognize that these issues are interconnected. These common considerations ensured that every call to action we made would address these essential themes.

These considerations were:

Racial Equity. Race is a key factor in so many of the issues we explored. St. Louis is the 5th most racially segregated of 50 large metro areas in the United States. (Ihnen, 2013) The statistical racial disparities in poverty, education, employment, and wealth point to racial inequities that we believed must be considered in all of our deliberations.

Generational Change. Whatever change we hope to achieve, we know that it must be change that lasts beyond the short term and reaches across generations. Many of the problems that face our region have developed over several generations. To solve them, we must do so with an eye toward future generations. We want to do all we can to make things better for our children, and their children.

Health Equity. The life expectancy for a resident of zip code 63105 (Clayton), whose population is 9 percent Black, is 85 years. The life expectancy for a resident of zip code 63106 (North St. Louis), whose population is 95% Black, is 67 years (Purnell, Camberos, & Fields, 2014). While there are also significant disparities between these two zip codes in unemployment, poverty, and median household income, this difference of 18 years of life between average residents in zip codes less than 10 miles away illustrates a health inequity that is alarming.

Supported by Research

The Governor's Executive Order directed the Commission to "take testimony and gather information, and […] engage the scholarly and research expertise necessary to help inform the commission about the issues …"

With that in mind, we reviewed dozens of previously published research reports from government agencies and non-profit organizations at the local, state, and federal levels. We also heard testimony and presentations from more than two dozen subject matter experts from the region and across the country.

In addition, the Commission contracted with the Institute of Public Policy, a division of the Harry S. Truman School of Public Affairs at the University of Missouri, for research support.

In the Calls to Action section of the report, you can explore some of the reports and documents the Commission reviewed in its work.

How did the Commission Determine Priorities?

Since the Governor's appointment, the Ferguson Commission convened regional leaders, subject matter experts, and community members to produce 189 calls to action. These calls to action identify specific policy recommendations that the Commission believes can better our region. Each call to action identifies specific accountable bodies—individuals and organizations whose cooperation and effort will be needed to make each call to action a reality.

Once the calls to action were developed, the Commission identified those calls we believed should be prioritized.

Three criteria were considered when determining the priority calls to action:

Transformative. Is the policy call to action innovative? Will it create an impact or cause positive change?

Urgent. Will this policy call to action address pressing issues?

Unflinching. Does the policy present cause-driven solutions that call out core issues in the region?

The calls identified as signature priorities are organized into three primary categories: Justice for All, Youth at the Center, and Opportunity to Thrive.

All the signature calls to action can be found in the Signature Priorities section of this report. All 189 calls to action produced by the Commission can be found in the Calls to Action section.

ABOUT THE SIGNATURE PRIORITIES

These are the signature priorities determined by the Commission through the prioritization process. To learn more about these priorities, and the calls to action specific to each, explore the Signature Priorities section.

Justice for All

The events in Ferguson shone a bright, national spotlight on law enforcement and the municipal courts, not just in Ferguson, but throughout the St. Louis region. The Commission identified priority calls to action for police reform, court reform, and consolidation of police departments and municipal courts.

Police reform calls to action address use of force, police training, civilian review, and response to demonstration. Court reform calls to action address sentencing practices, protection of constitutional rights, and conflicts of interest in municipal and county courts. Consolidation calls to action address consolidation among St. Louis County's 81 different municipal courts and 60 separate municipal police departments.

Youth at the Center

Our region's youth present our greatest opportunity to impact positive and lasting change, in this and future generations. These signature calls to action speak to the needs of children and youth. In the area of child well-being, the calls to action address supporting the whole child, ending hunger for children and families, reforming school discipline, and leveraging the influence of schools to improve childhood health. In the area of education infrastructure reform, the calls to action address early childhood education, education innovation, and school accreditation.

Opportunity to Thrive

Many factors impact an individual's opportunity to thrive. Key among them are health and financial stability. Unfortunately, for many in the St. Louis region, these are not a given. The calls to action in this signature priority focus on creating equity in opportunity to thrive, so that all the region's residents have a fair shot at achieving the American dream. The calls to action in this area address economic mobility, expanding Medicaid, employment, financial empowerment, housing, and transportation.

LESSONS AND LEGACY

Not long after the Commission began its work, people began asking what was going to be in the report. The Governor had commissioned us to produce a report, and our specific recommendations, as directed, would be included in that report. Understandably, people were interested in what that report would say, and what those recommendations would be.

But those involved in the work quickly came to understand that those calls to action, and this report, would not be the only products of the Commission's work. As we met, discussed, listened, and investigated, another—perhaps more important—product was being produced: our process.

Process as Product

From the beginning, we committed ourselves to abide by several adopted guiding principles: transparency, sustainable and enduring action with urgency, equity and fairness, civic engagement, diversity and inclusion, and integrity.

We believed these were sound principles for guiding our efforts. Considering the serious circumstances that led to the Commission's creation, and how much was at stake in our work, we believed we had a duty to adhere to them.

As we listened, it quickly became clear that people in communities all across the region not only wanted to talk about these issues, and needed to talk about these issues, they also wanted to do something about these issues.

What had been missing was a forum—and a process for engaging all that pent-up energy, frustration and vision.

By providing a space and an opportunity to talk honestly about these issues that have plagued our region for generations, and by consistently demonstrating to people that their concerns would be heard, the Ferguson Commission became a catalyst for citizen engagement and involvement.

By calling on community leaders and experts from different sectors from across the region, people gathered who had never sat together before to come to what became the region's "kitchen table" to explore these issues with a wide range of expertise, experiences, and perspectives. As those people came to the table, they listened to each other with patience, curiosity, and respect. Conversations that in the past might have been heated and contentious have been conducted with a sense of purpose, obligation, and resolve.

The process has led to new connections, new ideas, new

understanding, and a new vocabulary with which to talk about the issues we face. It has created new awareness of resources and tapped into deep wells of political will and personal conviction. It has highlighted an appetite for change and a new sense of urgency.

The response we have seen to the process says that people in St. Louis want to make a difference, and they believe that the region can be better. It also says they want to work together to do it.

This report, and the policy changes we have called for, will be part of the legacy of the Ferguson Commission. We hope that this process of engagement will equally be part of that legacy.

It is this process of engagement that drives the accountability and action that will move the region forward.

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1. Purnell J., Camberos G., Fields R., (Eds.). (2014). For the Sake of All: A multidisciplinary study on the health and well-being of African Americans in St. Louis. Washington University in St. Louis and Saint Louis University. Retrieved from: https://forthesakeofall.files.wordpress.com/2014/05/for-the-sake-of-all-report.pdf
2. Ihnen, A. (2013). Lies, damn lies, racial integration and segregation in St. Louis, and statistics. NextSTL. Retrieved from: http://nextstl.com/2013/01/lies-damn-lies-racial-integration-and-segregation-in-st-louis-and-statistics/

CALLS TO ACTION

Justice For All

ENCOURAGING EFFICIENCY AND TRANSPARENCY THROUGH ROBUST ADMINISTRATIVE STANDARDS AND RECORD KEEPING

THE EXPERT TESTIMONY, RESEARCH, SCHOLARSHIP, AND LIVED EXPERIENCE COLLECTED BY THE COMMISSION REVEALED THE FOLLOWING:

- Court barriers to transparency include: records that are closed, that never existed, or that disappeared; inefficient and costly processes for gaining access to public records, sometimes requiring days or weeks; private electronic databases to which interested citizens lack access; and records that are maintained in forms that are difficult for individuals to access (Mann & Deere, 2015).
- One investigation into municipal court processes found "a pervasive lack of transparency. Court hearings are conducted in assembly-line fashion and in hushed tones, without any way for the public to learn what is happening with each case. Public records are sparse—viewing a single case file can often take days of waiting and require permission from a city attorney. Then there are the side deals, which are hidden but prolific. Even in court sessions that are theoretically open, judges often speak in whispers at the bench, making it impossible to hear exchanges with defendants who don't have attorneys. It's here where they quietly discuss what a person can pay and when." (Mann & Deere, 2015).
- Regarding traffic cases, "[w]ith no hearing or public discussion, agreements get tucked away into individual case files, apparent only to those who know to look for them. The courts don't keep a list of amended charges and aren't required to report these deals to the state." (Mann & Deere, 2015).
- One report by Radley Balko describes interviews with a Cool Valley resident who discovered a pending warrant for his arrest after he was stopped by a police officer (Balko, 2014). The warrant stemmed from a 20-year-old speeding ticket and came with $615 in late fees and fines. However, no one from the court offices could produce the original ticket, and an attorney could not use the individual's record to find the warrant because Cool Valley does not use the designated legal database. Failure to use the designated legal database is not uncommon among municipalities (Balko, 2014).
- Balko also reported a St. Louis attorney stating, "I've asked prosecutors for a client's file and they've flat turned me down. They'll say 'Here's a list of his warrants, but we can't show them to you. Just trust us.' Or they'll just staple a blank form to a manila envelope, write my client's name on it, and call that his 'file.' They're giving me the runaround, and I'm an attorney. So you can imagine what happens when people try to work within the system by themselves." (Balko, 2014).
- Documented experiences of difficulty in gaining access to public records include:
    - Post-Dispatch requests for documents from the St. Louis County area's municipal courts were frequently met with silence and denials (Mann & Deere, 2015). Some municipal courts sent the requests to the Regional Justice Information Service (REJIS), which maintains a regional database of criminal information for about 50 municipal courts, for which the newspaper was charged. After nearly a month, the newspaper received the reports, several of which provided very little information (Mann & Deere, 2015).
    - Another set of requests to the municipal courts was met by denials urged on by a prosecutor in Olivette who was also a city attorney in Pagedale and a judge in Edmundson (Mann & Deere, 2015). The responses to the requests insisted that municipal courts are not required to share the information requested and that the courts could keep their databases private, unlike state and federal courts (Mann & Deere, 2015).

These findings prompted the Commission to draft several calls to action for more robust recordkeeping standards and more transparent court procedures, with the goal of improving public trust in the municipal justice system.

TO THAT END, THE COMMISSION ISSUES THE FOLLOWING CALLS TO ACTION:

Fund Existing and New Laws
The State Legislature and/or Supreme Court shall provide adequate funding for enforcement of existing and new laws relating to municipal courts and governance.
Accountable body(ies): Missouri Legislature, Missouri Supreme Court

Formalize and Standardize Court Documenting Procedures
All municipal courts shall explicitly establish formal and uniform systems of documentation and record keeping at every stage of defendants' court involvement. Whenever possible and appropriate, such documents and records shall be available to defendants.
Accountable body(ies): Municipal courts, Presiding judge of 21st Judicial Circuit, Office of State Court Administration, Missouri Supreme Court

Clearly Define Municipal Court Procedures
All operating procedures of municipal courts shall be clearly defined and followed, and all staff shall be trained in those procedures.
Accountable body(ies): Municipal courts, Presiding judge of 21st Judicial Circuit, Office of State Court Administration, Missouri Supreme Court

Eliminate Sharing of Municipal Files
To limit inappropriate sharing of information, all municipal courts and municipal prosecutors shall maintain separate files.
Accountable body(ies): Municipal courts, Presiding judge of 21st Judicial Circuit, Office of State Court Administration, Missouri Supreme Court

Conduct Annual Municipal Court Audits
Annual audits of municipal courts shall be implemented, and municipal courts shall be required to deliver copies of case records and documents to the Office of State Courts Administrator in compliance with audit requests.
Accountable body(ies): Municipal courts, Presiding judge of 21st Judicial Circuit, Office of State Court Administration, Missouri Supreme Court

Ensure Staffing of Annual Court Audits
The Supreme Court shall consider temporarily assigning additional judges or administrative personnel to assist with the annual audit of municipal courts.
Accountable body(ies): Missouri Supreme Court

Suggested Reading List:

1. ArchCity Defenders. (2014). Municipal Courts White Paper. Retrieved from: http://03a5010.netsolhost.com/WordPress/wp-content/uploads/2014/08/ArchCity-Defenders-Municipal-Courts-Whitepaper.pdf
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IMPROVING EFFICIENCY AND EFFECTIVENESS THROUGH CONSOLIDATION

THE EXPERT TESTIMONY, RESEARCH, SCHOLARSHIP, AND LIVED EXPERIENCE COLLECTED BY THE COMMISSION REVEALED THE FOLLOWING:

- The presiding judge of the 21st Circuit (which includes St. Louis County) is charged with oversight of 81 municipal courts – almost ten times the average number of municipal courts in other judicial circuits (Better Together, 2014).
- Jim Buford, former CEO and President of Urban League of Metropolitan St. Louis and a current member of the board of Better Together, stated "Fragmentation serves as a structural impediment to community reinvestment […] neither our infrastructure nor our collective conscience can afford this current level of fragmentation" (Buford, 2014).
- Research by Better Together "revealed that fines-and-fees revenue increased at a time when property-tax revenue declined. Desperate to maintain their income stream in the face of dwindling property values, many municipalities turned to the municipal courts for revenue. Financially, this strategy yielded the results needed for the municipal governments to survive. 2013 data shows that of the 81 municipal courts in St. Louis County, 73 brought in more revenue than they require to operate. In fact, on average, a municipal court in St. Louis County costs $223,149 to operate yet brings in an average of $711,506 in revenue from fines and fees each year, for an average net revenue of $488,357" (Better Together, 2014).
- It costs an estimated $15.8 million a year to operate St. Louis County's 81 municipal courts (ArchCity Defenders, 2015). In contrast, one study suggests if the 81 municipal courts were consolidated into four full-time courts, the estimated costs would be cut to between $6 million and $8 million a year (ArchCity Defenders, 2015). Another study suggests that economic growth in a region can be stymied when there are high levels of "metropolitan political fragmentation, higher levels of racial segregation, and most significantly (both for theory and in terms of statistical significance) higher level of income inequality" (Benner & Pastor, 2013).
- ArchCity Defenders, SLU Law Legal Clinics, Better Together, Missourians Organizing for Reform and Empowerment, and the Organization for Black Struggle all recommend consolidating St. Louis County's 81 municipal courts (ArchCity Defenders, 2015). These organizations identify the following as likely benefits of consolidation (ArchCity Defenders, 2015):
    - "lessen the incentive to use racially discriminatory fines and fees as a revenue stream"
    - "make it easier for poor and Black people to navigate the legal system in St. Louis County"
    - "make it easier for organizers and legal watchdogs to monitor compliance"
    - "save millions of dollars in court operation costs"
- Between 1979 and 2001, 16 Missouri counties have consolidated trial courts and 8 counties have combined a portion of their operations into a centralized court. In a study conducted by the National Center for State Courts, a vast majority of court clerks reported improvements in (Moyer, 2001):
    - Efficiency within the court: increased flexibility, communication, and coordination between staff, and faster case processing;
    - Greater public access to court facilities: 87% say public trust and confidence in court system improved;
    - Cost effectiveness: cost savings from shared supplies and equipment, and greater interest income;
    - 86 percent said, if given the choice, they would not go back to the prior court structure.

These findings prompted the Commission to draft a recommendation calling for the consolidation of municipal courts.

TO THAT END, THE COMMISSION ISSUES THE FOLLOWING CALL TO ACTION:

Consolidate Municipal Courts

The Missouri Supreme Court shall take direct jurisdiction of municipal court functions through the associate circuit court and consolidate into an appropriate number the municipal courts for the purpose of the efficient administration of justice.

Accountable body(ies): Municipalities, Municipal organizations (e.g., 24:1), Presiding judge of 21st Judicial Circuit, Missouri Supreme Court (under Article V of MO Constitution), Missouri Legislature, Federal Government

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7. Moyer, J. (2001). Court consolidation in Missouri: Where are we after 20 years? Institute Of Court Management, Court Executive Development Program. Retrieved from https://www.ncsc.org/~/media/Files/PDF/Education%20and%20Careers/CEDP%20Papers/2001/Court_Consolidation_MO.ashx
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9. Tokarz, K., Stragand, S. Blanton, J., & Terrell, J. Forthcoming 2015. Moving beyond Ferguson: The growing imperative to revamp our nation's municipal courts and develop community justice centers to rebuild public trust, repair seriously fractured community relations, and advance restorative justice. Washington University Journal of Law & Policy.

INCREASING AWARENESS OF RIGHTS AND PROCEDURES

THE EXPERT TESTIMONY, RESEARCH, SCHOLARSHIP, AND LIVED EXPERIENCE COLLECTED BY THE COMMISSION REVEALED THE FOLLOWING:

- Individuals who receive a municipal citation or summons in many St. Louis County municipalities often are not provided with essential facts critical to navigating the judicial process. The procedures used in Ferguson, MO are an example of this problem: The Department of Justice found that individuals receiving a municipal citation or summons often are unaware of how much they owe, where and how to pay the ticket, what the different payment options are, what rights the individual has in the process, and what the consequences are for various actions or oversights. The communication that happens between courts and defendants is "haphazard and known by the court to be unreliable"—often delivered by judges verbally on an ad hoc basis and/or inaccurately and incompletely on municipal websites (DOJ, 2015).
    - The DOJ further found that "[m]any times...[Ferguson Police Department] officers omit critical information from the citation, which makes it impossible for a person to determine the specific nature of the offense charged, the amount of the fine owed, or whether a court appearance is required or some alternative method of payment is available. In some cases, citations fail to indicate the offense charged altogether. . . . In other cases, a ticket will indicate a charge but omit other crucial information" (DOJ, 2015).
    - Court staff often do not follow official procedures to notify a defendant with a missed court date of a new court date, or that missing the next court date will result in issuing an arrest warrant (DOJ, 2015).
    - Individuals against whom an arrest warrant has been issued can clear the warrant by paying a bond at the court window. However, individuals can avail themselves of this option only if they know that a warrant has been issued and if the payment option has been communicated to them, neither of which is a guaranteed to happen (DOJ, 2015).
    - The DOJ found that "a lack of transparency regarding rights and responsibilities" and "basic access deficiencies that frustrate a person's ability to resolve even those charges that do not require in-court appearance" are two of five factors that "impose considerable hardship." As a result, individuals often appear in court multiple times—sometimes more than ten occasions— attempting to resolve one case. Throughout this process, the individual will likely be assessed additional fines, fees, or have arrest warrants issued against them (DOJ, 2015).
- In the ArchCity Defenders observation of over sixty courts, they found that "in all but very few, these municipalities fail to provide lawyers for those who cannot afford counsel. As a result, unrepresented defendants often enter pleas of guilty without knowing they have the right to consult a lawyer, although this information is on many court websites" (ArchCity Defenders, 2014).

These findings prompted the Commission to draft several recommendations, calling for changes in ticketing practices, municipal court practices, notice procedures, and processes to appoint counsel, with the aim to increase individual's awareness of their own rights and of municipal court processes. This increased awareness will, in turn, stop an individual's single citation from escalating into an ever-increasing number of court dates and fines and fees.

TO THAT END, THE COMMISSION ISSUES THE FOLLOWING CALLS TO ACTION:

Create a Municipal Courts "Bill of Rights"
Residents shall be informed of their rights and of municipal court procedures via a written "bill of rights" that is drafted, established, and approved by the applicable Missouri circuit court and delivered with every ticket and via signage posted at each location where municipal court meetings are held.
Accountable body(ies): Missouri Supreme Court, 21st Judicial Circuit, Municipal Courts

Communicate Rights to Defendants in Person
Municipal judges, clerks, and attorneys shall inform residents of municipal court procedures and their constitutional or other procedural rights as defendants at all court appearances and prior to adjudication of their cases.
Accountable body(ies): Missouri Supreme Court, 21st Judicial Circuit, Municipal Courts

Provide Defendants with Clear Written Notice of Court Hearing Details
Municipal courts shall provide all defendants with written notice of the time, date, and location of any court hearing they must attend. If a municipal court must change the time, date, or location of any court session, notice must be provided in writing at least 14 days prior to the original court date.
Accountable body(ies): Missouri Supreme Court, 21st Judicial Circuit, Municipal Courts

Open Municipal Court Sessions
Municipal court sessions shall be open and accessible to the public, including children.
Accountable body(ies): Missouri Supreme Court, 21st Judicial Circuit, Municipal Courts

Inform Defendants of Right to Counsel
Municipal courts shall inform all defendants of their right to counsel and must obtain an informed waiver if defendants choose to proceed pro se. If a defendant requests counsel but cannot afford representation, the court shall appoint an attorney when constitutionally or statutorily required. Municipal courts shall provide attorneys for all minors and in additional instances where doing so is consistent with their policies.
Accountable body(ies): Missouri Supreme Court, 21st Judicial Circuit, Municipal Courts

Assign Public Defenders for Criminally-Charged Minors
Minors charged with a criminal offense with jail as a potential sentence shall be assigned a public defender.
Accountable body(ies): Missouri Supreme Court, 21st Judicial Circuit, Municipal Courts

Suggested Reading List:

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PREVENTING CONFLICTS OF INTEREST

THE EXPERT TESTIMONY, RESEARCH, SCHOLARSHIP, AND LIVED EXPERIENCE COLLECTED BY THE COMMISSION REVEALED THE FOLLOWING:

- In the current 21st Judicial Circuit municipal court system (which covers St. Louis County), attorneys often serve in multiple roles across multiple jurisdictions. According to data compiled in March 2015, 13 attorneys in St. Louis County have positions in three or more municipalities, and 20 hold positions in two municipalities (Bouscaren, 2015). Of these, nine attorneys work as a judge in one municipality and a prosecutor in another (Bouscaren, 2015).
- The same study showed that "Three St. Louis-area firms provide prosecutors or judges for more than a quarter of the county's municipal courts, from Bel Nor to Valley Park" (Bouscaren, 2015).
- Of the 83 municipalities in the St. Louis area, all but 14 had at least one connection to another municipality (Bouscaren, 2015). A "connection" is "sharing a judge or prosecutor...or having a judge or prosecutor who works for the same law firm as a judge or prosecutor in another municipality" (Bouscaren, 2015).
- Perceived conflicts of interest, whether substantial or inconsequential, sow seeds of distrust: "I had a felony criminal case in state court a few weeks ago,' says a local defense attorney, in a Washington Post article, "Sometimes criminal cases can get contentious. You have to do everything you can to defend your client, and sometime your interaction with a prosecutor can get combative. A few days later, I was representing a client who had a few warrants in a municipal court where the same prosecutor I was just battling with is now the judge. Is my client is going to get a fair hearing? You hope so. But it sure looks like a conflict to me" (Balko, 2014).
- Other states use models that address conflicts of interest:
    - The Colorado Code of Judicial Conduct prohibits a part-time judge from practicing law in "the court on which the judge serves or in any comparable level court in the same judicial district on which the judge serves or in any court subject to the appellate jurisdiction of the court on which the judge serves" (Colorado Supreme Court).
    - The New York Administrative Rules of the Unified Court System & Uniform Rules of the Trial Courts state that a part-time judge "shall not practice 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" (New York State Unified Court System). Furthermore, a part-time judge " shall not permit his or her partners or associates to practice law in the court in which he or she is a judge, and shall not permit the practice of law in his or her court by the law partners or associates of another judge of the same court who is permitted to practice law. . ." (New York State Unified Court System).
    - The Ohio Code of Judicial Conduct states: "A part-time judge shall not practice law . . . in any court subject to the appellate jurisdiction of the court on which the judge serves . . . ." (Supreme Court of Ohio).
    - The Nevada Code of Judicial Conduct states: "A continuing part-time judge shall not practice law in the court on which the judge serves or in any court subject to the appellate jurisdiction of the court on which the judge serves . . ." (Nevada State Supreme Court).
    - The National District Attorneys Association provides in its model rules that "part-time prosecutors should not represent persons in criminal matters in other jurisdictions. This is because of the potential for conflicts with his or her duties as a prosecutor and because of the perception that such representation would decrease his or her dedication to the performance of prosecutorial functions" (National Prosecution Standards Third Edition).

These findings prompted the Commission to draft several recommendations that call for additional conflict-of-interest rules and changes to the application of existing rules.

TO THAT END, THE COMMISSION ISSUES THE FOLLOWING CALLS TO ACTION:

Prevent Conflicts of Interest Among Judges
Municipal judges shall be prohibited from engaging in municipal court practice in the county in which they serve as a municipal judge.
Accountable body(ies): Missouri Supreme Court, Missouri Legislature, Presiding Judge of the 21st Judicial Circuit, Municipal Courts, The Missouri Bar

Prevent Conflicts of Interest Among Prosecutors
Municipal prosecutors shall be prohibited from representing criminal defendants in municipal courts within the county in which they serve as a prosecutor.
Accountable body(ies): Missouri Supreme Court, Missouri Legislature, Presiding Judge of the 21st Judicial Circuit, Municipal Courts, The Missouri Bar

Apply Conflict-of-Interest Rules Universally
The Missouri Supreme Court shall not exempt municipal court personnel from its conflict-of-interest rules.
Accountable body(ies): Missouri Supreme Court, Missouri Legislature, Presiding Judge of the 21st Judicial Circuit, Municipal Courts, The Missouri Bar

Prevent Targeting and Collusion in the Municipal Governance System
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.
Accountable body(ies): Missouri Supreme Court, Missouri Legislature

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PROTECTING CONSTITUTIONAL RIGHTS THROUGH EFFECTIVELY ADMINISTERED COURTS

THE EXPERT TESTIMONY, RESEARCH, SCHOLARSHIP, AND LIVED EXPERIENCE COLLECTED BY THE COMMISSION REVEALED THE FOLLOWING:

- According to a report on the municipal courts in the St. Louis region and community members' experience within them, "family members were forced to wait outside courtrooms while loved-ones represent[ed] themselves in front of a judge and a prosecutor. Many recounted being mistreated by the bailiffs, city prosecutors, court clerks, and even some judges." (ArchCity Defenders, 2014).
- On average, a Missouri circuit court judge oversees about 8.6 municipal courts (Better Together, 2014). However, with 81 municipal courts, the St. Louis County Circuit Court judge is responsible for about ten times that amount (Better Together, 2014). The intended oversight by the presiding circuit court judge becomes nearly impossible in this situation (Better Together, 2014).
- ArchCity Defenders has reported that people who have been arrested on a warrant for failing to appear in court to pay fines, even for non-violent offenses, sometimes sit in jail for extended periods of time (ArchCity Defenders, 2014). Since municipal courts do not hold court on a daily basis, and some only meet once a month, "a person arrested on a warrant in one of these jurisdictions and who cannot pay the bond may spend as much as three weeks in jail waiting to see a judge" (ArchCity Defenders, 2014). Their report also revealed that "poor minorities are pulled over more frequently, they are let go without a ticket less frequently, and they are in all likelihood the only group to see the inside of a jail cell for minor ordinance violations" (ArchCity Defenders, 2014).
- Effective as of August 28, 2015, Missouri Statute 479.360 further states: "Defendants in custody pursuant to an initial arrest warrant issued by a municipal court have an opportunity to be heard by a judge in person, by telephone, or video conferencing as soon as practicable and not later than forty-eight hours on minor traffic violations and not later than seventy-two hours on other violations and, if not given that opportunity, are released" (Mo. Rev. Stat. § 479.360.1(1)).
- ArchCity Defenders has reported that "defendants are entitled to a hearing to determine their ability to pay under Missouri law. Upon revocation of probation for failing to pay, defendants are again entitled to an inquiry into their ability to pay. Based on our observations, these hearings rarely occur." (ArchCity Defenders, 2014).
    - On August 28, 2015, Missouri Statute 479.360 became effective. It states, in relevant part, that municipal courts must "[establish] procedures to allow indigent defendants to present evidence of their financial condition and [take] such evidence into account if determining fines and costs and establishing related payment requirements" (Mo. Rev. Stat. § 479.360.1(4)).
    - Plaintiffs' attorneys in *Fant v. Ferguson*, a class action lawsuit suing the City of Ferguson regarding allegedly unconstitutional municipal court practices, argued that jailing individuals for inability to pay is a violation of the Fourteenth Amendment's due process and equal protection clauses (*Fant v. City of Ferguson*, 2015).
- Missouri Statute 479.360 further states: "Defendants are not detained in order to coerce payment of fines and costs" (Mo. Rev. Stat. § 479.360.1(3)).
- The Class Action Complaint in *Fant v. City of Ferguson* describes situations in which individuals have been incarcerated in Ferguson jail for inability to pay traffic tickets or other minor fines and fees (*Fant v. City of Ferguson*, 2015). According to the Complaint, individuals "are kept in overcrowded cells; they are denied toothbrushes, toothpaste, and soap; they are subjected to the constant stench of excrement and refuse in their congested cells; they are surrounded by walls smeared with mucus and blood; they are kept

in the same clothes for days and weeks without access to laundry or clean underwear; they step on top of other inmates, whose bodies cover nearly the entire uncleaned cell floor, in order to access a single shared toilet that the City does not clean; they develop untreated illnesses and infections in open wounds that spread to other inmates; they endure days and weeks without being allowed to use the moldy shower; their filthy bodies huddle in cold temperatures with a single thin blanket even as they beg guards for warm blankets; they are not given adequate hygiene products for menstruation; they are routinely denied vital medical care and prescription medication, even when their families beg to be allowed to bring medication to the jail; they are provided food so insufficient and lacking in nutrition that inmates lose significant amounts of weight; they suffer from dehydration out of fear of drinking foul smelling water that comes from an apparatus on top of the toilet; and they must listen to the screams of other inmates languishing from unattended medical issues as they sit in their cells without access to books, legal materials, television, or natural light" (*Fant v. City of Ferguson*, 2015).

- Plaintiffs' attorneys argued that "[t]he jail conditions created and perpetuated by the City of Ferguson would be unconstitutional under the Eighth Amendment even were convicted prisoners treated with such callous disregard to basic health and safety." (*Fant v. City of Ferguson*, 2015).

These findings prompted the Commission to draft several recommendations calling for administrative changes that contribute to the protection of citizen's constitutional rights.

TO THAT END, THE COMMISSION ISSUES THE FOLLOWING CALLS TO ACTION:

Notify Parents of Detained Minors
A parent, guardian, or caretaker of a minor placed in detention must be notified within 4 hours of their child being placed in detention.
Accountable body(ies): Missouri Supreme Court, 21st Judicial Circuit, Municipal Courts

Change Rules for Municipalities Holding Defendants for Other Municipalities
A municipality shall not hold a defendant for another municipality for longer than 4 hours for a non-violent offense.
Accountable body(ies): Missouri Supreme Court, 21st Judicial Circuit, Municipal Courts

Provide Medical Services for People in Custody
All municipalities shall develop and implement an operating plan to provide necessary medical services, including mental health services, for all persons in custody.
Accountable body(ies): Missouri Supreme Court, 21st Judicial Circuit, Municipal Courts

Eliminate Punitive Impounding of Vehicles
In the event of arrest, municipal courts shall allow owners of legally-compliant vehicles a reasonable number of hours to have their vehicle moved by a licensed and capable driver in lieu of impounding the vehicle as a punitive measure. Penalties associated with immediate impoundment are disproportionately burdensome on poor and impoverished residents and are not essential to municipalities' public safety or justice interest.
Accountable body(ies): Missouri Department of Revenue, Missouri Supreme Court, 21st Judicial Circuit, Missouri Legislature

Train Municipal Court, Jail, and City Government Employees in Constitutional Rights
All municipal court, jail, and city government employees shall receive annual cultural bias training and training on how to protect the constitutional rights of residents and defendants, and on how to effectively administer courts. Each employee must sign a written acknowledgement upon completion of training. This training shall ensure that personnel adequately understand that the following apply to their activities and duties:

- All relevant administrative rules of the Missouri Supreme Court, the applicable judicial circuit court, and the municipal court.
- All constitutional and statutory procedural rights afforded to citizens.
- All other constitutional protections for citizens, including the requirements that:
  - Consistent with the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, municipal courts shall not hold a person in custody after an arrest because the person is too poor to post a monetary bond or bail payment.
  - Municipal courts shall not hold a person in jail for nonpayment at proceedings initiated by the municipality without a meaningful inquiry into the person's ability to pay (including notice and an opportunity to present evidence) and without the assistance of counsel or an informed waiver of assistance.
  - Municipal courts shall provide all inmates held in any municipal jail with a toothbrush, toothpaste, hand soap, shower access, reasonably sanitary surroundings, exercise, reading materials, adequate medical care, and nutritious

meals. Feminine hygiene products shall be provided to inmates upon request. No person shall be charged any money for any time spent in jail or for the provision of basic needs while in jail.

Accountable body(ies): Principal actors in the system of municipal governance (e.g., municipal officials, police officers, prosecutors, municipal court judges, municipal court personnel), Municipal Courts, 21st Judicial Circuit Court, Office of State Court Administration, Missouri Supreme Court

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REDEFINING THE MUNICIPAL COURT RESPONSE TO NONVIOLENT OFFENSES

THE EXPERT TESTIMONY, RESEARCH, SCHOLARSHIP, AND LIVED EXPERIENCE COLLECTED BY THE COMMISSION REVEALED THE FOLLOWING:

- In 2013, the municipal court in Ferguson, a city of 21,135 people, issued 32,975 arrest warrants for nonviolent offenses, mostly driving violations (Shapiro, 2014). Similarly, Pine Lawn, another municipality in St. Louis County, has a population of only 3,275 and, in 2013, it issued 5,333 new warrants, bringing its total outstanding warrants to 23,457 (ArchCity Defenders, 2014).
- More than half the courts in St. Louis County engage in the "illegal and harmful practices" of charging high court fines and fees on nonviolent offenses like traffic violations and then arresting people when they don't pay (Shapiro, 2014).
- From 2010 to December 2014, the offenses (besides "Failure to Appear" ordinance violations) that most often led to a municipal warrant in Ferguson were: Driving While License Is Suspended, Expired License Plates, Failure to Register a Vehicle, No Proof of Insurance, and Speed Limit violations (Department of Justice, 2015).
- Even though underlying code violations would not independently result in imprisonment, arrest and detention are not uncommon once a warrant enters on a case (Department of Justice, 2015). The Department of Justice's investigation of the Ferguson Police Department found overwhelming evidence of minor municipal code violations resulting in multiple arrests, jail time, and fines and fees that exceeded the cost of the original ticket several times over. As the report documents, one woman received two parking tickets for a single violation in 2007 that then totaled $151 plus fees. Over seven years later, she still owed Ferguson $541—after already paying $550 in fines and fees, having multiple arrest warrants issued against her, and being arrested and jailed on several occasions (Department of Justice, 2015).
- The ArchCity Defenders' 2014 municipal courts white paper observed that the fining practices of certain courts often led to repeated incarceration, psychological harm, and potential loss of housing and employment (ArchCity Defenders, 2014). The Commission and Working Group heard numerous examples of people who were unable to pay their fines for a minor ordinance violation, missed their court dates because they did not have the money, had warrants issued against them, and/or ended up in jail for failure to appear.
- Outstanding warrants for minor traffic offenses have kept people from retaining employment. Malik Ahmed, founder and CEO of Better Family Life, discovered that many of the participants in his job training program could not retain employment for fearing of being arrested in route to their jobs, which were often five to ten miles away, because of outstanding traffic warrants (Shapiro, 2014). To counter that obstacle, Better Family Life partnered with local police departments to create an annual amnesty plan in which individuals would be able to exchange their arrest warrants for payments plans for their fines and fees (Shapiro, 2014).
- Currently in the United States, regressive municipal fines disproportionately harm defendants with low incomes. A wealthy individual is likely to view a $200-$300 fine as a minor inconvenience, while the same fine might have devastating consequences for a poor individual who already struggles to pay the rent and put food on the table.

These findings prompted the Commission to draft several recommendations, in part to further the reforms already underway. Among other provisions, Senate Bill 5, recently signed by Governor Nixon, caps fines at $300 (Mo. Ann. Stat. § 479.353 (1)); requires municipal courts to establish "procedures to allow indigent defendants to present evidence of their financial condition." (Mo. Ann. Stat. § 479.360 (1)(4)); and eliminates additional charges for the failure to appear for minor traffic violations. (Mo. Ann. Stat. § 479.360 (1)(6)) (Mo. Rev. Stat. 479). The calls to action outlined here, however, would strengthen the existing law by specifying when the court must inquire into a defendant's ability to pay, clarifying that courts must consider payment plans and fine revocation in certain

circumstances, and paving the way for the cancellation of outstanding arrest warrants for defendants where their inability to pay may have been a significant issue.

TO THAT END, THE COMMISSION ISSUES THE FOLLOWING CALLS TO ACTION:

Eliminate Incarceration for Minor Offenses
Municipal courts shall not incarcerate individuals for minor, nonviolent offenses. They should also not issue "failure to appear" warrants on such charges, as these often lead to incarceration.
Accountable body(ies): Missouri Supreme Court, 21st Judicial Circuit, Municipal Courts, Missouri Department of Revenue, Missouri Legislature

Treat Nonviolent Offenses as Civil Violations
Municipalities shall treat minor nonviolent offenses as civil violations rather than criminal cases.
Accountable body(ies): Missouri Supreme Court, 21st Judicial Circuit, Municipal Courts, Missouri Department of Revenue, Missouri Legislature

Close Records of Non-Violent Offenses by Minors
All non-violent offenses by minors shall be treated as closed juvenile records.
Accountable body(ies): Missouri Supreme Court, 21st Judicial Circuit, Municipal Courts, Missouri Department of Revenue, Missouri Legislature

Expunge Old Convictions of Non-Repeat Offenders
All municipal convictions of non-repeat offenders shall be expunged after a defined period of time, predetermined by the Missouri Supreme Court.
Accountable body(ies): Missouri Supreme Court, 21st Judicial Circuit, Municipal Courts, Missouri Department of Revenue, Missouri Legislature

Cancel "Failure to Appear" Warrants
All "failure to appear" warrants shall be withdrawn and cancelled.
Accountable body(ies): Missouri Supreme Court, 21st Judicial Circuit, Municipal Courts, Missouri Department of Revenue, Missouri Legislature

Develop New Process to Review and Cancel Outstanding Warrants
The current outstanding arrest warrant review and cancellation process is inefficient and should be replaced with a more effective and possibly electronic system for identifying those warrants and right-sizing debts based on a defendant's ability to pay.
Accountable body(ies): Missouri Supreme Court, 21st Judicial Circuit, Municipal Courts, Missouri Department of Revenue, Missouri Legislature

Schedule Regular Warrant Reviews
Municipalities should schedule regular reviews of outstanding arrest warrants, to effectively address cases where such warrants have become especially numerous.
Accountable body(ies): Missouri Supreme Court, 21st Judicial Circuit, Municipal Courts, Missouri Department of Revenue, Missouri Legislature

Collect Municipal Court Debts Like Civil Debts
Municipal courts shall collect debts in a manner consistent with other civil debts.
Accountable body(ies): Missouri Supreme Court, 21st Judicial Circuit, Municipal Courts, Missouri Department of Revenue, Missouri Legislature

Determine Defendants' Ability to Pay
To keep from assessing a fine or fee that a defendant simply cannot afford, municipal courts shall determine a defendant's ability to pay at the defendant's first court hearing.
Accountable body(ies): Missouri Supreme Court, 21st Judicial Circuit, Municipal Courts, Missouri Department of Revenue, Missouri Legislature

Assess Ability to Pay at Nonpayment Hearings
Municipal courts shall inquire about defendants' ability to pay in any subsequent hearing regarding nonpayment.
Accountable body(ies): Missouri Supreme Court, 21st Judicial Circuit, Municipal Courts, Missouri Department of Revenue, Missouri Legislature

Consider Payment Plans and Fine Revocation
The Supreme Court shall provide policies to interpret Missouri rules and statutes that require courts to consider payment plans or fine revocation where defendants' nonpayment of fines was not the result of intentional refusal to obey the court's orders or a failure to make a good faith effort towards payment broadly, especially when administering warrant recall programs.
Accountable body(ies): Missouri Supreme Court, 21st Judicial Circuit, Municipal Courts, Missouri Department of Revenue, Missouri Legislature

Suggested Reading List:

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UTILIZING COMMUNITY-BASED ALTERNATIVES TO TRADITIONAL SENTENCING

THE EXPERT TESTIMONY, RESEARCH, SCHOLARSHIP, AND LIVED EXPERIENCE COLLECTED BY THE COMMISSION REVEALED THE FOLLOWING:

- Over the past few decades, there has been a rise in the number of "problem-solving" courts in the nation, which include community courts, drug courts, and domestic violence courts (Porter, 2010). One study defines "problem-solving courts" as courts that "seek to address a different set of problems, from systemic concerns such as exponential increases in criminal caseloads, growing jail and prison populations, and decreasing public confidence in justice, to individual-level problems like drug addiction, domestic violence and community disorganization" (Porter, 2010). Specifically, "community courts" focus on "improving public trust in justice, the importance of restorative justice, and involving the local community in identifying the major problems to be addressed" (Porter, 2010).
- Many communities around the country have developed successful community justice models. These models include:
    - The Community Service Sentencing Project by the Vera Institute in New York, as described in the book "Sensible Justice: Alternatives to Prison" (Anderson, 1998)
    - The Prisoners and Community Together program in Indiana (PACT)
    - The Midtown Community Court, as described in "Dispensing Justice Locally: The Implementation and Effects of the Midtown Community Court" (Curtis, 2001)
    - Bronx Community Solutions, created with the cooperation of the Center for Court Innovation, which actively utilizes alternative community service programming. In 2005, it was awarded a grant from the Bureau of Justice Assistance of the U.S. Department of Justice (Bronx Community Solutions)
    - Red Hook Community Justice Center, as described in "A Community Court Grows in Brooklyn: A Comprehensive Evaluation of the Red Hook Community Justice Center" (Lee, 2013)
- In 2013, the Center for Court Innovation released a study of the effectiveness of the Red Hook Community Justice Center (Lee, 2013). According to the resulting report, the Red Hook Community Justice Center provided substantially different outcomes than its comparable downtown criminal court (Lee, 2013). "Compared to the downtown criminal court, the Justice Center increased the use of alternative community or social service sentences (78 percent at Red Hook versus 22 percent downtown); decreased the use of jail as a sentence (1 percent versus 15 percent), and decreased the proportion of misdemeanor defendants who "walk" (receive a sentence such as a fine or time served) without any ongoing obligation (20 percent versus 63 percent)" (Lee, 2013).
- The same report also described a substantial decrease in recidivism among adults. "Case processing at the Justice Center reduced the probability of re-arrest within a two-year period by 10 percent, or 4 percentage points (36% v. 40%). The 10 percent reduction in re-offending is comparable to other proven criminal justice interventions, many of which are of longer duration" (Lee, 2013).
- As written in Senate Bill 5, Missouri Statute § 479.360 now requires every municipality to file "its certification of its substantial compliance… with the municipal court procedures set forth in this subsection" (SB 5, 2015). The procedures to be adopted and certified include the requirement that "[t]he municipal court makes use of alternative payment plans and community service alternatives" (SB 5, 2015).

These findings prompted the Commission to draft several recommendations that call for alternative, community-based sentencing options and greater access to holistic social service provisions as a means of re-establishing community trust and input into the municipal court system.

TO THAT END, THE COMMISSION ISSUES THE FOLLOWING CALLS TO ACTION:

Create Community Justice Centers

We strongly recommend that municipalities institute some form of community justice center that operates in conjunction with the municipal court for individuals charged with traffic violations and other types of violations who are unable to pay or otherwise in need. This community-based, municipal justice approach could include case management and social work services, providing judges and prosecutors with a broad range of alternative sentencing options (such as community service, community restitution, community mediation, and access to social services) and could help coordinate and cultivate new community service alternatives, as now required by law.
Accountable body(ies): Missouri Department of Revenue, Missouri Supreme Court, 21st Judicial Circuit, Missouri Legislature, Circuit Courts

Provide Municipal Court Support Services

Municipal courts shall retain the services of dedicated personnel (e.g., social workers, community service coordinators, through a community justice center or otherwise) for the provision of social services, diversion options, and other alternatives to traditional sentencing to all municipal defendants who choose or are determined to require such services.
Accountable body(ies): Missouri Department of Revenue, Missouri Supreme Court, 21st Judicial Circuit, Missouri Legislature

Establish Alternative Sentencing Options

Municipal courts shall establish effective alternatives to jail time, fines, and fees for violations of municipal ordinances, including payment plans and community service.
Accountable body(ies): Missouri Department of Revenue, Missouri Supreme Court, 21st Judicial Circuit, Missouri Legislature

Suggested Reading List:

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13. Tokarz, K., Stragand, S., Blanton, J. & Terrell, J. Forthcoming 2015. Moving beyond Ferguson: The growing imperative to revamp our nation's municipal courts and develop community justice centers to rebuild public trust, repair seriously fractured community relations, and advance restorative justice. Washington University Journal of Law & Policy.