



**POSITIVE  
CHANGE**  
THE FERGUSON COMMISSION  
STLPOSITIVECHANGE.ORG

# FORWARD *through* FERGUSON

## A PATH TOWARD RACIAL EQUITY

A printed companion to  

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**#STLFwdThru**

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# INTRODUCTION

# 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 uncomfortable.

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:

1. Comprehensive Planning Division. Aging successfully in St. Louis County. St. Louis County. Retrieved from: [http://www.stlouisco.com/Portals/8/docs/document%20library/AgeFriendly/FINAL\\_Aging\\_Successfully\\_Assessment.pdf](http://www.stlouisco.com/Portals/8/docs/document%20library/AgeFriendly/FINAL_Aging_Successfully_Assessment.pdf)
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](http://pprc.umsl.edu/pprc.umsl.edu/data/stl_equity_assessment_may2015.pdf)

# ABOUT THIS REPORT

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## 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

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## 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 website.

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 63016 (North St. Louis), whose population is 95% Black, is 67 years (Purnell, et al., 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.

**References:**

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# THE PROCESS OF CHANGE

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Before we go any further, let us recognize one thing:

Change is hard.

Change requires different choices, different decisions, different actions. Change requires new effort, new relationships, new habits. Change requires letting go of the known and wading through the unfamiliar found in the dark of the unknown.

Change requires admitting that what we've been doing up to this point isn't working and that it's time to try something else.

Is that something we can admit?

We're not saying that nothing works well in St. Louis. There is much that is right about our region. But the region has the capacity to be better—because unfortunately, some of the things that work well only work for some of us. And when that's the case, it impacts all of us.

Here are just a few of the statistics that we've gathered in the process of our work:

St. Louis is the 5th most racially segregated of 50 large metro areas in the United States (Ihnen, 2013).

Between 2000 and 2013, the number of residents living below the federal poverty line in St. Louis' suburbs grew by 53 percent (The Met Center, 2015).

In 2012, 17.8 percent of all children in St. Louis County and 41.7 percent of all children in St. Louis city lived below the poverty line (Annie E. Casey Foundation).

Failing to address the economic mobility of poor children is projected to decrease the United States GDP (Gross Domestic Product) by about 4 percent per year over the lifetime of these children, costing the entire country about \$7 trillion (Putnam, 2015).

These divides we've created—between Black and White, between rich and poor and middle class—are bad for all of us, not just some of us. They may not be your fault,

and you may not feel the pain as acutely as others do. But the burdens and the costs of a divided St. Louis fall on all of us, not just some of us.

## **Building a Problem-Solving Machine**

The Ferguson Commission is not capable of solving all of the problems of the region itself. Moreover, we were not charged with executing solutions.

But together through our process of community engagement, we have begun to build a problem-solving machine. A catalyst that brings together people, organizations, and resources to study a problem, gain a deep understanding of the core issues underlying the problem, and develop a strategy for solving that problem.

A problem-solving machine encourages stakeholders to ask the tough questions, examine data in context, and confront difficult truths. It provides a model for collaboration that places outcomes before egos. It fosters connections, forges new alliances, asks for help, and keeps people at the table, even when—especially when—things get hard.

Because when the dynamic, flexible, and open catalyst exists, a problem-solving machine gives people the courage to try.

## **A Culture of Trying**

If change is to happen, we first have to have a culture of trying.

It's true that there is no guarantee that any of this will work. But some of it might. The calls to action presented in this report leverage some of the best research, some of the best minds, some of the most amazing energy out there.

Still, it is possible that it might not work.

Or it might take more time than we think it will, more time than we think we have to give. Or it might take more money than we think it will, more money than we think we have the stomach for.

There are no easy answers. We are faced with many tough decisions. But inaction, sticking with the status quo, just isn't an option anymore.

If you live in a safe suburb, and you've got a good job, and you've got health insurance, and you never worry about your kids' schools, and you don't wonder if you might get pulled over because of the color of your skin, then maybe the status quo is working just fine for you.

But for thousands of St. Louisans, the status quo is killing them. The status quo means living in a food desert, with no grocery stores for miles around. The status quo means sending your children to underperforming schools that get fewer resources but dole out more punishments. The status quo means driving in fear of a court system that will put you in jail for failure to pay a traffic ticket.

Are we as a region really willing to live with that status quo?

As a Commission, we are not. We believe we've got to start trying.

In trying, new coalitions will be built, and a new sense of community will be developed. As the region tries together, people will learn new things from each other, and generate new ideas they never would have come up with if they'd said, "That's too risky to try," or, "Better to leave well enough alone," or worst of all, "That'll never work here."

The idea of "a culture of trying" is not new to the St. Louis region. Our opportunity in this moment is to apply that culture to the uncomfortable realities we've set aside for too long.

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## MONITORING AND MEASURING PROGRESS

The Ferguson Commission is committed to policy and practice calls to action that address racial disparities in the St. Louis region. But it is not enough to produce calls to action and hope for progress.

How will we know if the calls to action identified here are being implemented—and if they're working? Developing a way to measure and monitor important information over the short and long term will be essential to holding our region accountable.

The Commission suggests using the following indicators as a starting point for these measurements, but calls on scholars who understand the importance of involving community partners and practitioners in all aspects of evaluation and communicates findings in a way that is understandable and useful. We offer the metrics below for consideration:

### **Evaluating Implementation (Process Metrics):**

Process metrics are based on progress made toward implementing the signature calls to action. In order to know how we're advancing or what's not working, it is important to develop an action plan, establish goals to be reached, and a timeframe to get there. This is a short-term measure of success.

### **Evaluating Impact (Impact Metrics):**

Impact metrics are guideposts that track how the needle has moved toward improving life circumstances for the audience that the call to action was intended to affect. A set of specific community metrics that can be tracked to measure progress will be developed for each signature call to action. This is both a short-term and long-term measure of success.

An oversight body will track progress on implementation and impact, and keep the public informed on how the accountable bodies are advancing down the path toward positive change.

## **What's next for the Ferguson Commission?**

Now that the report has been launched and signature priorities identified, the next step is building an infrastructure to make the vision a reality.

By this we mean determining the structure, scope, and leadership of an organization or partnership that will carry on the day-to-day work necessary to turn these calls to action into transformative change for the region.

Such an organization is needed to sustain momentum and keep the region's eye focused on execution of these signature priorities of Justice For All, Youth at the Center, and Opportunity to Thrive. This will require bringing together and engaging government entities, civic organizations, corporations, and residents; holding the accountable bodies accountable; and making sure that the set agenda created by the community stays intact.

The process of determining these next steps—of making a recommendation regarding that organization—will begin immediately following the release of this report, will be done publicly, and will conclude before the Commission's sunset on December 31, 2015.

## **Community Ownership**

As we said earlier, this report is not an ending, but a beginning. While we've already achieved a great deal, the work that's been done so far has underscored the work that remains to be done.

But while the shape of the task ahead has come into focus, so has something else: the will of the people.

What we have seen these last ten months has been a revelation. We have seen a sense of ownership in the region, felt by all who engaged. We have felt a sense of urgency to act now, and not put off the problems to another day. This urgency has been an extension of the passion with which young leaders, activists and organizers have lifted their voices to call for answers and solutions. We have sensed excitement inspired by seeing new faces together at the table for the first time, and by seeing the energy, ideas, and enthusiasm generated when those

people rally together behind a common goal.

Cautiously at times, enthusiastically at others, what the people have said to us again and again is that they believe change is possible. They believe this is our moment.

They know what's at stake. They know the eyes of the nation are upon us. They have heard the skeptics and the doubters.

But the people believe, and we believe, that our region is up to the challenge.





**POSITIVE  
CHANGE**  
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# SIGNATURE PRIORITIES

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## POLICE REFORM

The signature priorities in this section address four key areas the Commission believes merit urgent attention: use of force, police training, civilian review, and response to demonstration. Our primary goal in addressing these priorities is the preservation of and respect for human life in every situation a community faces. Ultimately, we hope to have communities, citizens, and police all be safer and treated fairly.

### USE OF FORCE

Use of force is a part of law enforcement work, and law enforcement agencies have policies that outline the appropriate use of force. These policies describe a “Use-of-Force Continuum,” an escalating series of actions an officer may take to resolve a situation, ranging from simple officer presence, where no force is used, up to use of lethal force, where a lethal weapon is used to gain control of a situation (National Institute of Justice, 2009).

Relationships between law enforcement and the community become strained when force is—or is perceived to be—used to resolve a situation that could have been resolved through alternate means farther down the use-of-force continuum.

Policies and training on use of force should authorize only the minimal amount of force necessary to protect citizen and officer safety, that is proportional to the incident, that brings an unlawful situation safely and effectively under control, and that preserves the constitutional and human rights of the citizen. The uses of force toward the lethal end of the continuum should be used only in the rarest, most dangerous of situations.

Excessive use of force has several negative consequences that the calls to action in this priority area aim to address. First is the disrespect of a citizen’s constitutional and human rights. When citizens are treated with more force than their actions merit, then their rights have been violated.

But the negative consequences of excessive use of force extend beyond the individuals on the receiving end

of that force. The regular use of force has led many citizens to view the police as an occupying force in their neighborhoods, damaging community trust, and making community safety even more difficult.

Relations between community and police in our region and in Ferguson were strained before August 9, 2014. But the events that occurred on that day and in the months that followed have forever changed the way many citizens in Ferguson—and throughout the region—see law enforcement. Repairing that relationship will not be easy, nor will it happen quickly.

However, any attempt to repair that relationship must begin through changes in use-of-force policies, officer training, and department culture. The burden for this initial work falls on officers and police departments, as sworn servants of the public, from whom they derive their power.

### **Decreased Use of Force Will Require Revised Policies, Training, and Culture**

Decreasing the use of force has the ability to demonstrate greater respect for constitutional and human rights, repair damaged community/law enforcement relationships, reduce crime, and better equip our region’s law enforcement officers to protect themselves and our citizens.

A policing approach known as procedural justice suggests that the way citizens view the justice system—including their treatment by law enforcement officers and the courts—is linked more with whether they perceive the *process* they experience to be fair, as opposed to whether they perceive the *outcome* to be fair. This is to say, if citizens feel heard and respected, and if they feel that they are interacting with an unbiased representative of the law who is treating them with fundamental fairness, then they are more likely to see the system as legitimate, respect the law enforcement process, and cooperate with law enforcement efforts (COPS, 2013).

We heard from many Black citizens in the St. Louis region who do not feel heard or respected when they interact with the police or the courts. They do not feel that they

are treated in an unbiased way. Rather, they feel that the presence of bias, a lack of respect, and an unwillingness to listen on the part of the police too often lead to unnecessary and/or excessive use of force.

Changing this reality will take more than simple changes in policy, though explicit policy changes regarding use of force are recommended. It will take more than training, though training in how and when to use de-escalation tactics and tactical withdrawal techniques, in social intelligence and social interaction skills, and in anti-bias and cultural responsiveness, are recommended here as well.

For policy and training changes to take hold, there must also be a change in law enforcement culture. Law enforcement organizations must adopt rules and policies that emphasize the guardian role, which is defined by procedural justice, respect, and the protection of human rights (President's Task Force on 21st Century Policing, 2015). Some independent agencies in our region have voluntarily done so already, but if those policies conflict with the existing culture, they will not be institutionalized and behavior will not change. Leadership and line officers alike must understand the negative impacts of excessive use of force, and commit to a law enforcement culture and organizational mindset that supports guardianship and minimal use of force.

### **When Force is Used, Investigations Must be Free from the Perception of Bias**

Even if policies, training, and culture change, sometimes force must be used. When force is used, investigations into the use of force must be thorough and unbiased.

Today, public distrust in the police is compounded by the perception that when force is used, investigations into the use of force incident will be biased toward the law enforcement officer. This distrust stems from a system that relies on internal rather than independent investigations into these incidents.

Investigations into use of force are no doubt sensitive, and the desire of police departments and local prosecutors to maintain control of them is understandable. But at minimum, keeping such investigations in house undermines public trust in law enforcement and the justice system.

If the use of force is to be reformed, use-of-force policies must be examined and re-evaluated, officers must be trained to use the least amount of force necessary, and, when force is used, the incident must be reviewed through rigorous, fair investigations.

## **SIGNATURE CALLS TO ACTION THAT ADDRESS USE OF FORCE:**

### **Assign Attorney General As Special Prosecutor in Use of Force Cases**

The Attorney General shall serve as the special prosecutor in all cases of police use of force resulting in death, officer-involved shootings resulting in injury or death, or in-custody deaths.

*Accountable body(ies): County Prosecutors and Office of Attorney General*

### **Assign Missouri Highway Patrol to Investigate Use of Force**

The Missouri Highway Patrol shall be the default agency to create a task force with the requisite training and expertise that would be responsible for leading the criminal investigation in all cases of police use of force resulting in death, officer-involved shootings resulting in injury or death, or in-custody deaths. In cases where the Missouri Highway Patrol is the agency involved in a case of police use of force resulting in death, an appearance of a conflict of interest, an officer-involved shooting resulting in injury or death, or an in-custody death, the Attorney General shall be permitted to exercise his or her discretion to select members of non-involved law enforcement agencies to lead the investigation.

*Accountable body(ies): Local Governments, Municipal Police Departments, Municipal Legislature, State Highway Patrol*

### **Update Use of Force Statute for Fleeing Suspects**

Update use of force statute to reflect the United States Supreme Court decision *Tennessee v. Garner*, which states that, under the Fourth Amendment, a law enforcement officer pursuing a fleeing suspect may not use deadly force to prevent escape unless “the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.”

*Accountable body(ies): Missouri Legislature, Governor*

### **Establish Use of Force Database**

Direct the state of Missouri to establish a statewide database on critical use of force statistics in order to improve department operations, state policy, and the public at large. The database must be publicly available, and in keeping with current sunshine laws, ensure a degree of anonymity that would not identify specific officers' involved. All police departments across the state shall be compelled to provide requested information. Proposed information would include:

[The following language is based on IACP model policy]:

- A complaint log;
- A central file for complaints in a secured area and in conformity with records retention requirements of state law;
- A regular audit of complaints to ascertain the

- need for changes in training or policy;
- Use of force metrics identified in consultation with law enforcement officials and researchers
- Statistical or related information to identify trends involving all complaints of excessive force and abusive authority;

[The following language is based on the PERF report]:  
Prospective models for consolidated databases include the City of Ballwin in its operation of a “Document Center” locally and the Indiana Gateway for Government Unit’s online collection platform.

*Accountable body(ies): Department Executives, Missouri Legislature, Missouri Department of Public Safety, CALEA, MPCA*

### **Revise Use of Force Policies and Training**

Direct police departments across the state to revise their policies and training on use of force to authorize only the minimal amount of force necessary:

- To protect citizen and officer safety,
- That is proportional to the incident,
- That brings an unlawful situation safely and effectively under control, and
- That preserves the constitutional and human rights of the citizen.

*Accountable body(ies): Department Executives, Missouri Legislature, Missouri Department of Public Safety, CALEA, MPCA*

### **For More Detail, See:**

Authorizing Appropriate Use of Force  
Conducting Just Use of Force Investigations

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## **TRAINING**

It would be unreasonable to expect that any person with no prior policing experience would be prepared to serve

effectively as a police officer.

Rather, we expect that person to be trained extensively in the skills, practices, procedures, rules, and protocols of policing. We expect that person to learn from experienced mentors, to be given regular feedback, to be evaluated on performance by experts, and to be overseen by the citizens from whom they derive power.

We might expect this level of preparedness for someone in any job, but given the seriousness of the work and the ability of the officer to take life and seriously injure, we have even higher expectations of the training, preparation, and resulting professionalism of police officers.

In other words, we believe in the value, power, and potential of training to produce more effective, more capable, and better police officers.

### **Current Training is Insufficient and Inconsistent**

The realities of policing today require a transformative approach to training. Our law enforcement officers need the executive-level relationship and communications training that supports their ability to build relationships with, communicate well with, and respect the communities that they serve.

To help decrease biased policing, officers need to be trained in cultural responsiveness and trained to recognize the impact of historical trauma. By understanding the issues related to topics such as implicit bias, racial profiling, fair and impartial policing, cultural and religious responsiveness, and concerns related to specific groups, including citizens with mental illness and members of the LGBTQ community, officers will be better able to understand the citizens they encounter, treat them fairly, and foster trust and mutual respect in diverse communities.

To support officer well-being and help officers manage the daily stress of policing, training and ongoing support must attend to the mental and physical wellness of officers. Ensuring physically and mentally strong officers helps secure public safety and ensure neighborhoods are patrolled by healthy personnel.

To ensure that all officers across the region receive training of a consistent quality that addresses the critical topics outlined above, officers should train together at a common training facility, sharing a common curriculum. The fractured nature of police departments in the region, with 60 different police departments, leads to inconsistent training, as well as problems of coordination and collaboration. Training officers together will provide consistent training in essential topics, foster coordination and collaboration, and also deliver economies of scale.

## SIGNATURE CALLS TO ACTION THAT ADDRESS TRAINING:

### **Include Social Interaction Training in POST**

POST shall ensure that basic police officer training includes lessons to improve social interaction as well as tactical skills. Topics shall include critical thinking, social intelligence, implicit bias, fair and impartial policing, historical trauma, and other topics that address capacity to build trust and legitimacy in diverse communities and offer better skills for gaining compliance without the use of physical force.

(Adapted from Recommendation 5.7 of Presidential Task Force on 21st Century Policing report)

*Accountable body(ies): POST program, Department Executives, All law enforcement associations statewide, law enforcement agencies statewide, IACP, CALEA*

### **Increase Police Training Hours**

St. Louis area police departments shall develop and mandate tactical, wellness, and anti-bias training each year consisting of an additional 24 hours per year for a total of 72 hours in a three-year reporting period.

*Accountable body(ies): St. Louis Area Police Departments, POST, Missouri Legislature*

### **Include Implicit Bias and Cultural Responsiveness Training in POST**

POST shall ensure both basic recruit and in-service training incorporates content around recognizing and confronting implicit bias and cultural responsiveness.

- This shall occur with the assistance of advocacy groups that represent the viewpoints of communities that have adversarial relationships with law enforcement.
- Law enforcement agencies statewide shall implement training for officers that cover policies for interactions with the LGBTQ population, including issues such as determining gender identity for arrest placement; the Muslim, Arab, and South Asian communities; and immigrant or non-English speaking groups, as well as reinforcing policies for the prevention of sexual misconduct and harassment.

POST shall conduct a periodic officer certification process for officers every 2 years to ensure anti-bias and culturally responsive policing practices are being utilized by individual law enforcement officers. The certification should include but not be limited to: review of office disciplinary records and citizen complaints, bias screening, and tactical and scenario-based screenings that assess culturally responsive practices.

(Adapted from Recommendation 5.9 and Action Item 5.9.2 of Presidential Task Force on 21st Century Policing report)

*Accountable body(ies): POST (Peace Officer Standards and*

*Training) program, Department Executives, All law enforcement associations statewide, law enforcement agencies statewide, IACP (International Association of Chiefs of Police), CALEA (Commission on Accreditation for Law Enforcement Agencies)*

### **Consolidate Police Training Centers**

St. Louis City and County shall combine their resources to create a single regional police training center that will offer basic, in-service, and advanced training for all police officers in the City and County, in line with Ferguson Commission proposed and approved training standards.

(Adapted from PERF Report's Recommendation #1)

*Accountable body(ies): St. Louis City and St. Louis County leadership, County Board of Police Commissioners, County Council*

### **For More Detail, See:**

Strengthening Anti-Bias and Cultural Competency  
Improving Officer Training

## CIVILIAN REVIEW

A recurring theme that links many of the calls to action recommended by the Ferguson Commission is distrust between citizens and law enforcement. Underlying that distrust is a sense of distance and secrecy about law enforcement, a sense that the work they do is inaccessible to the average citizen.

This distance between citizens and law enforcement inhibits open and effective communication, prevents the establishment of relationships based on mutual respect, allows for bias, and discourages the patience and understanding that communication and respectful relationships cultivate. The resulting distrust makes citizens feel unsafe in their own communities and makes it harder for police to effectively and respectfully do their job.

Civilian review of law enforcement activity is a significant step toward addressing that mistrust. Giving civilians, who are critical stakeholders in community safety, and from whom police officers derive their power as public servants, a seat at the law enforcement table creates opportunities for increased communication, greater understanding of both community needs and law enforcement concerns, and a broader range of perspectives when policies and practices are discussed.

More importantly, having citizens at the table creates greater accountability for law enforcement, and a true opportunity for citizen voices to be heard in the law enforcement process, both of which are critical factors for rebuilding trust and legitimacy.

## When Citizens Bring Perspective

Because they do not do police work every day, and because they do not have years of police training, citizens engaged in the oversight process will ask questions and challenge assumptions about police protocol that officers would never have thought to consider.

Feedback channels and opportunities for evaluation are beneficial to any organization. Civilian review boards help exercise this culture of awareness and serve as a formalized bridge into the community.

Citizens are needed at the law enforcement table not because they are experts in policing, but precisely because they are not experts. Their insight into the day-to-day lives of average citizens is the perspective that law enforcement agencies need to effectively protect and serve the community.

## SIGNATURE CALLS TO ACTION THAT ADDRESS CIVILIAN REVIEW:

### Create Civilian Review Boards at the Municipal Level

Municipalities (community organizations, municipal governments) shall establish independent civilian oversight boards designed to meet the unique needs of each municipality. In addition, independent civilian oversight boards shall have the power to review non-confidential police data and engage in regular meetings with police upper management to advise them on policies and practices. The purpose of the board shall be to identify any administrative, supervisory, training, tactical, or policy issues that need to be addressed in light of incidents or events that may occur.

*Accountable body(ies): Missouri General Assembly, Governor, St. Louis County Executive, Municipal governments, Community Organizations*

### Create Civilian Review Boards at the County Level

Counties across the state should establish independent civilian oversight boards designed to manage municipal oversight boards and civilian investigations particularly when local efforts cannot sufficiently address incidents under review. In addition, these independent investigative boards shall align with the following characteristics for effectiveness:

- Able and authorized to investigate potential criminal wrongdoing by officers and to make recommendations for prosecutions that are then evaluated by special prosecutors;
- Provided with a sufficient budget;
- Able and authorized to issue subpoenas and

search warrants; and

- Provided with a well-defined jurisdiction and mandate

(Adapted from Harvard Law Review “Enhancing Accountability and Trust with Independent Investigations of Police Lethal Force”)

*Accountable body(ies): Missouri Legislature, Governor, St. Louis County Executive*

### For More Detail, See:

Expanding Civilian Oversight

## RESPONSE TO DEMONSTRATION

The police response to demonstrators in the days following the death of Michael Brown was central to the rise of Ferguson as a national story, which across the next few months would lead to much criticism from protest groups, media outlets, and eventually the U.S. Department of Justice, whose September 2015 report contains nearly 50 critical findings (United States Department of Justice, 2015).

Specific criticisms cited violations of constitutional rights, escalation and use of excessive force, use of military-style weapons and gear, inappropriate use of K-9 units, communication breakdowns, and indiscriminate use of tear gas on crowds, which is banned by international law (United States Department of Justice, 2015).

What all these problems point to is the lack of an appropriate plan for dealing with demonstration.

St. Louis law enforcement agencies should aim to have a more human, non-militarized, proportional response to future protest or demonstration activity in the region. Thus, it is imperative that the entire region’s law enforcement and partner units prepare for such activity by developing a comprehensive Demonstration Response Plan, constructed with community input. The plan proposed by the Ferguson Commission was developed in dialogue with grassroots organizations, activists, local policing officials, and national experts. Its focus is on prioritizing the preservation of human life, honoring the principles of community-based policing, and protecting the human and constitutional rights of all citizens who wish to exercise their right to protest.

## SIGNATURE CALLS TO ACTION THAT ADDRESS RESPONSE TO DEMONSTRATION:

[opa/press-releases/attachments/2015/03/04/ferguson-police-department-report.pdf](http://opa.press-releases/attachments/2015/03/04/ferguson-police-department-report.pdf)

### **Develop a Comprehensive Demonstration Response Plan**

Direct County and City Governments across the state to differentiate emergency and demonstration approaches by consulting with community members, community organizers and law enforcement officials to design a publicly available Demonstration Response Plan that:

- First prioritizes the preservation of human life and adheres to the principles of community policing, guardianship, and the protection of human and constitutional rights (Adapted from Rules of Engagement);
- Designates traditionally credentialed media as press only and not demonstrators, allowing them to perform their constitutional duties freely without threat of arrest;
- Recognizes the incendiary nature of the arrest of news media and clearly designated legal observers, and will refrain from arrest unless they interfere with police activities;
- Modifies the code 1000/2000 protocol in the case of demonstration activity such that, when a demonstration exceeds the capacity of a municipal police department to respond, the Saint Louis County Police Department shall serve as the primary line of command and, through mutual aid agreements, will determine how municipalities will assist in non-demonstration functions. It should be noted that the Saint Louis County Police Department shall fulfill this role in accordance with the preservation of human life and the principles of community policing, guardianship, and the protection of human and constitutional rights; and
- Directs police departments across the state to revise their policies and training on use of force to authorize only the minimal amount of force that is proportional to the incident, brings an unlawful situation safely and effectively under control, and preserves the constitutional and human rights of the citizen.

*Accountable body(ies): St. Louis City and St. Louis County leadership, County Board of Police Commissioners, St. Louis Municipal Police Departments, State Highway Patrol, County Council, Statewide Police Department Subdivisions*

### **For More Detail, See:**

Re-envisioning Approach to Demonstration

### **References:**

1. United States Department of Justice, Civil Rights Division. (2015). Investigation of the Ferguson Police Department. Retrieved from: <http://www.justice.gov/sites/default/files/>

## COURT REFORM

The signature priorities in this section address four key areas the Commission believes merit urgent attention: sentencing practices, protection of constitutional rights, conflicts of interest in municipal and county courts, and consolidation of municipal courts.

### **SENTENCING REFORM**

One of the most basic tenets of justice is the idea that the punishment should fit the crime.

In the St. Louis region, minor offenses can easily lead to major, disproportionate punishments.

For instance, in Ferguson, from 2010 to December 2014, municipal arrest warrants were issued most often for Driving While License Is Suspended, Expired License Plates, Failure to Register a Vehicle, No Proof of Insurance, and Speed Limit violations (not including “Failure to Appear” violations) (United States Department of Justice, 2015).

While these violations of municipal code would not on their own result in jail time, once a warrant has been issued on the case, “arrest and detention are not uncommon” (United States Department of Justice, 2015). In fact, “during the roughly six-month period from April to September 2014, 256 people were booked into the Ferguson City Jail after being arrested at least in part for an outstanding warrant—96% of whom were African American. Of these individuals, 28 were held for longer than two days, and 27 of these 28 people were Black” (United States Department of Justice, 2015).

### **Issuing Arrest Warrants for Nonviolent Offenses is Common**

This practice of issuing arrest warrants for nonviolent offenses is widespread in St. Louis County. In 2013 alone, the municipal court in Ferguson—a city of 21,135 people—issued 32,975 arrest warrants for nonviolent offenses, mostly driving violations. Pine Lawn, with a population of just 3,275, issued 5,333 new warrants, bringing its total outstanding warrants to 23,457 (ArchCity Defenders, 2014).

Yet Ferguson and Pine Lawn are not outliers—ArchCity Defenders estimates that more than half the courts in St. Louis County use these same practices (ArchCity Defenders, 2014).

## **Jailing Nonviolent Offenders Can Wreck Lives**

When someone is jailed for failure to pay tickets, the justice system has not removed a dangerous criminal from the streets. In many cases, it has simply removed a poor person from the streets.

In these cases, the justice system also removes that poor person from their family, from their community, and in many cases, from their job. These sentences can have long-lasting, widely-felt consequences, none of which directly impact community safety.

Being put in jail for failing to pay a ticket for expired license plates may seem extreme on its own. But when added to the reality of why people often fail to pay those tickets—that they are low-income workers struggling to make ends meet and take care of a family with wages from an hourly job—it can become tragic.

When jail time results in three or four days of missed work, it can result in the loss of employment, making it even more difficult to pay mounting fines and consequently to find another job. A three or four day absence from the home can add further strain and stress on a parent struggling to be present for their children, and can result in trauma for children who can't understand why a parent was taken away.

This disproportionate judicial response is not effective for ensuring community safety, establishing trust in the courts, or maintaining justice.

## **Addressing Inequity through Community Justice Centers**

In addition to reforming these sentencing practices, the calls to action in this signature priority also aim to establish community justice centers to help citizens navigate the justice system and to ensure that citizens are treated fairly.

The aim of a community justice center is to improve community engagement and decrease interactions with the court. Community justice centers can provide citizens with case management and social work services, offer citizens limited legal advice to help them avoid future violations, and connect people to organizations that can help them address a variety of issues, including insurance, housing, employment, mental health, and credit counseling—issues that are often behind traffic and other municipal violations.

Community justice centers can also help resolve community disputes; bring together law enforcement, community organizations, and community members to address pressing community issues; and can open

up a broad range of alternative sentencing options for judges and prosecutors, including community service, community restitution, community mediation, and access to social services.

## **SIGNATURE CALLS TO ACTION THAT ADDRESS SENTENCING REFORM:**

### **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*

### **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*

### **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*

### **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*

### **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*

## For More Detail, See:

Utilizing Community-Based Alternatives to Traditional Sentencing  
Redefining the Municipal Court Response to Nonviolent Offenses

## References:

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>
2. United States Department of Justice, Civil Rights Division. (2015). Investigation of the Ferguson Police Department. Retrieved from: [http://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson\\_police\\_department\\_report.pdf](http://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf)

## CONSTITUTIONAL RIGHTS

A fair and just court system rests on a foundation of constitutional rights. The United States Constitution is clear about these rights.

The Fifth Amendment states that, “No person shall be ... deprived of life, liberty, or property, without due process of law ...”

The Sixth Amendment states that, “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed ... and to have the assistance of counsel for his defense.”

The Fourteenth Amendment again emphasizes the importance of due process, this time at the state level, stating that, “No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

St. Louis municipal courts have been noted for detaining defendants for excessive periods of time without due process, for holding defendants for their inability to pay fines and fees, for failure to inform defendants that they have the right to counsel (which has led to unrepresented defendants entering guilty pleas without knowing of their right to counsel), and for failure to assign counsel to minors charged with crimes (ArchCity Defenders, 2014, and United States Department of Justice, 2015).

It is the duty of the courts to uphold the Constitution, meaning it is also the duty of the courts to make defendants aware of their right to counsel, to assign public defenders to criminally-charged minors, and to ensure that all defendants receive due process.

The calls to action in this signature priority address these issues directly. They also call for training for all municipal, jail, and city government employees in the constitutional rights of the citizens they interact with, so that they may consistently ensure due process of law, and the protections afforded by the Constitution.

These changes in policy and practice, and the corresponding training to ensure their proper execution, are essential to regaining the public’s trust in its municipal courts.

## SIGNATURE CALLS TO ACTION THAT ADDRESS CONSTITUTIONAL RIGHTS:

### 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*

### 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:
  - o 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.
- o 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.
  - o 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*

#### **For More Detail, See:**

Protecting Constitutional Rights Through Effectively Administered Courts  
Increasing Awareness of Rights and Procedures

#### **References:**

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>
2. United States Department of Justice, Civil Rights Division. (2015). Investigation of the Ferguson Police Department. Retrieved from [http://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson\\_police\\_department\\_report.pdf](http://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf)

## **CONFLICTS OF INTEREST**

In Missouri's 21st Judicial Circuit municipal court system, attorneys serve multiple roles across multiple jurisdictions: as prosecutor in one municipality and judge in a neighboring one; as judge in multiple municipalities and private attorney in others; as prosecutor in multiple municipalities and private attorney in others; and as a city attorney and prosecutor for the same municipality.

Data compiled in March 2015 by St. Louis Public Radio 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, where 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).

The National Prosecution Standards of the National District Attorneys Association state that, “Part-time prosecutors should not represent persons in criminal matters in other jurisdictions” (National District Attorneys Association, 2009).

At a time when trust in the municipal court system is low, and the fairness of the municipal courts is in doubt, the perception of conflicts of interest invited by the current practices undermines the legitimacy of the municipal courts and causes citizens to question whether justice is being consistently served.

The Commission's recommendations aim to increase transparency and accountability by ending these practices and preventing potential conflicts of interest in the municipal court system.

## **SIGNATURE CALLS TO ACTION THAT ADDRESS CONFLICT OF INTEREST:**

### **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*

#### **For More Detail, See:**

Preventing Conflicts of Interest

#### **References**

1. Bouscaren, D. (2015). Overlapping judges, prosecutors weave tangled web in St. Louis County municipal courts. St. Louis Public Radio. Retrieved from <http://news.stlpublicradio.org/post/overlapping-judges-prosecutors-weave-tangled-web-st-louis-county-municipal-courts>
2. National District Attorneys Association. (2009). National prosecution standards, Third Edition. Retrieved from <http://www.ndaa.org/pdf/NDAA%20NPS%203rd%20Ed.%20w%20Revised%20Commentary.pdf>

## CONSOLIDATION

According to a report called “The Making of Ferguson,” when the Black population grew in areas of St. Louis decades ago, White people began to leave and property values began to fall (Rothstein, 2014). Called ‘White Flight,’ this is an established pattern of migration witnessed across the country. The little towns that are left today throughout the St. Louis region are largely Black, and many of them have problems with budgets because of their small sizes (Better Together St. Louis, 2014).

These small municipalities often turn to their traffic cops and municipal courts in order to generate the revenue needed to balance their budgets (Better Together, 2014). According to the data collected by Better Together, three municipalities—Vinita Terrace (population 277), Calverton Park (population 1,293), and Pine Lawn (population 3,275)—received 51.83 percent, 66.32 percent, and 48.12 percent of their municipal revenue from their courts’ fines and fees collection respectively (Better Together St. Louis, 2014). Vinita Terrace is 72.92 percent Black, Calverton Park is 42.23 percent Black, and Pine Lawn is 96.40 percent Black (Better Together St. Louis, 2014).

Webster Groves, on the other hand, has a population of 22,995, is 89.9 percent White, and the amount of money the municipality generates from court fines and fees is only seven percent of their overall revenue (Better Together St. Louis, 2014).

Many things unite the St. Louis region. But when it comes to municipal courts and law enforcement agencies, St. Louis is fragmented. And these numbers reveal just one of the ways the current state of municipal fragmentation is both a result of and a propagator of racial disparity.

St. Louis County has 81 different municipal courts. St. Louis County has 60 separate municipal police departments.

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

### **The Consequences of Court Fragmentation**

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

Many of the 81 municipalities with courts are small, and none is large enough to hold court on a daily basis (ArchCity Defenders, 2014). Some, such as the municipality of Dellwood, only meet once a month. This means that citizens who have been arrested on a warrant and are unable to pay the bond can spend weeks in jail waiting to see a judge (ArchCity Defenders, 2014).

Because no municipal court meets daily, judges and prosecutors are necessarily part-time. But as discussed in the section on court reform, part-time judges and prosecutors often serve in multiple roles in multiple districts, creating the potential for—and perception of—conflicts of interest. Consolidated, full-time courts would eliminate this issue as well.

Managing and administering 81 municipal courts brings with it challenges that can impede the swift implementation of improvements. The average judicial circuit in Missouri oversees 8.6 municipal court divisions (Better Together, 2014). By comparison, the St. Louis County circuit oversees 81 municipal courts (Better Together, 2014). The presiding judge of the St. Louis County circuit oversees on the order of ten times as many courts as the average presiding judge in the state (Better Together, 2014).

Though these courts are under-resourced, in 2013, operating all 81 municipal courts in St. Louis County still cost more than \$15.8 million. One projection shows that if these courts were consolidated into four full-time professional courts, the estimated costs would drop to between \$6 million and \$8 million a year (ArchCity Defenders, 2015).

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

### **The Consequences of Police Fragmentation**

Municipal police departments in St. Louis County range from the tiny (Bella Vista, Bel-Nor, and Flordell Hills Police Departments each have only five officers) to the mid-sized (Chesterfield and Florissant each have approximately 90 officers). All municipal police departments are dwarfed by the St. Louis County Police Department, which has almost 850 sworn officers, and the St. Louis Metropolitan Police Department, which has more than 1,200 sworn officers. Many of the smaller agencies rely on larger agencies for a range of services, including dispatch, detention, investigations, and crime scene processing (Police Executive Research Forum, 2015).

This fragmentation of departments and services creates inefficiencies. Though some services are shared, the costs for items like vehicles and equipment fall on each department, preventing smaller municipalities from taking advantage of economies of scale.

Fragmented emergency dispatch centers not only lead to inflated costs, they also affect public safety. At a town hall meeting conducted by the Police Executive Research Forum in January 2015, a resident of unincorporated St. Louis County explained that when she calls the police, it may take over 20 minutes for county police to respond. “It doesn’t make any sense,” she said. “I live right next to the Eureka Police Department. Why can’t they just respond?” Another meeting participant shared that he had tried to report an apparently drunk driver he observed on the road, but kept getting transferred from one dispatch center to another, or told to call another department, because the drunk driver kept passing through different municipalities (Police Executive Research Forum, 2015).

This fragmentation also has the potential to lead to citizen harassment. For example, on a “busy 10-mile stretch of Route 115 (also known as Natural Bridge Road) [that] crosses through 16 different municipalities [...] a motorist with a traffic violation such as expired license plates could get pulled over for the same violation in multiple jurisdictions on a single trip” (Police Executive Research Forum, 2015). In situations like this, police officers following the orders of their municipal leadership bear the brunt of citizen resentment.

Finally, and perhaps most crucially, fragmentation also gets in the way of cooperation. As stated by St. Louis County Police Chief John Belmar, “It is not realistic for my agency to have close relationships with five dozen different departments. Inter-agency coordination and cooperation—from everyday policing to major investigations and events—would be much easier if there were a more manageable number of municipal departments” (Police Executive Research Forum, 2015).

There will undoubtedly be logistical challenges involved with consolidating municipal courts and police departments. However, for the sake of the region, the Ferguson Commission recommends prioritizing consolidation of these two critical pieces of the justice system in pursuit of justice for all.

## SIGNATURE CALLS TO ACTION THAT ADDRESS CONSOLIDATION:

### **Consolidate Law Enforcement Agencies**

Law enforcement agencies across the St. Louis region shall consolidate contiguous jurisdictions. For the purpose of the consolidation process, the agencies shall designate anchor departments through an evaluation process which determines the department that best aligns with the vision for policing in the St. Louis region described by the Commission. Consolidation clusters may include those enumerated in the Police Executive Research Forum report “Overcoming the Challenges and Creating a Regional Approach to Policing in St. Louis City and County” (PERF Report)

*Accountable body(ies): County Council, SLCPD, Affected Political Subdivisions, Missouri Legislature, Missouri Police Chiefs Charitable Foundation, POST*

### **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*

### **For More Detail, See:**

Facilitating Efficiency through Consolidation of Police Departments

Facilitating Efficiency through Consolidation (Municipal Courts)

### **References**

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>
2. ArchCity Defenders. (2015). It’s not just Ferguson: Missouri supreme court should consolidate the municipal court system. Retrieved from: <http://www.archcitydefenders.org/wp-content/uploads/2014/07/Its-Not-Just-Ferguson-Consolidate-the-Municipal-Courts.pdf>
3. Better Together St. Louis. (2014). Municipal courts report. Retrieved from <http://www.bettertogetherstl.com/wp-content/uploads/2014/10/BT-Municipal-Courts-Report-Full-Report1.pdf>
4. Police Executive Research Forum. (2015). Overcoming the challenges and creating a regional approach to policing in St. Louis City and County. Retrieved from <http://www.policeforum.org/assets/stlouis.pdf>
5. Rothstein, R. (2014). The making of Ferguson: Public policies at the root of its troubles. Economic Policy Institute. Retrieved from: <http://s3.epi.org/files/2014/making-of-ferguson-final.pdf>

## JUSTICE FOR ALL - RACIAL EQUITY LENS ASSESSMENT

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

<b>SIGNATURE CALLS TO ACTION</b> (Headlines only)	<b>INDICATORS</b>
Assign Attorney General to serve as Special Prosecutor in Use of Force Investigations;  Assign MO Highway Patrol to Investigate Critical Use of Force;  Update Use of Force Statute to Reflect Tennessee vs. Garner;  Establish Use of Force Database;  Revise Policies and Training on Use of Force	<ul style="list-style-type: none"> <li>• 50 percent of those killed in the U.S. by police are minorities. Minorities make up about 37 percent of the population (The Guardian, 2015).</li> <li>• 60 percent of minorities killed by police in the U.S. were unarmed (The Guardian, 2015).</li> </ul>
Include Social Interaction Training in POST;  Increase Police Training Hours	<ul style="list-style-type: none"> <li>• 37 percent of Black Americans have a great deal of trust in police, compared to 59 percent of White Americans (Newport, 2014).</li> <li>• 45 percent of Black Americans say police officers have high or very high levels of honesty and ethics, compared to 59 percent of White Americans (Newport, 2014).</li> </ul>
Include Implicit Bias and Cultural Responsiveness Training in POST	<ul style="list-style-type: none"> <li>• In Missouri, Black motorists are 75 percent more likely than White motorists to be stopped in traffic stops (Koster, 2014).</li> <li>• In Missouri, Black and Hispanic residents are more than 70 percent more likely to be searched, and 90 percent more likely to be arrested (Koster, 2014).</li> </ul>
Municipality and County Civilian Oversight Boards	<ul style="list-style-type: none"> <li>• The City of St. Louis and 15 municipalities in St. Louis County have a disparity index (where Disparity index = (proportion of stops / proportion of population. A value of 1 represents no disparity; values greater than 1 indicate over-representation; values less than 1 indicate under-representation) that exceeds 5.0. Statewide, the disparity index is 1.59 (Koster, 2014).</li> </ul>
Enhance Police Department Demonstration Procedures and Protocols	<ul style="list-style-type: none"> <li>• No Data Indicators Currently Identified</li> </ul>
Consolidate Police Training Centers	<ul style="list-style-type: none"> <li>• No Data Indicators Currently Identified</li> </ul>
Consolidate Law Enforcement Agencies	<ul style="list-style-type: none"> <li>• No Data Indicators Currently Identified</li> </ul>

Incarceration and Alternative Sentencing	<ul style="list-style-type: none"> <li>In the US in 2011, the rate of juvenile placement in residential correction facilities for Black males was 733 per 100,000, for White males it was 153 per 100,000 (National Center for Education Statistics, 2015).</li> <li>In MO in 2014, 36 percent of the 31,942 incarcerated offenders in the state were Black (Missouri Department of Correction, 2014).</li> <li>In MO in 2014, 26.6 percent of the 62,429 offenders on probation or parole in the state were Black (Missouri Department of Correction, 2014).</li> </ul>
Treat Nonviolent Offenses as Civil Violations	<ul style="list-style-type: none"> <li>In Ferguson in 2015, Black residents were 68 percent less likely than others to have their cases dismissed by the municipal judge (United States Department of Justice, 2015).</li> <li>In Ferguson in 2013, African Americans were at least 50 percent more likely to have their cases lead to an arrest warrant (US Department of Justice, 2015).</li> <li>In Ferguson in 2013, Black residents accounted for 92 percent of cases in which an arrest warrant was issued (US Department of Justice, 2015).</li> </ul>
Train Municipal, Jail, and City Government Employees in Constitutional Rights	<ul style="list-style-type: none"> <li>In Ferguson in 2015, Black citizens accounted for: <ul style="list-style-type: none"> <li>95 percent of Manner of Walking charges</li> <li>94 percent of all Fail to Comply charges</li> <li>92 percent of all Resisting Arrest charges</li> <li>92 percent of all Peace Disturbance charges</li> <li>89 percent of all Failure to Obey charges (US Department of Justice, 2015)</li> </ul> </li> </ul>
Consolidate Municipal Courts	<ul style="list-style-type: none"> <li>Whereas 24 percent of St. Louis County identify as African-American, 62 percent of residents in the twenty-one municipalities relying most disproportionately on court fines and fees identify as African-American (Better Together, 2014).</li> </ul>
Establish Community Justice Centers	<ul style="list-style-type: none"> <li>No Data Indicators Currently Identified</li> </ul>
Inform Defendants of Right to Counsel	<ul style="list-style-type: none"> <li>No Data Indicators Currently Identified</li> </ul>
Assign Public Defenders for Criminally-Charged Minors	<ul style="list-style-type: none"> <li>No Data Indicators Currently Identified</li> </ul>
Prevent Conflict of Interest Among Judges	<ul style="list-style-type: none"> <li>No Data Indicators Currently Identified</li> </ul>
Prevent Conflict of Interest Among Prosecutors	<ul style="list-style-type: none"> <li>No Data Indicators Currently Identified</li> </ul>

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It's impossible to know how society will change in the next few generations, and our goal was not to plan for specific contingencies. Rather, our hope was to learn from our history and our current state, to examine our current structures and systems to see which hold children back and which build them up, and to recommend new policies, structures and systems that do less holding back and more building up.

In evaluating our efforts, one of the core questions that the Ferguson Commission working groups emphasized was how our recommendations impact generational change—that is, how they impact not only the current generation, but generations to come.

In thinking about what is best for children and youth, we are, of course, thinking about what is best for the region in the long term, and so the themes that apply throughout this report apply here.

We must think strategically at the systems level when considering changes, making sure to consider side effects, and weighing the potential impact. We must think at the community level, understanding the many stakeholders who will be affected and can be valuable allies in supporting decisions. We must think about ways to collaborate and cooperate, and to avoid the fragmentation that too often keeps our region from working together. We must measure our success and hold ourselves accountable through data, and be transparent about the results of that data. And because change of the type we seek requires a significant investment of time, energy, and resources, we must concentrate and align our efforts where they will make the most impact.

## **SUPPORTING THE WHOLE CHILD**

As adults, we instinctively understand that we are complex, intricate, interconnected beings.

When things aren't going well at home, we struggle to focus at work. When things aren't going well at work, we don't sleep well at night. When we don't sleep well at night, our health suffers, our energy drops, and our work and relationships suffer. When we are hungry, we lose patience, and we are quick to anger. When we are angry

and impatient, we more easily damage our relationships. When we damage our relationships with others, we get down on ourselves. When we get down on ourselves, we don't make healthy choices about eating, sleeping, and exercise. When we don't make healthy choices, we are not at our best, and our work and our relationships and our state of mind suffer.

In other words, it's complicated. It's always complicated.

Day after day, week after week, we struggle with this push and pull, challenged to balance the ever-shifting demands of adult life.

Knowing the depth and complexity of these internal connections—not to mention how that complexity multiplies when family, friends, neighbors, and co-workers are added to the equation, or how we are affected by our immediate surroundings—we understand that our struggles belong in a larger context. We hope and expect others to consider our struggles in that larger context as well. We no more want to be judged for our failings in a single facet of our lives than we want others to assume that a single facet of our lives represents the entirety of who we are.

Yet when we talk about the struggles that children face, we too often compartmentalize them, as though they can be easily separated from each other.

To support the whole child is to appreciate how hunger not only affects health, but also how it affects a child's behavior in school, and how a child's behavior in school—and the kind and severity of discipline that school leaders use to address that behavior—affects that child's education. To support the whole child is to appreciate how that child's education affects not only his or her own future well-being—career prospects, access to health care, ability to build wealth, etc.—but also, by definition, the well-being of the next generation, to which that child will be a parent.

Considering the whole child—thinking about every child as a developing human being with unknowable, infinite potential—impels us to think holistically about how we as a society, as a community, as a region, can support

that child.

That's why the calls to action recommended in this section aim to address specific issues that are essential to child well-being, but more importantly, aim to consider these in the context of the whole child.

## **Addressing Hunger**

In Missouri, more than one of every five children lives in a home where food security is a concern (Feeding America, 2013). This means that, at some point during the year, those children suffer from a lack of sufficient food or the limited availability of nutritionally-adequate foods (USDA, 2015).

The effects of hunger can be severe and far-reaching. Insufficient nutritional intake in a child's first two years of life can lead to increased susceptibility to short-term and long-term illness, as well as slowed mental development and physical growth (Hoddinott et al, 2008).

The Supplemental Nutrition Assistance Program (SNAP) and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) are two federal programs that address hunger and are available to households with income below a designated threshold.

In Missouri, approximately 1.04 million people were eligible for SNAP (more commonly known as food stamps) in 2012, with approximately 89 percent of those participating in the program (Cunningham, 2015). More than 255,000 Missourians were eligible for WIC benefits in 2011, but only approximately 57 percent of those participated (USDA, 2014).

While many economic factors lead to hunger and food insecurity, and this report aims to address them as well, there are administrative and logistical hurdles that keep Missourians from making the most of the federal food programs that already exist.

One simple example, described by the organization Empower Missouri, is that when people try to enroll at the Department of Social Services office, they submit written paperwork and then must wait for a phone call to complete their application and activate the service (Weilundemo, 2015).

However, many applicants to these programs work shift jobs and cannot easily answer phone calls while at work. Missing a call sends the applicant to the back of the line, delaying the process—and in doing so, potentially keeps a child hungry. An administrative approach that places the client first will more effectively meet the needs of hungry people in Missouri.

The Ferguson Commission calls on the accountable bodies to work together to remove these hurdles, raise awareness of these and other programs, and maximize the impact that existing resources can have in feeding hungry Missourians, especially children.

## **Schools as Centers of Health**

One of the primary ways to address childhood hunger is through public school breakfast and lunch programs. During the school year, students enrolled in programs like the School Breakfast Program and the National School Lunch Program get at least one nutritious meal a day (Benefits.gov, 2015).

However, schools can have an impact on childhood health beyond breakfast and lunch.

Given the role that schools play in most children's lives, they are natural partners in the mission to support overall student health and well-being. School-based health centers can provide access to the services—medical, nursing, behavioral counseling, oral health care, reproductive health counseling, nutrition education, and general health promotion—that enable children and adolescents to thrive. By preventing illness and addressing behavioral health issues that lead to suspension and expulsion, these services can keep kids in school, sports, and activities, and help ensure that their physical, mental, social, and emotional needs are met.

School-based health centers can also serve as entry points to other federal programs that promote health, such as the Children's Health Insurance Program (CHIP) and Medicaid, by identifying students who receive free or reduced school lunches—and are thus likely to qualify for other federal programs—and working with parents to enroll them in these programs.

## **Reforming School Discipline**

For a child to receive all the health and well-being benefits that can come from school, the child has to be in school.

However, current school discipline policies keep many children out of school—away from those benefits and away from the classroom learning they need to succeed academically.

This discipline begins at a young age. Some schools in the St. Louis region discipline students as young as pre-kindergarten through 3rd grade with out-of-school suspensions and expulsions (Losen et. al.,2015). And out-of-school suspension for such young students sets off a cascade of aftershocks.

A 2014 study found that fourth graders who missed three

days of school in the month before taking a national academic performance exam scored a full grade lower in reading (Ginsberg, et al., 2014). Higher suspension rates are also closely tied to higher dropout and delinquency rates—which ultimately have tremendous economic costs for not only the suspended students, but also society as a whole (Marchbanks et al., 2015; Losen, 2015).

### **How Unconscious Bias Creates a Discipline Gap**

Data shows that school discipline is not distributed equally. In the 2011-2012 school year, 14.3 percent of Black elementary school students in Missouri were suspended, compared to 1.8 percent of White students. Missouri's discipline gap between Black students and White students was the largest among the 48 states studied (Losen et al., 2015).

In addition to hurting academic performance, this disproportionate discipline of Black students lowers teacher expectations and has been shown to increase the likelihood of future incarceration (Okonofua & Eberhardt, 2015). Some experts say that out-of-school suspensions, especially in early grades, direct children toward the so-called “school-to-prison pipeline.” The stigma of having been suspended and the academic disadvantage caused by missing class time follows students. As they move up, new teachers expect bad behavior. And if academic performance continues to suffer, this lowers the teacher's expectations for academic success, as well as the student's.

Research suggests that some of the discipline gap can be attributed to teacher bias, which predisposes them to expect less of minority students and to discipline them more frequently and more harshly. In an experiment where teachers compared school records and were asked whether the student was a troublemaker, the researchers found that student names, which could have signified their race, (e.g., LaShawn vs. Jake), could not only influence “how perceivers interpret a specific behavior, but also can enhance perceivers' detection of behavioral patterns across time.” In most cases, teachers—including Black ones—were more likely to label students they believed were Black as troublemakers (Okonofua & Eberhardt, 2015).

The calls to action in this signature priority focus on raising awareness of these unconscious biases (as well as any conscious biases) and providing cultural responsiveness and anti-bias training for teachers and school staff, reforming the policies and practices that disproportionately impact Black students, tracking and monitoring school discipline data to identify disparities in school discipline, and working to align school discipline policies with positive youth development and restorative justice frameworks.

## **SIGNATURE CALLS TO ACTION THAT ADDRESS SUPPORTING THE WHOLE CHILD:**

### **Establish School-Based Health Centers**

Improve childhood physical and mental health:

- Establish School Based Health Centers: The creation of comprehensive school based health centers in the region should include access to mental health, case management and reproductive health. These centers keep kids in school (both by preventing illness and addressing behavioral health issues that lead to suspension and expulsion), in sports, in activities and help kids and families get their needs met. Lastly these centers in schools could be resources to help impact broader school health including health literacy, healthy eating and promotion of healthy activity for children and youth.
- Create trauma-informed schools and districts. Ensure evidenced-based trauma-informed training and support is offered to families, teachers and students. Build on and partner with the Alive and Well Campaign and include multiple other youth serving partners in the schools. This work could also help to improve rates of out of school suspensions and expulsions.

Model: <http://traumasensitiveschools.org>

*Accountable body(ies): Local School Districts, Child Serving Systems, Philanthropic Community, Missouri Congressional Delegation*

### **Reform School Discipline Policies**

Reform policies and practices that disproportionately impact youth of color and students with disabilities and further compromise their ability to thrive and succeed:

- Reform rules pertaining to school disproportionality of behavior referrals, suspensions, expulsions, special education, advanced courses, etc. and ensure that multi-tiered levels of support are in place to prevent disproportionality and systems are created to monitor and create accountability.
- Eliminate the option for out- of-school suspensions and expulsions for students in pre-kindergarten through 3rd grade.
- Update school discipline policies to align with positive youth development and restorative justice frameworks.
- School personnel, where appropriate, should work collaboratively with parents, students, and community organizations, including law clinics and legal service organizations to develop alternative interventions for different types of behavior

- Mandate annual cultural responsiveness and anti-racism professional development training for teachers and staff – including teachers, staff, community partners and law enforcement officers in schools (i.e. School Resource Officer – SRO).
- Ensure that any school-based law enforcement officers’ roles focus on improving school safety while reducing inappropriate referrals to law enforcement.
- Create a public reporting system for discipline data and alternative education placements. Ensure that data can be disaggregated by misbehavior type, age, gender, race/ethnicity, date of incident and response. For each student referred to alternative education, data collection should also include alternative service provider name, attendance, actual services provided, and graduation. All data should be carefully reviewed for disproportionality with special attention given to: (1) high schools where suspension and expulsion rates and consequences can be high; (2) disparities in suspensions and services for African American students, especially boys; (3) prevention and de-escalation of conflict, especially between students and teachers
- Juvenile court, municipal court, and related staff and service providers should be trained on educational rights issues, anti-bias, and cultural responsiveness and ensure court-involved, court-supervised, and/or state-placed youth are provided with appropriate educational services and supports, including change-of-placement reviews, special education services, and other supports. To ensure accountability and enforcement, create the Missouri Youth Justice Ombudsman Office.
- Mandate training for school personnel and partnering community-based organizations on the needs and legal and constitutional rights of students, as well as resources available for students.

*Accountable body(ies): DESE, Missouri Legislature, Missouri Courts, Governor, Local School Districts*

### **End Hunger for Children and Families:**

- Create policies and procedures that are client-centric. (i.e. Individuals employed in shift work jobs cannot easily answer telephone calls. Failure to answer call forces individual to go to the “back of the line”).
- Support and advocate for the expansion of SNAP (Supplemental Nutrition Assistance Program) and WIC (Women, Infant and Children) programs.
- Ensure the ease of SNAP/WIC enrollment by increasing positions in Family Services Division and creating an online enrollment system and implement “presumptive eligibility” into SNAP

- for all children on free and reduced lunch.
- Identify students, before the end of the school year, who need summer feeding programs and link families to available food resources.
- Coordinate region wide, summer food programs and dinner food programs including a regional volunteer recruitment effort to staff summer and dinner programs.
- Broadly examine food insecurity in the region with a goal to end hunger in the region.
- Encourage institutions and non-profit organizations serving youth and families to incorporate a two question, food screening tool to determine if a child/family are at high risk of hunger.
- Educate schools with 40%+ students determined eligible for free and reduced lunch that they are eligible to participate in the Community Eligibility Provision Program (CEP).

*Accountable body(ies): Missouri Governor, Missouri Legislature, Food Banks and Pantries*

### **For More Detail, See:**

Reforming School-Based Discipline  
Ending Childhood Hunger  
Increasing Access to Care

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## EDUCATION INFRASTRUCTURE REFORM

Any efforts to address child well-being must pay significant attention to education. The Ferguson Commission examined the state of education in the region extensively and developed a number of recommendations that it believes can make significant improvement in the region's education infrastructure.

### Investing in Early Childhood Education

Research supports the long-term benefits of investing in early childhood education. During the first few years of life the human brain develops rapidly, and the foundation is laid for future cognitive skills in reading, math, science, and learning in general. During these critical years, children form budding character, social, emotional, gross-motor, and executive-function skills (Phillips & Shonkoff, 2000).

Children who participate in early-learning programs perform better academically and socially than those who receive no formal early education (Karoly et al., 1998; Barnett, 1995). They are less likely to have to repeat a grade, less likely to be placed in special education classes, and more likely to graduate from high school (Karoly et al., 1998; Barnett, 1995; Barnett, 2008).

And these benefits extend beyond school: children who participate in early childhood education are less likely to engage in criminal activity, be unemployed, visit the emergency room, or become pregnant as teens (Karoly et al., 1998; Zigler et al., 1992). Researchers from the Federal Reserve Bank of Minneapolis estimate that for every dollar invested in high-quality pre-K programs, the community sees a rate of return between 7 and 20 percent (Grunewald & Rolnick, 2010).

Despite the abundance of evidence pointing to benefits that far outweigh the costs, from 2011 to 2013, 64 percent of Missouri children below 200 percent of the federal poverty level were not enrolled in preschool, compared to 48 percent of children at or above 200 percent of the federal poverty level. (Kids Count Data Center, 2013).

The calls to action here emphasize supporting evidence-based early childhood education for all children in Missouri, starting with assisting parents and caregivers with educational resources beginning at birth. This support includes funding expanded training for new and established early childcare workers, as well as developing creative ways, such as combined education and job training initiatives, to make it easier for parents to put their children into early childcare programs.

### Supporting Education Innovation

In addition to investing in early childhood education, the St. Louis region should also look for ways to support innovation in education, giving special consideration to innovations that address systemic challenges and racial inequity. The Commission recommends pursuing these objectives through an Education Design and Financing Task Force, and the development of an Innovative Education Hub.

The role of the Task Force would be to study the current education landscape in the St. Louis region as it relates to structure, systems, and financing, and propose changes to the education infrastructure that give all children, regardless of where they live, equal opportunity to succeed. These proposed changes should include a school financing model that supports equity and innovation.

The Innovative Education Hub would serve as a developmental laboratory where teachers, education leaders, parents, community leaders, youth, colleges and universities, non-profits, entrepreneurs, business leaders, and philanthropists could experiment, collaborate, and innovate. Having a shared space to explore new ideas and incubate developing educational concepts can accelerate the implementation of effective strategies and best practices across the region.

The Hub would tackle critical education issues such as designing effective classroom strategies, creating engaging and safe school cultures, integrating new learning technologies, strengthening teacher workforce, and developing new school board models. It would also present an opportunity to tap into the full capacity of the region's talent base, including those who historically have not been engaged in education reform, and for the region as a whole to come together to solve the complex, structural problems facing education today.

## Fixing School Accreditation

One of the key structural issues impacting the education system in Missouri is the current accreditation system.

A 1993 Missouri law decreed that students in an unaccredited district could transfer to an accredited district in the same or adjoining county without expense to their family. Tuition and transportation costs (to at least one “receiving school”) for students who wished to transfer were the responsibility of the unaccredited school district (Missouri Revised Statutes, 1993).

In recent years, St. Louis has seen the impact of this law first-hand. In 2006, the Riverview Gardens School District lost its accreditation. In January 2013, the Normandy School District followed. As of early 2014, the Normandy and Riverview Gardens districts were paying up to \$20,000 in tuition per year per child—meaning those districts were paying more than \$9 million total to educate students attending schools in other districts (Crouch & Bock, 2014).

While students who transfer to new schools often find themselves in a better educational environment, many also find themselves taking long, early-morning bus rides to get there. Those students who stay in unaccredited schools find themselves in a school where budgets are tighter, and where some of the most motivated students—including students who have served as leaders, tutors, and behavior models for success—have left the district.

And while these accreditation and transfer laws add considerable strain to both the districts that lose accreditation and the districts who receive transferring students, they fail to fix the schools that have lost accreditation or to address the core issues that led to losing accreditation. They simply send motivated students, and money, away.

The schools that have fared the worst in this process are unlikely to make a sustainable turnaround without significant, thoughtful intervention. The signature calls to action that address this issue call for a revision of the Missouri accreditation system and call on the accountable bodies to include all key stakeholders in the process. The new system should be simple to understand, driven by content mastery and life-long success, and provide clear and transparent information about its progress. The system should also consider the whole child and be equitable—that is, it should address the racial, health, and income equity issues that currently create unequal educational opportunities across the St. Louis region.

## SIGNATURE CALLS TO ACTION THAT ADDRESS EDUCATION INFRASTRUCTURE REFORM:

### Support Early Childhood Education

Ensure sufficient early childhood development and education programs to meet the demand and align all efforts around a high-quality model that produces measurable child outcomes:

- Birth to 3 years of age:
  - o Scale-up and integrate, for the region’s most needy children and families, evidence-based early childhood programs for a continuum of care, including but not limited to, home visitation programs;
  - o Combine education/job training programs for adults with childcare and pre-school for kids (equal eligibility requirements, same site and hours availability, common transportation options, etc.);
  - o Increase state funding for childcare subsidies or pilot regional strategies to fund such services;
  - o Fund expanded college-training and professional development opportunities for early child care workers, building on Regional Early Childhood Coordinating Committee efforts.
- 3-4 years of age:
  - o Create universal Pre-K for children ages 3-4.
- 5+ years of age:
  - o Change Missouri compulsory school attendance age from 7 years old to 5 years old;
  - o Create an effective and efficient collaborative model between school district’s early childhood programs and community based programs.

Models: Parents As Teachers, Oklahoma Universal Pre-K; North Carolina work in licensing centers and professional support for providers through a regional system known as TEACH; Missouri Coordinating Board for Early Childhood Pre-K Panel

*Accountable body(ies): Governor, Missouri Legislature, Local School Districts, Early Childhood Providers, Philanthropic Community, Non-profits*

## Create an Innovative Education Hub

Create an “innovative education center/hub” capable of building an inclusive, collaborative, and multi-disciplined education environment focused on leading our region into the 21st Century from early childhood to post-secondary. All efforts should be coordinated and represented by a broad and diverse constituency including but not limited to school district leaders representing low income districts, engaged citizens, innovators/entrepreneurs, youth, low income parents with school aged youth; colleges and universities, non-profits, business and philanthropic community.

The center’s/hub’s charge should be focused on creatively solving our region’s most entrenched educational issues including by but not limited to:

- Attracting, developing and retaining the most effective district/school leadership and teacher workforce in America. Ensuring that as a fundamental part of preparing leaders and teachers, they must participate in authentic development experiences and must have training in urban issues, anti-bias, and cultural competency;
- Developing school board models of the future; ensure the existence of a transparent accountability system that monitors best practices and overall board effectiveness
- Creating and supporting great school climates and cultures capable of developing engaged parents and high achieving students:
- Ensuring that school buildings/spaces are inspiring, open to family and community and equipped with relevant technology
- Creating staffing structures, job descriptions and compensation and benefit models that reflect the needs and challenges of educators, especially those serving the poorest and most needy youth

Model: d:school at Stanford

*Accountable body(ies): Governor, DESE, Colleges and Universities, Local School Districts, Philanthropic and Business Community, EdPlus*

## Create an Education Design and Financing Task Force

The role of the task force is to study the current education landscape in the St. Louis region as it relates to structure, financing and support/opportunity systems including Saint Louis Public Schools, school districts in Saint Louis County and the Special School District.

The task force’s charge is to design a system where all children are given the opportunity to succeed and where the financing model supports equity and innovation.

The task force’s review must include, and give consideration to the following:

- Consolidation of school districts
- Recovery school district

- Open enrollment zones
- Missouri foundation formula
- Collection and distribution of property taxes

The design must clearly address the integration of schools.

The task force’s membership should be broad in its perspective and interests, racially diverse, and inclusive of families and youth.

The final recommendations should be made 12 months from the date of its creation.

*Accountable body(ies): Better Together, St. Louis Black Leadership Roundtable, Department of Elementary and Secondary Education (DESE), EdPlus, Ready by 21, Regional School Boards and School Board Members, the Ferguson Commission*

## Revise School Accreditation System

Revise the Missouri accreditation system (MSIP5). Ensure that the process of revision incorporates the following:

- Inclusive Participation – ensure that the revision team includes broad representation including:
  - o K-12 - district superintendents, principals and teachers
  - o Higher education representatives
  - o Parents and students
  - o Business, philanthropic and community social support representatives
- Lens Assessment – ensure that the new system meets the following expectations:
  - o Simple – Does the new system make it easy for everyone, including parents, to understand how students, overall and in sub-groups, are performing in each school district and each school?
  - o Equitable – Does the new system address racial, health and income equity issues?
  - o Mastery Driven – Does the new system create a model that elevates content mastery and life-long success for children and teens?
  - o Timely and Transparent – Does the new system provide clear and transparent information in a timely manner?
  - o Best in Class – Does the new system lead the nation in its approach?

*Accountable body(ies): Governor, Missouri Legislature, Department of Elementary and Secondary Education*

## For More Detail, See:

Providing Quality Early Childhood Education  
Aligning Resources to Foster Innovation and Build Capacity  
Optimizing School Accreditation and Transfers

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# YOUTH AT THE CENTER - RACIAL EQUITY LENS ASSESSMENT

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

<b>SIGNATURE CALLS TO ACTION</b> (Headlines Only)	<b>INDICATORS</b>
Support Early Childhood Education	<ul style="list-style-type: none"> <li>• In the US in 2013, 38 percent of 3 to 5 year olds were enrolled in preschool programs, 37 percent of Black students 3-5 were enrolled compared to 41 percent of White students.</li> <li>• In the US in 2013, 27 percent of 3 to 5 year olds were enrolled in kindergarten programs, 33 percent of Black students 3-5 were enrolled compared to 25 percent of White students.</li> <li>• In the US in 2010, average Approaches to Learning ratings (teacher’s reports on kindergarten readiness) were lower for Black children at 2.8 and Hispanic children at 2.9 compared to White children at 3.0 on a 4 point scale.</li> </ul>
Increasing Access to Care for Children	<ul style="list-style-type: none"> <li>• In MO in 2013, 14 percent of live births to Black mothers were low birth weight, compared to 7 percent of births to White mothers that were low birth weight.</li> </ul>
Reform School Discipline Policies	<ul style="list-style-type: none"> <li>• In the US in 2012:               <ul style="list-style-type: none"> <li>• Black students                   <ul style="list-style-type: none"> <li>• Enrollment 16 percent</li> <li>• In-school-suspension 32 percent</li> <li>• Out-of-school (single) 33 percent</li> <li>• Out-of-school suspension (multiple) 42 percent</li> <li>• Expulsions 34 percent</li> </ul> </li> <li>• White students                   <ul style="list-style-type: none"> <li>• Enrollment 51 percent</li> <li>• In-school-suspension 40 percent</li> <li>• Out-of-school suspension (single) 36 percent</li> <li>• Out-of-school suspension (multiple) 31 percent</li> <li>• Expulsions 36 percent</li> </ul> </li> </ul> </li> <li>• In MO in 2011-2012               <ul style="list-style-type: none"> <li>• 14.3 percent of Black students were suspended compared to 1.8 percent of White students.</li> <li>• MO ranked 50th in racial discipline gap among primary school-aged children.</li> <li>• MO ranked 47th in racial discipline gap among secondary school students.</li> </ul> </li> </ul>

<p>End Hunger for Children and Families</p>	<ul style="list-style-type: none"> <li>• In the US in 2013, the national average for households with a prevalence of food insecurity was 14.3 percent, compared with 26.1 percent for Black households.</li> </ul>
<p>Revise School Accreditation System</p>	<ul style="list-style-type: none"> <li>• In MO in 2010, 69.6 percent of Black 5th grade students scored at the below basic/basic level in “communication arts” on state-wide MAP tests, compared with 42.9 percent of White students.</li> <li>• In MO in 2010, 70.9 percent of Black 5th grade students scored at the below basic/basic level in “mathematics” on state-wide MAP tests, compared with 42.1 percent of White students.</li> <li>• In MO in 2010, 80 percent of Black 5th grade students scored at the below basic/basic level in “science” on state-wide MAP tests, compared with 43.3 percent of White students.</li> </ul>
<p>Create an Innovative Education Hub</p>	<ul style="list-style-type: none"> <li>• In MO, the 2013 graduation rate for Black students was 72.1 percent compared with 89.1 percent of White students.</li> <li>• In the United States in 2013, the average reading scores of 12th grade White male students was 290, compared to 262 for Black male students.</li> <li>• In the United States in 2013, the average reading scores of 12th grade White female students was 302, compared to 272 for Black female students.</li> <li>• In the United States in 2013, the average mathematics scores of 12th grade White male students was 162, compared to 132 for Black male students.</li> <li>• In the United States in 2013, the average mathematics scores of 12th grade White female students was 160, compared to 131 for Black female students.</li> <li>• In the United States, 2013 enrollment in a 2 or 4 year college for males ages 18 -24 was 31 percent for Black males and 38 percent for White males.</li> <li>• In the United States, 2013 enrollment in a 2 or 4 year college for females ages 18 -24 was 38 percent for Black females and 45 percent for White females.</li> </ul>

Economic mobility is defined as the likelihood that a family will move up the income ladder from one generation to the next. Unfortunately, St. Louis ranks 42<sup>nd</sup> out of the 50 largest metro areas in the country in economic mobility (Chetty, 2014). St. Louis also has significant racial economic gaps, with stark differences between the White population and people of color in unemployment rates, hourly wages, and rates of homeownership (Chetty, 2014).

When people do not have equal opportunity to thrive, the entire region pays a price. The University of Missouri-St. Louis Public Policy Research Center's Equity Assessment says, "Eliminating racial income gaps would boost the St. Louis economy by \$14 billion. If there had been no racial gaps in income in 2012, the St. Louis regional economy would have been \$13.56 billion larger" (Public Policy Research Center, 2015).

The signature priorities in the Opportunity to Thrive section address five key areas the Commission believes address economic inequality, and merit urgent attention: expanding Medicaid, employment, financial empowerment, housing, and transportation.

## **ASSURING ACCESS TO AFFORDABLE HEALTH CARE**

For an adult to be eligible for Medicaid in Missouri today, he or she must have a dependent child and earn no more than approximately 18 percent of the poverty level, or roughly \$2,900 for a single mother with two children (Missouri Foundation for Health, 2014). Childless individuals are not eligible for Medicaid under any income circumstances unless they are disabled or pregnant.

In addition to establishing a marketplace for purchasing private health insurance, and offering subsidies to those making between 100 percent and 400 percent of the federal poverty level, the Affordable Care Act also provides states with federal funding to expand their Medicaid programs to cover adults under the age of 65 with incomes up to 138 percent of the federal poverty level. States were allowed to individually decide whether or not to accept these funds and expand eligibility for

Medicaid. Missouri is currently one of 19 states that have not yet expanded Medicaid (Families USA, 2015).

While Medicaid expansion could cover hundreds of thousands of Missourians below the federal poverty level (\$24,250 for a family of four) these individuals currently do not qualify for Medicaid or for federal subsidies to help them purchase private insurance. This absence of options for childless adults making between 0 and 100 percent of the federal poverty level, and for parents making between 19 and 138 percent of the federal poverty level, is termed the coverage "gap." In the current system, a family of four earning up to \$95,000 a year qualifies for assistance (on the Marketplace). Parents in a similar family earning \$32,000 qualify for nothing. In Missouri, nearly 200,000 adults fall into this gap (Joiner, 2013).

For those who fall into the gap, one of the few resources available is low-or no-cost outpatient care and medications provided through such programs as Gateway to Better Health (or "Gateway") in St. Louis City and County. Each year, Gateway provides primary, specialty, and urgent care coverage to approximately 22,000 uninsured adults in St. Louis City and County, ages 19-64, through a network of community providers (Regional Health Commission, 2014).

While there are costs for expanding Medicaid eligibility, the potential benefits of taking steps to insure Missouri's low-income citizens are many: not just greater health and fewer work days lost to illness, but also a decrease in uninsured individuals relying on emergency care as their source of primary care. Ultimately, gaining access to lower cost health care settings provides a savings to taxpayers and reduces cost shifting to third-party business purchasers of care. The Commission recommends that Missouri join the other 31 states that have expanded Medicaid, and take additional steps to ensure that all of its citizens have access to affordable health care (Families USA, 2015).

## SIGNATURE CALLS TO ACTION THAT ADDRESS EXPANDING MEDICAID:

### Expand Medicaid Eligibility

Expand eligibility for Medicaid to 138% of the federal poverty level (or an annual income of \$32,913 for a family of four) so that Missouri can take full advantage of federal funds available to meet the health needs of Missourians.

*Accountable body(ies): Missouri Legislature*

### For More Detail, See:

Increasing Access to Care

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## FINANCIAL EMPOWERMENT

In determining the priority calls to action in the area of financial empowerment, the Commission identified several different, but related issues, including the minimum wage, predatory lending, child and family development accounts, and financial empowerment centers.

### Minimum Wage

A recent study by the National Low Income Housing Coalition recently found that the average hourly wage to afford a basic two-bedroom apartment in St. Louis is \$15.69 (Bolton et al., 2015). This value was calculated based on the Department of Housing and Urban Development's estimated Fair Market Rent (FMR), and the idea that a family or individual should not spend more than 30% of their income on housing costs (Bolton et al., 2015).

The current minimum wage in Missouri is \$7.65 per hour. This low hourly wage means Missourians can work a full-time job (usually 2,080 hours per year, earning \$15,912) and still earn below the federal poverty level (\$15,930 for a family of two) (Office of the Assistant Secretary for Planning and Evaluation, 2015). Low wages such as these make it difficult to care for a family, secure housing, and cover basic living expenses.

Per an August 2015 bill passed by the St. Louis Board of Aldermen and signed by Mayor Francis Slay, the minimum wage in St. Louis is scheduled to rise to \$11 per hour by 2018 (Board Bill 83, 2015). Nationally, similar efforts are underway to enact legislation intended to increase the minimum wage to a living wage gradually in three to five years.

### Predatory Lending

While low wages make it difficult to escape poverty, predatory lending often makes poverty worse. Low-income households in Missouri with limited access to credit frequently seek high-cost "payday" loans to handle increased or unexpected emergency expenditures. These lenders, who are often the only lending option in low-income neighborhoods, charge exorbitant interest rates on their loans. University of Missouri research found that in Missouri, the average annual percentage rate (APR) of interest for payday loans is 444.61 percent (University of Missouri, 2012).

That same report found that high-cost, predatory lenders concentrate in low-income communities, and that Missouri's lax regulatory environment has allowed payday lending to thrive. Further, compared to our eight contiguous states, Missouri has the highest APRs (University of Missouri, 2012).

Capping the maximum APR at 36 percent and changing repayment terms, underwriting standards, and collection practices can protect borrowers from predatory lending.

### Child and Family Development Accounts

Asset-building has long-term improvements on community, familial, and individual health; alongside early childhood education, it provides children and their families with a valuable tool for educational and financial development.

The power of assets is not just that they can be deployed productively or tapped to weather unexpected events, but they have behavioral effects that can change the manner in which people think about and plan for the future (OECD, 2003). Some studies suggest positive effects of assets on life satisfaction and self-efficacy, and negative effects of lack of assets on depression and alcohol

abuse (Sherraden, 2008; Corporation for Enterprise Development, 2008; Mason et al., 2009). Assets appear to be associated with being self-directed, and future oriented (Sherraden, 2008; Corporation for Enterprise Development, 2008; Mason et al., 2009).

The asset-building method of Child Development Accounts (CDAs), Individual Development Accounts (IDAs), and Family Development Accounts (FDAs) is a promising pathway to inclusive asset building in the United States. By providing youth with automatic, opt-out accounts, youth can participate in early asset communication and long-term development of financial security. With such accounts, parents and young children can save for college. Creating assets for education changes how parents think about and engage with their children's early development, which in the long term has correlated to improvements in grade retention and better social/emotional development for children (Sherraden, 2008).

### **Financial Empowerment Centers**

Historically, there are fewer banking facilities in distressed communities (Schwartz, 2011). This reality, combined with distrust of and unfamiliarity with the traditional banking system, lead many in these communities to be unbanked or underbanked. 'Unbanked' is an umbrella term used to describe diverse groups of individuals who do not use banks or credit unions for their financial transactions (Beard, 2010). They have neither a checking nor savings account. 'Underbanked' consumers have either a checking or savings account, but also rely on alternative financial services (Beard, 2010). The most common groups of unbanked and underbanked persons include low-income individuals and families, those who are less-educated, households headed by women, young adults and immigrants. In Missouri, 27.5% of adults are un-or underbanked (Sherraden, 2008).

Unbanked individuals are less likely to have the financial history and know how to apply for credit for a car or a home (Beard, 2010). More importantly, they are more likely to have to use alternative financial services that are far more costly and that therefore impede financial health. Check cashing services are one example. Unbanked consumers spend approximately 2.5 to 3 percent of a government benefits check and between 4 percent and 5 percent of payroll check just to cash them (Beard, 2010). Additional dollars are spent to purchase money orders to pay routine monthly expenses. When unbanked individuals face unexpected needs, they often turn to payday or installment lenders.

In many areas, the number of alternative financial service providers (check cashers, title lenders and payday lenders) far exceeds the number of bank and credit union branches. Alternative financial service providers can be

attractive because of proximity, and convenience—many offer a range of payment services, such as cashing pay checks, selling money orders with stamped envelopes, serving as agents for utility bill payments, and transmitting funds electronically for money transfers, all in one location.

Financial empowerment centers, in contrast, seek to provide a one-stop-shop for the un-or under-banked that provides community development banking, multi-generational financial education, and convenient financial services with reasonable interest rates. The Commission recommends the development and support of these centers. It has been shown that very poor families can save and accumulate assets when well-structured products, programs, and policies are accessible (Grinstein-Weiss et al., 2014).

## **SIGNATURE CALLS TO ACTION THAT ADDRESS FINANCIAL EMPOWERMENT:**

### **Raise the Minimum wage**

Raise the minimum wage to \$15/hr.

*Accountable body(ies): City of St. Louis Board Bill; St. Louis County Council; Statewide voters; Missouri Legislature*

### **End Predatory Lending**

End predatory lending by changing repayment terms, underwriting standards, collection practices and by capping the maximum APR at the rate of 36 percent.

*Accountable body(ies): Missouri Legislature, the Consumer Financial Protection Bureau*

### **Create Universal Child Development Accounts**

Expand the current scope of the MOST 529 Matching Grant Program so it is used as a platform for progressive universal Child Development Accounts that are: statewide and automatic (opt-out)

*Accountable body(ies): Missouri State Treasurer, Capacity-building organization for public-private partnerships, Missouri Legislature, Governor*

### **Create Individual and Family Development Accounts**

Provide progressive Individual Development Accounts (IDAs) and Family Development Accounts (FDAs) offered statewide by means of a dedicated funding stream from the state. Additional potential funding sources include:

- Using the Community Reinvestment Act to provide banks with credit for funding development accounts;
- Offering corporate tax breaks for contributions to development accounts;
- Redirecting unclaimed savings account funds turned over to the state; or
- Restoring the state-funded matching program to

it original \$4 million.

*Accountable body(ies): Bank and Credit Union Regulators, Missouri Legislature, and Banks and Credit Unions, Governor*

## **Concentrate Financial Services through Empowerment Sites**

Identify empowerment sites throughout the St. Louis region to concentrate financial services that provide community development banking and multi-generational financial education (e.g., Prosperity Connection)

*Accountable body(ies): Non-profit organizations, funding bodies*

## **For More Detail, See:**

Promoting Asset Building

Ending Poverty

Building Equity through Enhanced Access to Banking

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## **EMPLOYMENT**

Finding employment still remains a struggle for many in the St. Louis region, specifically low and very-low income residents. Job training and creation is an important part of the solution for increasing economic mobility for all in the region.

Key to regional economic development is a skilled workforce able to meet the needs of employers. But in its 2015 employer survey, St. Louis Community College Center for Workforce Development found that the most frequently cited barrier to expanding employment is shortage of workers with knowledge or skills, surpassing economic conditions and government policies or regulations (St. Louis Community College: Workforce Solutions Group, 2015). To address this shortfall, employers must train new employees themselves, offer higher wages to find the skilled workers they need, or leave positions unfilled.

Skills such as critical thinking, communication, collaboration, and creativity are becoming ever more important to organizations, but they often fall outside of the typical academic curriculum. Communication and collaboration between educators and employers, however, can help narrow employment skills gaps and increase the relevancy of education to career development and attainment, supporting both businesses and students.

One model used by educational institutions and community and faith-based organizations are, individually or in partnership, offer accelerated programs to quickly teach skills and reattach potential employees to the workforce. Programs that focus on mentoring based on authentic relationships rooted in a common commitment have the best opportunity for success (United States Department of Labor, 2014). Aligning such efforts with a regional strategy and common indicators to measure progress can assist in creating stronger regional talent development initiatives.

Internships and apprenticeships are valuable programs to both help students succeed in their careers, and help employers ensure they have a competent, trained workforce. By expanding internship and apprenticeship opportunities for high school and college students, and fostering collaboration between educators and employers in the development of these programs, Missouri can support better learning and economic outcomes that benefit individuals, companies, and communities.

There are bridges to economic opportunity available. One challenge is to make employers, job applicants and employees aware of these tools and encourage them to take advantage of them. Another challenge is providing adequate funding for successful job training and creation models that already exist. Efforts must focus on increasing both employers' and job seekers' knowledge of the accelerated training opportunities available to them. Job applicants and employees should be more aware of career advancement pathways and supports (St. Louis Community College: Workforce Solutions Group, 2015).

## SIGNATURE CALLS TO ACTION THAT ADDRESS EMPLOYMENT:

### Enhance Collaboration Between Educational Institutions and Employers

Enhance and expand collaboration between educational institutions and employers statewide by:

- Establishing a regional intermediary to ensure greater public-private collaboration in assessing workforce needs and communicating those needs with K-12 institutions, job training programs, and post-secondary education institutions;
- Developing a regional strategy for aligning educational programs to workforce needs that has clearly established indicators to measure progress in creating stronger regional talent development initiatives;
- Encouraging schools, especially community colleges, to utilize industry professionals as trainers to develop joint programs that educate and train area students for jobs that are available or coming in a diversity of industries (e.g., the partnership between St. Louis Community College- Florissant Valley and Boeing);
- Requiring public schools, both K-12 and post-secondary, to align instruction to college and career readiness standards that are more comprehensive; and
- Investing in public schools (including in North County), both K-12 and post-secondary, to integrate high quality career and technical education (CTE) into the curriculum in part through work-based learning through internships and other opportunities borne of strong relationships with the business community (e.g., Clyde C. Miller Academy).

*Accountable Body(ies): Governor, Missouri Legislature, local governments, chambers of commerce, STL Economic Development Partnership, RBC, DESE, district superintendents and administrative bodies, school districts, high schools, college, universities, trade schools, funding bodies, private sector, St. Louis Minority Business Council, Urban League of Metropolitan St. Louis, St. Louis Business Diversity Initiative*

### Ensure Employer-Educator Collaborations Build a Love of Learning

Ensure all efforts and models designed to align K-12, higher education and workforce development support the social and emotional development of children, youth and young adults and broadly build life-long skills and a love of learning.

*Accountable bodies: Governor, Missouri Legislature, Local School Districts, EdPlus*

### Preferentially Fund Job Training Programs that Show Impact

Funding for job training programs throughout the state shall be prioritized for those programs that successfully serve, place, and retain job seekers as measured by dedicated performance metrics.

*Accountable body(ies): Capacity-building organizations*

### For More Detail, See:

Realigning Incentives and Funding to Improve Job Training and Creation  
Bolstering Employer-Educator Collaboration  
Supporting Career Readiness

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## HOUSING

Where we live matters. It impacts our access to education, safety, quality housing, healthcare, food, and jobs. In the St. Louis area, one way we can see how place matters is by looking at disparities in length of life from one zip code to another. In 63105, Clayton, the life expectancy is 85 years. In 63106, near the Jeff-Vander-Lou neighborhood, average life expectancy is 67—a difference of 18 years (Purnell et al., 2014).

And though St. Louis is widely considered an affordable place to live, many low-income St. Louisans still find it difficult to afford housing, especially in safe, thriving neighborhoods

The Low Income Housing Tax Credit (LIHTC) Program provides tax credits to developers of affordable rental housing, with the aim of encouraging developers to build affordable housing for low-income residents in

neighborhoods where these residents can access jobs, health care, and other vital services (Freedman & McGavock, 2015).

The LIHTC program is administered by state allocating agencies, and each state issues a Qualified Allocation Plan (QAP), which describes the criteria the state will use when awarding its tax credits (Ellen et al., 2015). Each year a process is set for administering those funds. Most recently the body responsible for doing so, the Missouri Housing Development Commission, set several restrictions in its 2015-16 QAP to ensure these funds do not concentrate subsidized housing in low-income neighborhoods, which can lead to neighborhood decline (Missouri Housing Development Commission, 2015).

The Commission supports the Missouri Housing Development Commission's 2015-2016 QAP, as it provides a sound approach to making new low-income housing maximally beneficial to residents and neighborhoods.

In addition, the Commission calls on all units of government with zoning powers to use inclusionary zoning ordinances. Inclusionary zoning policies “require or encourage developers to set aside a certain percentage of housing units in new or rehabilitated projects for low- and moderate-income residents” (HUD, 2013). Improving the use of LIHTC funds, and enacting inclusionary zoning ordinances are both steps toward addressing some of the housing inequity in the St. Louis region.

## SIGNATURE CALLS TO ACTION THAT ADDRESS HOUSING:

### **Build Healthy, Affordable Housing**

Support the Missouri Housing Development Commission's [2015-16 Qualified Allocation Plan \(QAP\)](#) as it references unit sizes, investment of LIHTC, and workforce housing namely with respect to:

1. Limiting applications to fifty (50) affordable units (with exceptions mentioned in the QAP)
2. Prohibiting new construction and conversion in locations where the total publically subsidized housing units (as defined in the Market Study Guidelines) equal more than 20% of all units in the census tract where the development will be located
3. Prohibiting (with exceptions listed in the QAP) proposed development in the Kansas City or St. Louis region within one mile of any development that has been approved for State Low Income Housing Tax Credit (LIHTC), Federal LIHTC, Home Investment Partnership Program (HOME) or Fund Balance funding through the Missouri Housing Development Commission (MHDC)

within the previous two fiscal-year funding cycles and is less than 90% leased-up at the time of application submission

4. Requiring that developments address the affordable housing needs of the state, region, and locality where they will be located and with the considerations listed in the QAP
5. Prioritizing the development of service-enriched housing.

*Accountable body(ies): Missouri Housing Development Commission, Housing Authorities in the region*

### **Enact Inclusionary Zoning Ordinances**

Enact inclusionary zoning ordinances to promote access to affordable housing for low-income individuals.

*Accountable body(ies): All units of government in the region with land use (zoning) powers*

### **For More Detail, See:**

Optimizing Existing Housing Supports

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## TRANSPORTATION

Public transit is a key to expanding opportunity for all St. Louisans. A safe, reliable, affordable, and efficient public transportation system can increase access to health care, education, and employment. Moreover, public transit affects how long it takes many low-income citizens to get to work, and in research from Harvard, “commuting time has emerged as the single strongest factor in the odds of escaping poverty. The longer an average commute in a given county, the worse the chances of low-income families there moving up the ladder” (Chetty & Hendren, 2015).

Effective public transit, and the mobility it enables, can also provide economic benefits to the region as a whole. Transit reduces household expenses; attracts talent and business; and in leading people to drive less, has the potential to decrease traffic congestion, air pollution, and roadway wear and tear (Osborne, 2015).

However, a shortage of funding is keeping the region from pursuing many of its transportation proposals and moving forward with transit expansion.

The Ferguson Commission echoes the recommendation of Beth Osborne, Senior Policy Adviser for Transportation for America, that stakeholders must work together to determine which project or projects will be prioritized (Cella, 2015). This prioritization will enable the region to focus resources where they will bring the greatest return, and ensure efficient, effective implementation of those projects.

Once priorities have been established, it is essential to develop a state funding plan for public transportation projects. State funded transit development matches are required to compete for necessary federal funding and such a plan will make Missouri eligible for federal matching funds for transportation infrastructure. Federal funds, as part of a broader funding plan, are critical to the long-term success of transportation development.

## SIGNATURE CALLS TO ACTION THAT ADDRESS TRANSPORTATION:

### **Identify Priority Transportation Projects for the St. Louis Region**

Identify agreed upon priority transportation project(s) for the St. Louis region (e.g., extending MetroLink on the proposed North-South corridor, implementing Bus Rapid Transit) in order to elevate the importance of key projects for the region and make tangible the need and potential benefits of transit.

*Accountable body(ies): East-West Gateway Board of Directors, St. Louis City, St. Louis County, Transit Alliance*

### **Develop a State Supported Funding Plan for Public Transit**

Develop a State supported funding plan for public transit in order to fill a significant funding deficit when seeking federal dollars for transit capital projects requiring matching funds.

*Accountable body(ies): Governor, Missouri Legislature*

### **For More Detail, See:**

Enhancing Access to Transportation

### **Suggested Reading List:**

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## OPPORTUNITY TO THRIVE - RACIAL EQUITY LENS ASSESSMENT

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

SIGNATURE CALLS TO ACTION (“Headlines” only)	INDICATORS
Expand Medicaid Eligibility	<ul style="list-style-type: none"> <li>In St. Louis County, 17.57 percent of Black residents are uninsured compared to 7.18 percent of White residents (American Community Survey, 2010-2012).</li> <li>In St. Louis City, 23.37 percent of Black residents are uninsured compared to 13.84 percent of White residents (American Community Survey, 2010-2012).</li> </ul>
Enhance and Expand Collaboration between Educators and Employers	<ul style="list-style-type: none"> <li>In 2013, nationally the unemployment rate for Black Americans is 10.2 percent, compared to 4.7 percent for White Americans (Bureau of Labor Statistics, 2014).</li> <li>For youth ages 16-19, the unemployment rate is 30.1 percent for Black Americans compared to 15.5 percent for White Americans (Bureau of Labor Statistics, 2014).</li> <li>In MO, the unemployment rate for Black residents is 18.2 percent, compared to 5.2 percent unemployment for White residents (Bureau of Labor Statistics, 2014).</li> </ul>
Encourage Life-long Learning and Funding for Job Training Programs	<ul style="list-style-type: none"> <li>In St. Louis County, 13.5 percent of Black residents have no high school diploma compared with 6.11 percent of White residents (American Community Survey, 2009-2013).</li> <li>In St. Louis City, 23.13 percent of Black residents have no high school diploma compared with 11.15 percent of White residents (American Community Survey, 2009-2013).</li> </ul>
Raise the Minimum Wage	<ul style="list-style-type: none"> <li>In St. Louis County, 22.66 percent of Black residents are at or below the poverty level compared with 6.54 percent of White residents (American Community Survey, 2009-2013).</li> <li>In St. Louis City, 38.41 percent of Black residents are at or below the poverty level compared with 15.34 percent of White residents (American Community Survey, 2009-2013).</li> <li>In MO, 29.17 percent of Black Missourians are at or below the poverty level, compared with 13.09 percent of White Missourians (American Community Survey, 2009-2013).</li> <li>In the US, 27.13 percent of Black Americans are at or below the poverty level, compared with 12.53 percent of White Americans (American Community Survey, 2009-2013).</li> </ul>

<p>End Predatory Lending</p>	<ul style="list-style-type: none"> <li>• In the US in 2012, 12 percent of Black Americans had used a payday loan compared with 4 percent of White Americans (Bourke et al., 2012).</li> <li>• In the US foreclosures in 2007-2009 per 10,000 loans that originated in 2005-2008 (Bocian et al., 2010): <ul style="list-style-type: none"> <li>• Black Americans – 790</li> <li>• White Americans - 452</li> </ul> </li> </ul>
<p>Provide Universal Child Development Accounts</p>	<ul style="list-style-type: none"> <li>• In St. Louis County, 35.1 percent of Black children (0-17) are at or below the poverty level compared with 6.38 percent of White children (American Community Survey, 2009-2013.)</li> <li>• In St. Louis City, 53.88 percent of Black children (0-17) are at or below the poverty level compared with 17.08 percent of White children (American Community Survey, 2009-2013).</li> <li>• In MO, 41.58 percent of Black children (0-17) are at or below the poverty level compared with 16.7 percent of White children (American Community Survey, 2009-2013).</li> <li>• In the US, 38.18 percent of Black children (0-17) are at or below the poverty level compared with 12.96 percent of White children (American Community Survey, 2009-2013).</li> <li>• In 2013, of the 17.5 million undergraduate students in the US, 2.5 million were Black, 2.9 million were Hispanic and 9.9 million were White (National Center for Education Statistics, 2015).</li> </ul>
<p>Implement Individual Development and Family Development Accounts</p>	<ul style="list-style-type: none"> <li>• In 2013, the median annual household income for Black households of \$32,028 is 63.5 percent of that of White households at \$50,400 (Sullivan et al., 2015).</li> <li>• In 2013, the median wealth of all Black households was just \$11,184, compared to \$134,008 for White households (Emmons &amp; Noeth, 2015).</li> </ul>
<p>Identify Financial Empowerment Centers</p>	<ul style="list-style-type: none"> <li>• The conventional home loan denial rate in the St. Louis metro area in 2000 was 35.4 percent for Black Americans and 16.0 percent for White Americans (Diversity Data, 2010).</li> <li>• In 2013, 33 percent of Black loan applicants in the St. Louis metro were denied their applications for conventional housing based on credit history, compared to 21 percent of White applicants denied for the same reason (Federal Financial Institutions Examination Councils, 2013).</li> <li>• In 2013, 13 percent of Black loan applicants in the St. Louis metro were denied their applications for conventional housing based on insufficient cash, compared to 7 percent of White applicants denied for the same reason (Federal Financial Institutions Examination Councils, 2013).</li> </ul>

<p>Improve Use of LIHTC Funds</p>	<ul style="list-style-type: none"> <li>• In the US, 45 percent of Black American households are homeowners compared with 73 percent of White American households (Sullivan et al., 2015).</li> <li>• In St. Louis County, 49 percent of Black residents own their homes, compared to 78% of Whites (Sullivan et al., 2015).</li> <li>• In St. Louis City, 32 percent of Black residents own their homes compared to 56 percent of White residents (Sullivan et al., 2015).</li> <li>• In the US, Black households have \$50,000 in home equity, compared to \$86,800 in home equity for White households (Sullivan et al., 2015).</li> <li>• In St. Louis County, the median home value for Black owned homes is \$108,600 compared with \$195,600 for White owned homes (Sullivan et al., 2015).</li> <li>• In St. Louis City, the median home value for Black owned homes is \$82,900 compared with \$145,700 for White owned homes (American Community Survey, 2006-2010).</li> </ul>
<p>Enact Inclusionary Zoning Ordinances</p>	<ul style="list-style-type: none"> <li>• In 2010, the number of households in the City of St. Louis with a housing cost burden of over 50 percent was 9,340 of White households, compared to 17,380 of Black households (St. Louis City, 2014).</li> <li>• The percentage of housing choice voucher holders in 2000 in the St. Louis metro area was 70.5 percent for non-Hispanic Black residents and 28.8 percent for non-Hispanic White residents (St. Louis City, 2014).</li> <li>• In 2014 in St. Louis County, 101 complaints were filed with the Equal Housing Opportunity Council and the Missouri Commission on Human Rights based on allegations of discrimination based on color/race (St. Louis County, 2014).</li> </ul>
<p>Develop a State Supported Funding Plan for Public Transit, Identify Priority Transportation Projects for the St. Louis Region</p>	<ul style="list-style-type: none"> <li>• In St. Louis, 73 percent of public transportation commuters are Black, compared with 18 percent who are White (American Community Survey, 2010-2012).</li> </ul>

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18. Survey of Consumer Finances. Retrieved from: [www.federalreserve.gov/econresdata/scf/scfindex.htm](http://www.federalreserve.gov/econresdata/scf/scfindex.htm)

As the overarching theme in the report, racial equity is at the heart of many of our calls to action. The calls in this section address intentional investments and practices aimed to build infrastructure and connective tissue for racial equity for work in the St. Louis region.

## SIGNATURE CALLS TO ACTION THAT FURTHER RACIAL EQUITY IN THE REGION

### **Broadly Apply a Racial Equity Framework**

Intentionally apply a racial equity framework to existing and new regional policies, initiatives, programs and projects in order to address and eliminate existing disparities for racial and ethnic populations. The following focus questions to be included at a minimum:

- Who does this recommendation benefit?
- Does this recommendation differentially impact racial and ethnic groups?
- What is missing from the recommendation that will decrease or eliminate racial disparities?

*Accountable body(ies): Corporations, Non-Profits, Government Organizations, Collective Impact Initiatives*

### **Create a 25-year Managed Fund**

Create a 25-year managed fund to solely support regional racial equity infrastructure for all sectors. Funding for racial equity capacity, needs and training assessment, analysis, implementation, impact, sustained strategies and accountability.

*Accountable body(ies): City of St. Louis, St. Louis County, Health Departments, SLEDP, RCGA, Civic Progress, Community Foundation, United Way, RAC, Arts & Education Council, Missouri Humanities Council, Gateway Center for Giving*

### **Engage the Faith Community in the Racial Equity Mission**

Faith communities and authorized faith leaders are called to directly engage in networks and tables of policy discussion across the region to shape how we work together and inform the conversation directly.

Develop new and provide existing assets to the region with a multi-faith set of resources for racial equity and reconciliation informed by various theologies and accessible for use in diverse communities of faith. These may include statements of faith, liturgical resources, litanies, etc.

*Accountable body(ies): Theological Institutions with Alumni Leaders, Interfaith Partnership and the Cabinet, Authorized Faith Leaders*

# RACIAL EQUITY LENS ASSESSMENT

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

SIGNATURE CALLS TO ACTION ("Headlines" only)	INDICATORS
<p>Create a 25-year fund to support racial equality;</p> <p>Broadly Apply a Racial Equality Framework;</p> <p>Enhance Police Department Demonstration Procedures and Protocols</p>	<ul style="list-style-type: none"> <li>• Economists estimate that the 2012 gross domestic product (GDP) for the St. Louis region would have been 10 percent higher-- \$151.3 billion instead of \$136.67 billion--if there had not been a racial income gap (Public Policy Research Center, 2015).</li> <li>• The St. Louis region ranks 42 out of 50 large metropolitan areas for economic mobility, defined as a person, family or group's ability to improve their economic status by moving up in income (Chetty, 2014).</li> <li>• Researchers found that less racial segregation is one of the five predictors of upward economic mobility (Chetty, 2014). St. Louis currently is the sixth most segregated metropolitan area in the country (East-West Gateway Council of Governments 2014).</li> <li>• The National Urban League Policy Institute found that racial disparities in health cost the U.S. \$60 billion in excess medical costs and \$22 billion in lost productivity in 2009 (National Urban League Policy Institute, 2012). They projected that if these health disparities remain, the burden will to rise to \$126 billion by 2020 and \$363 billion by 2050 (National Urban League Policy Institute, 2012). An additional economic loss due to premature deaths was valued at \$250 billion in 2009 (National Urban League Policy Institute, 2012).</li> <li>• In St. Louis, Black individuals are significantly more likely than White individuals to suffer from several chronic diseases and conditions including obesity, asthma, and diabetes (Purnell et al., 2014). There are differences between African Americans and Whites for several chronic diseases and conditions (Purnell et al., 2014).</li> </ul>

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# AUTHORIZING APPROPRIATE USE OF FORCE

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

- Following investigation of the Ferguson Police Department, the U.S. Department of Justice (DOJ) issued a report on March 4, 2015, which noted that Ferguson’s police sometimes violate citizens’ Fourth Amendment rights through the use of excessive force (DOJ, 2015). The DOJ’s report noted instances of unnecessary uses of Tasers, canines, and other force in the region, escalating rather than defusing tense situations. According to the DOJ report: “The overwhelming majority of force — almost 90% — is used against African Americans” (DOJ, 2015). The report also noted that the Ferguson Police Department’s use of force review system is ineffective: officers’ use of force often goes unreported, and even when it is, meaningful review by supervisors is rare (DOJ, 2015).
- The National Institute of Justice (NIJ) has raised the issue that there is no nationally recognized definition for “use of force,” making it difficult to determine whether a specific instance of force was justified or excessive (NIJ, 2015). No national database exists, much less one in Missouri, to track all officer-involved shootings or excessive uses of force (NIJ, 2015).
- In *Tennessee v. Garner*, the U.S. Supreme Court addressed the use of deadly force against a fleeing unarmed suspect. The Court held that police officers may not use deadly force against such a suspect to prevent the suspect’s escape unless the officer has probable cause to believe that the suspect poses a threat of death or serious bodily injury to the officer or others (Tennessee v. Garner, 1985).
- In Missouri, police officers’ use of force in making an arrest is outlined in Chapter 563 of the Missouri Revised Statutes (Mo. Rev. Stat. § 563.046). Deviating from *Tennessee v. Garner*, § 563.046 permits an officer to use deadly force to effect an arrest where the officer “reasonably believes that such use of deadly

force is immediately necessary to effect the arrest” and also “reasonably believes that the person to be arrested ... has committed or attempted to commit a felony” (Mo. Rev. Stat. § 563.046.3(2)(a)).

These findings prompted the Commission to draft several recommendations calling for revisions to and training in police departments’ use-of-force policies, in an effort to eliminate excessive uses of force against citizens and improve citizens’ trust and confidence in the police.

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

### Update Use of Force Statute for Fleeing Suspects

Update use of force statute to reflect the United States Supreme Court decision *Tennessee v. Garner*, which states that, under the Fourth Amendment, a law enforcement officer pursuing a fleeing suspect may not use deadly force to prevent escape unless “the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.”

*Accountable body(ies): Missouri Legislature, Governor*

### Revise Use of Force Policies and Training

Direct police departments across the state to revise their policies and training on use of force to authorize only the minimal amount of force necessary:

- To protect citizen and officer safety,
- That is proportional to the incident,
- That brings an unlawful situation safely and effectively under control, and
- That preserves the constitutional and human rights of the citizen.

*Accountable body(ies): Department Executives, Missouri Legislature, Missouri Department of Public Safety, CALEA, MPCA*

### Prioritize De-Escalation and Tactical Withdrawal

Direct police departments across the state to revise use of force policies and training to prioritize de-escalation and to clarify the instances when officers should engage in tactical withdrawal. Policies and training should orient officers toward least harmful decisions possible.

*Accountable body(ies): Department Executives, Missouri Legislature,*

### **Establish Use of Force Database**

Direct the state of Missouri to establish a statewide database on critical use of force statistics in order to improve department operations, state policy, and the public at large. The database must be publicly available, and in keeping with current sunshine laws, ensure a degree of anonymity that would not identify specific officers' involved. All police departments across the state shall be compelled to provide requested information.

Proposed information would include:

[The following language is based on IACP model policy]:

- A complaint log;
- A central file for complaints in a secured area and in conformity with records retention requirements of state law;
- A regular audit of complaints to ascertain the need for changes in training or policy;
- Use of force metrics identified in consultation with law enforcement officials and researchers
- Statistical or related information to identify trends involving all complaints of excessive force and abusive authority;

[The following language is based on the PERF report]:

Prospective models for consolidated databases include the City of Ballwin in its operation of a "Document Center" locally and the Indiana Gateway for Government Unit's online collection platform.

*Accountable body(ies): Department Executives, Missouri Legislature, Missouri Department of Public Safety, CALEA, MPCA*

### **Minimize Use of Militarized Weaponry**

Direct the state to cease providing, and local departments to cease using, militarized weaponry that does not align with a use of force continuum that authorizes only the minimal amount of force necessary:

- To protect citizen and officer safety,
- That is proportional to the incident,
- That brings an unlawful situation safely and effectively under control, and
- That preserves the constitutional and human rights of the citizen.

*Accountable body(ies): Department executives, MO General Assembly, MO Department of Public Safety, CALEA and MPCA Foundation*

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# CONDUCTING JUST USE OF FORCE INVESTIGATIONS

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

- In the United States, immigrant communities and ethnic minorities often become disproportionate targets of the traditional crime control model that uses physical force (Simmons, 2010). New York City’s Civilian Complaint Review Board (CCRB) found that while Blacks comprised 23 percent of the city’s population, they represented 55 percent of reported victims of alleged police misconduct from 2008 to 2013; Hispanics were 29 percent of the population and accounted for 26 percent of complaints; and Whites were 34 percent of the population but only 9% of the alleged victims of police misconduct (N.Y.C. Civilian, 2014). In 2013, 53 percent of all complaints against police departments were for alleged misconduct in use of force (N.Y.C. Civilian, 2014). The most severe of these instances of use of force resulted in the death of a civilian.
- Police-involved deaths are generally investigated through a two-pronged approach. The first investigation, which is aimed at determining whether an officer has committed a crime, is usually conducted internally by detectives from a homicide squad or force investigation squad (L.A. Police Department, 2014; Katz, 2015). The first stage may be conducted by a neighboring department if the officer’s own agency is too small and doesn’t have the resources (Sullivan, 2014; Katz, 2015). With the findings of this investigation in hand, the local prosecutor determines whether to file charges against the officer through procedures that might involve convening a grand jury, depending on the jurisdiction (Sullivan, 2014). The second investigation considers whether or not the officer disregarded department policies (Sullivan, 2014; Katz, 2015).
- A large collection of research demonstrates that “public perceptions of the *fairness* of the justice system in the United States are more significant in shaping its legitimacy than perceptions that it is

*effective*” (Katz, 2015; Hough et. al., 2010).

- Opinion polls taken after the death of Michael Brown demonstrate that significant cross-sections of the public did not have confidence in the investigations into the shooting (Pew Research, 2014; Peter Moore, 2014). For example, 76% of Black people surveyed by the Pew Research Center had little confidence or no confidence in the investigation of Mr. Brown’s shooting (Pew Research, 2014). In a poll by YouGov, less than half— only 42%—of Whites “trust[ed] the justice system to properly investigate” police-involved deaths, while a mere 19% of African Americans had such trust in the existing system (Moore, 2014).

These findings prompted the Commission to draft several calls to action to change use-of-force investigations in an effort to create a fairer justice system and improve citizens’ trust and confidence in the investigation process for use-of-force incidents. In addition to the inputs noted at the beginning of this document, these recommendations are based on the research and work of a group of former U.S. Attorneys and Assistant U.S. Attorneys based in St. Louis with the intent of avoiding even the appearance of impropriety in the prosecution of use of force cases.

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

### **Assign Attorney General As Special Prosecutor in Use of Force Cases**

The Attorney General shall serve as the special prosecutor in all cases of police use of force resulting in death, officer-involved shootings resulting in injury or death, or in-custody deaths.

*Accountable body(ies): County Prosecutors and Office of Attorney General*

## **Appoint Special Prosecutor in Use of Force Cases Short-Term**

In the interim (until the previous call is adopted) Missouri courts having criminal jurisdiction over prosecutions shall interpret the Missouri statute that governs the appointment of special prosecutors as requiring the appointment of a special prosecutor where the court believes that there is even an appearance that the prosecuting attorney is “interested.”<sup>1</sup>

<sup>1</sup> Missouri Revised Statute § 56.110 provides, in relevant part, that:

If the prosecuting attorney and assistant prosecuting attorney be interested or shall have been employed as counsel in any case where such employment is inconsistent with the duties of his or her office, or shall be related to the defendant in any criminal prosecution, either by blood or by marriage, the court having criminal jurisdiction may appoint some other attorney to prosecute or defend the cause.

*Accountable body(ies): Missouri Supreme Court, Circuit Courts*

## **Assign Missouri Highway Patrol to Investigate Use of Force**

The Missouri Highway Patrol shall be the default agency to create a task force with the requisite training and expertise that would be responsible for leading the criminal investigation in all cases of police use of force resulting in death, officer-involved shootings resulting in injury or death, or in-custody deaths. In cases where the Missouri Highway Patrol is the agency involved in a case of police use of force resulting in death, an appearance of a conflict of interest, an officer-involved shooting resulting in injury or death, or an in-custody death, the Attorney General shall be permitted to exercise his or her discretion to select members of non-involved law enforcement agencies to lead the investigation.

*Accountable body(ies): Local Governments, Municipal Police Departments, Municipal Legislature, State Highway Patrol*

## **Create Task Forces for Short-Term Investigation of Use of Force**

In the interim (until the previous call is adopted), each major police force shall create a task force of diverse and experienced investigators to investigate all cases of police use of force resulting in death, officer-involved shootings resulting in injury or death, or in-custody deaths.<sup>1</sup>

These law enforcement agencies should then enter into agreements to have their task force lead investigations of other law enforcement agencies in all cases of police use of force resulting in death, officer-involved shootings resulting in injury or death, or in-custody deaths.

<sup>1</sup> The St. Louis City Police Department’s Force Investigative Unit is an existing model for what these task forces could look like.

*Accountable body(ies): Local Governments, Municipal Police Departments, Municipal Legislature, State Highway Patrol*

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# ENCOURAGING APPROPRIATE USE OF TECHNOLOGY IN CITIZEN-LAW ENFORCEMENT INTERACTIONS

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

- The U.S. Department of Justice (DOJ) researched the police response to demonstrations that occurred after Michael Brown was killed in August 2014 and found that the use of military-grade weapons and vehicles was “inappropriate, inflamed tensions, and created fear among demonstrators” (DOJ, 2015). During the first week of the demonstrations, the police placed military-style, armored vehicles visibly in front of the community (DOJ, 2015).
- Weapons like Tasers and tear gas were used in the St. Louis region during the unrest following Michael Brown’s death (DOJ, 2015). Nationally, in 2013, 81 percent of local law enforcement agencies have authorized their officers to use energy weapons, such as Tasers, against citizens, up from 60 percent in 2007 (BJS, 2015).
- Technology often requires additional expenses including those needed for modifications and additions to legacy systems to support interoperability, additional training, and data storage.
- In 2013, 71 percent of local police departments required their officers to wear protective armor at all time, up from 65 percent in 2007 (BJS, 2015). From 2007 to 2013, the proportion of local police departments that used in-car video cameras rose from 61 percent to 68 percent. And, nationally, in 2013, 32 percent of local police departments used body-cameras (BJS, 2015).
- No national database exists to track the types and number of weapons and equipment that local police departments purchase using federal funding, or to track how those weapons and equipment are put to use (McCaskill, 2015a). There is likewise no reliable national data on the uses, composition, and sizes of SWAT teams, although it is estimated that the percentage of small towns in the United States that had SWAT teams has increased from 20 percent in the 1980s to 80 percent by the mid-2000s (McCaskill,

2015a). In the 1980s, SWAT teams were deployed approximately 3,000 times per year, but that number has grown to approximately 50,000 deployments per year (The Economist, 2015).

In 2013 and 2014, 624 local police departments received Mine Resistant Ambush Protected vehicles (MRAPs) from the U.S. Department of Defense, which are vehicles that can weigh up to 17 tons, cost up to \$600,000, and damage roads because of their weight (McCaskill, 2015a).

- In 2015, U.S. Senator Claire McCaskill (MO) proposed legislation entitled, “Protecting Communities and Police Act” (McCaskill, 2015b). The bill is designed to reform the processes by which local law enforcement agencies receive weapons and equipment from the federal government, increase training requirements for police departments, and improve data collection on the uses of weapons and equipment by local police departments (McCaskill, 2015b).

These findings prompted the Commission to draft several calls to action to encourage policy changes regarding the use of technology by law enforcement with the hope that these calls will help eliminate unsafe and unnecessary police practices, increase accountability and data collection of police departments, and improve citizens’ trust and confidence in the police.

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

### **Pass the Protecting Communities and Police Act**

The Protecting Communities and Police Act, a bill proposed by Senator Claire McCaskill and which reforms federal programs that send equipment and funding to local police departments, shall be passed and implemented as efficiently as possible.

*Accountable body(ies): United States House of Representatives and Senate, President*

### **Develop Policies for Use of Technology to Serve Special Needs and Disabled Populations**

Law enforcement agencies shall develop policies for the use of new technologies that will help them better serve people with special needs or disabilities.

(Adapted from Recommendation 2.3 of Presidential Task Force on 21st Century Policing report)

*Accountable body(ies): Local and state governmental entities that oversee law enforcement agencies.*

### **Use Technology to Limit Use of Force**

The State of Missouri shall promote technology and weaponry that utilize the least amount of force necessary so as to reduce the number of fatal police interventions; new technologies will be subject to the appropriate use of force continuum restrictions.

(Adapted from Recommendation 2.3 of Presidential Task Force on 21st Century Policing report)

*Accountable body(ies): Missouri Department of Public Safety*

### **Ensure Adequate Bandwidth for Use of Technology**

Law enforcement agencies within the State of Missouri shall apply FirstNet or comparable services to provide sufficient bandwidth for the exclusive use of law enforcement that would allow for instantaneous communication, video transmission from body-worn cameras (BWCs), and other technology applications.

(Adapted from Recommendation 2.3 of Presidential Task Force on 21st Century Policing report)

*Accountable body(ies): Missouri Department of Public Safety*

### **Fund Technology Storage**

Law enforcement agencies statewide shall receive additional resources to support technology storage fees.

(Adapted from Recommendation 2.3 of Presidential Task Force on 21st Century Policing report)

*Accountable body(ies): Missouri Legislature, Governor*

### **Engage Community Advisory Boards for Technology Policy**

Law enforcement agencies across the state shall engage and collaborate with community members, using community advisory bodies, when they develop a policy for use of technology; exceptions shall be made for proprietary technology the public knowledge of which would impede law enforcement's capabilities. Applicant screening practices and confidentiality policies endorsed by Citizen Review Boards shall be applied to use of technology community advisory boards.

(Adapted from Recommendation 2.3 of Presidential Task Force on 21st Century Policing report)

*Accountable body(ies): Local and state governmental entities that oversee law enforcement agencies.*

### **Evaluate Effectiveness of Technology**

Law enforcement agencies statewide shall include an evaluation or assessment process to gauge the effectiveness of any new technology, soliciting input from all levels of the agency, from line officer to leadership, as well as assessment from members of the community.

Exceptions shall be made for proprietary technology the public knowledge of which would impede law enforcement's capabilities. Applicant screening practices and confidentiality policies endorsed by Citizen Review Boards shall be applied to participating citizens.

(Adapted from Recommendation 2.3 of Presidential Task Force on 21st Century Policing report)

*Accountable body(ies): Local and state governmental entities that oversee law enforcement agencies.*

### **Create Technology Clearinghouse**

Law enforcement agencies statewide shall establish and continuously update a regional one-stop clearinghouse of information and resources about the constitutional use of multiple forms of innovative technology, in collaboration with a national model set by the U.S. Department of Justice.

Adapted from Recommendation 2.3 of Presidential Task Force on 21st Century Policing report

*Accountable body(ies): Local and state governmental entities that oversee law enforcement agencies.*

### **Clarify Public Record Laws**

Legislative bodies within the State of Missouri shall update public record laws, such that the relationship between public access and privacy of individuals is clarified. Policies and practices should at a minimum increase transparency and accessibility, provide access to information (e.g. crime statistics, characteristics of use of force incidents, current calls for service, department organizational information), allow for public posting of policy and procedures, and enable access and usage for persons with special needs or disabilities.

Adapted from Recommendation 2.3 of Presidential Task Force on 21st Century Policing report

*Accountable body(ies): Missouri Legislature, Governor*

### **Suggested Reading List:**

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# 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:**

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