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## How municipalities in St. Louis County, Mo., profit from poverty

By Radley Balko  
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On March 20 in the St. Louis County town of Florissant, someone made an illegal U-turn in front of Nicole Bolden. The 32-year-old black single mother hit her brakes but couldn't avoid a collision. Bolden wasn't at fault for the accident and wanted to continue on her way. The other motorist insisted on calling the police, as per the law. When the officer showed up, Bolden filled with dread.

"He was really nice and polite at first," Bolden says. "But once he ran my name, he got real mean with me. He told me I was going to jail. I had my 3-year-old and my one-and-a-half-year-old with me. I asked him about my kids. He said I had better find someone to come and get them, because he was taking me in." The Florissant officer arrested and cuffed Bolden in front of her children. Her kids remained with another officer until Bolden's mother and sister could come pick them up.

The officer found that Bolden had four arrest warrants in three separate jurisdictions: the towns of Florissant and Hazelwood in St. Louis County and the town of Foristell in St. Charles County. All of the warrants were for failure to appear in court for traffic violations. Bolden hadn't appeared in court because she didn't have the money. A couple of those fines were for speeding, one was for failure to wear her seatbelt and most of the rest were for what defense attorneys in the St. Louis area have come to call "poverty violations" — driving with a suspended license, expired plates, expired registration and a failure to provide proof of insurance.

The Florissant officer first took Bolden to the jail in that town, where Bolden posted a couple hundred dollars bond and was released at around midnight. She was next taken to Hazelwood and held at the jail there until she could post a second bond. That was another couple hundred dollars. She wasn't released from her cell there until around 5 p.m. the next day. Exhausted, stressed, and still worried about what her kids had seen, she was finally taken to the St. Charles County jail for the outstanding warrant in Foristell. Why the county jail? Because the tiny town of 500 isn't large enough to have its own holding cell, even though it does have a mayor, a board of aldermen, a municipal court and a seven-member police department. It's probably best known locally for the speed trap its police set along I-70.

By the time Bolden got to St. Charles County, it had been well over 36 hours since the accident. “I hadn’t slept,” she says. “I was still in my same clothes. I was starting to lose my mind.” That’s when she says a police officer told her that if she couldn’t post bond, they’d keep her in jail until May. “I just freaked out,” she says. “I said, ‘What about my babies? Who is going to take care of my babies?’” She says the officer just shrugged.

“It’s different inside those walls,” Bolden says. “They treat you like you don’t have any emotions. I know I have a heavy foot. I have kids. I have to work to support them. I’ve also been taking classes. So I’m late a lot. And when I’m late, I speed. But I’m still a human being.”

That was Bolden’s second arrest. In 2009 she was arrested in the town of Bel-Ridge for a warrant on a speeding ticket. On that occasion she remained in jail for three days before Michael-John Voss, co-founder of the legal aid group ArchCity Defenders, helped get her out. This time, Voss couldn’t help right away. Foristell holds municipal court only once every two weeks. She would have to stay in jail.

“She was crying as I explained the situation to her,” Voss says. “So then *I* started to cry as I explained it her. One of the really frustrating things about what’s happening here is that this system is breaking good people. These are people just trying to get by, just trying to take care of their families.” Voss’s eyes well up as he talks about Bolden. This isn’t just an attorney defending his client. It’s a guy who is concerned about what’s happening to another human being. Bolden is a single black woman with four kids. She has several tattoos. It’s easy to see how cops might target her, or court officials might dismiss her. But Voss points out that she had already earned an associate’s degree in medical assistance. And while dealing with all of the arrests and the harassment, she earned another in paralegal studies.

The Foristell warrant stemmed from a speeding ticket in 2011. As mentioned before, Bolden didn’t show up in court because she didn’t have the money to pay it and feared they’d put her jail. It’s a common and unfortunate misconception among St. Louis County residents, especially those who don’t have an attorney to tell them otherwise. A town can’t put you in jail for lacking the money to pay a fine. But you can be jailed not appearing in court to tell the judge you can’t pay — and fined again for not showing up. After twice failing to appear for the Foristell ticket, Bolden showed up, was able to get the warrant removed and set up a payment plan with the court. But she says that a few months later, she was a couple days late with her payment. She says she called to notify the clerk, who told her not to worry. Instead, the town hit her with another warrant — the same warrant for which she was jailed in March.

Bolden’s bond was set at \$1,700. No one she knew had that kind of money. Bolden broke down; she cried, she screamed, and she swore. She was given a psychological evaluation, and then put on suicide watch. She finds that memory particularly humiliating. Bolden would remain in jail for two weeks, until Foristell’s next municipal court session. She wouldn’t let her children come visit her. “I didn’t want them to see me like that,” she says. “I didn’t want them to think it was normal, that it was okay for one of us to be in jail. I missed them so much. But I wasn’t going to let them see me like that.”

While in jail, she missed a job interview. She fell behind in her paralegal studies. When she finally got her day in court, she was told to change out of her jail jumpsuit into the same clothes she had worn for three days straight, and that had been sitting in a bag for the previous two weeks. She was brought into the courtroom to face the judge, handcuffed, in dirty clothes that had been marinated in her own filth. “I was funky, I was sad, and I was mad,” she says. “I smelled bad. I was handcuffed. I missed my kids. I didn’t feel like a person anymore.”

Voss was able to get Bolden’s bond reduced to \$700, but that was still too much for Bolden or her family to pay. The judge also told Voss that he wouldn’t consider an indigency motion until the next session, which meant another two weeks in jail. Bolden was taken back to her cell. The next day, her mother borrowed against a life insurance policy to post her daughter’s bond. “It doesn’t just affect you,” Bolden says. “It affects your family. Your kids. Your friends. My mother is disabled. And she had to help me out. My sister had to put her life on hold to watch my kids.”

Stories like Bolden’s abound across the St. Louis area. And despite the efforts of the ArchCity Defenders and legal aid clinics like those at Saint Louis University and Washington University, the vast majority of the people swept up into the St. Louis County municipal court system don’t have attorneys to inform them of their rights or to negotiate with judges and prosecutors.

There are 90 municipalities in St. Louis County, and more in the surrounding counties. All but a few have their own police force, mayor, city manager and town council, and 81 have their own municipal court. To put that into perspective, consider Jackson County, Mo., which surrounds Kansas City. It is geographically larger than St. Louis County and has about two-thirds the population. Yet Jackson County has just 19 municipalities, and just 15 municipal courts — less than a quarter of municipalities and courts in St. Louis County.

Some of the towns in St. Louis County can derive 40 percent or more of their annual revenue from the petty fines and fees collected by their municipal courts. A majority of these fines are for traffic offenses, but they can also include fines for fare-hopping on MetroLink (St. Louis’s light rail system), loud music and other noise ordinance violations, zoning violations for uncut grass or unkempt property, violations of occupancy permit restrictions, trespassing, wearing “saggy pants,” business license violations and vague infractions such as “disturbing the peace” or “affray” that give police officers a great deal of discretion to look for other violations. In a white paper released last month (PDF), the ArchCity Defenders found a large group of people outside the courthouse in Bel-Ridge who had been fined for not subscribing to the town’s only approved garbage collection service. They hadn’t been fined for having trash on their property, only for not paying for the only legal method the town had designated for disposing of trash.

“These aren’t violent criminals,” says Thomas Harvey, another of the three co-founders of ArchCity Defenders. “These are people who make the same mistakes you or I do — speeding, not wearing a seatbelt, forgetting to get your car inspected on time. The

difference is that they don't have the money to pay the fines. Or they have kids, or jobs that don't allow them to take time off for two or three court appearances. When you can't pay the fines, you get fined for that, too. And when you can't get to court, you get an arrest warrant."

Arrest warrants are also public information. They can be accessed by potential landlords or employers. So they can prevent someone from getting a job, housing, job training, loans or financial aid. "So they just get sucked into this vortex of debt and despair," Harvey says.

The death of Michael Brown at the hands of Ferguson, Mo., police officer Darren Wilson in August and the ensuing protests, crackdowns and violence have drawn lots of attention to St. Louis County, and spawned lots of discussions about issues like race and racism, police brutality, poverty, police shootings, police militarization and the relationship between police departments and the communities they serve.

But these of course are problems that extend well beyond the St. Louis area. Local officials, scholars, and activists say that whatever happened between Brown and Wilson, St. Louis County's unique political geography, heightened class-consciousness, and the regrettable history that created both have made the St. Louis suburbs especially prone to a Ferguson-like eruption.

Locals say the cops and court officers often come not only come from different zip codes, but from completely different cultures and lifestyles than the people whose fines and court fees fund their paychecks. "It was always apparent that police don't usually have a lot in common with the towns where they work," says Javad Khazaeli, whose firm Khazaeli Wyrsh represents municipal court clients pro bono. (Disclosure: Khazaeli is also a personal friend.) "But I think Ferguson really showed just how much that can be a problem." A recent St. Louis Post-Dispatch survey of the 31 St. Louis County municipalities where blacks made up 10 percent or more of the population found just one town where black representation on the police force was equal or greater than the black presence in the town itself. Some towns were shockingly disparate. In Velda City, for example, blacks make up 95 percent of the town, but just 20 percent of the police. In Flordell Hills, it's 91 percent and 25 percent respectively. In Normandy, 71 and 14. In Bellefontaine Neighbors, 73 and 3. In Riverview, 70 and 0. Residents of these towns feel as if their governments see them as little more than sources of revenue. To many residents, the cops and court officers are just outsiders who are paid to come to their towns and make their lives miserable. There's also a widely held sentiment that the police spend far more time looking for petty offenses that produce fines than they do keeping these communities safe.

If you were tasked with designing a regional system of government guaranteed to produce racial conflict, anger, and resentment, you'd be hard pressed to do better than St. Louis County. Jack A. Kirkland, a longtime racial justice activist and scholar and a professor at Washington University's George Warren Brown School of Social Work, has lived in the St. Louis area since 1964. He was one of the first black residents of University City, and the first black elected to that town's school board. Kirkland says

that the uprising in Ferguson wasn't a direct response to the Michael Brown incident specifically so much as an inevitable reaction to the institutional racism coursing through the area for decades. "I liken it to a flow of hot magma just below the surface," Kirkland says. "It's always there, building, pushing up against the earth. It's just a matter of time. When it finds a weak point, it's going to blow."

## **Night court on a basketball court**

It's a little after 7 pm on a sticky August evening in Florissant, Missouri, when I meet James Wyrsh, Khazaeli's law partner, but I am at first a little confused. Wyrsh and I are supposed to meet for the evening session of the Florissant Municipal Court. I follow Wyrsh down a sidewalk that leads to a gymnasium where the town will be holding court tonight. Until recently, the Florissant court was one of many that had barred outsiders from its proceedings. After critics like the ArchCity Defenders pointed out that this violated the Missouri Constitution, a circuit court judge ordered these towns to change their policies. Defense attorneys say some courts still haven't gotten the message. But in Florissant, the city council had a particularly odd response to the order. Town officials claimed the old courtroom was too small to accommodate all the defendants and attorneys, plus journalists, families, and observers. In addition to moving its municipal court to a gymnasium, just last week the council voted to add a \$10 fee to every ordinance violation to fund a new, larger courthouse.

After all the recent national attention on Ferguson, local attorneys are floored. "It's just completely tone deaf," says Khazaeli. "They got caught violating the law. So in response they're going to build themselves a new courthouse, and they're going to finance it on the backs of the poor. It's incredible."

Harvey says there's a much easier way to address the crowded courthouse problem. "They could just hold more court sessions. That would easily take care of the overcrowding. It would also make life a little easier for the people who have to come to court. But that would cost the city money. So instead they're just going to slap a new tax on the poor."

Still, local attorneys say that even before the rule change, the lines for municipal court sessions in these towns — particularly the poorer towns — could often outside the courthouse doors and wind down sidewalks for blocks.

Florissant is one of the larger towns in the county, with a population of about 52,000. It's also a bit more affluent, which an average household income above the state average, although its employment rate is slightly lower. Last year the town issued 29,072 tickets for traffic offenses. Florissant collected about \$3 million in fines and court costs in fiscal year 2013, about 13 percent of its 2013 revenue. As of June of last year, Florissant's municipal court also held more than 11,000 outstanding arrest warrants.

For comparison, consider Lee's Summit, a suburb of Kansas City in Jackson County with a population of 92,000. Yet despite being nearly twice Florissant's size, in 2013 Lee's Summit issued a third as many traffic tickets (9,651), and collected less than half as much revenue from its municipal court (\$1.44 million) as Florissant. As of June of last year, Lee's Summit held 2,872 outstanding arrest warrants, only one fourth as many as Florissant.

There are many towns in St. Louis County where the number of outstanding arrest warrants can exceed the number of residents, sometimes several times over. No town in Jackson County comes close to that: The highest ratios are in the towns of Grandview (about one warrant for every 3.7 residents), Independence (one warrant for every 3.5 residents), and Kansas City itself (one warrant for every 1.8 residents).

Just inside the courthouse/gymnasium door in Florissant, two police officers and a court clerk check people in. In the middle of the gym, about 200 chairs sit neatly aligned in rows. Court has been in session for over an hour now, but most of the seats are still occupied. About 80 percent of the people in the gym tonight are black, even though blacks make up just 27 percent of the town. According to statistics compiled by Missouri's attorney general's office, 71 percent of the people pulled over by Florissant police in 2013 were black. The search and arrest rates for blacks were also twice as high as those rates for whites, even though whites were more likely to be found with contraband, a contradiction that has also been widely reported in Ferguson.

According to the St. Louis Post-Dispatch, blacks make up less than eight percent of the Florissant police force. The judge and both prosecutors are white. In nearly all the towns in St. Louis County, the prosecutors and judges in these courts are part-time positions, and are not elected, but appointed by the mayor, town council, or city manager. According to a recent white paper published by the ArchCity Defenders, the chief prosecutor in Florissant Municipal Court makes \$56,060 per year. It's a position that requires him to work 12 court sessions per year, at about three hours per session. The Florissant prosecutor is Ronald Brockmeyer, who also has a criminal defense practice in St. Charles County, and who is also the chief municipal prosecutor for the towns of Vinita Park and Dellwood. He is also the *judge* – yes, the judge – in both Ferguson and Breckenridge Hills. Brockmeyer isn't alone: Several other attorneys serve as prosecutor in one town and judge in another. And at least one St. Louis County assistant district attorney is also a municipal court judge.

"I had a felony criminal case in state court a few weeks ago," says a local defense attorney, who asked not to be quoted by name. "Sometimes criminal cases can get contentious. You have to do everything you can to defend your client, and sometime your interaction with a prosecutor can get combative. A few days later, I was representing a client who had a few warrants in a municipal court where the same prosecutor I was just battling with is now the judge. Is my client is going to get a fair hearing? You hope so. But it sure looks like a conflict to me."

Brockmeyer did not respond to a request for an interview, but Frank Vatterott, a former municipal judge and former president of the Missouri Municipal and Associate Circuit

Judges' Association, says such concerns are unfounded. "I know it probably sounds like a goofy system, but in practicality it really isn't. You can divorce yourself from that, and approach the cases differently."

Vatterott also points out that like Brockmeyer, many of the prosecutors or judges are actually defense attorneys in private practice. "You'll see one of them criticizing a defendant for something the same attorney was just whining to a judge about yesterday," he says.

Many of the appointed judges and prosecutors not only don't reside in the jurisdictions they serve, they have very little in common with the people who do. For example, in the tony town of Clayton, there's a sheen office building on South Bemiston Avenue with darkened, opaque windows. On the second floor, behind a grand oak door, is the law firm of Curtis, Heinz, Garret, & O'Keefe. The firm employs several attorneys who serve as either prosecutor or assistant prosecutor for at least nine different municipalities. One of the firm's attorneys, Keith Cheung, is the municipal prosecutor for the towns of Velda City, Hazelwood, and St. Ann, and is also the municipal judge for the city of Ladue. The firm also includes attorneys who serve as the official city attorney in several more municipalities. Each of these positions has a salary in the thousands of dollars for working only a few court sessions every month. At the same time, the firm lists some of the same lawyers as available to hire as defense attorneys for traffic violations in other courts. (When I visited the firm's offices in person, I was told that no one who could answer my questions was working that day. Subsequent phone calls to the firm and to Cheung were not returned.)

"Our clients haven't been accused of felonies," says Thomas Harvey. "The fines and penalties for these violations aren't set in stone. The courts have leeway to set up payment plans and to work with people. But you need people in these positions who can have some empathy for the people in front of them, who know what it's like to have to prioritize bills, to at least know someone who knows what it's like to, say, let your car insurance expire in order to pay a medical bill."

And Voss recalls one incident in which after successfully negotiating with a prosecutor to reduce his clients' fines, the prosecutor replied, "You're taking money right out of my pocket, here."

"That sounds shocking, right?" Voss asks. "But if you've been in these courts a while, it isn't really all that controversial thing to say."

Vatterott acknowledges the problem, but says there isn't much to be done about it. "These aren't elected positions. They're appointed by the mayor and city council. And the people appointed to these positions have to be attorneys. In some of these towns, you just don't have very many attorneys. The towns also aren't big enough for the positions to be full-time, so you have to look to private lawyers who can fill the positions part-time." That has created an incentive for some private attorneys and law firms to specialize in this peculiar niche of law.

Back in Florissant, the gymnasium gives off a steady hum as the mostly black defendants chat softly, read, and fan themselves as they wait for their cases to be called. As they hear their name, they move to the back of a new line at the far right side of the gym. That line leads to an assistant prosecutor, who is seated behind a table by herself. They then move left along the row of tables to chief prosecutor Brockmeyer, who is seated next to the judge. The prosecutors and judge aren't even hearing the same cases at the same time. Once the judge makes his ruling, the defendants queue up in a final line at the back of the gym that leads to a small office where they can pay their fines and court costs or get instructions on their payment plans. The whole operation looks more like an assembly line than a court of law.

James Wyrsh is here tonight to represent a homeless woman who has old warrants that are preventing her from obtaining housing. In 2011, she was cited in Florissant for driving without insurance. Her failure to pay that fine resulted in a suspension of her driver's license. She continued to drive, anyway. "St. Louis' has a public transportation system, but it's pretty lacking," says Khazaeli. "The light rail system doesn't cover a large percentage of the county, and the buses can be unreliable. It's getting better, but it isn't great. You have to keep in mind that homeless and low-income people are likely to be working retail jobs, jobs that don't tolerate tardiness. If you can't count on the bus to get you to your job on time, you have to drive." The bus system is also impractical for people with children that they may need to get to day care on the way to their jobs.

The homeless woman Wyrsh is representing in Florissant tonight was pulled over again in 2012 in the tiny town of Beverly Hills. She was cited for driving with a suspended license, and again for driving without insurance. Most of the people with outstanding warrants in multiple jurisdictions don't have pro bono attorneys like Wyrsh working for them. It's up to them to get the various courts around the region, often while they aren't legally permitted to drive. In smaller towns, the courts may only meet once a month. Some have strict rules about showing up late. Others are more lenient. Some have court in the evening, some only during the day. Court sessions sometimes get canceled, or moved to another location. Show up at the wrong place, or fail to show up at all, and you're likely looking at an arrest warrant and an additional fine.

"There have been instances where someone will drive to court to clear a warrant for driving with a suspended license. They'll pay the fine, get the warrant removed, and then get pulled over as they're leaving the parking lot, because a police officer in the courtroom overheard why they were there," Harvey says.

Incidentally, Beverly Hills, Missouri has a population of 571. Its City Hall and police station share a building with a pharmacy. Yet in 2013, the town handed out 3,250 traffic tickets, and issued another 1,085 citations for violations of non-traffic ordinances. Total revenue generated by the town's municipal court: \$221,164, or \$387 for each of its residents.

Vatterott doesn't always see eye to eye with the ArchCity Defenders (in a phone interview he both offered tempered praise and called them "zealots"), but there are issues in which he agrees with them, and this is one of them. "There are now 26 different



ways you can lose your license in St. Louis County,” he says. “There used to be five. You can now lose your license for things that have nothing to do with driving. We definitely have a problem with over-criminalization.” One local attorney pointed to a particularly good example of how poorly-written laws can be self-defeating: In Missouri, you can lose your driver’s license for failure to pay child support, a penalty that makes it nearly impossible to get or keep a job. And that of course makes it difficult to resume paying child support. The delinquent parent ends up in jail, and the child is no better off — and is probably quite a bit worse.

Antonio Morgan’s ordeal is another example of how the municipal courts can make life difficult for low-income parents. Morgan, 28, is married with two kids: a daughter, 9, and a son, 8. In 2011, Morgan had to show up for municipal court in Hazelwood to appear for some traffic violations. He had been to the court before, and recalled that on a previous occasion he had been told by a police officer that children weren’t permitted inside. Having just picked his kids up from school, Morgan spotted the girlfriend of a friend in the parking lot and pulled his truck up next to her. He asked her to keep an eye on his kids while he was in court. She agreed.

As Morgan walked toward the courthouse a police officer asked him the kids in the truck were his. He replied that they were. The officer asked him why he had left them alone. Morgan replied that he hadn’t, and that the woman parked next to him had agreed to watch them. By now, Morgan’s friend had returned, and started to leave.

“I can’t really blame them,” Morgan says from his home in Hazelwood. “No one around here wants to attract attention. You don’t want a police officer knowing who you are.”

Morgan pleaded with the police officer to flag down his friends, who he said would vouch for him. He says the officer then threatened to Taser him. Morgan put up his hands. The officer then arrested him for child endangerment. Morgan’s wife had to leave work to come pick up the kids, and Morgan spent the night in jail. He was fined \$1,000, though both the fine and the charge were later reduced.

The incident still upsets Morgan — not even the arrest so much as that his children had to see it. “I’m a good father,” he says. “I own my own business. I provide for my kids. Do you know what it’s like for your own children to see you get arrested? For a cop to say, right in front of them, that he’s arresting you because you’re a bad parent?”

### **10 miles, 16 towns**

Drive along an approximately 10-mile stretch along the east-west Route 115 (also known as the Natural Bridge Road), and you’ll cross through *sixteen* different municipalities. At some points along the route, you’ll find one town the right side of the road, and a separate town on the left. There are similar stretches along St. Charles Rock Road (also known as Route 180) to the south, along I-70, and along the I-170 bypass. The town boundaries are drawn in such a way that each municipality in the area gets a stretch of highway, which can be a lucrative source of revenue. “Theoretically, you could be driving home from work on this road, and if you have expired tags or no inspection sticker, you

could get pulled over 16 different times in 16 different towns, and written up for the same violations each time,” Harvey says.

Nicole Bolden, for example, says she was once pulled over twice in the same night on her way home from work, once by a St. Louis County deputy, and once by an officer in Florissant. The St. Louis County officer said he pulled over for not using her blinker. The Florissant officer said he simply didn’t like her driving. “He said I was hitting my brakes too much, so he thought I must have been hiding something.” In both cases, she was cited for not producing proof of insurance.

“I just didn’t have the money at the time,” Bolden says. Both charges were eventually dismissed with the help of ArchCity Defenders, but she still had to pay court costs.

“You see that sort of thing a lot,” Voss says. “We’ll get a client who was pulled over and cited for failure to provide proof of insurance, or driving with a suspended license. But there’s no additional citation for a moving violation. So why was she pulled over in the first place?”

Some residents say police pull them over for vague infractions like braking too often or following too closely in order to fish for more infractions like not wearing a seatbelt or failing to have the car inspected. Here too the poor get hit especially hard. Older, shabbier cars get stopped more often because police suspect they’re more likely to be driven by people who can’t afford insurance or registration fees.

Even with all the different laws on the books that local police can use to cite and fine motorists, they’ve also been caught fabricating crimes to issue even more. In 2011, for example, a motorist was cited for extending his middle finger at another driver in the town of Ballwin. In 2000, the St. Louis Post-Dispatch reported in a series of articles that motorists passing through the tiny town of Bel-Ridge (also on Natural Bridge Road) were getting pulled over for running a red light at an intersection where the light had previously always flashed yellow. The complaining motorists reported seeing the light suddenly change to red while they were in the middle of the intersection. After several complaints, an engineer with the Missouri Department of transportation went out to observe what was going on.

As it turns out, in 1998 Bel-Ridge police had received permission from the DOT to install switch at the light that allowed an officer to manually convert it to red. The switch was installed so an officer could allow children from a nearby school to safely cross the road. But the engineer witnessed police switching the light to red when there were no children present at the intersection at all, just as groups of cars were passing through. Another officer would then pull one or more cars over and issue them tickets. Bel-Ridge police denied the allegation, and insisted that officers only switched the light to red when children needed to cross. But the engineer found that most of the morning tickets were issued between 9 and 10:30am, when school was already in session. The Post-Dispatch noted that in 1996, two years before the switch was installed, Bel-Ridge derived 29 percent of its annual revenue from traffic fines. In 1999, the first full year after the switch was installed, that figure jumped to 44.8 percent.

Today, Bel-Ridge has about 2,700 people, 83 percent of whom are black, and 42 percent of whom live below the poverty line. In 2013 the town's municipal court handled 7,706 traffic citations and issued 1,723 arrest warrants. As the ArchCity Defenders report in their white paper, the town estimates that in 2014, "it will collect \$450,000 in fine revenue—or, an average of about \$450 per Bel-Ridge household — making municipal court fines the largest single source of revenue in the budget." The firm also reports that the Bel-Ridge municipal judge will make \$18,600 this year, its prosecuting attorney \$25,000, and its court clerks \$38,350 — each to work three four-hour evening court sessions per month. The town also has a nine-member board of trustees and a police department. Bel-Ridge is also the town that issued fines to residents who didn't subscribe the one private trash collection service authorized to pick up garbage.

Sales taxes are the primary source of revenue in most St. Louis County municipalities. Wealthier areas naturally see more retail sales, so the more affluent towns tend to be less reliant on municipal courts to generate revenue. In recent years a state pool was established to distribute sales taxes more evenly, but existing towns were permitted to opt out. Most did, of course. Perversely, this means that the collection of poorer towns stacked up along the east-west byways are far more reliant on municipal court revenues. That means they face much stronger incentives to squeeze their residents with fines, despite the fact that the residents of these towns are the people who are least likely to have the money to pay those fines, the least likely to have an attorney to fight the fines on their behalf, and for whom the consequences of failing to pay the fines can be the most damaging.

Those incentives then get passed on to the judges and prosecutors the towns appoint for their municipal courts, and the police officers they pay to enforce the ordinances. "I was representing a client in a poorer town and as negotiating with a prosecutor who was also the municipal prosecutor in a wealthier town," Voss says. "He actually told me that if we were in the wealthier town he could cut my client a deal. But he couldn't do it in the poorer town, because there was more pressure on him to generate revenue."

Here too, Vatterott agrees with critics like Voss. "I was actually let go as a municipal judge from a town because I wasn't generating enough revenue," Vatterott says. That was in St. Ann, a town of 12,978 people by the airport known for ticketing motorists en route to catch a flight. Last year, St. Ann police issued 23,465 traffic citations. The St. Ann Municipal Court brought in \$3.42 million dollars from fines, the most of any town in St. Louis County

### **Zone and retreat**

"St. Louis is a region of zip codes," says Jack Kirkland, the longtime resident, activist, and Washington University scholar. "Asking someone where they went to high school is shorthand for asking them how long ago their family got out of the city. For a long time, each generation measured its success by whether or not they made it further west than their parents."

Wealthier white families began moving out as early as the 1920s and 1930s, followed by middle class whites, and working class whites. Blacks were the last group to move out. The University of Iowa historian Colin Gordon documented these patterns in his acclaimed book *Mapping Decline: St. Louis and the Fate of the American City*. In a series of fascinating online maps accompanying the book, Gordon illustrates how white people didn't just flee St. Louis, they used whatever tools were at their disposal to prevent black people from joining them, including race-restrictive deeds and covenants until they were struck down in 1947, segregation until it was struck down in 1954, real estate pacts, and finally zoning laws.

Still, blacks began leaving the city too, beginning in about the late 1950s. According to Kirkland, the area saw a trickle of blacks beginning to move into the suburbs after *Brown v. Board of Education* in 1954 as blacks followed their children to their new schools. But while the schools may have been open, the neighborhoods were still largely closed.

The first real wave of black migration came after 1967, when the Supreme Court ruled in *Jones v. Mayer* that the Civil Rights Act prohibited racial discrimination in real estate transactions. Another wave came in the 1980s, after the implementation of a busing plan to integrate schools in St. Louis County, as black families again followed their kids into the suburbs. All the while, white communities tried to keep their distance. As the courts struck down the more blatant discriminatory policies like restrictive covenants and explicit segregation, whites engaged in what you might call a pattern of zone and retreat. It's during these two waves of black immigration that you really begin to see the proliferation of municipalities in St. Louis County.

“Until only relatively recently, the state of Missouri had almost no rules for municipal incorporation,” Gordon says. “In just about every other state, when a new new subdivision would spring up in an unincorporated area, the state would say, ‘If you want public services, you need to be annexed by the nearest town.’ In Missouri, you didn't have that.”

Instead, developers would create new subdivisions outside a city. White people would move in. As black families moved north and west of the city, these subdivisions would try to keep them out by zoning themselves as single-family housing only. That barred the construction of public and low-income housing.

“The state's one requirement before giving you the power to zone was that you had to incorporate and draw up a city plan,” Gordon says. “That plan could be as simple as getting an engineer to slap a ‘single family’ zone over the entire development. Your subdivision is now a town.”

Gordon says this is why the towns in St. Louis can have such unusual names, such as Town & Country or Bellefontaine Neighbors. “Look at a place like Black Jack in North County. It began as a private subdivision in the 1970s. When they saw the looming threat of housing projects, they quickly zoned the neighborhood as single-family and incorporated as a municipality.” Today Black Jack is more than 80 percent black.

There's a similar town of about 1,200 people near Ferguson, just across the street from the Normandy Country Club. It's 91 percent black, has a 35 percent poverty rate, and has a median household income 40 percent below the state median. Its name? Country Club Hills.

As black families moved out from the city and slowly infiltrated white towns, new white developments would spring up further out still, incorporate, and zone to keep the black population at bay. Blacks would move in to those towns too, and the process would repeat itself. The pattern was most prevalent along the interstate and highways because property values along those routes are lower. White working class people moved in and created affordable, single family housing. As blacks moved closer, the whites moved farther west. Gordon calls it a postage stamp pattern. "You then see blacks moving into the same affordable housing footprint that the white working class abandoned," he says.

Kirkland compares the distribution of the black population around St. Louis County to the path of a river, one the white population has continually attempted to tame. "Rivers flow through low-lying areas. They take the path of least resistance," he says. "Rivers usually have banks that contain them, but sometimes they'll spill out over those banks. The only real protection from a river are bluffs. And so you saw these towns use zoning, housing, and education as bluffs."

Today, there are still a few white and wealthy towns like Clayton in the inner suburbs, but most have moved to the far western end of the county, or next door in St. Charles County. On a modern map of the area, these are the bigger swaths of land. It's in the the middle and northern parts of the county that you see this history, which on the map manifests as a patchwork quilt of tightly packed, oddly drawn multi-hued shapes. In these towns, blacks can make up 60, 80, in some cases more than 90 percent of the population.

Much has been made of the disparity between Ferguson's black population and the lack of black faces in its city government. That's true, and it is a problem that exists in other towns as well. But Gordon points out that Ferguson is an old Missouri River town in the north of the county that predates the subdivision municipalities in the mid-county area. Blacks didn't begin moving to Ferguson in significant numbers until the 1980s, and weren't a majority until around 2000. The black populations of these towns are new, transient, and have no local history of political or institutional power.

In the towns along the interstate and east-west highways, where blacks have been a majority for a longer period of time, they have much more representation in city government. But these are the same parts of the county where, thanks to the area's history, there are just too many towns, too many municipal governments, too many municipal employees, and not enough revenue to support them. It doesn't seem to matter whether those employees are black or white, they're a legacy of segregation and structural racism, so they're still reliant on extracting fines and fees from their residents in order to function. If anything, they're *more* reliant on those fees, since there isn't enough wealth to generate sufficient revenue from property and sales taxes.

The town of Berkeley, for example, has unusually high black political participation. For about a century, there was a historically black enclave in northwest St. Louis County called Kinloch. In the 1980s, most of Kinloch was erased due to an expansion of the St. Louis airport. Much of Kinloch's population wound up in nearby Berkeley, infusing the town with black residents who had been in the area for generations, and had well-established traditions of political participation and self government. Currently, Berkeley has an all-black city council, a black mayor, a black city manager, and majority-black police force.

If any town could overcome the legacy of structural racism that drew the map of St. Louis County, then, it would be Berkeley. And yet this town of 9,000 people still issued 10,452 traffic citations last year, and another 1,271 non-traffic ordinance violations. The town's municipal court raised over \$1 million in fines and fees, or about \$111 per resident. The town issued 5,504 arrest warrants last year, and has another 13,436 arrest warrants outstanding. Those are modest numbers for St. Louis County, but they're high for just about anywhere else.

"We've tried to rely on revenue from our municipal court as little as possible," says Berkeley Mayor Theodore Hoskins. "We emphasize that traffic laws and ordinances are about public safety, not about revenue." But there's a cost to that. The town ran a \$1.3 million deficit last year, and recently considered dissolving its police department to save money.

There are lots of good reasons why local governments should reflect the demographics of the towns they're governing. But more racially representative governments in St. Louis County's majority black towns haven't diminished the misery that must be inflicted on the residents in order for those governments to exist. Black people in St. Louis County are no longer held back by legalized discrimination, but the turbulent history that drew the area's map still plagues them, even in towns that are now run by black people.

### **The crusaders**

ArchCity Defenders was founded in 2009 by a trio of recent graduates from the St. Louis University Law School — the aforementioned Thomas Harvey and Michael-John Voss, along with John McAnner.

Harvey says the idea came to him while he was working at a legal clinic in law school. "St. Louis has all this federal and state money coming in to address homelessness for things like job training and housing. But nearly every client we met had some sort of muni court issue. The job training programs require a background check. If you have an outstanding warrant, they won't let you enroll."

One of Harvey's first clients was a homeless veteran trying to get back on his feet. He had lined up a job, but hit a snag when the employer ran a background check and found a series of eight-year-old violations in the town of Jennings. Save for one low-level assault, the warrants were for victimless ordinance violations. "We called the court and

got the warrant revoked. The next day he got called back for the job. But social service organizations regularly run into this problem. They can't place homeless people or kids just out of foster care into housing or training programs because they have these warrants. Sometimes it's just a matter of calling up a judge or prosecutor. Sometimes it's more complicated. But it's getting in the way of these people putting their lives back together."

One of the groups the ArchCity Defenders work with is the St. Louis Transitional Hope House, which provides housing, child care, and training for homeless people and families. "We try to work with the courts, and sometimes we've had some success," says executive director Bonnie Reece. "But we aren't lawyers. We can't work as fast and cover as much ground as a group like ArchCity Defenders." Reece estimates that about 20 percent of her clients need help clearing warrants, most for offenses like traffic violations, MetroLink violations (not paying the fare on the city's light rail system), and trespassing. Most, she says, are single mothers.

McAnner, Harvey, and Voss continued with ArchCity Defenders part-time until 2013, when the firm won a \$250,000 grant from St. Louis City to continue their work with organizations for the homeless. Today McAnner still works part-time, but Voss and Harvey are full-time, along with another full-time attorney and paralegal, and a cadre of part-timers, interns, and volunteers. ACD contracted part of that grant to the firm co-owned by Jim Wyrsh and Javad Khazeali. Those two are now also representing clients pro bono.

"I was drawn into all of this in my first case out of law school," McAnner says from the firm's office in Laclede's Landing. The historical bar and restaurant district is in downtown St. Louis near where the city was founded.

"I had a buddy who was written up on a zoning violations because he had a car up on cinder blocks in his yard. He ended up spending 30 days in jail. It was in this tiny town where the court is literally held in a double-wide trailer. I thought it was just an anomaly. I quickly realized that sort of thing is common."

Earlier this year, the ArchCity Defenders began working on a paper they hoped would throw a spotlight on the municipal court system and highlight the way the system is destroying the lives of their clients. The events in Ferguson went down just before they had planned to release the paper. That gave the firm and the paper more attention than it probably would have otherwise received. But most of the attention focused on Ferguson and Michael Brown and may have obscured the larger issues that affect tens of thousands of people across the entire St. Louis area.

"There are incidents of police brutality here, like anywhere else," says Harvey. "But the anger in Ferguson was driven by something much more common and pervasive. It's the day to day harassment and degradation that this system creates."

The violence in Ferguson also added an element of volatility to the criticisms made in the paper. Just before we arrived at the municipal court session in Florissant, the town's

municipal judge reprimanded one of the ArchCity attorneys for releasing the paper and its content.

About 15 minutes down I-64 from the ACD offices, Mae Quinn runs the Juvenile Law and Justice Clinic at Washington University School of Law. A native of Staten Island who practiced in the Bronx, Quinn is tough, occasionally foul-mouthed, and angry about what the area's court system has done to her clients. Because she works with juveniles, she can't discuss most of her clients by name, so she distinguishes them by personality. One case is the "really neat guy," another is the "the smart kid," still another a young mom she calls the "hard worker."

"I've practiced in a lot of places, including five states," Quinn says. "I've never seen anything like what goes on here. Never."

When Quinn started the clinic, she expected all of her cases to be in juvenile court. But most Missouri towns allow defendants to be tried in municipal courts at 17, sometimes even younger. "We kept hearing about all of these problems about kids getting tangled up in the municipal courts. So we started taking them on." Now about half the cases Quinn and her students take are in municipal court.

Quinn describes one homeless girl who had been written up for violating an occupancy permit restriction. To simply reside in St. Louis County, you have to register your residence with the local government. What that entails varies from town to town. In the town of Berkeley, for example, new tenants must obtain an occupancy permit from the Inspections Department of the City of Berkeley. A permit costs \$20, and requires a valid driver's license or identification card. If your license has been suspended due to an outstanding warrant, you can't move in. A permit includes the names of the people legally allowed to live at the residence. If you want to add additional names or change a name, it's an additional \$25 and a signed authorization from the landlord. And again, you'll need an ID.

In theory, occupancy permits are to prevent fire hazards and overcrowding. But they can also be another way for towns to generate revenue. Quinn's client, for example, was the victim in a domestic abuse incident. But when the police arrived, they checked her occupancy permit, which only allowed for one person to reside at the apartment. The officers then cited the woman and her boyfriend \$74 each for violating the permit. When Quinn protested that the law makes no effort to distinguish visitors from unlawful residents, the municipal prosecutor stated that "nothing good happens after 10pm" when single men and women are alone together — a sentiment later echoed by the judge. Other attorneys say that the permits are sometimes even used to enforce anachronistic laws prohibiting cohabitation of unmarried couples.

Foster kids and homeless kids are particularly vulnerable to racking up warrants stemming from petty crimes. "We also have a lot of what I call 'kids living under the bridge,'" Quinn says. "These are kids who have a stack of warrants for things like Metrolink violations or trespassing, so they just go underground and hide from the police rather than risk an arrest."



One such kid, “Aaron” had recently “aged out” of foster care. When foster kids reach 18, there are generally a series of federal and state programs aimed at helping them transition into adult life. But outstanding warrants, even for minor violations, can make it difficult to access those programs. They can’t get jobs or housing. That hopelessness can put them on a path to more serious crimes. “Those kids are at risk of just sliding from the child welfare system into the criminal justice system,” Quinn says.

When Quinn met Aaron, he had four outstanding warrants in four different jurisdictions. In one town, the warrant stemmed from a traffic stop in which he was cited for expired plates, failure to display an inspection sticker, failure to wear a seatbelt, and failure to dim his headlights. Two of the other three warrants were for a similar lineup of violations stemming from a single traffic stop. The fourth warrant was for giving false information and a charge akin to disturbing the peace. Quinn was eventually able to get Aaron’s warrants cleared, allowing him to get and begin a new job. But Aaron had an attorney. Most juveniles who end up in municipal court don’t.

When a police officer apprehends someone with warrants in multiple jurisdictions, that person can then get shuffled from town to town, from jail to jail, as they battle over which court gets first crack at whatever money he may have. Attorneys and families are left to chase clients and loved ones through the fog.

This is especially true with juveniles. Quinn, for example, recently had a client arrested because a “wanted” had been put on him. Different than a warrant, a *wanted* is basically a “person of interest.” It means the police don’t have probable cause to obtain a warrant. But it does allow them to snag someone up and hold them for up to 24 hours. Quinn’s client had allegedly been identified as an accomplice in a crime. But Quinn and her law student assistant couldn’t figure out where he was being held. He had been arrested in one town for a *wanted* placed by another. She eventually found him in the interrogation room in the jail of a third town. It turned out that the town in which the *wanted* was placed wasn’t big enough to have its own jail. He was soon released.

“Many of these ‘wanted’ cases are just an excuse to catch and release juveniles,” Quinn says. “It gives the police a chance to squeeze them for information about other people.”

Khazaeli had a similar experience tracking down a client. His client, who was homeless, had been arrested for being a juvenile out after curfew. When the police discovered that Khazaeli’s client was actually 18, they charged him with interfering with a police officer, and for wearing “saggy pants.” He was arrested by police from the town of Charlack, a town so small that its police department, city hall, and jail are all contained in one modified single-family house. In fact, you can stand on the front lawn of the Charlack City Hall, look across Midland Boulevard, and see the Vinita Park City Hall across the street.

When Khazaeli got to Charlack, he was told his client had been sent to the jail in St. Ann, because the Charlack jail was occupied. “I then had to drive back to Charlack to sign for his release, then drive back to St. Ann to pick him up and take him back to the shelter,” Khazaeli says.

Even with ArchCity Defenders, Quinn's clinic, a similar clinic at St. Louis University, and firms like Khazaeli Wyrsh taking some cases pro bono, the lawyers interviewed for this article estimate that only 10-25 percent of the defendants in St. Louis County municipal courts get any sort of legal representation. The rest are on their own. By statute, the St. Louis County Public Defender's Office is *prohibited* from representing indigent defendants in municipal courts. (Even if it weren't, the office is busy enough in state court with more serious offenses. In 2010, the New York Times pointed out that Missouri ranks 49th in spending on its public defender system.)

Legally, only indigent defendants facing jail time are entitled to a public defender, though local attorneys say even those defendants don't always know to ask, and few of the municipal courts bother to make them aware of the fact. But it's clear that those with legal representation get an entirely different sort of justice from the municipal courts than those without it. "Matt," a white bartender at a trendy restaurant in St. Louis city, has had two experiences in municipal courts in the county. Both were speeding tickets that he had neglected to pay. He showed up for one with an attorney, and one without. Without an attorney, he says it took three court appearances and several hundred dollars to get the warrant cleared. With an attorney, it took one trip to court and a \$150 settlement. "My lawyer said *hi* to the prosecutor. They talked about the last time they played golf together. He brought up my case, the prosecutor asked for 150 bucks, and that was that."

On the same night I attended the municipal court session in Florissant, I stopped by the town of Cool Valley just as court was winding down. Cool Valley is a town of 1,194 people. It is 84.5 percent black. Last year the court issued 1,871 arrest warrants. More incredibly, there are another 5,998 warrants from previous years still pending in Cool Valley, or more than five for every resident. In 2013, the Cool Valley Municipal Court collected \$375,425 in fines, or \$314 per resident. That's about 34.5 percent of the town's annual budget.

One of those pending warrants was for "Jack" (he asked that I not use his real name), a black man who looked to be in his 60s whom I met briefly at the Cool Valley courthouse. I noticed Jack as he was chatting through a teller's window with the court clerk. He was getting increasingly frustrated. I followed him outside and asked why he had been in court. He said he had recently been stopped by a police officer. He hadn't been issued a citation for the stop, but a search of his name apparently showed a warrant stemming from a 20-year-old speeding ticket. With late fees and added fines, prosecutors said he now owed \$615.

But he said he was angry because no one could show him the original ticket. They could only point to the warrant. He believes it was a mistake, and wondered why the warrant wouldn't have shown up the other times he's been stopped over the last 20 years. But the court officers had no time to argue with him. They handed him a piece of paper showing what he owes, with instructions for his payment plan. He is to come back to court each month and pay \$50 until the full amount is paid off. If he misses a month, they'll put out another warrant for his arrest.

I showed the form the clerk gave Jack to several local attorneys. Most agreed that a good lawyer could probably get the warrant cleared and the fine dismissed. It's doubtful, for example, that the officer who issued the ticket is still around, and if he is, that he'd remember the ticket. But Jack (he asked that I not use his real name) didn't know any of that. One attorney attempted to look up the Jack's record to find the warrant, but not all the municipalities use the designated legal databases. Cool Valley is apparently one of those that doesn't.

"I've asked prosecutors for a client's file and they've flat turned me down," said one local attorney. "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 manilla 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."

Nicole Bolden says she received drastically better treatment once Voss started showing up with her in court. "Oh, they treat people with lawyers completely differently," she says. "For the first time, the judge was actually explaining things to me. He was saying, 'Do not plead guilty unless you're sure you understand what that means. And then he would explain the consequences. No one had ever said that to me in court before.'"

In most of these courts, the defendants with attorneys get called up first. There's a practical reason for that. The courts don't want to waste the attorneys' time. It also means that attorneys like Wyrsh, Quinn, and the ArchCity Defenders can represent more clients. But it's also another example of two-tiered justice. Defendants fortunate enough to have an attorney representing them don't even have to show up in court. The attorney can stand in for them. And of course the vast majority of people who send an attorney in their stead aren't indigent, but wealthier people who can afford to hire an attorney. That means the indigent defendants have to wait. That means more time away from work, or more money they'll need to pay a babysitter.

But perhaps the most gaping divide between having and not having an attorney is that many people think that if they can't pay their fines, they'll be arrested and jailed the moment they show up in court. So they don't show up. In truth, you can't be jailed if you don't have the money to pay a fine. But you *can* be jailed for not showing up in court to answer a charge. So under the mistaken belief that showing up in court broke will land them in jail, people chose not to show up . . . which then lands them in jail.

"That's probably the single biggest misunderstanding out there," says Vatterott, the former municipal judge. "We have to do a better job of informing people. I think it should say on the notice that even if you have no money, you need to show up, and it should be made clear that you won't be sent to jail. But when I bring that up, the prosecutors don't like it. The arrest warrants bring more fines and make the towns more money."

**"You have to struggle just to catch up."**

It's 6 p.m. in the town of Pine Lawn, and it looks as if someone has just rung a school bell. From every direction, a mass of black humanity descends upon the red brick building with a green canopy nestled between Antonio's Beauty College and the Barack Obama Elementary School. The building holds the town's city hall and municipal court. And tonight the court is in session.

Pine Lawn is perhaps the best example of how the problem in St. Louis County extends well beyond the racial disparities in local government. Blacks make up 96 percent of Pine Lawn's 3,216 residents and have been well represented among the town's elected officials. But that hasn't stopped the town from soaking its residents in fines, fees, and warrants. In 2013, Pine Lawn police issued 17,155 traffic citations, or more than five per resident. During the protests in Ferguson, several media reports expressed alarm that there were about two arrest warrants pending in the town's municipal court for every resident. As of June 30 of 2013, there were 23,457 arrest warrants pending in Pine Lawn Municipal Court, or about *7.3 per resident*. The court brought in more than \$1.8 million for the town, or around \$576 per resident. That's about 4.5 percent of the average Pine Lawn resident's annual income. (Pine Lawn is far from the worst. The aforementioned town of Country Club Hills has over 33,000 outstanding arrest warrants, or an astonishing *26 per resident*.)

Last year, Pine Lawn installed a speed camera along Natural Bridge Road. When St. Louis County municipalities first began to implement speed cameras, there was some understandable public backlash. In fact, no less than the St. Louis County chief of police publicly stated that the cameras were likely to be used more to generate revenue than for public safety. Those concerns in mind, the Pine Lawn ordinance permitting the use of speed cameras requires that they be positioned near a school crosswalk. (Who could be opposed to slowing motorists down for children?) The ordinance also requires the town to warn motorists when cameras are close by, and that tickets sent to motorists include a photo clearly depicting the driver of the offending automobile.

Last August, TV station KMOV reported that Pine Lawn's speed camera was actually installed in a vacant parking lot, that the city provided no warning to motorists, and didn't include driver photos when sending out tickets. What's more, the city threatened any motorist who refused to pay for a ticket with an arrest warrant. In the first six months of 2013, the camera generated \$150,000 for the city, and sent a thousand extra motorists to its municipal court. In 2007, Pine Lawn passed a "saggy pants" ordinance, imposing a \$100 fine on the parents of children caught wearing droopy drawers.

Pine Lawn has been plagued by incompetence, corruption, and infighting among its public officials. A 2011 report (PDF) by the Missouri State Auditor found that in violation of state law, the town "does not have written contracts with some of its service providers, such as attorneys, payroll services, and collectors of electronic fines and court costs." The audit found that the town regularly violates the state's open meetings law, and paid salary advances to aldermen and other city employees, also in violation of state law.

One might think that a town with those sorts of problems would at least be hospitable to the businesses in the area, to attract revenue from business licenses and sales tax. But Antonio Morgan says that isn't the case. Morgan — the same man who was arrested for child endangerment for leaving his kids in his car outside the Hazelwood court — owns a car repair shop in Pine Lawn. But here too he says he faces regular harassment.

Morgan says that over the last few months, his employees have been cited and fined by Pine Lawn police five times for operating a business without a license. Morgan has a license for his business, but it's in his name. The citations are happening when he isn't there.

“The police come by and ask to see the license. A couple times, the guy working for me didn't know what they were talking about, so they wrote him up. The other times, they showed the cop the license, but it was in my name.”

Attorneys consulted for this article say it isn't uncommon for police in small St. Louis County towns to perform inspections for business licenses. All say that if what Morgan says is true, the citations are illegal and should be easily dismissed in court. But that also requires them to go to court. It probably means they need to get an attorney. And they may need both Morgan and his landlord to vouch for them. It's not only a waste of their time and Morgan's, it can also strain the relationship between a business owner like Morgan and his landlord.

On another occasion, Morgan says he and some friends had gone out to dinner. He returned to his shop later that night to pick some things up. A police officer saw the lights on and demanded to see Morgan's permit. (You need a separate permit to operate a business after dark.)

“I told him that I wasn't working, I was just picking a couple things up. He said I was talking back to him, and that if I kept it up, he'd shut down my shop.” The officer ended up having two of Morgan's vehicles towed. He had to pay \$200 to get them back. On another occasion, Morgan says two officers and the Pine Lawn municipal prosecutor came to his shop to ask about a new Camaro they were painting for a woman in Clayton. “They thought we were stripping it for parts,” he says. “They couldn't believe that a white lady in Clayton would send her car to a black guy's garage in Pine Lawn.”

Morgan has been working on cars since he was 16, and quickly decided he wanted to own his own garage. He started working on cars for friends and neighbors, or buying old cars, fixing them up, selling them, saving what he made to open his own business. He's apparently good at what he does, because that didn't take long. In 2005, at the age of 19, he opened his garage in Pine Lawn.

But getting there was difficult. Before he opened the garage, Morgan would work on the cars at his mother's house, or at the houses of friends. He'd have to park the cars in the streets. That led to tickets for not having the cars registered or insured. Those tickets began to add up. They led to arrest warrants and the suspension of his license. It also put him on the radar of the police officers in the towns where he has lived and worked.

Michelle Monahan is a former St. Louis County public defender who now works for the federal public defender's office in St. Louis. She met Morgan in 2008 and has represented him pro bono in several cases over the years. "About 75 percent of the times that I've talked to Antonio in person, he's been wearing work clothes," she says. "He's a husband, a father. I know few people who work as hard as he does. And I know of even fewer people who have had to put up with as much as he has."

Not everyone has handled the indignity as well as Morgan. In 2008, Charles Lee "Cookie" Thornton shot up city hall in the town of Kirwood, killing two city council members, a city planner, and two police officers. He also badly wounded the mayor. When the mostly white Kirkwood annexed the unincorporated black community of Meacham Park 15 years earlier, the construction business Thornton had built and run out of his home ran afoul of his new town's zoning regulations. Thornton didn't have the money to move his business to another part of town. Over the next decade, he accumulated \$20,000 in fines, lost his business, declared bankruptcy, and was reduced a community punchline. He was the guy with the signs on his van, who interrupted city council meetings with grand conspiracies, and filed lawsuits that were barely readable. His friends and family say the constant harassment cost him his sanity.

Morgan is no Cookie Thornton. For all he's been through, he seems remarkably well-adjusted. But he says he has lost count of the the number of times he's been arrested. He's certain more than 20. Until the incident in Hazelwood with his kids, he had never been convicted of anything more serious than a traffic violation. H has had a couple more serious incidents with police, though neither resulted in charges.

In 2012, Morgan was working on his truck at his mother's house when he heard a loud boom. He assumed it was a car or lawn mower backfiring and continued working. A short time later, he was driving his truck with a friend when a police officer pulled them over and emerged with his gun drawn. Soon, more squad cars showed up, 11 in all.

"A whiteshirt then showed up, and said someone fitting my description had been seen committing a burglary," Morgan says. "They said they saw me kicking down a door, and then my friend driving my truck as we drove away. I had been working on my truck all morning, and my friend had never driven it."

Morgan and his friend were arrested, though the police claimed they had been detained, not jailed. "I couldn't leave, so I'm not sure what the difference is," he says. After about three hours, the police let both men go without an explanation. Morgan's truck had been towed. He says that when he got it back, the seats and upholstery had been ripped out, as if someone had been searching for guns or drugs. Morgan actually did have a gun. He also had a legal concealed carry permit for it.

"They told me they'd have to 'run' the gun to see if it was stolen or had been used in a crime, and that it could take up to 30 days. I told them I hadn't been accused of any crime. When I tried to get it back later, an officer told me they'd have to keep it longer because of my record."

Morgan says when he replied that he had only been convicted of traffic violations, the officer noted that he had recently been arrested for burglary — the same burglary for which the police had wrongly arrested him, confiscated the gun, and released him three hours later. Morgan just got his gun back in February, nearly three years after it was confiscated.

“I’m amazed at how composed he manages to be,” says Monahan. “He seems genuinely upset and confused every time something like this happens to him. He’s good-natured. So he doesn’t see how people can treat him like this for no reason.”

Morgan says he has only lost his temper once, during an altercation with a police officer outside his mother’s home in the town of Castle Point. The same officer had previously ticketed several cars Morgan was working on for being illegally parked. “I accept that {ticket},” he says. “I understood that it was the cost of doing business. I was polite with the officer.” On another occasion, the same officer had one of Morgan’s cars towed. And on a third occasion, the same officer had pulled Morgan over and cited him for failing to register the car he was in. Morgan says the officer then told him he had better not see him out driving again.

“None of the neighbors had complained about these cars. They weren’t in anyone’s way. they weren’t a nuisance,” Monahan says. “But you have to understand that Antonio is a tall black man with long dreadlocks. He stands out. If you’re a police officer who knows that he has a suspended license, he’s easy to spot if he’s out driving.”

Thomas Harvey, who is currently representing Morgan in another matter (which neither he nor Morgan want to discuss while charges are still pending) agrees. “I think he fits a lot of stereotypes. And I think once he became known to some of these officers, they started to have a grudge with him. That said, his situation isn’t unique. These incidents happen to a lot of people in these towns.”

The final incident with this particular officer took place at Antonio’s mother’s house. The next door neighbors had called the police to report the theft of an air conditioner. The same officer responded. Morgan says he was sitting in his mother’s driveway when the officer confronted him about one of Morgan’s cars parked on the street. The officer seemed fed up, and according to Morgan, referred to his mother as “your greasy grandma.” Morgan says he lost it, and yelled at the officer, calling him a “cracker.”

“I regret it,” Morgan says. “I lost control. But he disrespected my family. There was no need for that. You can only take so much.”

Morgan insists that he didn’t touch the officer, but after the two exchanged words, the officer drew his Taser, Morgan says he backed up and raised his arms. The officer fired the weapon anyway, and Morgan fell to the ground. He says he was Tased several times, but doesn’t recall exactly how many.

“I remember telling the neighbors to call the police,” he says. “I forgot for a moment that this *was* police.” When he felt he couldn’t take any more, Morgan says he reached back,

grabbed the Taser wire, and ripped the weapon from the officer's hands. The officer pounced on Morgan and put a knee to the back of his head. Morgan says by the time the paramedics arrived he counted 13 cops with their guns drawn, all pointed at him.

Morgan's neighbors verify his version of the incident. Morgan was initially arrested and charged with assaulting a police officer and resisting arrest. Those charges were later dismissed. The incident left him with a gash in the back of his head and a fractured wrist.

Today, Morgan tries to record all of his interactions with police, city officials, and even the people with whom he interacts for his business. His computer is filled with recorded conversations, photos, and videos. He documents everything. It's time he could spending on cars, or with his wife and kids. But he says it's all necessary. "You have to do more work when you're black around here," he says. "You have to struggle just to catch up with everyone else."

Despite all of this, both Harvey and Monahan say Morgan is one of the most optimistic clients they've ever represented. "I think a lot of people have just resigned themselves to all of this," Monahan says. "They just think the system is too stacked against them, and that their lives are always going to be this way. Antonio doesn't accept that."

### **Reform and a prayer**

Just about everyone agrees on the main cause of this problem in St. Louis County.

"There are too many towns," says Vatterott. There are too many towns, and not enough taxpayers to sustain them. How to fix that problem is another matter. There has long been a movement in St. Louis to merge the county with the city. That movement has picked up steam recent years as advocacy groups like Better Together have pushed proposals to merge a number of public services. But real change would require a good portion of these towns to merge with other towns, or to dissolve themselves entirely. That would require the town councils or boards of aldermen to vote themselves out of a job.

"You have these fiefdoms across the county where a small percentage of people hold power over a small bit of territory," Kirkland says. "They aren't going to let go of that easily." Some towns have begun to share police services, or to contract police services out to St. Louis County. That at least means there are fewer cops per resident to hand out fines. But the cops and courts are still geared more toward generating revenue than promoting public safety.

When I spoke with Antonio Morgan at his home, his muted TV was showing footage of the violence in Ferguson.

He glanced over and nodded. "For so long, nobody has listened to them," he says. "That's what they're angry about. That's why they're lashing out."



Nicole Bolden had a similar reaction. “It’s been a long time coming. Ferguson, Dillard, Florissant. Are no white folks speeding or running red lights in these towns?”

Bolden or Morgan don’t advocate violence. But they understand the anger behind it. “Nobody knows what happened that day with Michael Brown and that officer,” Bolden says. But she draws a sharp distinction between outright brutality, which says is rare, and the every day harassment and degradation. “What happens every day around here is worse. It doesn’t matter if you’re walking or driving. You’re a target. Rioting isn’t right. But they just want people to know what’s happening.”

The events in Ferguson have at least lent a sense of urgency to all of this. Just last week, the ArchCity Defenders petitioned Ferguson Mayor James Knowles to grant a mass clemency for the town’s 40,000+ outstanding warrants for traffic and other nonviolent offenses. That isn’t a structural change so much as a plea for a sign of goodwill. And it’s far from certain it will happen. Vatterott says he’s also organizing talks to push for reforms on other points of agreement, like a uniform set of rules for the courts, making notices easier to understand, and making sure defendants know that they can’t be jailed for lacking the funds to pay a fine.

But more consequential change may be harder to come by. “What I fear is that the federal government or some private foundations are going to throw a bunch of grants at St. Louis, and the same people who have been sitting at the table for years, contributing to the problem, will be the ones divvying up the money,” Harvey says. “There will be a bunch of diversity training, the money will disappear, and things will go back to the way they’ve been. That’s what I fear.”

Even something as seemingly simple as making police departments look more like the towns they serve is more difficult than it sounds. Most departments at minimum require a high school diploma and no outstanding warrants. And so already the pool of available black applicants begins to shrink. And if the primary function of police officers continues to be to produce revenue for the town, it’s far from clear that adding more black officers will improve relations all that much, anyway. A conscientious officer who doesn’t hand out as many fines and citations as his fellow officers probably isn’t going to last long.

Until there is real change, people like Bolden and Morgan have no choice but to look for their own solutions to their own problems. Bolden’s license is still suspended, though she says it’s a clerical error that the ArchCity Defenders are trying to clear up. But she’s now employed, and can’t afford to miss work or take the risk of showing up late because of a tardy county bus. So she drives.

“I only drive to and from work,” she says. “Otherwise my car is parked. All I can really do is say a prayer every time I start the engine. I don’t pray for a safe trip. I pray that I don’t get pulled over. When I get home, I say another prayer of thanks. That’s all I have. I just can’t get arrested again.”

Morgan's plan is more concrete. "I need to get out of here," he says. "I'm saving up to move my business out of Pine Lawn. Maybe get a bigger garage. This is just no way to live."

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