

# Lawsuits allege Missouri cities run “debtors’ prisons”

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The Missouri cities of Ferguson and Jennings operate what are essentially debtors’ prisons, throwing people in jail for extended periods of time for inability to pay fines for minor offenses, according to federal lawsuits filed this month.

The lawsuits were brought by several non-profit groups—Washington-based Equal Justice Under Law, Arch City Defenders of St. Louis and St. Louis University School of Law, on behalf of 11 plaintiffs.

The US Supreme Court has ruled that the constitution outlaws imprisonment “solely because the defendant is indigent and cannot forthwith pay the fine in full.”

Ferguson was the center of protests against police violence in the St. Louis area last year after the police shooting death of Michael Brown triggered the eruption of long-simmering opposition to abuse by the criminal justice system in the area.

The lawsuits allege that court fines became Ferguson’s second-largest source of municipal income in 2013, netting \$2.6 million. The city of 21,000 people issued nearly 33,000 arrest warrants that year for unpaid tickets. The lawsuit said that those arrested “were threatened, abused, left to languish in confinement at the mercy of local officials until their frightened family members could produce enough cash to buy their freedom or until jail officials decided, days or weeks later, to let them out for free.”

The lawsuit describes horrible conditions for detainees, who are “subjected to the stench of excrement and refuse in their congested cells; they are surrounded by walls smeared with mucus, blood and feces.”

Furthermore, prison officials “routinely laugh at the inmates and humiliate them with discriminatory and degrading epithets about their poverty and their physical appearance.”

Arch City Defenders, a non-profit legal defense organization serving the poor and homeless, released a white paper last year on the Municipal Court system in St. Louis County. The paper describes a patchwork of municipal courts—81 in the space of a single county—which systematically denies poor and working class people their constitutional rights to have an attorney, to have a hearing that is open to the public, and to be free from imprisonment for inability to pay debts.

St. Louis municipalities may imprison individuals for traffic violations and other minor offenses and keep them incarcerated until the fine and costs of the suit against them are paid. Nonetheless, most municipalities provide no court-appointed lawyers for the indigent.

Municipal judges and prosecutors in Missouri work on a part time basis, usually spending the balance of their working hours in practice as private attorneys. Nothing prohibits an attorney from representing criminal defendants in one court, prosecuting them in another, and judging them in yet another municipal court. The municipal prosecutor and judge positions fall to the well-connected, and to those willing to extract the most money out of traffic and petty offenders.

Municipal courts routinely deny access to the general public, with bailiffs telling friends and family of the accused that only defendants and witnesses are allowed in the courtroom. Some courts do not allow defendants to bring in children, a constitutional violation that disproportionately harms workers and the poor, who cannot afford child care. At the same time, failing to appear in court is an offense that can lead to arrest.

Working class defendants with children thus face a Catch-22: leave their kids without supervision or risk being arrested. One defendant, Antonio Morgan,

reported to Arch City Defenders that he was denied entry to the court with his children only to be jailed subsequently for child endangerment after leaving them in the court parking lot.

Arbitrariness is another component of the St. Louis municipal courts. One Ferguson court employee told Arch City Defenders that the judge starts hearing cases 30 minutes earlier than the time when defendants are told to arrive. The same judge locks the courthouse doors as early as five minutes after court begins. In both cases, this petty tyranny on the judge's part can result in a defendant's being charged and arrested for failure to appear.

Those arrested on a warrant for failure to appear can expect to sit in jail for an extended period. None of the 81 municipal courts are open on a daily basis, with some open only once per month. Defendants who cannot afford to pay bond can stay in lockup for up to three weeks before seeing a judge.

The paper also found that those St. Louis municipalities with the lowest per capita incomes were frequently those which relied most heavily on court and traffic fines for revenue. The city of Pine Lawn, with a per capita income of just \$13,000 collected more than \$1.7 million in fines and court costs in 2013. The city issued a number of arrest warrants for 2014 that exceeded its population, 5,333 and 3,275 respectively.

In similar fashion, the municipality of Bel-Ridge manages to collect hundreds of thousands of dollars every year in municipal court fines, making the latter the number one source of revenue. The city collected an average of \$450 in court revenue per household in 2014. In 2013 the city's municipal court, on average, handled five cases and issued two arrest warrants per household.

In the same year, the Ferguson Municipal Court issued 24,532 warrants and 12,018 cases, or three warrants and 1.5 cases per household.

While the greater St. Louis area serves as a striking example of the conditions facing the working class, similar practices exist nationwide. The American Civil Liberties Union (ACLU) is helping Georgia resident Kevin Thompson sue DeKalb County for similar practices. Last year, Equal Justice Under Law and the Southern Poverty Law Center sued the city of Montgomery, Alabama for operating a similar "debtors' prison" system.



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