

Roderick & Solange

MacArthur Justice Center

ST. LOUIS

Julian Bush
Counselor for the City of St. Louis
1200 Market Street
City Hall Room 314
St. Louis, MO 63103

October 23, 2017

Apperson v. City of St. Louis
4:17-cv-02461 (E.D. MO)

Dear Mr. Bush:

Thank you for sharing word of St. Louis City's change in policy regarding Municipal Court protest matters. We were glad to receive Presiding Municipal Court Judge Newton McCoy's standing Order issued on September 28, 2017, and the Court's further-modified standing Order dated October 6, 2017.

We are pleased to know that our lawsuit on behalf of Mx. Apperson brought to the City's attention the problem of ongoing arbitrary and unfair bail practices in the Municipal Court system. As our lawsuit explained, such practices included demands for arbitrary sums of cash bail from protesters prior to their release from police custody. This occurred regardless of their ties to the community or ability to pay, rather than following the law which requires at least a presumption of release on recognizance ("ROR").

We are also glad to know that the City has revisited its cash bail practices, not just in protest cases but in all City Municipal Court matters – where an ROR presumption rule is now clearly in place. This is an important first step for reform in our City, and we are grateful to Judge McCoy for his careful reconsideration of the situation.

Further, we are glad to know the City Counselor's office will no longer follow a "zero-tolerance" or "no drop" policy for protest cases. In our experience, this policy was used unlawfully in the past to try to silence dissent and single out those who dared to speak out against police misconduct and other problems in our City and across the state.

We are similarly heartened to learn that no charges have been filed by the City Counselor's office against the first group of Stockley verdict protesters who were arrested *en masse* by the St. Louis City Metropolitan Police Department, even though they were made to appear in Municipal Court this past week. We hope the City and all of its agents ultimately come to embrace the position that peaceful protesters should never be met with custodial arrest, much less Municipal Court charges.

In light of these events – including the modification of pre-trial bail policies to which Mx. Apperson had been subject – we have withdrawn our lawsuit. The request for voluntary dismissal without prejudice was granted on Friday.

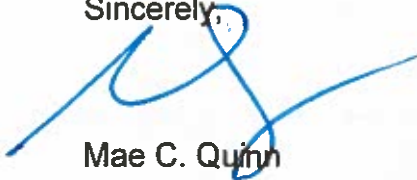
Rest assured, however, that we will continue to monitor the City's Municipal Court case processing practices. This includes the exceptions to release on recognizance policies spelled out in Judge McCoy's October 6 Order, which we also believe to be improper, and whether prolonged arrestee processing continues to be used as punishment for non-criminal protest activities.

We also plan to further monitor the City's collection of court fees and other practices for inherent conflicts of interest – such as whether Police Department officials have direct and unilateral access to the Presiding Judge for purposes of shaping court policy when others are provided no such access and opportunity.

We also have deep concerns regarding the use of force and chemical agents against protesters, including those identified in the lawsuit recently brought by the ACLU of Missouri. We will continue to closely monitor law enforcement activity, and will work with our colleagues and allies where necessary to stand up for the right of the people of St. Louis.

In closing, we thank you for your many courtesies, including sharing word of the City's new ROR default rule for police processing of protesters and others facing Municipal Court charges. Again, we hope these are first steps toward more comprehensive reforms. But we will not hesitate to take further legal action as appropriate to protect the constitutional and other rights of those who wish to publicly call for police accountability, declare that Black Lives Matter, or otherwise seek reforms in our City.

Sincerely,



Mae C. Quinn



Amy E. Breihan