

U.S.

Missouri City to Pay \$4.7 Million to Settle Suit Over Jailing Practices

By CAMPBELL ROBERTSON JULY 15, 2016

A small city bordering Ferguson, Mo., has agreed to pay \$4.7 million to compensate nearly 2,000 people who spent time in the city's jail for not paying fines and fees related to traffic and other relatively petty violations.

The agreement is part of a legal settlement that received preliminary approval in United States District Court for the Eastern District of Missouri on Wednesday, and would bring to a close a suit filed against the city of Jennings, Mo. in February 2015. The suit argued that the "Dickensian system" of jailing people, many of them poor and black, for unpaid fines and fees was unconstitutional.

The municipal courts in St. Louis County, where Jennings is located, have drawn intensive scrutiny over the past two years, including attention from the Justice Department. A lawyer involved in the suit against Jennings said that such a system is not unique to that area, and that efforts were being made to end similar practices elsewhere in the country.

"This historic settlement is part of a national movement to change how indifferent we've become to putting human beings in cages, and to end the notion that courts can be used as tools of revenue generation rather than places of justice," said Alec Karakatsanis, whose Washington-based nonprofit organization, Equal Justice Under Law, brought the suit with the Arch City Defenders, a Missouri nonprofit group, and the St. Louis University School of Law.

The suit against Jennings was filed the same day as one against Ferguson; both sought an end to some of the cities' jailing practices, as well as compensation for those who had been caught up in them. If the settlement receives final approval from Judge Carol E. Jackson at a hearing in December, it could lead to compensation for people who, combined, spent nearly 8,300 days in the city's jail between early 2010 and late 2015.

The St. Louis County court system came to national attention in summer 2014 after Michael Brown was fatally shot by a Ferguson policeman. Many of the 90 cities around the county were generating substantial proportions of their revenues by aggressively charging fines and fees for violations as minor as broken taillights. Warrants were issued for those who could not or did not pay, and jail time for unpaid traffic tickets was routine.

The courts in St. Louis city and the county collected over \$60 million in revenue in 2013, according to a report by the St. Louis-based nonprofit Better Together, with some cities depending on such fines for more than 40 percent of their general fund. The report found that the cities most dependent on such revenue were majority African-American with large impoverished populations.

Those who were fined and jailed would routinely be shuttled around the county from jail to jail on various warrants for unpaid traffic tickets. In Jennings, which has a population of roughly 14,750, the lawsuit found that the city had issued about twice as many warrants as there were households, "mostly in cases involving unpaid debt for tickets." In 2013, a 24-year-old inmate in the Jennings jail who was imprisoned for unpaid tickets hanged himself.

The plaintiffs in the suit were eight "impoverished people" who had spent time in the city jail, which was described in the suit as crowded, foul and unhealthy.

The city of Jennings agreed last year to a settlement over its jailing practices, which ended the system of putting people in jail for unpaid fines, got rid of the use of cash bail and required the court to set up a payment plan for a person who owed a fine, depending on the person's ability to pay.

A message left at the office of D. Keith Henson, a lawyer representing the city,

was not returned.

The lawsuit in Ferguson is seeking to end similar practices, some of which were resolved in a settlement between the city and the Justice Department in March. Last summer, on the eve of a new state law adding new regulations to municipal courts, cities around the county, including Ferguson, withdrew thousands of warrants.

But practices that are contested in the lawsuit remain, Mr. Karakatsanis said, and the issue of compensation has not been resolved.

A trial is set for next July. Robert T. Plunkert, a lawyer who is representing the city of Ferguson, said he could not comment as it was pending litigation.

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