

# AMENDED

NOTE: THE COMMUNITY EQUITY COMMISSION MEETING WILL BE HELD **IN-PERSON** AND VIRTUALLY VIA ZOOM (link is below).

Please note, individuals may attend in-person or virtually via Zoom. Doors will open 30 minutes prior to the start of each meeting. Due to the ongoing pandemic, occupancy will be limited to 25 attendees per meeting to accommodate social distancing. While masks are recommended, proof of vaccination will be required for individuals who wish not to wear a mask. Failure to provide proof of vaccination will require a mask to be worn while in City Hall.

When: Jan 12, 2023 05:30 PM Central Time (US and Canada)

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/88576506620>

Or One tap mobile :

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**Persons interested in making their views known on any matter on the agenda should send an email with their comments to the Assistant City Manager at [amuskopf@claytonmo.gov](mailto:amuskopf@claytonmo.gov). All comments received will be distributed to the entire Commission before the meeting.**

**Community Equity Commission  
January 12, 2023 at 5:30 PM  
City Hall, 10 N. Bemiston Avenue  
Clayton, MO 63105**

Agenda

1. Welcome and Roll Call
2. Approval of December 8, 2022 Minutes
3. Reflections: National Day of Racial Healing
4. Discussion with Faith-Based Leaders
  - a. Sharing Current Efforts
  - b. Suggestions for the Commission and City
  - c. Future Engagement with Congregation
5. Discussion on Items from the Kirkwood Human Rights Commission
  - a. Essay Contest
  - b. Human Rights Person of the Year
6. Subcommittee Updates
  - a. Communications
  - b. Municipal Court
  - c. Housing
    - i. Update on Duplexes and Granny Flats
    - ii. Update on Washington University Presentation
7. Old Business
  - a. Public Comments from December 8, 2022 Meeting
8. Public Comment
9. Comments from Members
10. Next Meeting: Thursday, February 9 at 5:30 pm
  - a. Update on School District of Clayton Efforts
  - b. Update on Washington University Efforts
11. Adjourn

**The City of Clayton  
Community Equity Commission  
Virtual Zoom Meeting  
December 8, 2022**

Minutes

The meeting was called to order at 5:38 pm.

**Roll Call**

Present: Ben Uchitelle (Chair), Stuart Berkowitz, Chris Schmiz, Ted Wheeler, and JoAnna Schooler (ex officio).

Additional: Alderwoman Buse, Alderman Gary Feder, City Manager David Gipson, and Assistant City Manager Andrea Muskopf

**Approval of November 10, 2022 Minutes**

Chris Schmiz moved to approve the minutes. Stuart Berkowitz seconded the motion. Minutes accepted and approved.

**Reflection: International Day of Persons with Disabilities**

Chris Schmiz led the Reflection.

**Update on Engagement of Faith-Based Organizations for January 12, 2023 Meeting**

Members provided updates on their outreach efforts.

**Update on Meeting with the Kirkwood Human Rights Commission**

Members reviewed the notes from the meeting with Kirkwood Human Rights Commission and discussed practices and programs currently utilized by the Kirkwood Human Rights Commission that they might like to consider recommending moving forward.

**Update on the St. Louis County Historical Marker**

The Marker was removed in November following the request of the Community Equity Commission, Mayor, and Board of Aldermen.

**Discussion on Presentation from the American Jewish Committee – St. Louis**

Members discussed the presentation from the American Jewish Committee – St. Louis at the November 10, 2022 meeting. Ben Uchitelle will reach out to the School District of Clayton to get an update on their efforts and JoAnna Schooler will provide update on Washington University's efforts at the next meeting.

**Subcommittee Updates**

Chris Schmiz provided update from the Communication Subcommittee.

Stuart Berkowitz provided an update from the Municipal Court Subcommittee. The Subcommittee expects to make a report and recommendations prior to the January 12, 2023 meeting and discuss with the Commission at the February 9, 2023 meeting.

**Old Business**

**Public Comments**

There were no public comments during the November 10, 2022 meeting.

**Public Comment**

Kathleen Gund clarified that the upcoming Washington University event is not open to the public and recognized the supportive showing from Clayton representatives, who have registered for the event.

**Comments from Members**

City Manager Gipson shared that the Board of Aldermen will consider restructuring the appointment process for the Prosecuting Attorney at their December 13 meeting. If adopted, the City would utilize the same RFQ process recommended by the Community Equity Commission for the Municipal Judge appointment process.

JoAnna Schooler shared information about Washington University's MLK Day event. She will pass along the information to Chris Schmiz and Assistant City Manager Muskopf for inclusion in the City's e-newsletter.

**Next Meeting Date**

The next meeting is scheduled for January 12, 2023 at 5:30 pm.

**Adjourn**

Having no other business, the meeting adjourned at 6:42 pm.



Clayton Community Equity Commission  
January 12, 2023  
Reflection

*We begin this meeting by acknowledging that we are on the traditional homelands of Osage Nation, Missouriia, and Illini Confederacy.*

*We pay respect to elders both past and present, and we thank them for their hospitality and stewardship of this land.*

January 17<sup>th</sup>

National Day of Racial Healing

*“January 17, 2023, marks the seventh annual National Day of Racial Healing. It originated as part of the W.K. Kellogg Foundation’s national Truth, Racial Healing & Transformation efforts.*

*On this day, individuals, organizations and communities across the U.S. come together to build the relationships necessary to create a more just and equitable world.*

*Racial healing is a tool and a process for celebrating our common humanity, acknowledging the truths from our shared history, and recognizing our collective potential. Through racial healing, we can forge deep, meaningful relationships, lay the groundwork to transform broken systems, and bridge the divides to transform communities for our children and future generations. Racial healing is not only important, but also essential. Because healing is at the heart of racial equity.”\**

*\*National League of Cities*

To heal means to  
return to wholeness

*Racial healing is:*

- *the people-work that leads to the transformation of systems;*
- *the telling of hard truths about past wrongs and present consequences;*
- *repairing the harm of racism;*
- *authentic relationship-building across real and perceived differences.*

## *Examples of Healing Events Across the Country*

### Chicago 2022 Event



The healing power of story. In Chicago, the Woods Fund partnered with two premiere cultural institutions – the Goodman Theater and the National Museum of Mexican Art – to host Sisters in Story. Fifteen women from diverse backgrounds shared memories of racialized experiences in front of a standing-room-only crowd.

## 2023 Events

- Equitable Dinners Atlanta
- Michigan: Lifting Our Voices For Equity - L.O.V.E.(Burmese Community near Battle Creek)
- Ohio State University: Healing form Racial Battle Fatigue

Find more:

<https://healourcommunities.org/day-of-racial-healing/events/>



Communities coming together

#changingthenarrative

*The W. K. Kellogg Foundation in partnership with NBC Universal are documenting powerful stories of communities across the country where people are working together to create lasting change.*

*View online:*

- <https://healourcommunities.org/day-of-racial-healing/watch/>



*“Racial healing starts with everyone showing up.”*”

W.K. Kellogg Foundation, Truth, Racial Healing & Transformation

## 2022 Annual Report of the Municipal Court Subcommittee

### Background

The Subcommittee of the Municipal Court of the CEC was formed shortly after the CEC was formed and held its first meeting in March, 2020. The equitable administration of justice is one of the core foundations of any community that aspires to be fair, even-handed, and welcoming to all. It requires constant self-examination, communication, and sometimes changes consistent with the collaborative spirit of reducing bias and resulting inequality and, in the context of law enforcement and the administration of justice, inequality in the justice system.

Municipal courts sit in an often over looked hierarchy of the system of justice. The circuit courts deal with two types of cases-civil and criminal. Civil cases involve disputes between private litigants such as individuals or corporations. Criminal cases are prosecuted by prosecutors in the name of the State of Missouri with the possibility of the penalty of jail time.

Municipal courts are unique in several respects:

First, they are not civil courts in which private parties may seek to litigate their disputes.

Second, all cases are brought by the city that created its own court. All cases are based upon violation of city ordinances.

Third, while the State of Missouri allows municipalities to charge minor misdemeanors that may include jail time, as a practical matter, Clayton does not have a jail and does not have the resources to incarcerate people, except detaining an individual for a short time before either released or processed to St. Louis County.

Fourth, approximately 90% of defendants in Clayton's court are charged with a minor traffic violation, 90% are nonresidents of Clayton, and many of lower income.

Fifth, the primary purpose of municipal charges is to encourage compliance with city ordinances. As made clear by the Missouri Supreme Court, municipal courts, prior to Ferguson, strayed from their prior limited noncriminal purpose thru excessive fines, court costs and bench warrants.

Following the Ferguson publicity, the Department of Justice issued a critical report that recommended major reforms. The Missouri Supreme Court created a Commission which issued a report that recommended changes in the operation of municipal courts, focusing on limiting fines and court costs designed to increase general revenue and the issuance of bench warrants to aid that goal. The Supreme Court adopted those recommendations which are contained in Appendix A to subdivision 37.04 of Rule 37 of the Supreme Court.

In this light, municipal courts, particularly Clayton's court, are more analogous to courts of equity where principals of equity should dominate the operations of municipal courts.

Before we turn to our recent review of Clayton's municipal court we first summarize our prior reports. Following that is a summary of our efforts to review the operations of the municipal court and what led to the following recommendations.

### Summary of Prior CEC Municipal Court Reports

During the term of Joe Dulle as Clayton's municipal judge, the subcommittee received full and comprehensive summary data and state compliance reports. The committee met with the clerk and Mr. Dulle. Much of the discussion centered on the issuance of bench warrants in traffic cases. The data was consistent with the Missouri Supreme Court's minimum standards that bench warrants in traffic cases be issued in only exceptional circumstances.

Judge Dulle agreed that the issuance of bench warrants prior to Ferguson was often used by other municipal courts to coerce defendants to pay often exorbitant fees and fines to supplement municipal coffers. Fortunately, revenue enhancement has never been a factor in Clayton's court administration. As a consequence we discussed at length the appropriate use of the Court's inherent power of issuance of a bench warrant for failure to appear.

We discussed the primary purpose of traffic citations is to achieve compliance with traffic rules. The abuse of bench warrant power has had the direct consequence of criminalizing a civil matter. Likewise, bench warrants disproportionately negatively impact people of color and people of lower income. They are unrepresented, less likely to understand how the court system works, and often physically and financially unable to appear twice or even once at 6:00 P.M. on a particular Wednesday. There are many legitimate reasons, including clerk error in sending proper notice, why a defendant fails to appear.

The collateral consequences are severe. The bench warrant is typically executed during a roadside stop with the defendant held in detention until directed by the issuing jurisdiction, the car towed and the consequent emotional trauma of being arrested.

Because of the well documented abuse of this power to issue bench warrants, the Missouri Supreme Court issued Standard #1 limiting the municipal judges bench warrant power in minor traffic infractions and in other cases only upon "reasonable grounds" that the defendant will not appear or presents a danger.

As stated earlier, approximately 90% of defendants are non-residents of Clayton, most cases involve vehicle license compliance issues together with ability to pay. We also know lower income people are disproportionately impacted by bench warrants. This data requires us to carefully review our Court's bench warrant policies from an equity lens.

We learned that at the beginning of the pandemic shut down, Judge Dulle retracted all outstanding bench warrants. When Ms. Garnholz assumed the judgeship we are unaware of any outstanding bench warrants.

#### Efforts To Dialogue With Judge Garnholz

Several months ago we requested that the Clerk provide us with updated data regarding charges and bench warrants. In due course we were provided the requested information. The data encompassed a full year of Judge Garnholz's tenure. The data reflected that during the 12 month period encompassing October, 2021 thru September, 2022 showed, in part, the following:

1. There were a total of 1,963 new cases of which 1,824 were traffic.
2. During the same 12 month period there were 976 bench warrants issued.
3. The Court held session the first and third of Wednesday each month at 6:00 for a total of 24 sessions.
4. On 8 sessions there were at least more more than 50 bench warrants issued and twice more than 100. On the second docket in November, 2021 there were 195 bench warrants issued. On the second docket in April, 2022 there were 139 bench warrants issued.

The chart provided by the Clerk is attached to this report.

Because both the number and percentage of bench warrants issued seemed inconsistent with the Supreme Court's standards, prior historical data, possible clerk error in sending notice raising serious constitutional due process issues, we requested that Judge Garnholz meet with us and discuss this data. Judge Garnholz declined to meet with us. However, at her direction, we requested additional information from the Court Clerk. Unfortunately, none of the requested information was released.

We have tried to obtain information elsewhere to help us understand the sharp increase in bench warrants issued and outstanding without success.

#### Meeting With Chief Smith

Chief Smith told us he has no direct knowledge respecting Judge Garnholz's bench warrant policies.

We discussed several areas, however, that directly impact the issue of bench warrants.

Bench warrants are reported to the REGIS data center. Any law enforcement department can subscribe to REGIS and all in the St. Louis region do so. Most individuals are unaware that there is an outstanding bench warrant. The individual is normally made aware of the warrant upon a roadside traffic stop. The individual is detained until directions from the municipal police department where the bench warrant has been issued. The individual is typically arrested, handcuffed and placed in a detention cell. The person's car is often towed. The person will be detained until the cooperating department receives instructions.

Despite request, no information has been provided as to how many people with bench warrants have been detained and for how long. It is unknown Judge Garnholz's availability to resolve bench warrants without incarceration.

Chief Smith does not have the resources or manpower to execute on bench warrants based on traffic citations, unless there are exceptional circumstances. The bench warrant, however, remains in the REGIS system unless recalled or cancelled by the judge. The individual remains at risk of being arrested and detained. Standard #1 requires the municipal judge to have a procedure for recalling and cancelling bench warrants. It is unknown whether the Clayton Municipal Court has complied with Standard #1.

#### Meeting With Prosecutor Attorney Crotzer

We have met with Clayton's long time prosecuting attorney Darold Crotzer, a position he has held for over 30 years. He sits in a separate room and as a result he was unable to enlighten us regarding the current court's bench warrant policy.

Mr. Crotzer stated that he views the municipal courts as courts of equity. He sees the role of the prosecutor attorney to reach equitable results that make sense both for the City's goal of compliance and the defendant learns not to make the same mistake again. We agree with his view that municipal courts are most analogous to courts of equity.

#### Summary

The Committee took note of the recent and sustained increase of the Clayton Court issuance of bench warrants. As a result we attempted to determine their cause and effect to ensure

equity in our administration of justice in our court system. This committee has not been allowed to access information to understand the bench warrant data.

If current trends continue the Clayton Municipal Court will have 1,500 outstanding bench warrants by March, 2023. Each of these 1,500 individuals are at risk of arrest upon a police roadside stop throughout the St. Louis area. Our committee remains concerned and committed to ensure equity in our municipal court.

#### Recommendations To BOA

1. We recommend that an immediate inquiry be made, consistent with the Supreme Court's minimum standards, concerning the Clayton Court's issuance of bench warrants.
2. We recommend that principals of equity and transparency, consistent with the Ferguson reforms, be imbedded in the selection of Clayton's judge. We
3. We recommend that a member of this CEC be included in the selection committee to assist in the evaluation of applicants.

Respectively submitted,

Stuart Berkowitz, Frances Pires and Lauren Rodriguez-Goldstein

## MUNICIPAL DIVISION SUMMARY REPORTING

	New Cases			Outstanding EOM			Warrants		Collections		Parking	
	Alcohol & Drug	Traffic	Non-Traffic	Alcohol & Drug	Traffic	Non-Traffic	Issued	Outstanding	Fines	Court Costs	New Tickets	Amount
Oct 21- IMDS	0	0	0	33	957	226	4	74	\$0.00	\$0.00	2,355	\$50,548.00
Oct- SMC	1	140	16	26	943	213	79	208	\$15,834.50	\$6,391.50	0	\$0.00
<b>OctTotal</b>	<b>1</b>	<b>140</b>	<b>16</b>	<b>59</b>	<b>1,900</b>	<b>439</b>	<b>83</b>	<b>282</b>	<b>\$15,834.50</b>	<b>\$6,391.50</b>	<b>2,355</b>	<b>\$50,548.00</b>
Nov 21- IMDS	0	0	0	32	526	212	4	75	\$150.00	\$53.00	2,092	\$54,461.00
Nov- SMC	3	230	7	25	1,038	208	195	384	\$19,567.00	\$7,526.00	0	\$0.00
<b>Nov Total</b>	<b>3</b>	<b>230</b>	<b>7</b>	<b>57</b>	<b>1,564</b>	<b>420</b>	<b>199</b>	<b>459</b>	<b>\$19,717.00</b>	<b>\$7,579.00</b>	<b>2,092</b>	<b>\$54,461.00</b>
Dec 21- IMDS	0	0	0	32	508	206	31	103	\$650.00	\$1,003.00	1,927	\$42,758.50
Dec- SMC	1	156	4	24	1,077	203	55	427	\$17,961.00	\$6,790.00	0	\$0.00
<b>Dec Total</b>	<b>1</b>	<b>156</b>	<b>4</b>	<b>56</b>	<b>1,585</b>	<b>409</b>	<b>86</b>	<b>530</b>	<b>\$18,611.00</b>	<b>\$7,793.00</b>	<b>1,927</b>	<b>\$42,758.50</b>
Jan 22- IMDS	0	0	0	32	506	206	1	102	\$4,450.00	\$0.00	1,210	\$41,153.00
Jan- SMC	3	89	8	27	1,070	209	79	474	\$7,548.00	\$2,278.00	0	\$0.00
<b>Jan Total</b>	<b>3</b>	<b>89</b>	<b>8</b>	<b>59</b>	<b>1,576</b>	<b>415</b>	<b>80</b>	<b>576</b>	<b>\$11,998.00</b>	<b>\$2,278.00</b>	<b>1,210</b>	<b>\$41,153.00</b>
Feb 22- IMDS	0	0	0	32	489	206	2	101	\$0.00	\$0.00	1,152	\$32,930.00
Feb- SMC	1	147	8	27	1,155	208	2	454	\$1,981.00	\$5,434.50	0	\$0.00
<b>Feb Total</b>	<b>1</b>	<b>147</b>	<b>8</b>	<b>59</b>	<b>1,644</b>	<b>414</b>	<b>4</b>	<b>555</b>	<b>\$1,981.00</b>	<b>\$5,434.50</b>	<b>1,152</b>	<b>\$32,930.00</b>
Mar 22- IMDS	0	0	0	31	488	205	2	101	\$70.50	\$26.50	2,189	\$46,920.00
Mar- SMC	2	139	4	26	1,183	208	99	521	\$11,482.00	\$4,228.50	0	\$0.00
<b>Mar Total</b>	<b>2</b>	<b>139</b>	<b>4</b>	<b>57</b>	<b>1,671</b>	<b>413</b>	<b>101</b>	<b>622</b>	<b>\$11,552.50</b>	<b>\$4,255.00</b>	<b>2,189</b>	<b>\$46,920.00</b>
Apr 22- IMDS	0	0	0	31	488	205	4	103	\$300.00	\$53.00	2,892	\$56,220.00
Apr- SMC	2	241	15	26	1,306	210	139	621	\$13,170.00	\$4,774.00	0	\$0.00
<b>Apr Total</b>	<b>2</b>	<b>241</b>	<b>15</b>	<b>57</b>	<b>1,794</b>	<b>415</b>	<b>143</b>	<b>724</b>	<b>\$13,470.00</b>	<b>\$4,827.00</b>	<b>2,892</b>	<b>\$56,220.00</b>
May 22- IMDS	0	0	0	31	488	202	7	102	\$0.00	\$0.00	2,173	\$58,620.00
May- SMC	1	178	10	25	1,327	208	51	633	\$12,899.50	\$4,866.00	0	\$0.00
<b>May Total</b>	<b>1</b>	<b>178</b>	<b>10</b>	<b>56</b>	<b>1,815</b>	<b>410</b>	<b>58</b>	<b>735</b>	<b>\$12,899.50</b>	<b>\$4,866.00</b>	<b>2,173</b>	<b>\$58,620.00</b>
Jun 22- IMDS	0	0	0	31	488	202	8	103	\$100.00	\$26.50	2,677	\$61,240.00
Jun- SMC	4	161	15	25	1,333	216	114	707	\$12,170.00	\$3,598.00	0	\$0.00
<b>Jun Total</b>	<b>4</b>	<b>161</b>	<b>15</b>	<b>56</b>	<b>1,821</b>	<b>418</b>	<b>122</b>	<b>810</b>	<b>\$12,270.00</b>	<b>\$3,624.50</b>	<b>2,677</b>	<b>\$61,240.00</b>
Jul 22- IMDS	0	0	0	31	487	195	3	102	\$318.50	\$53.00	2,200	\$57,942.00
Jul- SMC	0	177	11	24	1,395	220	37	726	\$18,685.00	\$6,619.00	0	\$0.00
<b>Jul Total</b>	<b>0</b>	<b>177</b>	<b>11</b>	<b>55</b>	<b>1,882</b>	<b>415</b>	<b>40</b>	<b>828</b>	<b>\$19,003.50</b>	<b>\$6,672.00</b>	<b>2,200</b>	<b>\$57,942.00</b>
Aug 22- IMDS	0	0	0	31	487	195	4	101	\$376.50	\$79.50	2,649	\$56,505.00
Aug- SMC	2	166	21	23	1,430	226	56	752	\$16,686.00	\$6,433.00	0	\$0.00
<b>Aug Total</b>	<b>2</b>	<b>166</b>	<b>21</b>	<b>54</b>	<b>1,917</b>	<b>421</b>	<b>60</b>	<b>853</b>	<b>\$17,062.50</b>	<b>\$6,512.50</b>	<b>2,649</b>	<b>\$56,505.00</b>
Sep 22 IMDS	0	0	0	31	487	196	5	103	\$0.00	\$0.00	2,354	\$51,199.75
Sep- SMC	2	212	13	24	1,515	229	53	777	\$23,695.00	\$6,549.06	0	\$0.00
<b>Sep Total</b>	<b>2</b>	<b>212</b>	<b>13</b>	<b>55</b>	<b>2,002</b>	<b>425</b>	<b>58</b>	<b>880</b>	<b>\$23,695.00</b>	<b>\$6,549.06</b>	<b>2,354</b>	<b>\$51,199.75</b>
<b>Fiscal Year Total</b>	<b>22</b>	<b>2,036</b>	<b>132</b>				<b>1,034</b>		<b>\$178,094.50</b>	<b>\$66,782.06</b>	<b>25,870</b>	<b>\$610,497.25</b>

End of FY