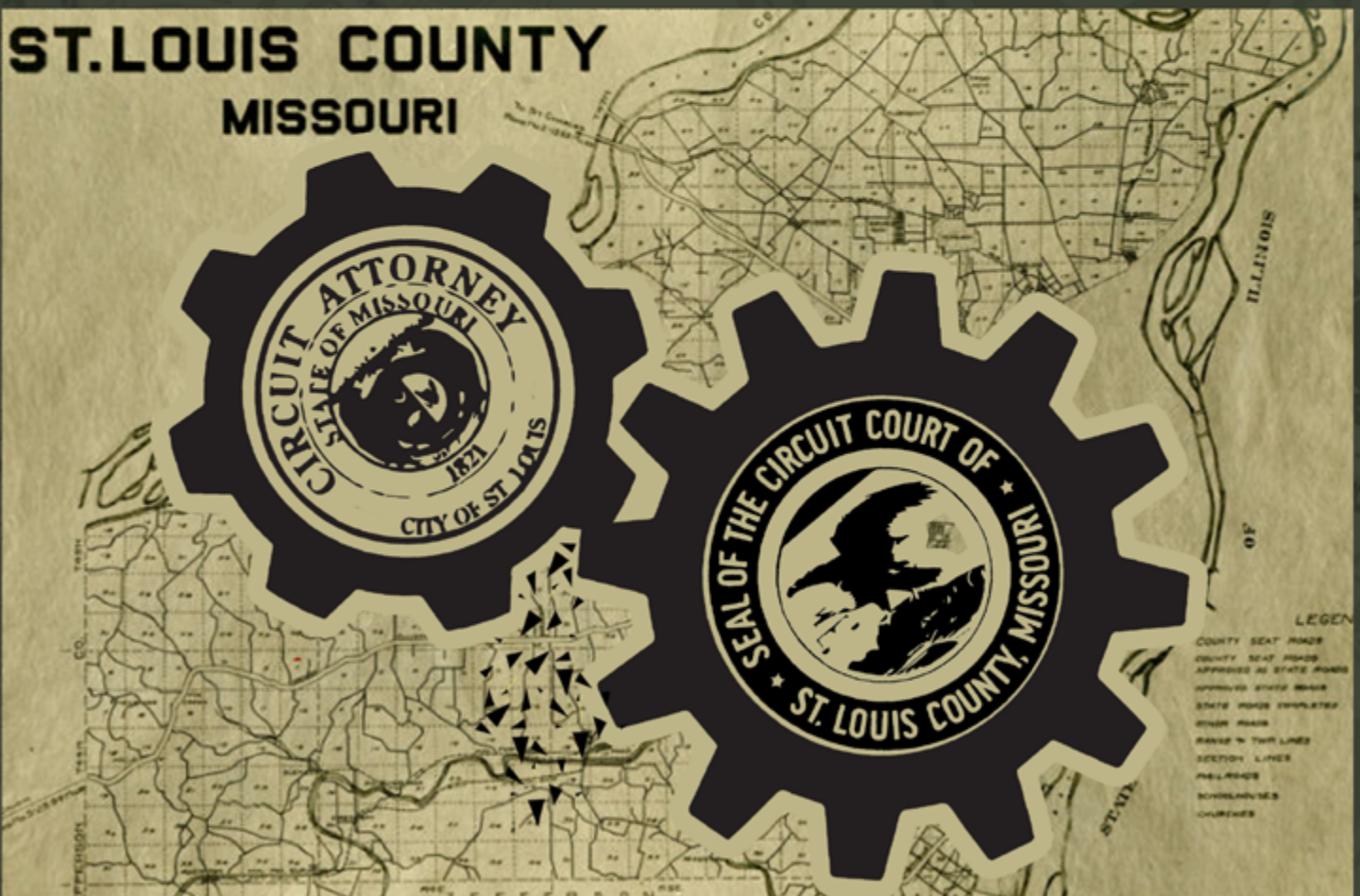


PROSECUTOR WATCH

ASSESSING THE PRACTICES OF THE
ST. LOUIS COUNTY PROSECUTING ATTORNEY'S OFFICE

FULL TEXT EDITION

**ST. LOUIS COUNTY
MISSOURI**



PROSECUTOR ORGANIZING TABLE

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INTRODUCTION

The killing of Michael Brown, Jr. and the subsequent decision not to indict his killer, former police officer Darren Wilson, sparked a nationwide conversation around the carceral state and the need for reform. Progressives across the country began running on platforms that focused on major public safety reforms, including in the offices of prosecuting attorneys. The phrase “Progressive Prosecutor” is often used to describe prosecutors who understand how the criminal justice system has been used in unfair and racist ways and has resulted in injustices, especially to defendants of color.¹ This is a label that has frequently been applied to Wesley Bell during his tenure as St. Louis County Prosecuting Attorney. Bell ran against incumbent St. Louis County Prosecutor Bob McCulloch, promising an alternative to the tough-on-crime philosophy that had long prevailed in the region. Bell’s promises of collaborative reform drew support from many community members, including community organizations that knocked doors, made phone calls, and led campaigns to bring change to the prosecutor’s office. Following that effort, Bell secured a victory in the 2018 Democratic primary and general election.

Since forming the Prosecutor Organizing Table (“the Table”) in 2020, our organizations have seen a gap between what prosecutors have promised and what they have prioritized while in office. We aim to hold local prosecutors accountable to their promises of progressive policies through public education, evaluation, and sustained pressure.

The organizations that make up the Table include: Action St. Louis, ArchCity Defenders, Forward Through Ferguson, Freedom Community Center, Missourians to Abolish the Death Penalty, Organization for Black Struggle, and Roderick & Solange MacArthur Justice Center.

In August 2022, the Table began reviewing Wesley Bell’s tenure as prosecutor. The timeline below highlights the lengthy process we undertook to gather this information, and the results. Some of these results are a far cry from the progressive promises made to community members. For instance, as of July 09, 2024, the jail population in St. Louis County reached the exact same level we saw in 2018, Bob McCulloch’s last year in office.

Early on, Bell cast himself as a progressive looking to make fundamental changes to the way that the St. Louis County Prosecutor’s office operated. In his first few months in office, Bell gave a speech in which he proclaimed, “You

are never truly free if your brother is in chains” and called the criminal justice system one of the “greatest ills of our society.”² He promised changes to address some of the key issues that plague the criminal legal system, including overcharging, lack of transparency, reliance on cash bail, and criminalization of poverty, drug use, and mental health illness.

This report and a shorter, summarized version focus on the degree to which the five-year record of the St. Louis County Prosecuting Attorney’s office under Bell’s leadership aligns with, or departs from, those initial promises. The report includes an assessment of data from Bell’s office and freedom of information requests, independent research, as well as lived experience from people impacted by the carceral system. Following that assessment, we have included recommendations for shifting policies and practices towards a survivor-centered approach to restorative justice to decarcerate and address violence at its core. The full report is available online at www.prosecutorwatchstl.org

The Table evaluated Bell along the five key metrics mentioned in our first publication, “Prosecutor Watch – An Introduction.” These are: 1) transparency, 2) charging decisions, 3) pretrial detention, 4) convictions and sentencing, and 5) commitment to community-based alternatives. Over the course of the last two years, members of the Table engaged Bell’s office through various channels, asking questions and seeking data across all five key metrics. Our report-back from these communications – including the responses provided by Bell and his staff – are reflected in our top findings.

We note at the outset that some of the issues and questions raised by the Table went unanswered. In our view, this raises serious concerns about the office’s commitment to prosecutorial transparency.

COMMUNICATION TIMELINE

Data Collection: St. Louis County Prosecuting Attorney's Office

In August 2022, the Prosecutor Organizing Table began assessing the policies and practices of St. Louis County Prosecuting Attorney Wesley Bell's office. The following is a timeline of engagement between the Prosecutor Organizing Table and the St. Louis County Prosecuting Attorney's office.

August 8, 2022: The Prosecutor Organizing Table requested data via email from Samantha Stangl, then Director of Data and Strategic Partnerships for the St. Louis County Prosecuting Attorney's office.

September 26, 2022: Stangl responded to a Table member request with a three-page Google document.³

April 11, 2023: The Table reached out via direct communication to request an in-person meeting between the Prosecutor Organizing Table and the St. Louis County Prosecuting Attorney's office.

August 11, 2023: The Table confirmed via email that a meeting between the Prosecutor Organizing Table and the St. Louis County Prosecuting Attorney's office would be scheduled for August 24, 2023.

August 24, 2023: The Table met in-person with the St. Louis County Prosecuting Attorney's office to present a list of priorities and questions.

September 14, 2023: The Table reached out via email to request data on their policies, procedures, and practices as they relate to the Table's five key metrics. The email also contained a request for a meeting with Danielle Smith, Director of Diversion for the St. Louis County Prosecuting Attorney's office.

October 2, 2023: The Table reached out via email to request data on diversion practices as well as a meeting with Danielle Smith, Director of Diversion for the St. Louis County Prosecuting Attorney's office

October 3, 2023: The Table sent an email to Wesley Bell, St. Louis County Prosecutor, which requested information, outlined demands, and named a timeline for response from the St. Louis County Prosecuting Attorney's office

November 20, 2023: The Table reached out via email to request a response to the Table's demands from October 3, 2023.

December 13, 2023: The Table reached out via email to request a response to the Table's demands from October 3, 2023.






January 3, 2024: Andrea Harrington, Deputy Chief of Staff for the St. Louis County Prosecuting Attorney's office, called a member of the Table to notify the group that a response from the office was incoming.

January 10, 2024: The St. Louis County Prosecuting Attorney's office sent an email with their official response to the Table's demands.

OUR FINDINGS

The Prosecutor Organizing Table raised a number of issues regarding the policies and practices of Bell's office as they relate to the Table's five primary metrics. Some of these issues were raised as questions and others were presented in demands from the Table with a request for response from the Prosecuting Attorney's office.












We present all of these issues below in the form of questions for consistency and clarity. We have categorized the responses we received from the St. Louis Prosecuting Attorney's office as follows:

-  **No response or No record**
-  **Partial response**
-  **Outdated response**
-  **Full response**
-  **Missing data**

Finally, we include recommendations for the St. Louis County Prosecuting Attorney to implement in order to shift policies and practices towards a survivor-centered approach to restorative justice. Our recommendations are categorized as follows:

-  **Increase transparency**
-  **Transform policy or practice**
-  **Follow up with updates**
-  **Share data**

1. TRANSPARENCY

Issue Raised	Response	Our Recommendation
<p>Does the St. Louis County Prosecuting Attorney's office keep a Brady List?</p> <p><i>*A Brady List is a compilation of information used to identify police officers with a history of misconduct, complaints, criminal convictions, use-of-force reports, and more.</i></p>		<p> Share whether or not Bell's office keeps a Brady list. Updating and sharing Brady lists and related policies is critical to prosecutorial transparency not only because prosecutors are constitutionally required to maintain these lists, but also because they are vital to the defense of people accused of crimes. When prosecutors fail to accurately maintain and disclose Brady lists, innocent people can be wrongfully convicted and incarcerated.</p>
<p>Does Bell's office retain a lobbyist?</p>		<p> Share whether or not Bell's office retains a lobbyist(s) on staff or by contract. Prosecutor's offices in Missouri routinely lobby legislative bodies to express support of or opposition to criminal justice bills.</p>
<p>What process does Bell's office use to collect data?</p>	<p> Bell's office recently created a data manager position to audit and establish data collection protocols.</p>	<p> Share updates about data collection protocols and subsequent data collected.</p>
<p>What process does Bell's office use to respond to Sunshine record requests?</p>		<p> Share whether or not Bell's office has a dedicated team responsible for handling Sunshine requests, how often the office denies requests and reasons for doing so, and whether they charge for requests.</p>
<p>What process does Bell's office use to investigate police use of force incidents?</p>	<p>  Bell's office cited the 2020 launch of the Conviction and Incident Review Unit (CIRU) charged with investigating "claims of innocence, allegations of misconduct by police officers and public officials, including officer-involved shootings, allegations of excessive force, certain deaths in custody, and other public official misconduct or criminal allegations." They mentioned 84 conviction review cases that hadn't yet been addressed.</p>	<p> Bell's office has complied with best practices by appointing a past criminal defense attorney to lead the CIRU. But by combining conviction review with investigations of police misconduct and public corruption—a highly atypical move for a prosecutor's office—Bell's office has ended up doing very little conviction review. If the unit is too busy with police misconduct and public corruption to conduct conviction review, that points to serious problems both in the structure of the unit and in the convictions caused by so much police misconduct.</p>

2. CHARGING DECISIONS

Issue Raised	Response	Our Recommendation
<p>What are the St. Louis County Prosecuting Attorney's rates of declining charges?</p>	<p>🧩 Bell's office stated that they are revising data collection practices to accurately capture case outcome.</p>	<p>🧩📄 Continue to revise data collection practices in order to share data about case declination rates.</p> <p>📣 Reduce the number and severity of prosecutions. This is a first step in any shift towards "progressive" prosecution.</p>
<p>Does Bell's office seek the death penalty?</p>	<p>✅</p>	<p>🗑️ Bell has publicly opposed the death penalty and has not sought to impose the death penalty while in office. But Bell promised not just to avoid seeking the death penalty – he also promised to review past cases that sent people to death row. We would like to see bolder and more consistent efforts to review such cases.</p>
<p>What is Bell's office's record of prosecuting victimless crimes and crimes of poverty?</p>	<p>🧩 The PAO provided some figures on prosecuting certain charges and stated his intent to expand diversion.</p>	<p>📄 Share data about rates of prosecuting victimless crimes and crimes of poverty. We have observed troubling practices in court, including felony prosecution for simple drug possession, and the prosecution of other victimless crimes. We also know that the jail population includes about 400 people who are charged with Felony D or below.</p>
<p>What is Bell's office's record of criminalizing protest?</p>	<p>🧩 The PAO stated they refused 41% of referrals from police during protests stemming from the death of George Floyd.</p>	<p>🗑️ Share Bell's office's full record of criminalizing protest. The fact that 59% of George Floyd related protest charges were not declined is a concerning sign and only accounts for one brief period of time.</p>
<p>What is Bell's office's record of adding Armed Criminal Action (ACA) charges?</p> <p><i>*Armed Criminal Action is defined as the intent to commit a crime with a dangerous instrument or deadly weapon. Many prosecutors routinely add this charge for any alleged crime involving a vehicle.*</i></p>	<p>🔍 Bell's office responded that they can't capture this data.</p>	<p>📄📣 Share Bell's office's record of adding ACA charges, and stop filing these charges. We have seen Bell's office pursuing armed criminal action charges alongside felonies ranging from class A to class E, including for cases as simple as driving charges or resisting arrest. These ACA charges are often used as a tool to pressure people into taking plea agreements.</p>

3. PRETRIAL DETENTION

Issue Raised	Response	Our Recommendation
What are the St. Louis Prosecuting Attorney's office's rates of recommending release, no bond, and monetary bond at bail hearings?	✗	📊 Bell's office should track the rate in which they recommend bail and reduce the use of recommendations of bail and pretrial detention and supervision. Right now, the pretrial detention population is at its highest in years, and the overall jail population is at the same level it was in Bob McCulloch's last year in office.
How frequently does Bell's office seek summons vs. warrants?	✗	📢 Bell's policies state that "APAs [Assistant Prosecuting Attorneys] shall request summons, and not warrants, on all D and E felony offenses" as well as all misdemeanor cases. Right now, however, nearly 40% of the jail population is made up of people charged with a Felony D or below. The office's practice needs to line up with its policy, and they need to share data confirming that practices have changed.
How long are people detained in jail?	✔	📢 We know from jail population data that the average length of stay is at least 98 days. Bell's office should adhere to speedy trial rules and work to resolve cases faster. One day in jail could increase the likelihood of people losing their livelihood and social support.

4. CONVICTION & SENTENCING

Issue Raised	Response	Our Recommendation
How frequently does the St. Louis Prosecuting Attorney's office recommend concurrent sentences vs. consecutive sentences?	🔍 The office only responded that there is no written policy.	📢 Bell's office does not provide data on their sentencing recommendations. We call on Bell's office to increase their use of concurrent sentences or probation as an alternative to incarceration and to track their recommendations. We also call on Bell's office to release internal data on sentencing recommendations, as well as a plan for dramatically reducing the number of people incarcerated for probation violations.
What is Bell's office's policy with respect to juvenile life without parole (LWOP)?	🔍 The office did not communicate a formal policy and could not share any LWOP data for juveniles.	📢 Bell's office has shown little support for juveniles previously sentenced to life without parole (LWOP). The United States remains the only country in the world that sentences people to life without parole for crimes they committed when they were under 18. These sentences fall highly disproportionately on Black children. 📊 Bell did not provide data with respect to how often his office seeks life sentences for people under 18. The office must provide this data.
How frequently does Bell's office use the Conviction and Incident Review Unit?	✔🔍 Since the program was launched in 2020, the unit has investigated 49 allegations of public corruption, 69 allegations of misconduct by police, 22 investigations of excessive force, and 25 investigations of officer-involved shootings. The addition of a part-time prosecutor will help the unit to work through the 84 pending requests for conviction review.	📢 Bell's office has complied with best practices by appointing a past criminal defense attorney to lead the CIRU (Conviction and Incident Review Unit). But it has not fully staffed a conviction integrity unit nor fulfilled the promise of substantial conviction review. By combining conviction review with investigations of police misconduct and public corruption—a highly atypical move for a prosecutor's office—Bell's office has done very little conviction review while the unit's other work moves forward publicly.



5. COMMITMENT TO COMMUNITY-BASED ALTERNATIVES

Issue Raised	Response	Our Recommendation
<p>What efforts has Bell's office made to develop relationships with social service organizations?</p>	<p>✔ We collaborate with a diverse array of community partners who provide services. I have attached a sample of community partners available to take referrals from our diversion programs."</p>	<p>📢 We expect that prosecutors form relationships with community-based organizations to divert serious cases throughout the legal system from pre-plea to post indictment. Although Bell has responded with a list of community organizations, to our knowledge, his office's relationships with those community organizations does not include the diversion of cases for dismissals or non-carceral solutions. Rather, the County Prosecutor works with these organizations for case management and centers the diversion within the prosecutor's office.</p> <p>Rather than viewing diversion as a process that comes from within the prosecutor's office and only applies to a narrow set of cases, Bell's office should move in the direction of prosecutors such as Eric Gonzalez in Brooklyn. Gonzalez's action plan states, "The DA's office should consistently seek to resolve cases through community-based interventions...making incarceration and conviction options of last resort."⁴ In pursuing this model, St. Louis County can "make jail the 'alternative'."⁵</p>
<p>What is Bell's office's record of implementing diversion programs and non-carceral solutions?</p>	<p>✔ "In addition to pre-arrest, pre and post charge diversion, my office seeks to establish 'non-jail resolutions at every juncture' in cases involving non-violent offenses through the specialty courts and traditional prosecution process."</p>	<p>📢 The prosecutor's budget shows roughly 600 people going through its diversion programs annually. While this may appear to be a large number, it represents only about one in 20 cases that Bell's office reviews each year. Bell's office must increase its dismissal rates, which would reduce the need for diversion at all and would prevent such programs from having a net-widening effect. And by dismissing cases once people have engaged with community programming outside of the prosecutor's office, his office can increase the reach of diversion, including restorative and transformative justice.</p> <p>📊 We also recommend that Bell's office produce data about the success of their diversion process. They must keep and share good data on dismissals, recommendations for diversion and community programming, and recommendations for incarceration after such programming.</p>

Transparency

At the start of his tenure, Bell's office stated it was "committed to transparency at every step."⁶ While Bell acknowledges the importance of transparency, his office has been silent on many vital transparency issues. **We call on Bell and his office to respond to all of our requests for transparency.**

This includes but is not limited to transparency throughout the prosecution process, including the rigorous collection, analysis, and publication of data; responsiveness to Sunshine requests; and publicizing policies and outcomes related to Brady lists, staff lobbying, and investigations of police use of force, is critical. Such transparency has the capacity to increase public trust in the prosecution process, improve criminal legal outcomes, and enable both prosecutors themselves and the public to identify and address practices that exacerbate mass incarceration and racial and other disparities. Given prosecutors' outsized power and discretion in the criminal legal system, a transformation of that system requires nothing less than their radical transparency.

To evaluate Bell's office's transparency, we asked him the following questions:

Does your office keep a "Brady List" or an Officer Exclusion List?

Bell's Response: Bell's office did not disclose whether or not it keeps a Brady list.

Why is this question important?

Brady lists, also known as officer exclusion or do not call lists, are lists maintained by prosecutors' offices of police staff with prior credibility issues whose involvement in a case could threaten its integrity. Officers on these lists are often prevented from presenting cases to the prosecutor's office, while warrants they issue may not be carried out. Credibility issues that could lead to an officer's inclusion on a Brady list include "falsifying reports, fabricating or tampering with evidence, lying on the witness stand, coercing witnesses, brutalizing people, accruing misconduct lawsuits or complaints, blatant racism, and more."⁷ Their use is based on the Brady ruling's requirement that prosecutors "disclose pertinent information that might be favorable to the defense in a criminal case," including related to the credibility of police employees involved in the case as investigators, witnesses, arresting officers, or in other roles.⁸

Updating and sharing Brady lists and related policies is critical to prosecutorial transparency not only because prosecutors are constitutionally required to maintain these lists, but also because they are vital to the defense of people accused of crimes. When prosecutors fail to accurately maintain and disclose Brady lists, innocent people can be wrongfully convicted and incarcerated. For instance, in Missouri, The National Registry of Exonerations compiled 52 cases in which police misconduct contributed to the wrongful conviction and incarceration of defendants beginning in the 1980s.⁹ 12 of those cases were prosecuted in St. Louis City or County.

Evaluation:

Bell's office has failed to provide any transparency around the use of Brady lists.

Recommendation:

We call on Bell's office to immediately disclose whether it keeps a Brady list, to develop and maintain a Brady list if it does not currently have one, and to otherwise immediately publicize its Brady list and policies surrounding it on an accessible website.

Does your office have a dedicated team to handle Sunshine Requests? How often are requests denied? How much does your office charge for producing Sunshine Requests?

Bell's Response:

Bell's office has not responded to repeated requests to share information about whether they have a dedicated team responsible for handling Sunshine requests, how often the office denies requests and reasons for doing so, and whether they charge for requests.

Why are these questions important?

The Missouri Sunshine Law, like other freedom of information laws, enables members of the public to obtain records from government bodies, including prosecutors' offices. Missouri was one of the earliest states to pass a Sunshine law, which has the capacity to hold the government accountable, combat corruption, promote "transparency and fairness," and increase public trust at all levels of local and state government.¹⁰ The Missouri Sunshine Law allows for fees of up to ten cents per page for printing and up to the average hourly pay of the agency's clerical staff for time to fulfill the request.¹¹ However, it also states that records can be provided at no cost or a reduced cost if the government agency "determines such waiver or reduction of the fee is in the public interest."¹²

Sunshine requests provide defense attorneys, journalists, and community members with the opportunity to access information crucial to representing their clients, ensuring fairness, uncovering racial and other disparities in prosecution, and advocating for systemic change. However, for the Sunshine request process to operate effectively, it must be accessible. This includes hiring a dedicated team responsible for handling requests to enable timely responses, and minimizing or waiving fees for materials that would otherwise be prohibitively expensive but are in the public interest to disclose. Additionally, transparent prosecutors' offices must avoid denying requests except under limited exceptions that the Missouri Attorney General states must be "strictly interpreted to promote the public policy of openness."¹³

Evaluation:

Despite small improvements in Sunshine request accessibility—including through an electronic Sunshine request system—requests for more information regarding Bell's office's Sunshine Law policies remain unanswered.

Recommendation:

We call on Bell's office to immediately publicize its Sunshine Law policies so the public is aware of the office's willingness to give the public access to information. We also call on Bell's office to hire a dedicated team responsible for handling Sunshine requests to enable timely responses if such a team does not currently exist, and to discontinue charging for requisition material if the office currently charges to ensure obtaining materials is not cost-prohibitive to the public. Finally, we call on the Bell administration to immediately publicize all Sunshine request procedures on its website.

Does your office retain a lobbyist on staff? On which issues have they lobbied for or against?

Bell's Response:

The Missouri Association of Prosecuting Attorneys (MAPA) does not publicize its membership list and Bell's office did not respond to repeated requests for information about whether they retain a lobbyist on staff. They also did not provide information about what policies individuals or agencies have lobbied for or against on behalf of their offices, especially related to policies that could expand or contract their own power and budget.

Why are these questions important?

Lobbyists attempt to influence the actions of legis-

lative bodies and outcomes of bills by testifying at legislative hearings, speaking to legislators directly, and sharing written materials outlining their point of view. Prosecutor's offices in Missouri routinely lobby legislative bodies to express support of or opposition to criminal justice bills. Missouri prosecutors are involved in lobbying for or against nearly one-third (29.7%) of all criminal justice bills introduced in the state.¹⁴

Elected offices or their staff often lobby directly, but prosecutor lobbying is coordinated in many states through associations, like the Missouri Association of Prosecuting Attorneys. Lobbying by prosecutors is especially effective when they band together: "District attorney's associations are powerful political actors [that] do not just 'enforce' the law; in fact, they help to make it."¹⁵

Overall, prosecutors play a significant role in the passage or failure of criminal justice legislation which, depending on the bills they support, can exacerbate mass incarceration and racial and economic disparities in the criminal legal system. Therefore, whether prosecutor's offices retain a lobbyist on staff and the positions lobbyists take on legislation is key to determining whether they contribute to growing or shrinking the reach of the criminal legal system. However, many states, including Missouri, do not keep complete and accurate data about lobbying by prosecutors and their representatives. The Prosecutors and Politics Project found that the data necessary to determine Missouri prosecutors' involvement in lobbying for or against criminal justice bills in the General Assembly was available for less than half of the relevant bills introduced between 2015 and 2018.¹⁶

Case Study: Larry Krasner, Philadelphia's District Attorney, removed his office from the 1200-member Pennsylvania District Attorneys Association because he concluded the statewide lobbying group "supported regressive or overly punitive policies and represented 'the voice of the past.'"¹⁷ *In a speech explaining his decision, Krasner cited mandatory minimum sentences and harsher penalties for drug offenses as among the policies supported by the group and held it "at least partly responsible for an explosion in the state's prison population over several decades."*¹⁸ *According to Richard Long, the association's Executive Director, Krasner's 2018 withdrawal was the only one made by any of Pennsylvania's 67 county prosecutors since at least 2010.*¹⁹

Evaluation:

As with other important metrics, Bell's office's failure to provide any information leaves little to evaluate other than the absence of transparency. The public deserves to know how their elected prosecutors spend public money. The public must be aware of their local prosecutor's efforts to influence and change state laws.

Recommendation:

We call on Bell's office to immediately publicize information about their involvement in collective or individual lobbying to ensure advocates and the public can assess the alignment between the office's lobbying activities and its stated goals.

How does your office collect data?

Bell's Response:

"In November, [Bell's office] hired a new data manager who is primarily focused on expanding our capacity to collect meaningful data. Under his direction, we have created a team within the office to establish written protocols for data entry and a formalized training module for all support staff and prosecutors. These fundamental steps are necessary to gather accurate, reliable, meaningful data to report to the public."

"We have also begun the process of auditing each department's data collection protocols with the support of Karpel, our case management system vendor. I am not aware of any prosecutor's office in the country with the ability to track information about declined cases, bail recommendations, and sentencing recommendations. However, we are open to exploring tracking this data through our audit process with Karpel and/or participating in a limited study with a research partner and with the necessary resources. Personnel in my office are spread thin and we require additional staff and technical assistance to collect and provide the level of comprehensive data that you seek."

Why is this question important?

Proper and transparent systemic data management can reveal patterns in how and against whom charges are brought or dismissed and can provide insight into how cases are managed, including potential racial and other disparities. It also has the potential to not only promote greater fairness in the criminal legal system but also to benefit prosecutors themselves by "improv[ing] office functioning and efficiency."²⁰ Such data management ideally occurs across the "four key discretion points in the prosecutorial process: initial case screening, charging, plea offers, and final dispo-

sition,"²¹ as prosecutorial discretion at each of these stages contributes to criminal legal outcomes. Solely tracking conviction rates offers "an incomplete measure of both performance and success"²² that fails to enable managers to proactively identify and address issues and improve policies and procedures.

Equally important to the collection, tracking, and publication of data throughout the prosecution process is disaggregating or separating data by various demographics, especially race. Data disaggregation is crucial to revealing potential disparities in prosecutorial processes and outcomes. For instance, a 2013 study found that state prosecutors in felony cases are between 13 percent (in the case of Latino men) and 31 percent (in the case of Asian and Indigenous men) less likely to offer pretrial diversion to men of color than to white men.²³ Similarly, a 2017 analysis of over 30,000 cases tracked over a seven-year period in Wisconsin revealed that "white people facing misdemeanor charges were more than 74 percent more likely than black people to have all charges carrying potential prison time dropped, dismissed, or reduced."²⁴ Rigorous data management policies enable "both prosecutors and the public to identify and correct the root causes of mass incarceration and racial disparities in the system."²⁵

Case Study: Milwaukee District Attorney John Chisholm's office is committed to collecting and analyzing data disaggregated by race and ethnicity to ensure that they are not "intentionally or unintentionally producing unfair outcomes or inappropriate racial disparities."²⁶ This practice revealed that Milwaukee prosecutors used their discretion to avoid prosecution of 41 percent of white defendants "charged with possession of drug paraphernalia compared to only 27 percent of [Black people] arrested for the same crime."²⁷ They found that less-experienced prosecutors were more aggressively charging defendants for possession of crack pipes (which were more often used in the City of Milwaukee, where the majority of the region's Black population resides) than other drug paraphernalia, while more-experienced prosecutors treated all drug paraphernalia as "relatively minor and not worth pursuing."²⁸ As a result of their data analysis, the office immediately changed its policies to address this disparity. District Attorney John Chisholm "encouraged staff to view possession of crack cocaine paraphernalia less as a criminal matter than as evidence...[of] a problem with drug abuse" and implemented a policy requiring that staff decline cases involving paraphernalia and instead refer defendants to drug treatment whenever possible.²⁹ The disparity

in drug paraphernalia charges “disappeared” after the implementation of the policy, revealing the capacity of internal policy changes based on effective data tracking and analysis to increase the fairness of prosecutors’ practices and outcomes.

Evaluation:

When Bell came into office, he publicly promised, “we’ll keep the data but we’ll also make it public—so that’s the only way we can be clear about what we’re doing now, what we’re doing wrong, what we’re doing better.”³⁰ While he has expressed a willingness to share data and even fulfilled one-off requests, his office has failed to comprehensively collect data and follow through on the promise he made while entering office. Bell admitted that the lack of open data makes it difficult to evaluate many of his office’s policies.

What Bell’s office has done for open data is long delayed. Five years into his tenure, he has only recently hired someone as a Data Manager, who is in turn creating a team that can then establish protocols so that prosecutors in the future can record data. The people need open data to know more about who Bell is putting in jail, data that would have been especially helpful during the recent period during which the jail population has increased substantially.

Recommendation:

The public needs open data from Bell’s office, disaggregated by race and other demographics. This is particularly important in St. Louis County, where only 25% of the population is Black but over two-thirds of jail beds are occupied by Black people.³¹

The data Bell’s office releases should include recommendations, declinations, and outcomes across initial case screening, bail, charging, plea offers, and final disposition. Some of Bell’s statements suggest these are impossible tasks (“I am not aware of any prosecutor’s office in the country with the ability to track information about declined cases, bail recommendations, and sentencing recommendations”). But his office does have the ability to track this data. For much of this data, in fact, all that’s required is a single assistant recording the recommendations that are logged in open court minutes (notes). This would allow the public, and Bell himself, to evaluate his office’s policies and the degree to which they align with the goals he has touted.

Does your office conduct an independent investigation of police use of force? Is there a standard procedure?

Bell’s Response:

“The launch of the Conviction, Incident, and Review Unit has brought an unparalleled level of transparency and accountability to law enforcement and to prosecution. Since we last spoke, we have added a part time prosecutor to assist with conviction review who joined a full time Unit Chief Attorney, full time paralegal, and full-time investigator. This independent team covers a lot of ground investigating claims of innocence, allegations of misconduct by police officers and public officials, including officer-involved shootings, allegations of excessive force, certain deaths in custody, and other public official misconduct or criminal allegations. Since the program was launched in 2020, the unit has investigated 49 allegations of public corruption, 69 allegations of misconduct by police, 22 investigations of excessive force, and 25 investigations of officer-involved shootings. The addition of a part-time prosecutor will help the unit to work through the 84 pending requests for conviction review.”

Why are these questions important?

In the St. Louis region and across the country, uprisings and resistance movements have sprung up in response to police shootings of Black people (i.e. Michael Brown, Jr., Breonna Taylor, George Floyd and more), resulting in focused public attention on police use of force and how it is investigated and prosecuted. Prosecutors have the capacity to hold police accountable for their excessive use of force and potentially deter police misconduct through criminal prosecution.³² However, prosecutions of law enforcement officers are rare.³³ For instance, between 2005 and 2015, only 54 police officers of the thousands involved in fatal shootings were criminally prosecuted.³⁴ Similarly, a report studying prosecution rates of police officers from 2009 to 2010 found that of 2,716 officers “accused of using excessive force...only about 200...were charged [and] of those charged, only 77 officers were convicted.”³⁵

One of the primary reasons for the general ineffectiveness of prosecutors in holding police accountable for misconduct is a set of inherent conflicts of interest. Prosecutors have an incentive to maintain a close relationship with law enforcement officers, on whose investigation and testimony they rely to obtain convictions.³⁶ Prosecutors’ conflicts of interest undermine not only police accountability but also public trust in prosecutors and the criminal legal system more broadly. A poll conducted after the death of Michael Brown, Jr. found that only 19% of Black people and 42% of white people ‘trust[ed] the justice system to

properly investigate police-involved deaths.”³⁷ This is unsurprising given, for instance, St. Louis County District Attorney Bob McCulloch’s failure to secure an indictment against former police officer Darren Wilson for the killing of Michael Brown, Jr., especially as he was consistently unwilling to recuse himself despite a personal conflict of interest.³⁸ Even absent conflicts of interest, laws related to self-defense and policing tend to favor law enforcement officers instead of their victims.³⁹ For instance, Bell cited a Missouri law allowing police officers to continue to chase suspects even if they are no longer endangering the officer as playing a role in his office’s decision not to press new charges against Darren Wilson.⁴⁰

Due to the significant barriers facing the impartial investigation and prosecution of police use-of-force cases, investigations independent from police and the prosecutors who frequently work with them offer a crucial tool for both increasing the likelihood of a just outcome and fostering greater transparency and public trust. In internal police investigations where “the investigator and the subject of the investigation are connected to the same organization, there is a natural impulse to interpret evidence in a way that supports the conclusion the [subject] would prefer”⁴¹ rather than seek a just outcome based on available evidence. No wonder that members of the public tend to distrust internal investigations.⁴²

Evaluation:

Bell established a Conviction and Incident Review Unit (CIRU) that is “walled-off from the rest of the office to avoid bias and conflict”⁴³ soon after taking office in 2019.⁴⁴ One of the unit’s primary responsibilities is to “handle all matters relating to police office[r]-involved shootings and any cases where the lawfulness of police conduct is an issue.”⁴⁵ Additionally, Circuit Attorney Bell’s office publicizes policies and procedures related to CIRU’s procedures on its website.⁴⁶ However, the only policies available online refer to the unit’s work in reviewing convictions to exonerate innocent people and include no information about how the unit determines which police use-of-force cases involving serious injury or death to investigate and what percentage of cases result in charges. Additionally, the office did not respond to multiple requests for information about the unit’s work.

Recommendation:

Although we applaud Bell’s establishment of this independent investigative unit, we call on the office to demonstrate its commitment to transparency and public accountability by immediately releasing its pol-

icies on police use of force on its website. Independence and transparency are key to increasing public trust in investigations of police use of force cases, especially those involving serious injury or death. Therefore, prosecutors should be expected to make information about these investigations public.

Charging Decisions

Control over whether and what offense to charge is the clearest example of raw prosecutorial power and discretion. Prosecutors are allowed complete autonomy and deference with respect to their charging decisions. They are also granted absolute immunity for those decisions. No one is checking their work or examining whether charging decisions align with the office’s stated promises and policy positions. Furthermore, because the vast majority of criminal conduct that occurs in a jurisdiction never results in criminal charges—for myriad reasons—which types of cases a prosecutor chooses to pursue, and how the prosecutor pursues them, are ultimately political choices.

In addition to traveling to Portugal to participate in a program meant to teach progressive prosecutor’s about that country’s fully decriminalized drug enforcement practices, Bell has made a significant number of public comments about changing his office’s approach to drug crimes and other crimes related to addiction, poverty, and mental illness:

“So many of the people who are arrested and then cross the prosecutor’s doorstep struggle with the illness of addiction and quite often have experienced some recent trauma. As prosecutors, it’s our duty to decide what charges to bring against people who are arrested or to not press any charges at all. Our choice is the biggest factor in whether that person heads to outpatient treatment and group therapy or is locked behind prison bars, still suffering from an untreated medical condition.”⁴⁷

“We can’t incarcerate our way out of substance abuse; incarcerate our way out of mental health. We have to treat it.”⁴⁸

“If we continue to incarcerate poor and economically challenged people with drug habits, if you take people with mental health problems and don’t give them the mental health that they need, they’re going to reoffend – and that’s what’s driving our crime rates up.”⁴⁹

“The bottom line is, jails are not the best at rehabilitation. We know that. We have to stop this mindset of trying to prosecute our way out of drug or mental health issues.”⁵⁰

When he entered office, Bell released a policy requiring that Assistant Prosecuting Attorneys (APAs) “issue only the charges which, based on the APA’s good faith belief, can be proven beyond a reasonable doubt on the date of filing, and not the charges for which only probable cause can be met. Specifically, APAs shall not seek to ‘overcharge’ at the stage of the initial summons/warrant/indictment phase to pressure the accused to admit guilt.”⁵¹

The lack of data collected and/or shared by Bell’s office makes it extremely difficult to evaluate their charging decisions.

While Bell’s office has not released open data, Saint Louis County publicizes information that shows the number and proportion of pretrial detainees is at its highest in years. This is a reflection of his office’s charging decisions. Bell’s office’s charging decisions disproportionately impact Black people: In St. Louis County only 25% of the population is Black but almost three-quarters of jail beds are occupied by Black people.⁵²

We can check our prosecutors’ charging decisions by seeking answers to the following questions:

What is their case declination rate? Is there racial bias in case declination rate?

Bell’s Response:

“[Available data collected by Bell’s office] does not capture the many charges that were declined, dismissed, or diverted during the specialty courts or traditional prosecution process. Our work to revise our data collection practices will allow us to accurately capture these case outcomes.”

Why are these questions important?

Since the criminal legal system primarily controls and punishes marginalized populations, the best avenue of reform is simply reducing the number and severity of prosecutions. Prosecutors have the discretion to decide whether to press charges and, if so, what kind of charges to issue. The declining rate of charges, especially as compared to their non-reformist predecessors, can therefore serve as a rough gauge of whether they deliver on their promise to reduce net social harm.

Evaluation:

We need, and the public deserves, more information from the Bell’s office on the declination of cases. Until data collection efforts improve, the public has a right to demand proof of whether Bell’s office is honoring his promises about transparency and declining to charge cases where there is insufficient evidence. There is ample reason to believe his office is not in fact declining to charge cases where there is insufficient evidence to convict beyond a reasonable doubt. His office has an observed practice of re-issuing even low-level charges that have been dismissed by the court for failure to prosecute—generally because the prosecuting attorney has not prepared for preliminary hearing or secured their witnesses after multiple appearances—or for lack of probable cause after preliminary hearing, often with the intent to obtain a grand jury indictment. This practice can lead to the re-arrest and prolonged confinement of previously discharged defendants, clogs up court dockets with non-meritorious cases, and where there has been a judicial finding that there is no probable cause to proceed, contravenes Bell’s stated policy to “issue only the charges which, based on the APA’s good faith belief, can be proven beyond a reasonable doubt on the date of filing, and not the charges for which only probable cause can be met.”

Recommendation:

We call on Bell’s office to follow through with its promise to improve the office’s data collection and analysis. Otherwise, we cannot evaluate crucial information such as the case declination process and rate. Without meaningful data collection and dissemination to the public, we have no way of knowing what is being done in the public’s name, with the public’s money, for the alleged purpose of public safety. Moreover, we call on Bell’s office to cease its practice of re-issuing charges that have been dismissed for his office’s failure to prosecute in the first instance, or where there has been a judicial finding that no probable cause exists.

Does the office seek the death penalty?

Bell’s Response:

In its response, Bell’s office did not address the death penalty. However, Bell is on record stating he is against the death penalty and we are not aware of any change in his stance.

Why are these questions important?/Why is this question important?

The death penalty is cruel, racist, expensive, and

serves no public safety purpose. The use of the death penalty has become increasingly isolated to a handful of jurisdictions within the United States. There is overwhelming evidence that the death penalty is fraught with error and provides no additional public safety benefit over other available sentences. Additionally, the death penalty is routinely used against individuals with diminished culpability, including persons with intellectual disabilities and severe mental illness, people under the age of 21, and those who have experienced extreme childhood trauma. Each death prosecution costs taxpayers an average of \$2.3 million. Minorities are more likely to be selected for death prosecutions, and more likely to be sentenced to death. The death penalty is disproportionately used against Black people and is largely based on the race and gender of the victim.

Evaluation:

Bell's office has not sought any death penalty prosecutions during his tenure. He is against the use of capital punishment personally, and also understands that as Prosecuting Attorney of St. Louis County, he has the discretion to not use the statutes on capital punishment. His office maintains a record of not seeking this arbitrary, inhumane, and biased sentencing outcome.

But Bell promised not just to avoid seeking the death penalty. He also promised to review past cases that sent people to death row. In an open letter signed by multiple prosecutors, he urged his colleagues to "work to remedy past cases that resulted in unjust capital sentences."⁵³ Speaking of the racism, inequality, and unconscionability of the death penalty, the letter said, "We are duty-bound to counter these egregious injustices and we pledge to use our power as prosecutors, whenever and however it may be appropriate, to do so."

Bell, however, has failed to use his powers to the fullest extent permissible. We applaud Bell's recent motion to overturn the death penalty conviction of Marcellus Williams. DNA evidence exonerating Williams has been available for all of Bell's tenure, however—seven years ago, the governor halted his execution based on this evidence—and Bell has had the ability since at least 2021 to act on his anti-death penalty stance.

What is more, Bell has not similarly intervened in several other cases in which Missourians were executed. A Missouri state law affords prosecutors the power to file motions to vacate sentences for those

who were innocent or "may have been erroneously convicted," including as a result of "constitutional error."⁵⁴ Bell has repeatedly declined to use this power. His office refused to intervene in the execution of Amber McLaughlin, who had traumatic childhood and mental health issues that the jury never heard during her trial.⁵⁵ His office appointed a special prosecutor to review the conviction of Kevin Johnson only the month before the execution, and they refused to intervene in the case of Leonard Raheem Taylor, who was executed even after evidence and witnesses placed him nearly 2,000 miles from the scene of the crime.⁵⁶

"We will also support efforts to overturn existing death sentences in cases that feature a colorable claim of innocence, racial bias, egregiously inadequate or negligent defense counsel, discovery violations, or other misconduct that render us unable to stand by the sentence in good faith," stated the letter that Bell signed. "This is the bare minimum that justice demands of us."⁵⁷

Recommendation:

Bell's office must continue to oppose the death penalty, reduce reliance on life without parole sentences as an alternative, and act more quickly to get Missourians off of death row. This includes fighting much more forcefully to prevent executions where he and his staff have the power to intercede. As the head of a major office, he must also use his position to push other prosecutors across the state and country to do the same.

What is the office's record of prosecuting victimless crimes and crimes of poverty?

Bell's Response:

"Since taking office, my team has sought to protect the community from people who commit violence while expanding access to treatment and resources for those who need help. I have made the most of my office's limited resources to implement a host of programs and practices to fulfill this mission. As the County has not increased the budget for my office since my election, this has required the shifting of resources from other areas of the office to support our diversion efforts.

We currently have a team of four prosecutors, two social workers, and two administrative support positions dedicated to diversion. This team has created space for the public health system to address substance use disorders, mental health, and poverty through pre-arrest, pre and post charge diversion programs. We col-

laborate with a diverse array of community partners who provide services.

I have attached a sample of community partners available to take referrals from our diversion programs. In addition to prearrest, pre and post charge diversion, my office seeks to establish 'non-jail resolutions at every juncture' in cases involving non-violent offenses through the specialty courts and traditional prosecution process. We take the same approach in child support matters, another vast change since I took office. Under my leadership, the days of throwing parents in jail to enforce child support orders are over. My office works with local nonprofits to help parents support their children both financially and emotionally and we have achieved a 92% compliance rate with child support orders."

Why is this question important?

Historically, Prosecutor's offices have spent a large portion of their resources prosecuting charges that entail minimal social harm and are victimless—often only harming the defendant. Such charges include possession of a controlled substance, criminal non-support, cases involving sex work like prostitution, and crimes of poverty or related to homelessness like trespassing and shoplifting. Marginalized and poor communities are disproportionately charged with these crimes and prosecuting them only exacerbates economic inequalities.

Evaluation:

We have observed Bell's office regularly pursue felony prosecution for simple drug possession, often with a significant—from nine months to over two years—delay due to lab testing, leading to serious collateral complications for the defendants in such cases. To our knowledge these cases are generally prosecuted like any other felony, without special consideration toward pre-charge or pretrial diversion. Prison time appears to be sought less frequently for simple drug possession than for other felony offenses, but his office does seek it, if not at sentencing then later at probation revocation proceedings. We have also seen marijuana possession charges post-Amendment 3 for possession of felony amounts along with a firearm, even where neither would be prosecutable offenses individually. Trespassing is frequently charged, though often alongside a more serious felony charge. We have observed his office prosecute and seek prison time for felony shoplifting—based on prior municipal convictions—committed by indigent persons against big box stores and other major corporate businesses. Bell's office has not, to our knowledge, sought

prostitution charges, but does prosecute potential trafficking victims, investigated or detained by police for prostitution, with associated offenses like assault or drug possession. His office continues to prosecute criminal nonsupport, though at a reduced rate, with a higher proportion of cases referred to the civil contempt process instead.

Recommendations:

We call on Bell's office to cease prosecution of victimless crimes. He can: 1. refrain from prosecuting and seeking jail or prison time for simple drug possession; 2. refrain from prosecuting marijuana cases of any sort; 3. refuse shoplifting cases and refrain from enhancing them to felony charges through prior convictions; 4. refrain from prosecuting persons arrested for prostitution for related offenses in light of their potential trafficking-victim status; 5. refer all current and future criminal nonsupport cases to the civil contempt process.

What is the office's record of adding "Armed Criminal Action" charges? Armed Criminal Action (571.015 RSMo)?

Bell's Response: The office cannot capture this data.

Why is this question important?

Armed Criminal Action (571.015 RSMo) is an unclassified and flexible felony charge carrying substantial punishment (3-15 years MDC minimum, no probation or parole allowed) that can readily be applied to many low-level felony cases. In serious cases it is duplicative; in minor felony cases, it is used almost exclusively to extort guilty plea agreements from the defendant, who will take a plea deal on the principal felony in order to receive probation rather than risk a mandatory prison term.

Evaluation:

We have seen Bell's office pursuing armed criminal action charges alongside felonies ranging from class A to class E. These include various levels of assault (including class E felony), burglary 2nd degree (class D felony), and unlawful use of a weapon (class E felony). On the positive side, and in contrast to the St. Louis City Circuit Attorney's Office, it does not appear to be his office's practice to charge armed criminal action alongside the class E felony of resisting arrest by flight in a vehicle.

Recommendation:

We call on Bell's office to refrain from adding armed criminal action charges to other felony charges,

particularly for low-level felonies or where his office ultimately will recommend probation on the underlying charge. ACA charges serve to pressure people into taking plea agreements, including in cases where they have strong claims of innocence.

What is the office's record of criminalizing protesters?

Bell's Response: "Our office received 22 referrals from law enforcement during the community protest response to the death of George Floyd, 41% of which we refused."

Why are these questions important?/Why is this question important?

State Prosecutor offices have a history of filing charges against peaceful protesters at the behest of police departments. Charges such as resisting arrest and assault on law enforcement are used as a post hoc justification for excessive force by police. Additionally, more protest-specific charges like failure to comply, unlawful assembly, and refusal to disperse are commonly issued after police have chosen to forcibly disperse a protest or arrest targets of interest, whether lawfully or not. Charges in this context often provide legal cover for police brutality, impede civil rights lawsuits, and otherwise punish people for exercising their First Amendment rights.

Evaluation:

The public deserves the full record of Bell's office in prosecuting protest-related charges. It is concerning that the single example offered by Bell's office of the George Floyd protests suggests that only two in five such cases referred to the office were declined.

Recommendation:

We call on Bell's office to decline to pursue protest-related charges and to apply special scrutiny to any cases where the police apply for charges related to First Amendment-protected conduct.

Pretrial Detention

"Progressive prosecutors" have a responsibility to implement policies that reduce the number of people in pretrial detention. In the criminal legal system, pretrial policies and practices dramatically impact people's lives. Whether a person is charged with a crime, loses their job or house due to pretrial incarceration, or is forced to pay thousands of dollars to purchase their pretrial freedom is, in large part, decided by the pros-

ecutor's office. Prosecutors have immense discretion and power during the pretrial phase.

In his first days in office, Bell released a memo stating that Assistant Prosecuting Attorneys should ask for summons and not warrants in all misdemeanor and felony D and E cases, and that the "APA shall ask for least restrictive conditions available." Bell requires supervisor approval for any exceptions to this rule. What's more, the memo states that, "should an accused remain incarcerated at a bond review hearing solely due to monetary bond condition, a rebuttable presumption exists that the accused cannot afford the monetary condition and the APA must request an alternative condition of release."⁵⁸

Had Bell's office executed on these policies long-term, pretrial detention would have plummeted in the County. Today, however, over 950 people are incarcerated pretrial—the highest number in years.⁵⁹ Over 80% of the jail has not been convicted of a crime and, in the eyes of the law, remains innocent until proven guilty. This comes despite a promise to "severely reform cash bail practices."⁶⁰

A prosecutor's commitment to reducing pretrial detention can be measured by evaluating the following:

How often does the office recommend release, no bond, and monetary bond once detained (at initial bail hearings)?

Bell's Response:

"My office will continue to collaborate with the Population Review Team to distinguish between individuals safe to release pretrial and those who present an unacceptable level of risk. Prosecutors are trained to use their discretion in making recommendations balancing public safety with the significant impact of incarceration on those who are detained, their families, and the community at large. Prosecutors will continue to seek pretrial detention for individuals who use weapons during the commission of a crime."

"The demand that prosecutors recommend pretrial release for C, D, and E felonies is antithetical to my office's responsibility to advocate for the safety of victims and the community at large. These categories of cases include serious and violent offenses encompassing individuals who commit crimes while carrying illegal weapons, breaking into homes, committing acts of domestic violence, and driving dangerously in stolen cars. The overwhelming message from those that I serve in St. Louis County is that the community

is looking to my office to protect people from this level of violence and crime.”

“An example of the basis for our approach to detention recommendations is illustrated by the tragic and preventable homicide of Joshua Harris in Clayton. We sought pretrial detention of Mr. Harris’ killer who had recently pointed a gun at a police officer while stealing a car. The individual was bailed out and months later murdered Mr. Harris. Had we not requested the pretrial detention of Mr. Harris’ murderer, we would have been derelict in our responsibility to seek to protect the public from a person whose conduct demonstrated that he was a dangerous person.”

Why are these questions important?/Why is this question important?

Beyond the immediate caging of presumptively innocent people and the collateral consequences on their lives and the lives of loved ones, pretrial decisions have dramatic impacts on the ultimate outcomes of cases. Studies have shown that pretrial incarceration makes it 4 times more likely that someone is sentenced to jail and 3 times more likely they are sentenced to prison than someone released at some point pending trial.⁶¹ Even just 2-3 days in pretrial detention increases the likelihood of low-risk detainees being involved in new “criminal” activity, meaning pretrial incarceration actually makes our community less safe and is destroying lives.⁶²

Evaluation:

Bell released a “Wesley Bell Policy” platform with a promise to end mass incarceration, beginning with radical changes in the County’s practices around pretrial detention. He wrote, “we need to severely reform cash bail practices. Bail is not for punitive purposes, it is to ensure the presence of the accused throughout the criminal justice proceedings... As Prosecutor, I will not criminalize poverty.”⁶³

While Bell claims his office will not criminalize poverty, at the end of his first year as Prosecutor at least 70% of the jail population was made up of those unable to afford their own bail.⁶⁴ And since then, the number of people detained pretrial has climbed to its highest level in years.

Bell and his staff have not provided any data specifically on pretrial recommendations, but based on jail data and the experience of our partners and program participants, their office has not come close to following through on his promise. People in St. Louis County are routinely given unaffordable cash bonds. This

indicates that Bell’s staff is still asking for monetary bail in many cases, despite knowing that unaffordable cash bail is a serious issue, and one that was supposed to be significantly curtailed with the imposition of Missouri Supreme Court Rule 33.01.

Bell’s Response states that bond recommendations are based on public safety considerations. Bell, however, does not explain how cash bail and public safety are related—because they are not. In his response, Bell mentioned a relatively recent and tragic murder in Clayton as an example of why his office still recommends cash bail for certain offenses. In the case referenced above, Bell proudly admitted to the media that in a prior case involving the same person, his office asked the judge to set a \$30,000 cash-only bond for the defendant who at the time was an 18-year-old supporting his family on a fast food restaurant salary. Bell’s explanation for such an extreme bail amount was: “[...] we are cracking down on these car theft cases because they have become a scourge in this community.”⁶⁵

Bell’s admission shows his disingenuousness when it comes to cash bail. Requiring a person to buy their freedom is unethical and unconstitutional by itself. Setting clearly unaffordable cash bail is even worse, and Bell admitted to setting a bail he knew would keep the accused in jail pretrial. A system of cash bail purports to comply with the 8th Amendment and the presumption of innocence by offering an illusion of release, all while effectively ensuring the accused remains caged pretrial until and unless they can post large amounts of cash.

Bell’s office’s continued reliance on the unconstitutional practice of cash bail is a glaring example of their practices not living up to his progressive promises. The lack of data collection and sharing compounds the problem by allowing the office’s abuse of cash bail to remain obscured.

Recommendation:

We call on Bell’s office to follow his stated policies of limiting the use of cash bail and “request[ing] an alternative condition of release,” and to comply with Missouri Supreme Court Rule 33.01. This law states in part: “A defendant charged with aailable offense shall be entitled to be released from custody pending trial or other stage of the criminal proceedings,” and that if and when bond is required for release “[t]he court shall set and impose the least restrictive condition or combination of conditions of release.” (emphasis added.)

We call on the Prosecutor's Office to ELIMINATE recommendations for money bond and increase recommendations for release. It is imperative that Bell's office release data on bail and bond recommendations to ensure that there is accountability for reduction in the recommendation for and use of no bond allowed.

Frequency of issuing summons vs. warrant

Bell's Response:

To date, Bell's office has not addressed this important issue. He pledged to only use warrants when necessary, but the determination of what is necessary is completely discretionary and subject to whatever conditions or policies Bell's office chooses.

Why is this question important?

The difference between a summons and a warrant is a legal distinction, but it can also be the difference between life and death. When a prosecutor decides to file charges against a person, the prosecutor has the option to request a summons, or a warrant if, in the prosecutor's sole discretion, they believe the person will not show up for court or is a "danger to the community."

A criminal summons is a notice to appear in court to answer for criminal charges. A summons is usually delivered by mail to the last known address of the accused with a court date and warning that failure to appear will result in a warrant. Generally, those who receive a summons remain free pretrial whereas warrants lead to an arrest and a minimum of 24 hours of incarceration. Any time spent in jail is harmful and can have lasting effects on the person and on the outcome of their case.

Warrants are also used to set a bond or to order no bond allowed. Missouri Supreme Court Rules require bond or determination of no bond be stated on the face of the warrant. Procedurally, this means the prosecutor is responsible for asking the court to set bond and bond conditions or to allow no bond. At this stage of the criminal legal system process, judges rubber stamp prosecutors' recommendations for the setting of bond or no bond allowed. The use of warrants is the first step in the harmful and ineffective use of pretrial detention.

Evaluation:

Without data, it is nearly impossible to compare the office's policies to Bell's progressive promises. Bell's office has not said that they do not collect this data—they simply have not provided it.

Bell's early memo to his staff outlines a policy for issuing summons instead of warrants in many cases. This policy memo states that "APAs [Assistant Prosecuting Attorneys] shall request summons, and not warrants, on all D and E felony offenses" as well as all misdemeanor cases. The policy requires supervisor approval for any exceptions to this rule.

While Bell's office has not released data on their use of summons, information we do have from the jail's data management system shows that they are not following through on their policies. Right now, nearly 40% of the jail is incarcerated on D and E felonies.⁶⁶ This is over 340 people in jail on the lowest level of felony charges, almost all of them pretrial and presumptively innocent. Anecdotal evidence from those working in the criminal legal system also indicates warrants are still frequently used for class D and E felonies and many misdemeanors as well.

Recommendation:

We call for an immediate and thorough review of the office's compliance with its stated policy. This review must be open to the public. Once areas for improvement are identified, Bell's office must quickly course correct so that, as his memo states, "APAs shall request summons, and not warrants, on all D and E felony offenses" and "when requesting an initial warrant, APA shall ask for least restrictive conditions available." This review and remediation is necessary for publicly putting these policies into practice.

How long are people staying in jail pretrial on average? How has that number changed because of prosecutors' practices over the past several years? How are prosecutors' current practices increasing the length of pretrial detention and thereby using that to pressure people to plead guilty?

Bell's Response: Bell's office did not give a direct response, but does publish data regarding length of jail stays.

Why are these questions important?

Lengthy jail stays further destabilize people's lives, families, and livelihoods. And the longer people stay in jail pretrial, the more likely they are to plead guilty – further filling Missouri jails and prisons and exacerbating mass incarceration.

Evaluation:

The average length of stay in the St. Louis County Justice Center is 90 days.⁶⁷ This is up nearly 300% since 2019 and offers one explanation for the signif-

icant increase in jail population after Bell's first year in office. The longer lengths of stay also disproportionately impact Black people. The average length of stay for Black men in St. Louis County is almost 50% higher than for white men.⁶⁸

Recommendation:

We call on Bell's office to change policies to reduce the average length of stay in the County Jail to at least pre-COVID levels of 23 days, which was right around the national average.⁶⁹ Policy changes could include ceasing the practice of dropping and refiling cases, speeding up people's release from probation, reducing prosecution of technical violations, and following our above recommendations—as well as Bell's stated policies—around cash bail and the issuance of summons.

Convictions and Sentencing

Bell's office has taken some important, though delayed, steps to address wrongful convictions. They have, for instance, launched a Conviction, Incident, and Review Unit and filed a motion to review Marcellus Williams' death penalty conviction. These are public and critical changes.

Alongside these reforms, however, the office needs to address the day-to-day machinery of their conviction and sentencing policies. The number of people on probation violations is up in the jail, as are monthly bookings, the number of convicted and sentenced individuals, and overall jail populations. These statistics point to deep patterns of regressive policy and office culture hidden beneath the public successes of reviewed convictions.

Bell's office's use of the Conviction, Incident, and Review Unit has also been sparse and inconsistent. By tasking the unit with reviews of police misconduct, they have severely reduced the resources going towards conviction review. Those inside have suffered as a result.

To analyze the office's reforms as they relate to convictions and sentencing, we asked the following questions:

How frequently does your office issue concurrent sentences vs. consecutive sentences?

Bell's Response: "There is no written policy."

Why is this question important?

Consecutive sentences run after one another, while concurrent sentences are served simultaneously. For example, if someone has one charge that comes with a four-year prison term and another charge that comes with a two-year prison term, a consecutive sentence would put them behind bars for six years on those two charges while a concurrent sentence would be served in four years. By stacking multiple charges against someone and then seeking consecutive sentencing, a prosecutor can send someone to prison for a long time on relatively minor charges—or hold the threat of extended prison time over their head to extract a guilty plea.

Research shows that increasing the severity of punishment (length of prison term) does little to deter crime.⁷⁰ But people continue to be over-punished, especially when sentences are imposed consecutively to one another. Unsurprisingly, there are also racial disparities in sentencing: According to the United States Sentencing Commission, Black men receive sentences on average 19.1% longer than similarly-situated white male defendants.⁷¹

To combat over-punishment and biases in sentencing, prosecuting attorneys should track data regarding their charging practices and the sentences they seek—including whether and when they seek consecutive versus concurrent sentences, and when they seek probation as an alternative to incarceration.

Convictions and sentencing policies can also be measured by tracking the use of Armed Criminal Action (ACA) charges. If convicted, ACA carries a mandatory minimum sentence which must run consecutive to any other charges.

Evaluation:

Bell's office does not provide data on their sentencing recommendations.

Bell's interim office policies from 2019 include a prohibition on APAs seeking more than three years probation for a felony, or more than one year for a misdemeanor. The policies do not otherwise provide guidance for developing sentencing recommendations, including when to see consecutive versus concurrent sentences.

In response to a Sunshine request, Bell's office confirmed they have no records reflecting the number of cases where they sought SIS (Suspended Imposition of Sentence) or SES (Suspended Execution of Sen-

tence) probation, or revocation of probation for technical probation violations. Right now, however, about 120 people are in the County jail for revocations of probation.⁷²

Recommendation:

We call on Bell’s office to increase their use of concurrent sentences or probation as an alternative to incarceration and to track their recommendations. We also call on Bell’s office to release internal data on probation revocations, including the cases on which APAs seek revocation, as well as a plan for dramatically reducing the number of people incarcerated for probation violations.

What is Bell’s office’s policy with respect to juvenile life without parole?

Bell’s Response: The office did not share data or a policy regarding juvenile life without parole.

Why are these questions important?/Why is this question important?

Life sentences for kids are disproportionately harsh and cruel. In a series of Supreme Court cases over the last decade or so, the Court has condemned the extreme sentencing of youth. In rendering these decisions – including Roper (which eliminated the death penalty for kids), Graham (which eliminated life without parole for kids who commit non-murder offenses), and Miller (which eliminated mandatory life without parole for kids who commit murder) – the Court recognized the ways in which children are different, and how those differences counsel against sending them to prison for extreme sentences.

The United States remains the only country in the world that sentences people to life without parole for crimes they committed when they were under 18. While some states have eliminated such juvenile life without parole sentences, it is still on the books in Missouri. In Missouri and elsewhere, such sentences have been disproportionately imposed on Black children. For example, of the 40 children who were sentenced in St. Louis City to juvenile life with no opportunity for parole, 39 were Black.

Evaluation:

Bell’s office has shown little support for juveniles previously sentenced to life without parole (LWOP). It has not capitalized on opportunities to convert JLWOP consecutive sentences to concurrent ones, which would move up individuals’ parole eligibility dates, in some instances significantly. Bell did not provide data

with respect to how often his office seeks life sentences for people under 18.

Recommendation:

We demand Bell’s office follow the lead of every other country in the world and commit to eliminating LWOP sentencing for children—and for everyone. “Death by incarceration” is unconscionable. For those currently sentenced to LWOP, juvenile and otherwise, we call on Bell’s office to convert these sentences to concurrent ones where possible and otherwise seek opportunities for earlier eligibility for release.

Use of Conviction Integrity Review Units:

Bell’s Response:

“The launch of the Conviction, Incident, and Review Unit has brought an unparalleled level of transparency and accountability to law enforcement and to prosecution. Since we last spoke, we have added a part time prosecutor to assist with conviction review who joined a full time Unit Chief Attorney, full time paralegal, and full-time investigator. This independent team covers a lot of ground investigating claims of innocence, allegations of misconduct by police officers and public officials, including officer-involved shootings, allegations of excessive force, certain deaths in custody, and other public official misconduct or criminal allegations. Since the program was launched in 2020, the unit has investigated 49 allegations of public corruption, 69 allegations of misconduct by police, 22 investigations of excessive force, and 25 investigations of officer-involved shootings. The addition of a part-time prosecutor will help the unit to work through the 84 pending requests for conviction review.”

Why is this question important?

The wrongful conviction of innocent persons is a pervasive failure of what is not in fact a criminal justice system, but rather a criminal legal system. This phenomenon is not a quirk of the criminal legal system that occurs sparingly, but a commonplace outcome of a biased and inequitable court system. Establishing these facts is the data found on The National Registry of Exonerations, which lists over 3,000 exonerations of innocent people. The Registry has calculated that these more than 3,000 innocent individuals have collectively lost in excess of 27,000 years of their lives to wrongful conviction and unjust incarceration. This list of course misses the thousands of individuals who do not have their cases reviewed after wrongful convictions by the machinery of the criminal legal system.

In Missouri, SB 53 was passed in 2021 and enacted as RSMo 547.031. This statute gives prosecuting attorneys the ability to bring motions to court when they have determined that an individual is innocent or that a constitutional violation has occurred.

Evaluation:

Bell’s policy platform said, “Wesley will also fully staff a Convictions Integrity Unit that will require ‘open file’ transparency with defense and innocence organizations to ensure that all barriers to fair prosecution are identified and remediated.”⁷³ Bell’s office has complied with best practices by appointing a past criminal defense attorney to lead the CIRU (Conviction and Incident Review Unit), which is a separate office from the trial and habeas prosecutors and reports directly to Mr. Bell. But it has not fully staffed a conviction integrity unit nor fulfilled the promise of substantial conviction review.

While Bell touts the office’s investigations of public corruption and police misconduct, the unit has left 84 conviction review cases unaddressed – alongside many other claims of innocence and procedural error. The CIRU reviewed one case in 2019, subsequently leading to the exoneration of Lawrence Callanan, and there has been no public information released about any other cases. By combining conviction review with investigations of police misconduct and public corruption—a highly atypical move for a prosecutor’s office—Bell’s office has done very little conviction review while the unit’s other work moves forward publicly. If the unit is too busy with police misconduct to conduct conviction review, that points to serious problems both in the structure of the unit and in the convictions caused by so much police misconduct.

Recommendation:

Bell’s office needs to use the Conviction and Incident Review Unit to review far more convictions. Relying on the office to review both police misconduct and unjust convictions has led to near complete neglect of many credible claims of innocence and procedural error that have left people incarcerated.

We call on Bell’s office to substantially increase the use of RSMo 547.031 to vacate tainted and unjust convictions, and to do so more quickly. The statute has been on the books since August of 2021, and it wasn’t until two and a half years later that his office decided to take action to exonerate Marcellus Williams, whose conviction has been known to be refuted by DNA evidence since 2015. Justice delayed is justice denied.

Commitment to Community-Based Alternatives

The Prosecuting Organizing Table deeply believes in the power of Community-Based Alternatives for non-violent and violent crime. As our Introductory report makes clear, these alternatives cannot be housed in the prosecutor’s office: Prosecutors are not social workers, therapists, housing advocates, or any other service-oriented role. And prosecuting offices cannot be “co-governed” with/by community organizations.

Fortunately, there has been considerable growth in community-based alternatives to standard prosecution and prosecutors around the world have implemented policies to reduce a person’s contact with the legal system as early as possible, often developing deep partnerships with community-led organizations for diversion.

Diversion is a broad term referring to “exit ramps” that move people away from the criminal legal system, offering an alternative to arrest, prosecution, and a life behind bars. Although incarceration was historically believed to improve public safety, research suggests that it is ineffective in doing so and in fact makes us less safe. Instead, diversion programs target the underlying problems that led to the criminalized behavior in the first place. By addressing the root causes of community instability—challenges such as food and housing insecurity, joblessness, lack of educational resources, and unmet mental health needs—diversion programs not only help improve long-term community safety and reduce crime, but have also proven to be cost-efficient.⁷⁴

Bell’s office has increased the use of diversion in the County during his tenure. The office must ensure, however, that this diversion programming does not replace case dismissals—and that it is targeted at a more serious range of cases. The office can do so through multiple processes, including dismissing cases after people engage in community-based programming. Bell’s office has been unwilling to explore such solutions, except for in a narrow set of cases such as the shooting of a Black woman by a police officer.

Allowing for community-based restorative and transformative justice processes would also improve community satisfaction, reduce violence, and avoid the well documented harms of the criminal legal system. Bell’s office must also embrace public accountability

and release higher quality data on its use of diversion. **Community partnership: What are the prosecutor's offices doing to develop relationships with social service organizations? Do they have existing community partnerships that create opportunities to interface and provide services to people? Are they outsourcing services/programs outside of the office?**

Bell's Response:

"We collaborate with a diverse array of community partners who provide services. I have attached a sample of community partners available to take referrals from our diversion programs. In addition to prearrest, pre and post charge diversion, my office seeks to establish 'non-jail resolutions at every juncture' in cases involving non-violent offenses through the specialty courts and traditional prosecution process."

"We take the same approach in child support matters, another vast change since I took office. Under my leadership, the days of throwing parents in jail to enforce child support orders are over. My office works with local nonprofits to help parents support their children both financially and emotionally and we have achieved a 92% compliance rate with child support orders."

Why are these questions important?

We recognize that individual prosecutors are capable of reducing harm with the tools of the office. We also recognize that popular alternatives to convictions, also known as "diversion," can leave people worse off, for instance by making freedom contingent on sobriety without the necessary support to address substance use. In the hands of prosecutors, social services become another carceral tool. We believe social services that address the root causes of crime and promote wellness and public safety are best delivered outside of the carceral system entirely, through social services agencies, nonprofits, and other institutions.

The Table recognizes that the criminal legal system cannot meet communities' needs. At the same time, our participating organizations have no choice but to navigate this system in order to address the immediate needs of our clients and the communities we work with.

Evaluation:

We expect that prosecutors form relationships with community-based organizations to divert serious cases throughout the legal system from pre-plea to post indictment. Although Bell has responded with a list of community organizations, to our knowledge his

office's relationship with those community organizations does not include the diversion of cases for dismissals or non-carceral solutions. Rather, the County works with these organizations for case management and centers the diversion within the prosecutor's office.

We believe that, given the nature of restorative work, diversion should always be community-based, not embedded within the prosecutor's office. This is not a radical idea: prosecutors around the country are handling serious cases by establishing relationships with community based diversion programs like Community Works West, Common Justice, and Savannah Feed the Hungry. Rather than viewing diversion as a process that comes from within the prosecutor's office and only applies to a narrow set of cases, Bell's office should move in the direction of prosecutors such as Eric Gonzalez in Brooklyn. Gonzalez's action plan states, "The DA's office should consistently seek to resolve cases through community-based interventions...making incarceration and conviction options of last resort."⁷⁵ In pursuing this model, St. Louis County can "make jail the 'alternative'."⁷⁶

Recommendation:

We call on Bell's office to further expand community based alternatives to incarceration processes for serious violence. We also suggest that the office expand restorative justice processes from pre-plea to post indictment with other community-based organizations.

Commitment to diversion - Is there a commitment by the prosecutor's offices to move toward non-carceral solutions? Have the offices implemented diversion programs? What are the costs of the programs? What is the process for considering and deciding a case whether or not a case is diverted? In what ways are the prosecutors working to replace most prosecution with diversion?

Bell's Response:

As the County has not increased the budget for my office since my election, this has required the shifting of resources from other areas of the office to support our diversion efforts. We currently have a team of four prosecutors, two social workers, and two administrative support positions dedicated to diversion. This team has created space for the public health system to address substance use disorders, mental health, and poverty through pre arrest, pre and post charge diversion programs. We collaborate with a diverse array of community partners who provide services. I have attached a sample of community partners avail-

able to take referrals from our diversion programs. In addition to pre arrest, pre and post charge diversion, my office seeks to establish “non-jail resolutions at every juncture” in cases involving non-violent offenses through the specialty courts and traditional prosecution process. We take the same approach in child support matters, another vast change since I took office. Under my leadership, the days of throwing parents in jail to enforce child support orders are over. My office works with local nonprofits to help parents support their children both financially and emotionally and we have achieved a 92% compliance rate with child support orders. My diversion team has identified the following resources needed to enhance our continued work to provide public health solutions either instead of or in addition to criminal justice interventions:

- An assessment tool that offers improved privacy protections for participants in identifying individualized interventions.
- A social worker case manager for diversion.
- Authorization from the judiciary to keep cases open longer to allow participants time to complete community-based programs to expand the categories of cases eligible for diversion.
- Funding to purchase a diversion-centered case management program that enables us to track the comprehensive data that you seek. This is a high priority to ensure that individuals are offered the opportunity to participate in diversionary programming fairly and equitably across our community.

Our work to revise our data collection practices will allow us to accurately capture these case outcomes. Additionally, my office and our Law Enforcement Assisted Diversion (LEAD) Team has partnered with Dr. Phil Marotta of Washington University to evaluate the impact of preventative diversion methods on several outcomes in St. Louis County through longitudinal, spatial-driven research methods. The project combines multiple data sets from the St. Louis County Medical Examiner, the St. Louis County Police, the LEAD Team, and more to identify the highest need for service in response to drug and mental health issues in St. Louis County. After identifying these high-need areas, a pilot project will be implemented in collaboration with other community organizations to provide preventative measures. This project aims to optimize community resources for drug and mental health issues, reduce unnecessary police contact so that officers can focus on more serious crimes, and prevent involvement in the criminal legal system. This project is expected to last another 1-2 years. We are currently

in the data gathering and analyzing phase. My office offers diversion programming for every category of crime that is permitted under the law. Your demand that we expand our diversion programming to violent crimes is expressly prohibited under RSMO 557.014 which specifies that only non-violent, nonsexual, and crimes not involving a child victim or possession of an unlawful weapon may be diverted either pre or post charge.”

Why are these questions important?/Why is this question important?

The criminal legal system is harmful at every stage—to defendants, survivors, families, and communities. The only way to avoid this harm is to ensure that cases don’t come through the system at all. Prosecutors must play a key role in ensuring that cases are dismissed or diverted as early and as often as possible. This diversion should be rooted in community-based resources outside of the prosecutor’s office, without incarceration serving as a threat for holding people to programs that take time, effort, and often multiple engagements for success.

Evaluation:

The prosecutor’s budget shows roughly 600 people going through its diversion programs annually. While this number may appear high, it represents only about one in 20 cases that Bell’s office reviews each year.⁷⁷ Increased dismissal rates would reduce the need for diversion at all and would prevent such programming from serving as a net-widening tool that increases rather than decreases the number of people under state supervision.

Additionally, when we asked Bell to provide success rates of the diversion programs, graduation numbers, or actual proof that cases are not leading to incarceration and what rates, his office couldn’t provide it. Meanwhile, nonviolent charges like possessions, low level assaults, and theft are still being prosecuted without diversion opportunities.

In his response, Bell also leans on the fact that RSMO 557.014 prevents his office from diverting cases with allegations of violence. His office, however, was willing to find creative solutions for a white police officer who shot a Black woman in the back and nearly killed her. His office collaborated in finding restorative justice programming for the police officer and then dismissed the case. “This was a unique opportunity where the defendant immediately realized she had made a terrible mistake in shooting the victim, and both the defendant and victim reached places where

they could see a resolution for this incident outside of the criminal justice process,” Bell said. “In this instance, justice is served by Restorative Justice.” Restorative justice shouldn’t be reserved exclusively for police officers and “unique” cases.

Recommendation:

We call for increased case dismissals alongside an increased use of diversion in other cases, thereby preventing diversion from serving as a net-widening tool. Bell’s office should embrace the motto of Brooklyn District Attorney Eric Gonzalez: rather than viewing diversion as an alternative to incarceration, he should “make jail the ‘alternative’.”⁷⁸

When diversion is used, Bell must make sure that incarceration doesn’t become a tactic for holding people to programs that take time, effort, and often multiple engagements for success. Research indicates that it takes on average more than five attempts at rehabilitation to successfully overcome drug addiction.⁷⁹ Responding to each attempt with incarceration is an expensive recipe for failure, and contradicts Bell’s stated belief that, “We can’t incarcerate our way out of substance abuse; incarcerate our way out of mental health. We have to treat it.”⁸⁰

The best way of accomplishing Bell’s stated diversion goals is to dismiss cases once people have engaged with community programming outside of the prosecutor’s office. This sort of tactic would increase the reach of programming. Restorative and transformative justice would be well-suited in such cases.

We also call on Bell’s office to produce data about the success of their diversion process. They must keep and share good data on dismissals, recommendations for diversion and community programming, and recommendations for incarceration after such programming.

CONCLUSION

When Wesley Bell entered the Prosecuting Attorney's office in 2019, many residents hoped to see a leader that would fight to dramatically reduce mass human caging on behalf of Black communities and others disproportionately impacted in St. Louis County. Bell's office laid out a series of promises and policies that would make real progress towards addressing these issues. But we have been following Bell's office for over two years, collecting the data, and working alongside those they prosecute. In doing so, we have seen the office fail to implement meaningful change on a number of important fronts.

After early progress, the St. Louis County jail population has steadily climbed under Bell's leadership. It has increased 23% in the past year and 46% in the past two years. There are 60% more Black women behind bars today than there were a year ago.⁸² As of early July 2024, following an increase of nearly 50 people in less than ten days, the jail population has reached the exact same levels we saw at the end of Bob McCulloch's term.⁸³

Meanwhile, the nation's overall jail and prison population has fallen by over 10%.⁸⁴ Many people were excited for new leadership in 2019 and remained hopeful after early change, only to see a return to the policies of mass incarceration. On this score, the disappointing reality is that the nation overall has decarcerated in the past five years while St. Louis County has regressed to the status quo.

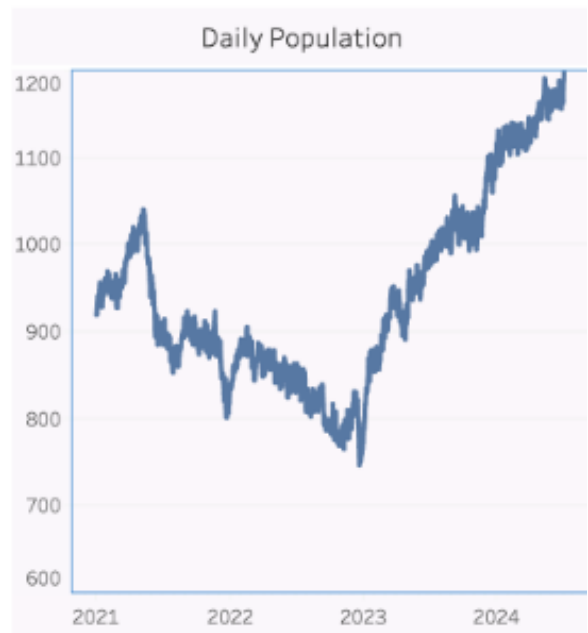
While failing to reduce the jail population long-term, Bell's office has succeeded in securing a \$1.8 million budget expansion and a \$700,000 ARPA grant to hire new attorneys and build out satellite offices with the police. This risks inflating the office's budget for years to come, creating even more power to put our neighbors behind bars.

These problems point to a clear path forward: Bell's office must work to honor its earlier commitments, reduce the jail population, reduce the reach of the prosecutor's office—including by shrinking its budget—and do all of this transparently. The recommendations in this report offer a roadmap for these goals, beginning with following through on the office's stated policies, such as steering people out of the criminal legal system and into community-based organizations. Working towards these recommendations would help build the safer, more progressive St. Louis we were promised.

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- Follow member organizations of the Table. Additional content will be released via the organizations' social media.

Contributors to this publication come from individuals at or affiliated with the Table organizations and include writing, editing, design, and photography.



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80. Prosecutor Led Diversion.
81. <https://stlouiscountymo.gov/st-louis-county-departments/justice-services/justice-services-dashboard3/>
82. Justice Services Dashboard.
83. Justice Services Dashboard (<https://stlouiscountymo.gov/st-louis-county-departments/justice-services/justice-services-dashboard3/>) shows a jail population of 1,203 on July 7, 2024. The St. Louis County Department of Justice Services Annual Report for 2018, McCulloch's last year in office, shows an average daily jail population of 1,203 (<https://stlouiscountymo.gov/st-louis-county-departments/justice-services/annual-reports/2018-annual-reportpdf/>, p. 6)
84. Prison Policy Initiative's Mass Incarceration: The Whole Pie 2024 report (<https://www.prisonpolicy.org/reports/pie2024.html>) shows a national jail population in 2023 that is 10.1% lower than in 2018 (see <https://www.prisonpolicy.org/reports/pie2019.html>). As per the footnote above, the jail population in St. Louis County has returned to 2018 levels.

APPENDICES

Office of Prosecuting Attorney's Response to Data Request (September 2022)

1. Number of death penalty/capital cases.-Zero

2. The following offenses: "possession of a controlled substance, offenses involving sex work like prostitution, and crimes of poverty or related to homelessness like trespassing and shoplifting." (not sure we've collectively ironed out what types of charges should be in this particular category yet).

a) Prostitution: 2 (same case, two people) since 2019

b) Possession cases issued:

- 1) 2019: 1440
- 2) 2020: 1238
- 3) 2021: 676
- 4) YTD 2022: 495

c) Trespassing cases issued:

- 1) 2019: 29
- 2) 2020: 31
- 3) 2021: 38
- 4) YTD 2022: 24

d) Shoplifting type charges issued per year:

- 1) 2019: 165
- 2) 2020: 162
- 3) 2021: 114
- 4) 2022: 68

3. Number of armed criminal action charges (and especially noting the number associated with resisting arrest by flight in a vehicle and other low-level felonies). Report software doesn't allow if/and logic, so can't capture the intersection of these two charges

4. Number of protest-related charges (specifically: failure to comply, unlawful assembly, rioting, refusal to disperse, and misdemeanor resisting arrest that occurs during a protest). Our office received 22 referrals from law enforcement during the community protest response to the death of George Floyd, 41% of which we refused.

1. Data RE the # or % of cases where CAO seeks life, LWOP, or cumulative term of years ≥ 40 where defendant was under 18 at time of offense. From Jan. 1, 2019 through present. Not able to determine for juvenile data. 14 adults LWOP since 2019

2. Whether CAO has a policy/custom or guidance statement on when to seek maximum sentences, and when to see CS vs. CC sentences. There is no written policy

3. SIS/SES probation data:

- a. # of cases where CAO sought SIS/SES-Can't prove empirically whether probation sentences come from pleas or as initial recommendations

- b. # of individuals on SIS/SES in City/County-Don't have this data, check with probation and parole
- c. # of cases where CAO sought revocation for technical violation-We don't code a reason for revocation/PBK doesn't have a field for it
- d. SES Sentences by year:
 - 1. 2019: 955
 - 2. 2020: 367
 - 3. 2021: 561
 - 4. YTD 2022: 69
- e. SIS Sentences by Year:
 - 1. 2019: 1582
 - 2. 2020: 442
 - 3. 2021: 643
 - 4. YTD 2022: 124
- 4. Does CAO ever seek prior/prior & persistent offender enhancements in drug cases? No office policy instructing prosecutors to do so. Previous drug charges does not exclude someone from diversion eligibility
- 5. Data from Juvenile Division on amt of cases charging/ certifying juveniles as adults. From Jan. 1, 2019 through present. We don't have this data, but it can be obtained from the Missouri Courts website, under Juvenile and Family Division reports
- 6. Total cases issued over time:
 - 1. 2019: 5275
 - 2. 2020: 5332
 - 3. 2021: 4407
 - 4. YTD 2022: 3384

Requests for information and demand statements for Wesley Bell's Office

October 3, 2023

1. We demand ongoing collection, tracking, and publication of data so that the community may hold you accountable to the progressive promises your office has made. For all data we would like it disaggregated by charge and demographic information such as race and gender. We expect this data published in a publicly available format on your website or through social media. Specifically, we are asking for the following data:

- a. The number of cases diverted, the types of charges diverted and the outcomes of those diversion cases.
- b. The number and rate of cases declined and the types of charges in those declined.
- c. All bail recommendations made by your office or aggregate information on bail recommendations including how often your office is asking for money bail, recommending preventative detention, or recommending pretrial release. With regards to requests for money bail, we request the average and median amounts recommended.
- d. Sentencing recommendations, including how often are prosecutors in your office seeking the maximum sentence and if prosecutors in your offices are asking for sentences to be stacked rather than concurrent.

2. We demand you increase recommendations for personal or sponsored recognizance which are forms of pretrial engagement that don't involve incarceration and other onerous conditions of bond like electronic monitoring, GPS, and house arrest.

a. We demand that you evaluate all detainees held on de facto detention, whether that is unaffordable cash bail or "no Bond allowed," who are charged with Felonies D and E.

3. We demand that you further shrink criminal filings in your Circuit. We demand that you cease prosecuting all non-victim-involved charges, particularly drug possession, regardless of classification. We demand that you grow your CIU/CRU and the number of cases reviewed in the units. Expand your Conviction Integrity Unit, and increase the number of cases reviewed through the unit.

4. We demand that you consider non-jail resolutions at every juncture of a case and shift toward community-based responses to crime. We want you to partner with community based alternatives to incarceration programs for serious violence without expanding internal diversion programs in your office. We want to see transparency in every step of the process; a database of all community based programs that you are working with, information on all cases that are recommended for diversion, and success and failure rates for each case diverted.

5. We demand that your office release a comprehensive action plan by November 1, 2023. The action plan should include current data, any changes in office policy, outlines steps to accomplish and timeline to complete each demand.

Office of Prosecuting Attorney's Response to Data Request & Demands (January 2024)

OFFICE OF PROSECUTING ATTORNEY

WESLEY BELL
Prosecuting Attorney

St. Louis County Justice Center
100 South Central Avenue
ST. LOUIS COUNTY, MISSOURI 63105

(314) 615-2600
TTY (800) 735-2966



January 10, 2024

via electronic mail

Dear Action St. Louis,

I am writing in response to your correspondence dated November 20, 2023. Thank you for speaking with me and senior members of my team in August and for sharing your perspectives. My approach to prosecution and the role of my office in enhancing public safety and equity in the criminal legal system has and continues to be community informed. Action St. Louis represents important and respected voices and I look forward to continuing engagement with you on these issues.

You raise several concerns that my team has identified as priority areas for growth in 2024. Of particular importance is the use of data to enhance transparency and inform strategic planning. This is an initiative that I undertook when I created a data manager position in the St. Louis County Prosecuting Attorney's Office. In furtherance of this goal, we have begun developing and implementing a strategy to build on our existing data infrastructure. In November, we hired a new data manager who is primarily focused on expanding our capacity to collect meaningful data. Under his direction, we have created a team within the office to establish written protocols for data entry and a formalized training module for all support staff and prosecutors. These fundamental steps are necessary to gather accurate, reliable, meaningful data to report to the public.

We have also begun the process of auditing each department's data collection protocols with the support of Karpel, our case management system vendor. I am not aware of any prosecutor's office in the country with the ability to track information about declined cases, bail recommendations, and sentencing recommendations. However, we are open to exploring tracking this data through our audit process with Karpel and/or participating in a limited study with a research partner and with the necessary resources. Personnel in my office are spread thin and we require additional staff and technical assistance to collect and provide the level of comprehensive data that you seek.

Since taking office, my team has sought to protect the community from people who commit violence while expanding access to treatment and resources for those who need help. I have made the most of my office's limited resources to implement a host of programs and

practices to fulfill this mission. As the County has not increased the budget for my office since my election, this has required the shifting of resources from other areas of the office to support our diversion efforts. We currently have a team of four prosecutors, two social workers, and two administrative support positions dedicated to diversion. This team has created space for the public health system to address substance use disorders, mental health, and poverty through prearrest, pre and post charge diversion programs. We collaborate with a diverse array of community partners who provide services. I have attached a sample of community partners available to take referrals from our diversion programs. In addition to prearrest, pre and post charge diversion, my office seeks to establish “non-jail resolutions at every juncture” in cases involving non-violent offenses through the specialty courts and traditional prosecution process. We take the same approach in child support matters, another vast change since I took office. Under my leadership, the days of throwing parents in jail to enforce child support orders are over. My office works with local nonprofits to help parents support their children both financially and emotionally and we have achieved a 92% compliance rate with child support orders.

My diversion team has identified the following resources needed to enhance our continued work to provide public health solutions either instead of or in addition to criminal justice interventions:

- An assessment tool that offers improved privacy protections for participants in identifying individualized interventions.
- A social worker case manager for diversion.
- Authorization from the judiciary to keep cases open longer to allow participants time to complete community-based programs to expand the categories of cases eligible for diversion.
- Funding to purchase a diversion centered case management program that enables us to track the comprehensive data that you seek. This is a high priority to ensure that individuals are offered the opportunity to participate in diversionary programming fairly and equitably across our community.

The attached 2023 Proposed Budget Document outlines recent numbers for diversion participation. These numbers represent individuals who were directed into our formalized diversion programs. They do not capture the many charges that were declined, dismissed, or diverted during the specialty courts or traditional prosecution process. Our work to revise our data collection practices will allow us to accurately capture these case outcomes. Additionally, my office and our Law Enforcement Assisted Diversion (LEAD) Team has partnered with Dr. Phil Marotta of Washington University to evaluate the impact of preventative diversion methods on several outcomes in St. Louis County through longitudinal, spatial-driven research methods. The project combines multiple data sets from the St. Louis County Medical Examiner, the St. Louis County Police, the LEAD Team, and more to identify the highest need for service in

response to drug and mental health issues in St. Louis County. After identifying these high-need areas, a pilot project will be implemented in collaboration with other community organizations to provide preventative measures. This project aims to optimize community resources for drug and mental health issues, reduce unnecessary police contact so that officers can focus on more serious crimes, and prevent involvement in the criminal legal system. This project is expected to last another 1-2 years. We are currently in the data gathering and analyzing phase.

My office offers diversion programming for every category of crime that is permitted under the law. Your demand that we expand our diversion programming to violent crimes is expressly prohibited under RSMO 557.014 which specifies that only non-violent, nonsexual, and crimes not involving a child victim or possession of an unlawful weapon may be diverted either pre or post charge. I have attached this statute for your convenience.

PAO prosecutors will continue to participate in the Tap In program to help citizens clear outstanding warrants. My office will continue to collaborate with the Population Review Team to distinguish between individuals safe to release pretrial and those who present an unacceptable level of risk. Prosecutors are trained to use their discretion in making recommendations balancing public safety with the significant impact of incarceration on those who are detained, their families, and the community at large. Prosecutors will continue to seek pretrial detention for individuals who use weapons during the commission of a crime. The demand that prosecutors recommend pretrial release for C, D, and E felonies is antithetical to my office's responsibility to advocate for the safety of victims and the community at large. These categories of cases include serious and violent offenses encompassing individuals who commit crimes while carrying illegal weapons, breaking into homes, committing acts of domestic violence, and driving dangerously in stolen cars. The overwhelming message from those that I serve in St. Louis County is that the community is looking to my office to protect people from this level of violence and crime.

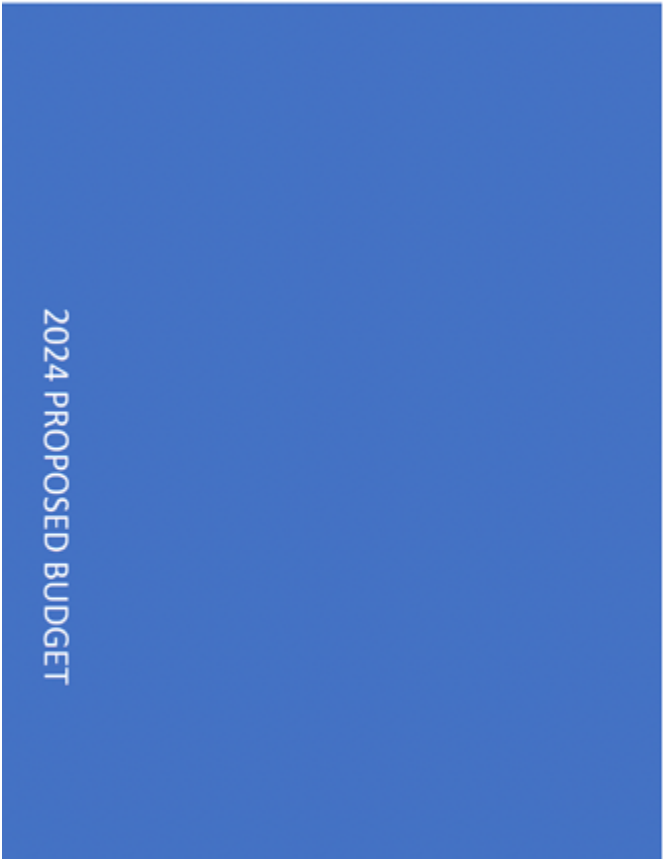
An example of the basis for our approach to detention recommendations is illustrated by the tragic and preventable homicide of Joshua Harris in Clayton. We sought pretrial detention of Mr. Harris' killer who had recently pointed a gun at a police officer while stealing a car. The individual was bailed out and months later murdered Mr. Harris. Had we not requested the pretrial detention of Mr. Harris' murderer, we would have been derelict in our responsibility to seek to protect the public from a person whose conduct demonstrated that he was a dangerous person.

The launch of the Conviction, Incident, and Review Unit has brought an unparalleled level of transparency and accountability to law enforcement and to prosecution. Since we last spoke, we have added a part time prosecutor to assist with conviction review who joined a full time Unit Chief Attorney, full time paralegal, and full-time investigator. This independent team covers a lot of ground investigating claims of innocence, allegations of misconduct by police officers and public officials, including officer-involved shootings, allegations of excessive force, certain deaths in custody, and other public official misconduct or criminal allegations. Since the program was launched in 2020, the unit has investigated 49 allegations of public corruption, 69 allegations of misconduct by police, 22 investigations of excessive force, and 25 investigations of officer involved shootings. The addition of a part-time prosecutor will help the unit to work through the 84 pending requests for conviction review.

I thank you for sharing your concerns and I welcome the opportunity for ongoing dialogue on these topics. I am proud of all that my team has accomplished in implementing a vision of criminal justice that protects the public and works towards systemic change while being acutely aware of all that remains left to do with limited resources. I look forward to speaking with Action St. Louis soon.

Very truly yours,


Wesley Bell



St. Louis County, Missouri
2024 PROPOSED BUDGET

From Prosecuting Attorney Wesley Bell

St. Louis County Council

RE: 2024 Proposed Budget

County Councilmembers:

Thank you for your commitment to public safety and social justice. It is my great pleasure to work with the County Executive and County Council on this shared mission. I thank you for our 2023 budget grant. Your support for our funding is critical to my office's work to protect the community from those who present risks to public safety and to support our friends and neighbors through appropriate public health interventions.

I am immensely proud of the dedication, service, and excellence shown by the staff of the Prosecuting Attorney's Office. This group of public servants has risen to every challenge presented to them over this past year and it is my great honor to lead them. Our 2024 Budget Plan highlights the accomplishments of our office over the past year, includes our strategic priorities, and demonstrates definitive results.

I am mindful of the budget constraints, and I have presented the Council with a maintenance budget as requested by the County Executive. This budget does not include a request for expanded services in any area. We have outlined the critical need to maintain our staffing levels to continue the excellent service that the public expects from this office.

Thank you for your service and dedication to St. Louis County.

Very truly yours,

Wesley J. Bell

Overview

The team in the Prosecuting Attorney's Office has had a busy 2023. This office has reviewed 10,826 cases this year and processed 1,806 search warrant applications, in addition to a host of other functions. This extraordinary output is completed by 142 staff members including attorneys, investigators, paralegals, secretaries, victim advocates, and more.

The Criminal Division handles all state criminal prosecutions for St. Louis County. Cases originate with one of the fifty-five (55) police departments in St. Louis County and the Missouri State Highway Patrol, including referrals for criminal traffic, misdemeanor, and felony cases. The Civil Division collects child support, delinquent taxes, and bad checks. The Division also handles asset forfeiture suits. The Civil Division has received 282 new cases in 2023 in addition to their ongoing caseload.

The 2024 recommended budget for the Prosecuting Attorney is \$15,435,428, an increase of \$602,377 or 4.1% from the 2023 adjusted budget of \$14,833,051. Personnel costs comprise 93.5% of the budget for 142 positions (141.2 full-time equivalents). Operating and capital expenses account for the remaining 6.5% of the budget.

The PAO reviews and responds to referrals from law enforcement. The PAO reviews all applications for charges received while prioritizing violent crime. In 2023 (YTD), 1712 cases were set for grand jury. The PAO continues an aggressive Bench and jury trial schedule. Trials are resource intensive and require spending for depositions, witness/victim travel, and investigator travel.

The PAO appreciates the serious financial issues facing St. Louis County; however, the workload for our office has increased due to changes in the law. We still wrestle with the closing of the Fine Collection Center and hundreds of additional traffic cases flowing to our office each month – cases we did not previously handle. Additionally, the Missouri Supreme Court has instituted two rules increasing our workload. The Court changed the discovery rules requiring our office to turn discovery over to defense counsel while the cases are still in the associate circuit court, as opposed to waiting until an indictment or information is filed. This decreases our timeline for providing discovery by months and has necessitated hiring an additional administrative assistant. The Court also implemented a redaction rule mandating our office redact personal information of defendants and witnesses in all cases, including traffic, misdemeanors, felonies and civil matters. We now file two sets of most documents which has increased workload for existing staff.

Core Functions

The Prosecuting Attorney is responsible for the management of the following:

1. Warrant Application Process
2. Criminal Case Management
3. Violent Crimes Unit Management
4. Traffic Case Management
5. Alternative Court Management (Drug Court, DWI Court, Mental Health Court, and Veteran's Court)
6. Diversion Program Management
7. Victim Services Management
8. Child Support Services
9. Taxes and Bad Check Collection
10. Community Engagement
11. Grand Jury Hearings and Administration
12. Conviction and Incident Review Unit
13. Operation of Three Satellite Offices

Performance Metrics

The Prosecuting Attorney's Office has listed the following performance metrics:

1. Successfully prosecute criminal cases investigated in St. Louis County (Reform Criminal Justice)
2. Advance and protect rights of victims and treat them with the dignity, respect, and compassion they deserve (Ensure Services are Efficient and Responsible)
3. Engage with the community openly and transparently (Ensure Services are Efficient and Responsible)
4. Effectively address violent crime, drug addiction, and mental health (Reform Criminal Justice)
5. Sufficiently staff the office and Warrant Office (Improve Effectiveness)
6. Advance and protect the rights of children by collecting child support through the civil contempt system (Reform Criminal Justice)
7. Promote the public welfare with respect to non-violent offenses by focusing on individuals maintaining employment, mental health treatment, drug addiction treatment, and alternatives to incarceration (Reform Criminal Justice)
8. Modernize and staff the office to effectively address our priorities (Improve Effectiveness)
9. Address cases involving those wrongly prosecuted, police and official misconduct, and public corruption (Reform Policing).

St. Louis County, Missouri
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Performance Metric	2021	2022	2023*	2024**
Number of criminal cases reviewed	12,246	11,489	10,826	12,000
Number of search warrant applications processed	1,550	1,854	1,806	2,100
Number of grand jury hearings	1,793	1,657	1,712	1,800
Number served in Diversion Programming	663	625	550	600

*Year to Date
**Projections

Strategic Priorities

Protecting the Community from Violence & Victimization

Violent Crime Unit

The PAO launched the Violent Crime Unit (VCU) in January of 2023. VCU prosecutors prioritize violent crimes by supporting law enforcement investigations in filing search warrants and providing strategic consultation. VCU prosecutors handle their cases from inception to resolution. Vertical prosecution provides continuity for victims and witnesses while building stronger cases.

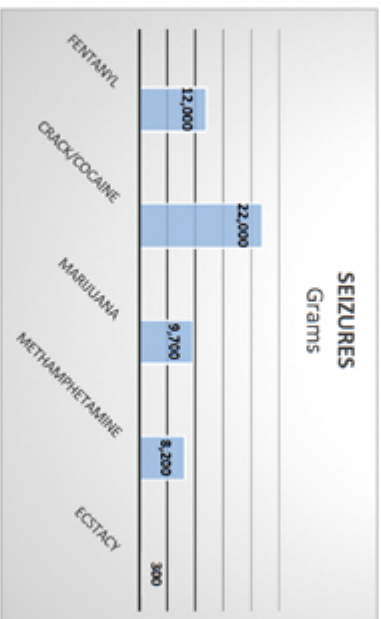
The VCU has expanded from working with St. Louis County Police Department's Violent Crime Initiative (VCI) to collaborating with the Crimes Against Persons Section and the Intelligence Unit. Recently, the VCU began supporting municipal police departments in investigations of violent crimes. VCU also partners with the Missouri State Board of Probation and Parole and the US Attorney's Office to identify repeat offenders and to prioritize prosecuting the region's most violent offenders.



St. Louis County, Missouri
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SEIZURES
Grams



Specialty Units

Our Domestic Violence (DV) Unit implemented a strangulation dispatch policy guidance for St. Louis County dispatchers. Dispatchers are trained to dispatch EMS when they learn that a victim has been strangled. Our DV unit has also worked with REIS to include strangulation caution codes in the criminal record system to alert officers of the risk of lethality. We also developed a strangulation protocol pilot project with the Overland Police Department.

Specialized auto theft and retail crime units were formed to address increased community concern with auto theft and retail crime. These units are staffed by attorneys with a direct line of communication with law enforcement to specifically address these crimes.

The Vehicular Assault Team has dedicated a special on-call prosecutor to two special DWI enforcement details in the last couple of months. The first event was the annual MADD

Saturation Saturday. The second event was part of saturation patrol with St. Louis County Highway Safety and the City of Hazelwood.

Victim Services

The Victim Services Division provides a full range of assistance to crime victims in St. Louis County, including advocacy and education regarding the criminal legal system, referrals for services, crisis intervention, and courtroom escort for criminal proceedings. Additionally, victims of crime may be eligible to file a claim with the Crime Victims Compensation Program administered through the Missouri Department of Public Safety. These claims cover out-of-pocket costs for counseling expenses, funeral expenses, lost wages or support, and medical expenses. Just last year, the office sent out victim contact letters to over 2,000 crime victims in St. Louis County and provided countless hours of advocacy. The unit is staffed by 7 advocates and Levi the office support dog.

Collaborating with Law Enforcement

Police Chief Advisory Board and SLAPCA

The Police Chief Advisory Board launched by the PAO continues to meet monthly to advise and collaborate on public safety issues. Our office is also represented at the St. Louis County Area Police Chief's Association (SLAPCA) monthly meeting where we regularly present to the group. This year, our office presented on topics including changes to Missouri marijuana laws, Amendment 3, and updates regarding warrant office and legal procedures.

Satellite Offices

The PAO launched three satellite offices in the Florissant, Ballwin, and St. Ann police departments. These satellite offices are staffed part time by a prosecutor to address evolving, post-pandemic public safety challenges in cooperation with local police.

Law Enforcement Training

Prosecutors have taught numerous trainings for local law enforcement this past year including:

- Domestic Violence Investigation Techniques at the St. Louis County Police and Municipal Academy including a four-hour role play of domestic violence scenarios for recruits to investigate;
- Domestic Violence Dispatching at the St. Louis County Dispatch Academy;
- In-service training for South County EMS in 2022 regarding best practices for ambulance run reports in domestic violence cases;
- Associate Docket presentation for Overland Citizen's Police Academy;
- Mock Preliminary Hearing to the St. Louis Police Academy; and

- Warrant Office training on obtaining after-hours search warrants.

Professional Development

Building and Supporting our Team

PAO prosecutors, investigators, and victim advocates attended over 200 trainings in 2023. These trainings covered a host of the most pressing topics in prosecution and ensured that our office is representing the citizens of St. Louis County at the highest possible level. Trainings covered topics including investigating and prosecuting child sexual abuse, domestic violence, human trafficking, use of force, vehicular homicide, substance use, terrorism, hate crimes and more.

Staffing and Recruitment

Teams of prosecutors with specialized caseloads handle criminal prosecutions. At present, there are 7 attorneys in the warrant office, 7 attorneys in the docket and traffic divisions, 27 circuit trial attorneys, 7 attorneys in the sex/child abuse unit, 1 attorney in the conviction integrity review unit, and 6 attorneys in the domestic violence unit. The civil unit is staffed by 3 attorneys and 9 support staff.

Recruitment and retention for highly skilled attorney positions have become increasingly competitive since the pandemic. The office has implemented a host of strategies described below to expand recruitment. Successful recruitment and retention of qualified attorneys will be dependent on increasing prosecutor salaries. Filling open positions with experienced attorneys has required that the office offer new lateral-hire attorneys higher rates of compensation than existing, more experienced prosecutors. This disparity in pay is negatively impacting morale. We are concerned that the PAO will lose experienced prosecutors to the private sector and to better-paying government jobs. Despite these challenges, the PAO's vacancy and turn-over rates are lower than the County average.

The office has collaborated with St. Louis County Human Resources to fill openings due to staff turnover. Currently we are working to fill seven attorney vacancies, one social work position, one victim advocate position, and one investigator position.

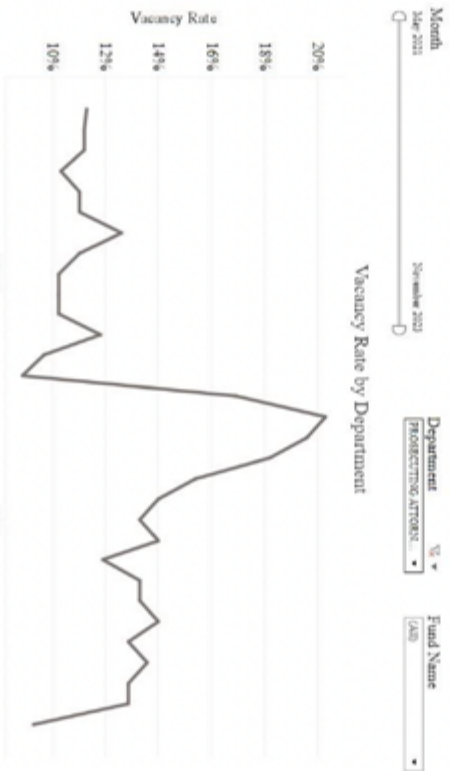
We have received the support of the St. Louis County Human Resources Department to create a permanent attorney job posting to market our office to a regional and national pool of potential applicants. Assistant Prosecuting Attorneys have joined local affinity bars such as the Hispanic Lawyers Association, Women Lawyer's Association, and the Mound City Bar Association to share our great work with local attorneys and to attract new talent.

St. Louis County, Missouri
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County Vacancy Rate: **16.39%**

Vacancy Rate (Compared to Total)



Investing in the future to build a pipeline of public servants

The PAO's recruitment strategy includes developing the next generation of prosecutors and staff members. The office has worked with St. Louis County Human Resources to create attorney-intern positions as a vehicle to extend offers to top law school graduates. Prosecuting Attorney Bell and Assistant Prosecuting Attorneys have participated in on-campus recruitment events this year at Washington University School of Law, St. Louis University School of Law,

St. Louis County, Missouri
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University of Missouri School of Law, University of Missouri Kansas City School of Law, Southern Illinois University School of Law, American University Washington College of Law, and Georgetown Law School. This year we will be participating in on-campus interviews at local law schools for the first time.

The PAO has created an unparalleled law student intern program. This fall the PAO became the host for Washington University School of Law's Prosecution Clinic. PAO Prosecutors teach weekly seminars covering various topics including issuing cases, diversion and treatment courts, victim services, associate dockets, domestic violence prosecutions, sexual assault and child abuse matters, and general felonies. Experienced prosecutors coach students in effective opening, cross examination, and closing argument techniques. Additionally, the office hosts St. Louis University law interns. Next semester we will host nine students from both schools.

Throughout the year, the PAO hosted an additional 34 law student, graduate students, and college and high school interns. The program includes an orientation presentation, jail tour, crime lab tour, and harm reduction training. These programs give students unrivaled real-world experience, inspire the next generation of public servants, and build a pipeline of future talent.

Ending the Criminalization of Substance Use Disorder, Mental Illness & Poverty

Pretrial Detention Requests Driven by Risk

The Prosecuting Attorney's Office undertakes a careful assessment of the risks posed by individuals charged with serious and violent crimes in recommending pretrial incarceration. Pretrial detention is expensive and significantly impacts those who are detained, their families, and the community at large. Incarcerating people who do not pose a threat to the community destroys families, leads to unemployment, and increases recidivism. To address this complex issue, the PAO participates in the MacArthur Safety and Justice Program within the jail and courts system.

The jail, courts, defense, and prosecution comprise the Jail Population Review Team. The team meets weekly to review individuals confined in the St. Louis County Jail and makes determinations as to which individuals can be safely released to the community and under what conditions pending the outcome of their criminal matters. This team is integral to maintaining safety, improving the lives of individuals effected by the criminal justice system, and addressing economic and safety issues at the jail. Without this collaboration, the numbers of people detained pretrial would be higher with no benefit to public safety.

When we began the Jail Population Review Team in 2019, the jail population was more than 1100 individuals. The Jail Population Review Team successfully reduced that number during the COVID pandemic to an all-time low in the 700s. Over the past year, the number of individuals held in the County jail has risen and stood at 1033 as of November 1, 2023.

We attribute the rise in pretrial incarceration to various phenomena: law enforcement efforts to address community concerns with car thefts, perpetrators fleeing police, the prevalence of illegal firearms in our community as well as delays in resolving cases, which forces people to stay incarcerated longer. The Jail Population Review Team continues to work together to ensure pretrial incarceration determinations are based on public safety needs. Our strategy is to continue to engage with stakeholders, to keep our office well-staffed with experienced prosecutors and staff, and to continue to make reasonable and timely plea offers to the defense where appropriate.

Diversion and Treatment Courts

The Diversion and Treatment Courts Division seeks to address low-level non-violent offenders suffering from substance use disorder and challenges related to mental health and poverty. This division seeks to treat public health problems with public health resources while providing appropriate oversight to ensure accountability and protect public safety with minimal cost to taxpayers. It is well documented that every dollar invested in substance abuse treatment saves \$12 due to reducing future crime and healthcare expenses. Additionally, individuals who successfully complete the supervised program protect their records from criminal convictions, allowing them greater access to jobs and opportunities.

Law Enforcement Assisted Diversion ("LEAD"): Police officers have the discretion of referring individuals engaging in non-violent criminal behavior who use opioids to receive social services. To date, over 200 participants have been referred, are actively in the program, or have completed LEAD.

Pre-Charge Diversion: This program offers first time, low-level offenders an opportunity to maintain a clean criminal record and receive social services. This program has handled hundreds of referrals since 2019, with over 500 successful dispositions.

Prosecutor-Led Diversion Program: This is an opportunity for individuals who require a level of oversight to receive social services and to keep a conviction off their record. This program has served more than 2500 individuals since it was launched. The success rate of our Diversion Program in keeping defendants out of the system has ranged 88-94%, whereas only 56% of individuals released from the Missouri Department Corrections stay out of prison.

Deferred Prosecution: Deferred Prosecution is limited to individuals who are charged with Possession of a Controlled Substance and have no prior felony convictions. Over 400 people have completed the Deferred Prosecution Program.

Treatment Courts: Specialized prosecutors are assigned to the treatment courts which provide a high degree of oversight for participants. The specialized courts include DWI Court, Veterans Court, Mental Health Court, Co-Occurring Disorders Court, and Drug Court. Since 2019,

as part of the Youth Intervention Collaborative Focus Group, Youth Empowerment Summit and Spark Academy. Staff members have attended Beyond the Backpack School events, greeted Jennings students, and amended the Normandy High School career fair. Prosecutors have taught law and justice classes at Marquene, Rockwood Summit, Lafayette, St. John Vianney, North County Tech, and Parkway South high schools. This work helps our office to build relationships with youth in our community to encourage trust in law enforcement and to inspire the next generation of justice leaders.

Building Trust in Criminal Justice

Supporting Families and Victims in Civil Matters

The Civil Division of the St. Louis County Prosecutor's Office collects child support, delinquent taxes and bad checks. The division also files and handles asset forfeiture suits. The Child Support Unit works with community and court partners to help parents obtain gainful employment and to provide support for their children. The unit seeks to strengthen bonds between children and parents by opening opportunities for parents to support their children and to take advantage of the availability of parenting plans as opposed to incarcerating parents for non-support.

No death penalty cases

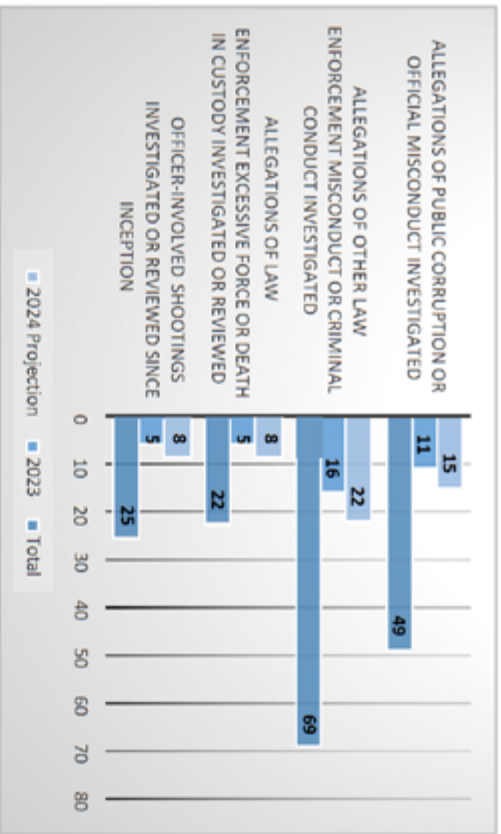
The office has continued to decline to seek the death penalty. Without the prosecuting attorney asking for a death sentence in Missouri, the court cannot consider a death sentence. The death penalty is unethical, results in racially biased outcomes, and does not act as a deterrent. Death cases are more likely to be heard and overturned on appeal than cases with life in prison without parole.

Conviction and Incident Review Unit

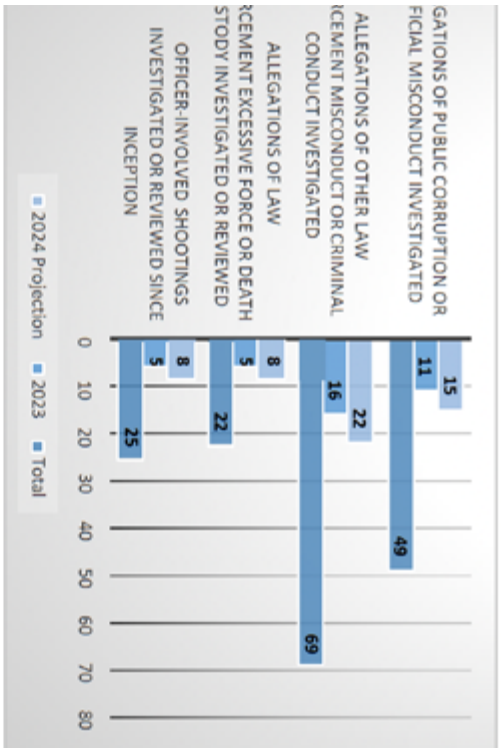
The Conviction and Incident Review Unit is an independent office within the St. Louis County Prosecuting Attorney's Office investigating claims of innocence, allegations of misconduct by police officers and public officials, including officer-involved shootings, allegations of excessive force, certain deaths in custody, and other public official misconduct or criminal allegations.

The Unit is currently staffed by 1 full time Unit Chief Attorney, 1 full time paralegal, and 1 full time investigator. Since the program was launched in 2020, the unit has investigated 49 allegations of public corruption, 69 allegations of misconduct by police, 22 investigations of excessive force, 25 investigations of officer involved shootings, and has received 84 requests for conviction review.

St. Louis County, Missouri
2024 PROPOSED BUDGET



St. Louis County, Missouri
2024 PROPOSED BUDGET



Criminal cases filed from the above
since inception



Criminal cases filed from the above
since inception



St. Louis County, Missouri
2024 PROPOSED BUDGET

St. Louis County, Missouri
2024 PROPOSED BUDGET
Explanation of Changes

Below is a detailed description from our 2024 Budget Memo that highlights budgetary request changes.

- a. Computer Software: A request of \$37,659.00 is a 19% increase from the 2023 revised budget. This is due to the need for Karpel – JasperSoft, a risk assessment/case management tool (\$5000) being implemented, and additional Adobe licenses for the Missouri Supreme Court's new redaction requirements.
- b. Software Maintenance: A request of \$77,412 is a decrease of \$10,000. Last year we paid JasperSoft from this account; however, it was to be paid from the Computer Software account – please refer to (a) above.
- c. Computer Parts and Peripherals: A request of \$30,000 is a decrease of \$88,000 from the 2023 revised budget. The request is due to our office's need to replace 25 computers this year compared to the 118 computers needing replacement last year per County IT.
- d. Motor Vehicle Equipment: A request of \$90,000 is for 2 new vehicles at \$45,000 each. Fleet Management recommends vehicles with mileage over 150,000 be replaced. Our office has two vehicles that currently exceed that mileage.
- e. Telephone: A request for \$50,000 is a \$14,000 increase from the 2023 revised budget. This request is due to the fund being consistently under-budgeted.
- f. Information and Evidential: A request for \$190,000 is a \$130,000 increase from the 2023 revised budget. This increase is due to our continual need each year to use monies from discretionary funds to cover the cost of preparing for trials. Typically, this office spends approximately \$160,000 each year (between the General Fund and discretionary funds) to pay for witness airfare, hotels, food, cab fare and depositions. With our decreased discretionary funds, this request is a necessity.

Changes made by County Executive's Office

- 1. Insurance Increase: St. Louis County's Department of Administration determines the amount of funding necessary for St. Louis County's insurance program and allocates this to departments based on the department's 5-year loss history and other relevant factors. The countywide insurance budget for 2023 has increased to account for forecasted losses, commercial insurance, and to ensure that our self-insurance fund has sufficient reserves.
- 2. Merit Raises: The County Executive has included a 4% merit raise allocation for all departments. This is reflected in the final request.

ACT #	DESCRIPTION	2023 ACTUAL EXPEND	2023 GENERAL APPROP	2023 SPECIAL APPROP	DEPARTMENT REQUEST	COUNTY RESOURCE RECOMMEND	COUNCIL ADOPTE
*****	SALARIES & WAGES						
512100	SALARIES FTE/ADJUTANT	83,73,345	10,227,806	10,227,806	30,281,124	30,489,637	0
512120	SALARIES TEMPORARY	53,000	328,544	128,544	116,094	131,634	0
512130	ON-CALLING PAY	11,170	0	0	0	0	0
512140	SALARIES SUPPLY/STEP INCREASE	0	16,500	16,500	6,000	6,000	0
512190	NONREPRESENTING CMO - SALARIES	0	0	0	0	0	0
	TOTAL SALARIES & WAGES	83,794,815	9,592,850	9,592,850	30,603,188	30,611,261	0
*****	PERSONNEL FINANCE						
512200	SOCIAL SECURITY	642,863	789,265	789,265	794,659	809,593	0
512210	RETIREMENT PLAN	1,236,437	1,615,992	1,615,992	1,309,402	1,335,049	0
512230	UNEMPLOYMENT COMPENSATION	0	1,042	1,042	1,038	1,039	0
512240	WORKERS COMPENSATION	6,566	57,096	57,096	57,293	54,403	0
512250	MEDICAL INSURANCE	1,017,016	1,466,400	1,466,400	1,563,750	1,563,750	0
512280	LONG TERM DISABILITY	9,884	13,945	13,945	20,072	20,438	0
512290	SHORT TERM DISABILITY	30,423	12,587	12,587	16,635	16,070	0
512390	TRIMBORGER/FRINGE LAG - FINRGT	0	0	0	0	0	0
512520	LIFE INSURANCE	12,847	0	0	18,536	18,687	0
	TOTAL PERSONNEL FINANCE	2,955,516	3,500,574	3,500,574	3,278,156	3,283,187	0
*****	PURCH SERVS & UTIL						
520200	OTHER PERSONAL SERVICES	179,580	177,252	177,252	179,100	179,100	0
521100	TELEPHONE	34,336	36,000	36,000	50,000	50,000	0
521150	SOFTWARE MAINTENANCE	97,980	87,000	72,000	77,412	77,412	0
521160	ADVERTISING & PUBLIC NOTICE	190	600	600	600	600	0
521170	PRINTING & BINDING	5,279	5,000	5,000	5,000	5,000	0
520510	VEHICLE POOL CHARGES	4,614	5,000	5,000	7,000	7,000	0
520710	VEHICLE MAINTENANCE & REPAIR	14,742	7,000	7,000	7,000	7,000	0
520730	SELF-INSURED FLEET LOSS	259	1,105	1,105	0	0	0
520740	RENTS & LEASES/RENTAL PROPERTY	5,800	4,000	4,000	4,000	4,000	0
520750	RENTAL OF EQUIPMENT	30,903	16,000	16,000	16,000	16,000	0
520760	INFORMATION & EVENTUAL	40,113	60,000	60,000	100,000	100,000	0
	TOTAL PURCH SERVS & UTIL	383,316	398,957	388,957	354,412	354,412	0
*****	CONM & SUPPLS						
513210	OFFICE MATERIALS & SUPPLS	21,140	20,500	18,900	20,500	20,500	0
513230	MOTOR FUEL, OIL, & FLUIDS	12,272	12,600	12,600	12,600	12,600	0
513250	JAN & HOUSEHOLD SUPPLIES	812	800	800	800	800	0
513510	LAW ENFORCEMENT MAT & SUPPLS	469	900	900	900	900	0
513410	COMPUTER SOFTWARE	25,661	16,561	16,561	35,664	35,664	0
513430	CONSUMER MATERIALS/PERSONAL	1,522	18,600	18,600	20,000	20,000	0
518110	SMALL TOOLS INSTR MISC EQUIP	82	0	0	0	0	0
518120	MANHOOF FURNITURE EQUIPMENT	21,119	34,960	34,960	5,000	5,000	0
519510	SUBSCRIPTION/PUBLICATION	12,530	12,000	12,000	20,000	20,000	0
	TOTAL CONM & SUPPLS	96,077	216,321	228,721	126,664	126,664	0
*****	PERSONAL ALLOWANCES						
522410	AUTOMOBILE ALLOWANCE	910	0	1,600	2,000	2,000	0
	TOTAL PERSONAL ALLOWANCES	910	0	1,600	2,000	2,000	0
*****	OTHER EXPENSES						
520110	LEGAL FEE CHARGES	7,042	18,000	18,000	15,000	15,000	0
520120	INSURANCE	117,246	872,073	872,073	179,633	179,633	0
520130	INTERESTS	989	32,180	32,180	38,285	38,285	0
	OTHER EXPENSES	152	0	0	0	0	0
	TOTAL OTHER EXPENSES	152,479	931,013	931,013	231,900	231,900	0
*****	TRAINS PARTS/UTIL						
531210	SPECIAL PROGRAM FUNDING	10,679	11,640	11,640	15,504	15,504	0
	TOTAL TRAINS PARTS/UTIL	10,679	11,640	11,640	15,504	15,504	0
*****	CAPITAL OUTLAYS						
548210	MOTOR VEHICLE EQUIPMENT	99,934	0	0	90,000	90,000	0
	TOTAL CAPITAL OUTLAYS	99,934	0	0	90,000	90,000	0
*****	EXPEND MFR/MRMB						
558110	EXPEND TRAVELER & RETIRED	(73,409)	0	0	0	0	0
	TOTAL EXPEND MFR/MRMB	(73,409)	0	0	0	0	0
	*****GRAND TOTAL*****	12,234,796	14,833,011	14,833,011	15,189,524	15,455,428	0