

Reshaping Prosecution in St. Louis: Lessons from the Field

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Fact Sheet

Prosecutors wield tremendous power. They decide whom to charge—and with what offense—whether to ask for bail, when to provide evidence to the defense, and what plea offer to make. For decades, prosecutors have used their discretion in ways that contribute to mass incarceration and racial disparities in the criminal legal system.

However, in recent years, with the help of groups like the American Civil Liberties Union and Color of Change, communities across the nation have begun to demand that their elected prosecutors adopt a new approach that reflects the communities' priorities. As a result, a wave of reform prosecutors has won elections, and reelections, throughout the country.

This brief provides an overview of Vera's pilot partnership with Circuit Attorney (CA) Kimberly Gardner and her office in St. Louis City. CA Gardner was elected in 2017 after running on promises to reform the criminal legal system. She prioritized reducing the city's reliance on incarceration, adopting a public health approach to addressing crime, and building trust with marginalized communities. Vera assisted the Circuit Attorney's Office (CAO) as it adopted a data-driven approach that aligned with CA Gardner's vision.

During this engagement, Vera conducted a data review, facilitated staff workshop discussions, and sought reflections on community desires. These research activities revealed four focus areas for reform: (1) cases left in a "taken under advisement" (TUA) status, (2) a low refusal rate for referred cases, (3) a low recommendation rate of summonses, and (4) a lack of ability to analyze data.

Outcomes

Over the span of its site engagement with Vera, CA Gardner's office made significant progress.

- > Based on Vera's research, CAO reviewed its TUA backlog and was able to dismiss more than 25,000 cases. Furthermore, it drastically reduced the frequency with which it places a person's case in a TUA status. As of April 2020, there were only 963 cases remaining in a TUA status—a decrease of more than 95 percent from the original 32,000 TUA cases.
- > CAO has also taken significant steps to shrink the system's footprint. From 2017 to 2019, the office refused a greater share of cases than it issued for both felonies and misdemeanors.
- > CAO instituted a policy to presumptively request summonses on all non-domestic violence misdemeanors and many low-level felonies, such as drug possession, property damage, and theft-related offenses. Felony summonses increased 17 percentage points from 2016 to 2019. Misdemeanor summonses also saw a modest increase.
- > To increase its ability to track and analyze data, CAO hired two full-time data specialists. The office now tracks how frequently it refers people to diversion and how often people successfully complete their programs. The office is preparing a public-facing dashboard to share regularly updated metrics with the community in a user-friendly way.

For more information

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To read the full report, visit www.vera.org/publications/reshaping-prosecution-in-st-louis.

For more information about this report, contact Jamila Hodge, Reshaping Prosecution program director, at jhodge@vera.org. For more information about Vera, visit www.vera.org.

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- › Data tracking revealed that, from 2016 to 2019, CAO successfully diverted 452 people, with more people completing diversion in each successive year.

Racial disparities

Although CAO has achieved some important goals, racial disparities have persisted. In the beginning of the engagement, Vera's research revealed that Black people were vastly overrepresented in the criminal justice system. Despite making up 47 percent of the city's population, Black people accounted for 74 percent of people prosecuted by the office. This disparity remained after the office implemented reforms. Black people are still prosecuted at a rate roughly three times higher than white people. These trends indicate that racial disparities are likely to persist, unless reforms are explicitly designed to address them.

To tackle this issue, Vera and the Institute for Innovation in Prosecution, with help from criminal justice leaders including CA Gardner, launched Motion for Justice—an online platform with action steps prosecutors can take to remedy racial disparities.

CAO is continuing its work to decrease the justice system footprint, reduce its reliance on pretrial detention, and track its expanded use of diversion programs. Additionally, CAO's public data dashboard will allow community members to better hold the office accountable. In short, the St. Louis engagement demonstrates that a data-driven approach can help prosecutors who are committed to reform turn their campaign promises into action.

Figure 1
Felony case disposition rates, by year

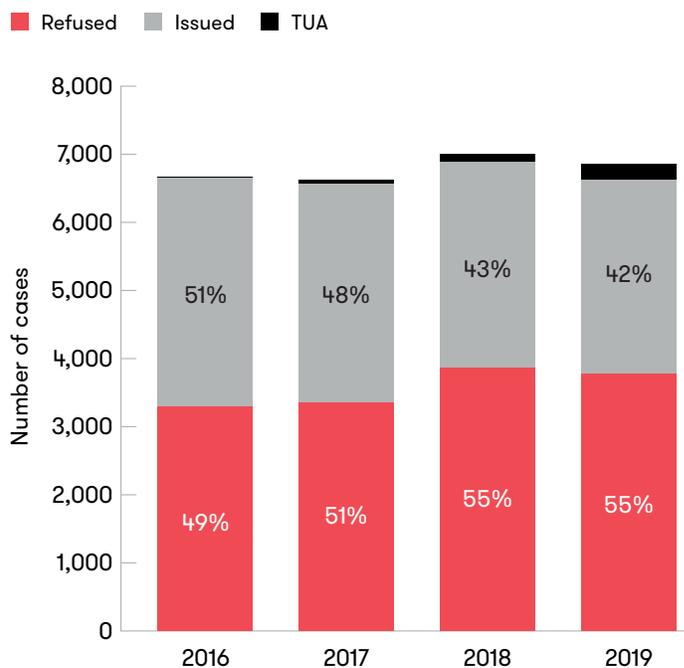


Figure 2
Misdemeanor case disposition rates, by year

