

IN THE CIRCUIT COURT FOR THE CITY OF ST. LOUIS
TWENTY-SECOND JUDICIAL CIRCUIT
STATE OF MISSOURI

AMERICAN FRIENDS SERVICE)
COMMITTEE and)
JOSHUA SALEEM,)
)
Plaintiffs,)
)
v.)
)
SAINT LOUIS PUBLIC)
SCHOOLS,)
)
Defendants.)
)
SERVE:)
Dr. Kelvin R. Adams)
Superintendent)
801 N. 11th Street)
St. Louis, Missouri 63101)
)

Cause No.: _____

Division No.: _____

**PETITION SEEKING JUDICIAL ENFORCEMENT OF, AND STATUTORY
PENALTIES UNDER, THE MISSOURI SUNSHINE LAW AND FOR DECLARATORY
AND INJUNCTIVE RELIEF**

1. This action is brought pursuant to the Missouri Sunshine Law, Chapter 610 of the Missouri Revised Statutes (the “Sunshine Law”), to require disclosure of reports related to agreements, memoranda of understanding, training materials, and expenditures between St. Louis Public Schools and St. Louis Metropolitan Police Department, as well as documented complaints against security professionals within St. Louis Public Schools, retained by St. Louis Public Schools.

2. Plaintiffs American Friends Service Committee and Joshua Saleem seek immediate access to the requested records in accordance with the Sunshine Law.

PARTIES

3. Plaintiff American Friends Service Committee is a faith-based organization operating under the laws of the State of Missouri with an office in St. Louis, Missouri. Its activities include advocating for the rights of people to live in communities free of violence, inequality, and oppression.

4. Plaintiff Joshua Saleem is a resident of Missouri. He is a Peace Education Program Director at American Friends Service Committee.

5. Defendant Saint Louis Public Schools (“SLPS”) is a public governmental body as that term is defined by § 610.010(4), RSMo.

JURISDICTION AND VENUE

6. This Court has jurisdiction over this action pursuant to § 610.027(1), RSMo.

7. Venue for this action is proper in this Court because Defendant is a public governmental body located in the City of St. Louis, Missouri.

FACTUAL ALLEGATIONS

8. Defendant is a school district and therefore a public governmental body as that term is defined by § 610.010(4)(c), RSMo, and its records are subject to the provisions of Missouri’s Sunshine Law.

9. On April 3, 2021, Plaintiff Saleem, on behalf of Plaintiff American Friends Service Committee (“AFSC”), attempted to send a Sunshine Law request to Defendant seeking copies of public records, by emailing the Custodian of Records.

10. In the April 3, 2021 request, Plaintiffs sought “any agreement or memorandum of understanding between [SLPS] and the St. Louis Metropolitan Police Department from January 2015 to the present; any agreement or memorandum of understanding between any individual

school within [SLPS] and the St. Louis Metropolitan Police Department from January 2015 to the present; any training materials provided by the St. Louis Metropolitan Police Department to [SLPS] from January 2015 to the present; any expenditures from [SLPS] to the St. Louis Metropolitan Police Department to [SLPS] from January 2015 to the present; any documented complaints against security professionals within [SLPS] from January 2015 to the present.”

11. Plaintiffs’ request also asked that fees for locating and copying the records be waived since the information requested was in the public’s right to know and would be in the public interest for the information to be made freely and publicly available.

12. Unfortunately, a typo in the Custodian’s email address prevented it from reaching its destination. Follow-up emails from Plaintiffs had the same problem. Given the typo, Plaintiffs never received a response from Defendant.

13. However, in July or August 2021, Defendant SLPS named a new Custodian of Records, Jordan Grimes.

14. On August 5, 2021, Plaintiffs submitted their Sunshine Law request to the new Custodian of Records, Jordan Grimes. The August request indicated that the initial request had been made on April 3, 2021. It contained the full text of the initial request.

15. That same day, Custodian of Records Jordan Grimes acknowledged receipt of the Sunshine Law request. In his response, among other things, he stated that Defendant SLPS would follow up again on August 9, 2021.

16. Defendant did not follow up on August 9, 2021, as indicated.

17. On August 10, 2021, Plaintiffs inquired into the status of Defendant’s fulfillment of their Sunshine Law request.

18. Defendant did not respond.

19. After hearing nothing for a month, on September 7, 2021—having received no explanation for the delay, no time and date on which records would be made available, and no records—Plaintiffs emailed Defendant SLPS Superintendent, Dr. Kelvin R. Adams, and copied Pamela Bell (Executive Administrative Assistant to the Superintendent), seeking information on when and if SLPS would provide a response to the pending request. Plaintiffs requested a response by September 10, 2021.

20. Dr. Adams responded the same day, saying he would “inquire tomorrow to see where this is.”

21. However, there was no additional correspondence from Dr. Adams, Mr. Grimes, or anyone from SLPS.

22. No one provided a detailed explanation for the delay, stated the time and place the requested records would be made available, or provided access to any of the records sought.

23. The correspondence between Plaintiffs and Defendant, including the Sunshine Law request dated August 5, 2021, Mr. Grimes’ response dated August 5, 2021, Plaintiffs’ follow-up communications on August 10, 2021 and September 7, 2021, and Dr. Adams’ response dated September 7, 2021, are attached hereto as Exhibit 1 and incorporated herein by reference.

24. Defendant SLPS has not responded to Plaintiffs since September 7, 2021.

25. No detailed explanation of the delay in responding to Plaintiffs’ Sunshine Law request has been provided to Plaintiffs.

26. No time and date when the records sought will be made available have been provided to Plaintiffs.

27. No records have been provided to Plaintiffs.

COUNT I: VIOLATION OF THE MISSOURI SUNSHINE LAW
REQUIRING INJUNCTIVE RELIEF

28. Plaintiffs reallege and incorporate by reference the allegations of the foregoing paragraphs.

29. The Missouri Sunshine Law establishes the State’s public policy that “records . . . of public governmental bodies be open to the public unless otherwise provided by law.” § 610.011(1), RSMo. The Sunshine Law is codified at §§ 610.010 to 610.200, RSMo.

30. Pursuant to the Sunshine Law, “all public records of public governmental bodies shall be open to the public for inspection and copying.” § 610.011.2, RSMo.

31. Any closure of records under the Sunshine Law is always permissive and never mandatory.

32. Defendant is a school district and therefore a “public governmental body” as defined by § 610.010(4)(c), RSMo, and thus subject to the provisions of the Sunshine Law.

33. The requested records are open “public records” as defined by § 610.010(6), RSMo, and thus subject to disclosure under the Sunshine Law.

34. Under the Sunshine Law, “public records” are “presumed to be open unless otherwise exempt pursuant to the provisions of [the Sunshine Law or other law].” § 610.022.5, RSMo.

35. The requested records may not be closed under any exception to the Sunshine Law.

36. The Sunshine Law must be “liberally construed” and any exceptions “strictly construed” to promote “the public policy of this State that . . . records . . . of public governmental bodies be open to the public unless otherwise provided by law.” § 610.011, RSMo.

37. The Sunshine Law provides that in addition to other remedies provided by law, “any aggrieved person, taxpayer to, or citizen of” Missouri may seek judicial enforcement of the

Sunshine Law in the Circuit Court of the county where the public governmental body has its principal place of business.” § 610.027.1, RSMo.

38. Section 610.023, RSMo, provides that, “[e]ach request for access to a public record shall be acted upon as soon as possible, but in no event later than the end of the third business day following the date the request is received by the custodian of records of a public governmental body.... If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. This period for document production may exceed three days for reasonable cause.”

39. The Missouri Supreme Court recently confirmed the requirements of the Sunshine Law, including that a detailed explanation of the cause for delay must be provided. *Gross v. Parson*, 624 S.W.3d 877 (Mo. banc 2021).

40. Defendant failed to act upon Plaintiffs’ August 5, 2021 Sunshine Law request as soon as possible or by the end of the third business day following the date the request was received.

41. Defendant has not provided an explanation of the cause for further delay that is sufficient under the law and has provided no explanation whatsoever for any delay beyond August 9, 2021.

42. Defendant has not established reasonable (or any) cause for its ongoing failure to produce the records requested.

43. Defendant has failed to provide access to the requested open public records by continuously delaying any substantive response to Plaintiffs.

44. Defendant has violated the Sunshine Law.

45. As a school district, Defendant is aware of the requirements and probable consequences of the Sunshine Law.

46. Defendant is aware that not producing the requested open records is a violation of the Sunshine Law.

47. Defendant is aware that failing to respond to a Sunshine Law request or provide a sufficient explanation of the delay in responding are violations of the Sunshine Law.

48. Defendant has intentionally violated the law by failing and refusing to produce the requested records.

49. Defendant is a large, sophisticated public governmental body. It has more than 3000 full-time employees, including a public information office and attorneys on staff.

50. Defendant's continued failure to act upon Plaintiffs' Sunshine Law request is a purposeful and/or knowing violation under § 610.027, RSMo.

51. By failing to respond to Plaintiffs' request, Defendant has purposefully and knowingly violated the Sunshine Law and is subject to civil penalties of up to \$5,000 and payment of Plaintiffs' costs and attorney fees pursuant to § 610.027.3-4, RSMo.

52. The relationship between SLPS and the St. Louis Metropolitan Police Department has been a matter of public concern over the last few years. For example, in the summer of 2020, Dr. Adams met with a coalition of local groups—including Plaintiff AFSC—to discuss concerns about the relationship between SLPS and SLMPD and policing practices within SLPS. As one of the most violent police departments in the United States, *Police Accountability Tool*, Mapping Police Violence, <https://mappingpoliceviolence.org/cities> (last updated December 2021), the nature and extent of SLMPD's relationship with SLPS is of public concern. Attention to the issue of policing in the St. Louis community has risen since 2014, especially as it relates to policing in

Black and brown neighborhoods. With Black youth making up the majority of students in SLPS, it is critical that the public know exactly how and why SLMPD engages with SLPS youth.

53. Plaintiffs and the public are being irreparably damaged by Defendant's refusal to comply with the Sunshine Law, and Plaintiffs lack an adequate remedy at law.

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in their favor and against Defendant, and:

- (a) Declare that the records related to agreements or memoranda of understanding, training materials, and expenditures between SLPS and St. Louis Metropolitan Police Department, and complaints against security professionals within SLPS are open records under the Missouri Sunshine Law and not subject to an exception that would require, or permit, Defendant to withhold the records requested;
- (b) Enter an injunction pursuant to § 610.030, RSMo, requiring Defendant to immediately produce the records requested to Plaintiffs, without charging fees;
- (c) Find that Defendant purposely and knowingly violated the Sunshine Law;
- (d) Impose a civil penalty against Defendant pursuant to the Sunshine Law;
- (e) Award Plaintiffs their attorneys' fees and costs of litigation as authorized by the Sunshine Law; and
- (f) Grant to Plaintiffs such other and further relief as is just and proper.

Respectfully submitted,

/s/ Anthony E. Rothert
Anthony E. Rothert, #44827
Jessie Steffan, #64861
Molly Carney, #70570
Emily Lazaroff, #73811
ACLU of Missouri Foundation
906 Olive Street, #1130

St. Louis, Missouri 63101
Phone: 314-652-3114
trothert@aclu-mo.org
jsteffan@aclu-mo.org
mcarney@aclu-mo.org
elazaroff@aclu-mo.org

Gillian R. Wilcox, #61278
ACLU of Missouri Foundation
406 West 34th Street, #420
Kansas City, Missouri 64111
Phone: 816-470-9933
gwilcox@aclu-mo.org

ATTORNEYS FOR PLAINTIFFS