

BOARD BILL NO. 5 INTRODUCED BY: ALDERMAN JOE VACCARO

1 An Ordinance establishing a Detention Facility Advisory Commission that shall receive
2 public complaints regarding the City of St. Louis Justice Center and Medium Security
3 Institution detention facilities and shall, at its discretion, review and investigate such complaints
4 as well as patterns of issues and systemic concerns the City’s detention facilities and their
5 operation it has identified and where the Commission deems appropriate, make
6 recommendations to the Department of Public Safety, the Board of Aldermen, and Mayor with
7 respect to Corrections Division policy and procedure, training, infrastructure, care and
8 treatment of detainees, and other areas related to detention facilities and their operations.

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10 **SECTION ONE. DETENTION FACILITY ADVISORY COMMISSION.**

11 A. Persons confined to the City of St. Louis’ Justice Center and Medium Security
12 Institution detention facilities are to be treated in a manner consistent with the United States
13 Constitution, and all federal, state and City of St. Louis laws and regulations, and the highest
14 professional standards. To this end there shall be established a Detention Facility Advisory
15 Commission which shall be independent of the Department of Public Safety. The Commission
16 shall serve only as an advisory body to the Department of Public Safety, Board of Aldermen,
17 and Mayor and shall have no authority with respect to the management and operation of the
18 City’s detention facilities or to direct the actions of the Department of Public Safety or
19 Corrections Division.

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1 **SECTION TWO. COMMISSION COMPOSITION AND MEMBERS**

2 A. The Commission. The Commission shall be comprised of nine members, and each shall
3 reside in the City of St. Louis and should reflect the City’s demographically and geographically
4 diverse communities. Each member of the Commission shall have demonstrable experience or
5 particular knowledge or expertise in one of more of the following fields: corrections, financial
6 management, law, medicine, public health, mental or behavioral health, social work, education,
7 or other field equally relevant to the Commission’s mission and duties.

8 B. Appointments to the Commission. The Commission shall have nine members who shall
9 be appointed by a vote of the Board of Aldermen upon their recommendation by the Public
10 Safety Committee of the Board of Aldermen, the Mayor, or the Commission in accordance with
11 this section.

12 C. Initial Members. The initial members of the Commission shall be appointed by a vote
13 of the Board of Aldermen, of which: five shall be appointed upon the recommendation of the
14 Public Safety Committee of the Board of Aldermen; and four shall be appointed upon the
15 recommendation of the Mayor. Thereafter, members of Commission shall be appointed by a
16 vote of the Board of Aldermen, of which: three shall be appointed upon the recommendation of
17 the Public Safety Committee of the Board of Aldermen, three shall be appointed upon the
18 recommendation of the Mayor, and three shall be appointed upon the recommendation of the
19 Commission.

20 D. Mental or Behavioral Health Professional Member. At least one member of the
21 Commission, who is not the Medical Professional member, Corrections Professional member,

1 Social-Work Professional member, or Previously Incarcerated member of the Commission,
2 shall be a mental or behavioral health care professional licensed or otherwise qualified to
3 practice in the State of Missouri, preferably with experience working as a mental or behavioral
4 health care professional in a detention facility or similar institutional setting.

5 E. Medical Professional Member. At least one member of the Commission, who is not the
6 Mental, Behavioral Health Professional member, Corrections Professional member, Social-
7 Work Professional member, or Previously Incarcerated member of the Commission, shall be a
8 physician, physician’s assistant, licensed practical nurse, registered nurse, or equally qualified
9 healthcare professional licensed to practice in the State of Missouri, preferably with experience
10 working as a health care professional in a detention facility or similar institutional setting.

11 F. Corrections Professional Member. At least one member of the Commission, who is not
12 the Medical Professional member or Mental, Behavioral Health Professional member, [✕]
13 Social Work Professional member, or Previously Incarcerated member of the Commission,
14 shall have experience in the management, operations, or oversight of detention facilities, or
15 possess particular knowledge or expertise in the field of corrections or criminal justice
16 provided; however, experience, or particular knowledge or expertise in law enforcement shall
17 not constitute corrections experience.

18 G. Social-Work Professional Member. At least one member of the Commission, who is
19 not the Medical Professional member or Mental, Behavioral Health Professional member, [✕]
20 Corrections Professional member, or Previously Incarcerated member of the Commission, shall
21 be social-worker licensed to practice in the state of Missouri, or a similarly qualified
22 professional working in the field of social-work and preferably with experience providing

1 services in a detention facility or similar institutional setting or services relevant to working
2 with detention facility populations.

3 H. Previously Incarcerated Member. At least one member of the Commission, who is not
4 the Medical Professional member or Mental, Behavioral Health Professional member, Social
5 Work Professional member, or Corrections Professional member of the Commission, shall have
6 served a period of incarceration in a state or federal correctional institution or penitentiary, or
7 in a county or municipal detention facility following a criminal conviction, provided; however,
8 such member shall not have been incarcerated in a state or federal correctional institution or
9 penitentiary, or in a county or municipal detention facility following a criminal conviction in
10 the two years immediately prior to being appointed to the Commission and shall not be serving
11 on parole or probation for a criminal conviction at the time of their appointment to the
12 Commission.

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14 **SECTION THREE. DISQUALIFICATION AND MEMBER REMOVAL.**

15 A. Disqualification from Membership. During their period of service on the Commission
16 no member or their immediate family shall be employed by the Department of Public Safety,
17 the Sherriff's Department or any local, state or federal law enforcement agency, and no member
18 shall have been employed by the Department of Public Safety, the Sheriff's Department, or any
19 local, state or federal law enforcement agency during the five years immediately prior to their
20 becoming a member of the Commission. Individuals that currently hold an elected public
21 office or have announced their intention to seek elected public office in the City of St. Louis or

1 State of Missouri, or whose immediate family members currently hold elected public office or
2 have announced their intention to seek elected public office in the City of St. Louis or the State
3 of Missouri are disqualified from membership on the Commission and current members'
4 membership on the Commission shall terminate and cease in the event of any of the forgoing
5 circumstances and without action by the Commission, Board of Aldermen, Mayor, or any other
6 authority or office of government.

7 B. Removal of Members. Upon good cause, by a majority vote the Commission may
8 request the Board of Aldermen to act to remove a member. Not less than ten days following
9 such vote, the Commission shall make or cause their request to be made in writing to the Clerk
10 of the Board of Aldermen and Mayor.

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12 **SECTION FOUR. MEMBER TERMS.**

13 A. Member Terms. Except as otherwise provided in in this section, members of the
14 Commission shall be appointed for three-year terms. The initial members of the Commission
15 shall have staggered terms as follows: three members appointed to the Commission upon the
16 recommendation of the Public Safety Committee of the Board of Aldermen and two members
17 appointed to the Commission upon the recommendation of the Mayor shall serve three-year
18 terms; and all other members shall serve one-year terms. Thereafter, appointments to the
19 Commission shall be made for a full three-year term. No member shall serve on the
20 Commission for more than two consecutive three-year terms provided, however that an initial
21 member of the Commission appointed to a one-year term or members appointed to finish the

1 unexpired term of a former Commission member shall be eligible to serve two consecutive full
2 three-year terms.

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4 **SECTION FIVE. DEPARTMENT OF PUBLIC SAFETY SUPPORT**

5 A. Receipt of Complaints. The Department of Public Safety shall coordinate with the
6 Commission to ensure the Commission's timely receipt of all complaints.

7 B. Access to Facilities and Detainees. The Department of Public Safety shall ensure that
8 upon the Commission's request the Commission is timely given access to the detention facilities
9 and detainees as the Commission may deem reasonably necessary for the performance of the
10 Commission's duties and in a manner that is consistent with the law and safety procedures set
11 forth in established Corrections Division policies. The Commission's access to detention
12 facilities shall include, without limitation, conducting interviews of detainees and conducting
13 physical inspections of a detention facility. Where stated safety concerns significantly hinder
14 or prevent such access at the time of the Commission's request the Corrections Division shall
15 take such steps as may be reasonably available to provide alternative means for the Commission
16 to obtain the information and evidence sought.

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18 C. Access to Documents. The Department of Public Safety shall ensure that upon request
19 by the Commission, the Commission is timely provided or given access to all written reports,
20 records, statements, reviews, audio and video recordings, policies, procedures, manuals,
21 training materials, compliance program data or other records or evidence of or in the possession

1 of the Department of Public Safety which the Commission determines is reasonably necessary
2 for the performance of the Commission's duties and responsibilities.

3 D. Commission Meetings. The Commissioner of Corrections, or a senior ranking member
4 of the Corrections Division designated by the Commissioner of Corrections shall attend and
5 participate in all meetings of the Commission, but shall have no voting rights or authority to
6 direct the activities of the Commission.

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8 **SECTION FIVE. COMMISSION DUTIES.**

9 A. Commission Rules. At the Commission's initial meeting, the Commission shall prepare
10 and adopt rules to govern its own proceedings, and may thereafter amend, revise, or otherwise
11 modify said rules, as the Commission deems appropriate. The Commission shall, with the
12 advice of the City Counselor, prepare and adopt necessary rules, policies and procedures for
13 the conduct of its duties and business and shall conduct itself in accordance therewith. Copies
14 of said rules shall be available to the public and included in the Commission's annual report.

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16 B. Election of Commission Officers. The Commission shall elect a Commission
17 Chairperson, Vice Chairperson, and Secretary and such election shall take place at the
18 Commission's initial meeting and annually thereafter except when otherwise required.
19 Commission Officers shall serve for a term of one-year and shall not serve for more than two
20 consecutive terms, but may be reelected to such position after a break in service of no less than
21 twelve months.

1 C. Meetings. The Commission shall meet as it deems necessary, but in no event shall the
2 Commission meet less than six times per year public, provided however; deliberations of the
3 Commission necessary to make recommendations shall be private and not open to the public,
4 but in no event shall the Commission hold less than two public meetings per year.

5 D. Commission Review and Investigation. The Commission shall receive complaints from
6 detainees, and other interested person and may, at its discretion, review and investigate
7 complaints as well as review and investigate patterns of issues and systemic concerns it has
8 identified in the City's detention facilities and, where the Commission deems appropriate, make
9 recommendations to the Department of Public Safety, Board of Aldermen, and Mayor with
10 respect to the Corrections Division policy and procedure, training, infrastructure, care and
11 treatment of detainees, and any other areas related to detention facilities and their operations.
12 At the request of the Board of Aldermen, the chairperson of the Public Safety Committee of the
13 Board of Aldermen, or Mayor the Commission shall review recommendations, and reports and
14 analyses made by outside agencies and organizations, and report to the Department of Public
15 Safety, Board of Aldermen, and Mayor any recommendations the Commission determines
16 should be implemented based thereon. The Commission may review recommendations, and
17 reports and analyses made by outside agencies and organizations that it determines merit its
18 review and make recommendations to the Department of Public Safety, Board of Aldermen and
19 Mayor it believes should be implemented based thereon. All reports prepared by the
20 Commission's reports shall contain analyses to support its recommendations.

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22 **SECTION SIX. RECOMMENDED MINIMUM STANDARDS.**

1 A. Prior to the end of the Commission's inaugural year and each year thereafter the
2 Commission shall ascertain, develop or revise a set of eleven recommended minimum standards
3 in areas related to the treatment of detainees set forth below and any others as the Commission
4 may deem appropriate to serve as benchmarks for detention facilities and their operations and
5 reflect the field of corrections' recognized standards for sound practices. The Commission shall
6 ascertain minimum standards for the following areas related to the treatment of detainees:

- 7 1. Mental Health (to include substance abuse)
- 8 2. Health Care
- 9 3. Detention Facility Conditions and Environment
- 10 4. Training and Professional Development (to provide staff with the knowledge and
11 skills to effectively perform their duties and maintain high standards of performance)
- 12 5. Professionalism (to address the selection, hiring, and supervision of qualified,
13 Corrections Division staff and the nurturing of an organizational culture that values
14 professionalism)
- 15 6. Basic Services (to address basic needs of detainees including, without limitation,
16 hygiene, nutrition and medical and mental health care)
- 17 7. Facility Programs (to address opportunities for detainees to productively occupy
18 themselves through educational opportunities and life skills training)
- 19 8. Care, Treatment, and Supervision of Detainees
- 20 9. Visitation (to include access to telephones and other mediums of communications)

1 10. Access to Legal Counsel and the Courts

2 11. Sexual Assault and Harassment (to address federal regulatory requirements)

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4 **SECTION SIX. ANNUAL REPPORT.**

5 A. The Commission shall prepare an annual report copies of which shall be delivered to
6 the Clerk of the Board of Aldermen, Mayor and Commissioner of Corrections on or before the
7 first day of May of each year and published on the Corrections Division website within ten days
8 thereafter.

9 B. The annual report shall contain the following:

10 1. A detailed summary of the status of measures implemented, or then in process of
11 being by the Corrections Division in response to a recommendation made by the
12 Commission and reported in its last annual report.

13 2. A detailed summary of the matters reviewed and any recommendations made by the
14 Commission since its last annual report;

15 3. A detailed summary of any measures implemented or then in process of being
16 implemented by the Corrections Division in response to a recommendation made by the
17 Commission since its last annual report;

18 4. Reports regarding any matter properly within the scope of the Commission's mission
19 and duties that may be requested by the Board of Aldermen, the chairperson of the
20 Public Safety Committee of the Board of Aldermen or Mayor;

- 1 5. Reports and recommendations regarding any matter properly within in the scope of
- 2 the Commission's mission and duties that the Commission may deem appropriate.

- 3 6. The Commission's Recommended Minimum Standards

- 4 7. The Commission's rules, policies and procedures for the conduct of its duties and
- 5 business.