



**CITY OF ST. LOUIS
LAW DEPARTMENT**

**1200 MARKET STREET, ROOM 314
ST. LOUIS, MO 63103-2864
(314) 622-3361**

**MICHAEL A. GARVIN
CITY COUNSELOR**

**LYDA KREWSON
MAYOR**

February 19, 2021

VIA E-MAIL

Members
Mayor's Corrections Task Force

Re: Task Force requests for information

Dear Task Force Members:

We have been asked to advise concerning the Corrections Division's response to requests from the Mayor's Corrections Task Force for information and access to the CJC.

As you know, the Mayor's directions to the Task Force were to "understand and review the following three urgent topics" related to CJC:

1. To investigate the alleged concerns and complaints regarding food, water, temperature and clothing.
2. The need to begin moving cases through the 22nd Judicial Circuit and any other measures possible to address the isolation and uncertainty resulting from the halting of court cases for nearly one year due to the COVID-19 pandemic.
3. To become apprised of the urgent building and equipment needs of the facility, which is approximately 20 years old.

Since its creation, the Task Force has requested that the Corrections Division supply a vast quantity of records and data, and has also requested access to the CJC and its inmates.

Because the Task Force is a public governmental body within the meaning of the Sunshine Law, its ability to maintain confidentiality of records is limited. Further, as you know, there is pending litigation involving bail bond practices in the

22nd Judicial Circuit and other litigation pending against the City that requires careful review of the release of information lest attorney-client and work product privileges be compromised.

We must also point out that the sharing of criminal justice information, which can include information about prisoners and their institutional records, is also subject to regulatory requirements.

In our opinion, the mission of the Task Force is limited to the items specified by the Mayor. The Task Force has not been established as a statutory board of visitors to inspect City jail facilities. Rather, it can and must adhere to the limits imposed by the Mayor.

Accordingly, the following information will be provided to the Task Force as soon as reasonably possible, given the burdens on Corrections staff:

1. Food service contracts, clothing supply records, and records of ambient temperature readings at CJC.
2. Records pertaining to plumbing repairs and water service at CJC, including records relating to the cost of repairing damage caused by prisoner misconduct.
3. Written policies pertaining to the provision of food and other necessities to prisoners.
4. Records of budget requests for food service, clothing, or other supplies to be provided to prisoners.
5. Records of recent contracts and budget requests for maintenance and repair of CJC. With regard to the recent contract for repair of the cell locking system, any publicly available information can be provided, but if, in the Corrections Commissioner's opinion, disclosure of detailed drawing or technical specifications would compromise security, that information will not be provided.¹

¹That said, many of the requested materials are already available on the Corrections website. The Division's Mission Statement and Statement of Core Values is available at <https://www.stlouis-mo.gov/government/departments/public-safety/corrections/>. The Division's Classification Policy (3.6.1), Food Service Policies (4.1.1, 2, 3, 4, and 8), Inmate Grievance Policy (3.3.3), Rule Violations and Disciplinary Hearing Policy (3.3.6), and all of the Division's numerous other Policies and Procedures, excluding those that are closed records pursuant to RSMo. § 610.021 (18), are also available on the City's website: <https://www.stlouis->

As to any on-site access, we understand that criminal investigations into disturbances at CJC are ongoing. In addition, every pretrial prisoner is subject to felony charges and is also a member of a class action against the City and the 22nd Judicial Circuit relating to conditions of pretrial release

Because interviews of pretrial prisoners risk interference with prisoners' Fifth, Sixth and Fourteenth Amendment rights, and also risk interference with the function of class action counsel, Task Force members cannot be permitted to interview prisoners at will. Under the circumstances, the Corrections Division, at most, should permit a designated Task Force member to interview a limited number of "wing representatives" regarding *only* the topics defined by the Mayor and for no other purposes.

Interviews of Corrections staff should be limited to Mr. Glass, and any supervisors having direct responsibility for maintenance or repair of the facility. Similarly, interviews of food service contractor staff can be permitted if the contractor's counsel agree.

Due to the burdens on Corrections Division staff, on-site access should be provided during the first week of March, so that the Task Force will have had an opportunity to review the documents and data outlined above.

With regard to access to the secure floors of CJC, we note that Judge Fleissig recently put very strict limits on access to MSI by class action counsel due to security and COVID concerns. We strongly advise that Task Force visits be limited to two members at any given time, escorted by staff, and with the understanding that there will be no engagement with prisoners. This is consistent with the Mayor's directive that the focus be on physical plant and the provision of clothing, heat and nutrition. It is also necessary to avoid the problems mentioned above with regard to interviewing prisoners.

Finally, we observe that item 2 of the Mayor's charge to the Task Force relates to docket management matters entirely within the control of the judges who serve in the 22nd Judicial Circuit.

We think the foregoing guidance is in keeping with the Mayor's directive to the Task Force and will enable the Task Force to fulfill its responsibilities, without risk of liability

[mo.gov/government/departments/public-safety/corrections/documents/procedures/](https://www.mo.gov/government/departments/public-safety/corrections/documents/procedures/). Current inmate population data and inmate population data for the previous three years is available at: <https://www.stlouis-mo.gov/data/dashboards/inmates/>.

Mayor's Corrections Task Force
February 19, 2021
Page 4

to the City. We think a reasonable target for the Task Force's final report to the Mayor is March 8, 2021.

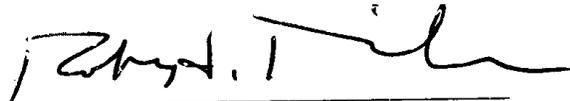
With regard to Rev. Gray's e-mail of February 18 to Judge Edwards: under the Charter of the City of St. Louis, the City Counselor is the attorney for the City, which includes all of its agencies. Absent very unusual circumstances, there can be no conflict of interest when the City Counselor represents or advises City agencies. If City agencies disagree among themselves, that is a matter for the Mayor to resolve, but that does not create a conflict of interest for the City Counselor.

We agree that Brian Champion should not serve as a member or administrator of the Task Force. But he, along with all other members of this office, may provide advice to the Task Force on the same basis as to any other City agency. Debbie Allen of the Criminal Justice Coordinating Council has also expressed willingness to act as a liaison between the Corrections Division and the Task Force in the matter of sharing information, if necessary.

The Sunshine Law issues relating to the Task Force will be addressed separately.

If you have any questions, please call.

Sincerely,



Robert H. Dierker
Deputy City Counselor

cc: Hon. Michael Stelzer
Hon. Lyda Krewson
Hon. Jimmie Edwards
Dale Glass, Commissioner
Debbie Allen, CJCC