

# **Corrections Task Force Report**

## **City Justice Center, St. Louis MO**

**March 12, 2021**



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## **Message from the Chairperson**

On behalf of the Corrections Task Force, I would like to thank Mayor Lyda Krewson for establishing this critical and timely initiative. In creating this Task Force, Mayor Krewson acknowledged that the issues contained in this report are of the utmost importance to her, and our City.

The Corrections Task Force approached our mandate with a commitment to identify issues that led up to the various uprisings, and to offer recommendations to address the situations that contributed to them. Therefore, we conducted interviews, reviewed documents, verified situations, researched, and analyzed solutions.

This report contains several pages of findings and recommendations. The Corrections Task Force considers ALL of them priority items to be acted upon. It is our position that some of the recommendations can be acted on by the current Mayor, the Public Safety Committee, Director of Public Safety, Commissioner of Corrections, and other City Departments. We understood that we were working against the clock, and that there were people who felt that we would not have enough time to make any real difference, substantive impact, or any significant recommendations.

We never doubted or second-guessed ourselves, nor were we under any illusions. We understood that we would not be able to do all the interviews, secure all the documents, or hear every witness that we wanted to. Over the last few weeks, we stayed committed to the task at hand, realized that the outcome of our work would make a difference in the lives of all who occupy, detainee or staff, the St. Louis Criminal Justice Center.

The issues fell into the following 3 categories:

1. Things we could validate and recommend immediate solutions.
2. Things we could not validate because we could not get answers to our questions, or there were varied points of view expressed by detainees, staff, and administration.
3. Things that require a longer-term solution.

Therefore, we would submit that the most urgent priority is to create an Independent Corrections Oversight Board. This Board should have the authority to obtain relevant information, unrestricted access to detainees and staff, adequate resources to hire external expertise, and provide on-going long-term oversight.

Secondly, detainees were consistent in their message, that two major issues created the most anxiety, hostility, and stress for them, which were being restricted to their cells for most of the day and the isolation from family. The Corrections Task Force found these concerns valid and recommended more out-of-cell time, as well as tablets. However, according to public testimony other detainees have expressed concern that other contributing factors were their perceived lack of COVID19 precautions as well as treatment by the staff.

Third, various situations that were observed on the 2<sup>nd</sup> floor caused immediate concern and demands immediate attention relative to occupant limitations in the cells and the lack of basic services provided to detainees. The length of stay of any detainee in a holding cell should not exceed 24 hours and it should be unquestionable that all detainees are the ultimate responsibility of the Commissioner of Corrections.

Fourth, there was a clear discrepancy between detainees and medical staff on detainees receiving medical service.

According to the wing reps we spoke to, the nursing staff act quickly for a well check but once a request is submitted to receive care it can take weeks or months. What was unclear is why it took so long for detainee medical forms to eventually reach medical staff. It is apparent that an outside evaluator is necessary to evaluate the reality of health care access.

Fifth, we understand clearly that the COVID-19 pandemic caused a severe log jam in the judicial process, but it should also be acknowledged that the average length of stay for detainees were unacceptable even before COVID-19. As we received and reviewed internal data, coupled with testimony from the various organizational presenters, we determined that there lacked a coordinated effort to discuss and resolve the problem of detainees' length of stay. The creation for an Independent Corrections Oversight Board would be instrumental to bring all parties and stakeholders together for problem solving.

Submitted,

Reverend Darryl G. Gray

Chairperson, Corrections Task Force

## Framework

Following a major disturbance at CJC on February 6, 2021, Mayor Lyda Krewson appointed a Corrections Task Force to begin to understand three urgent topics related to the CJC. These areas include:

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

It was understood by the task force that there would be a new mayor in the coming months, therefore, it was desired that the task force completes the work and issue a report by mid-March.

Task force members:

Rev. Darryl Gray (Chair), Civil Rights Advocate

Pamela Walker (Vice Chair), Former Health Director, St. Louis, MO

Adolphus Pruitt, President, City of St. Louis NAACP

Hon. Jamilah Nasheed, Former Missouri State Senator

Alderman Joe Vaccaro, Chair, Board of Aldermen Public Safety Committee

Alderman Jeffrey Boyd, Vice-Chair, Board of Aldermen Public Safety Committee

Rev. Charles Norris, Pastor, St. James AME Church, St. Louis Metropolitan Clergy Coalition.

Tracy Stanton, Advocate

Brad Hompe, MPA, Criminal Justice Systems and Jail Operations Consultant

## Introduction

The task force planned and organized an approach to addressing the topics by conducting 13 meetings. Two of the meetings were set aside specifically for public input regarding concerns about the CJC. The Public Defender's Office, Police Department, Sheriff's Office, Congresswoman Cori Bush's Office, and EXPO also presented to the task force. In addition, task force representatives toured the CJC, met with detainee representatives, met with CJC staff and contractors, reviewed a significant amount of data and documentation, and obtained written correspondence from public stakeholders.

The task force was not allowed, on advice of the City Counselor's office, to meet with detainees other than the unit representatives nor interview guards in a confidential setting. The inability to speak to key players such as general population detainees and corrections officers limited our ability to verify or deny claims made in the media and in public testimony.

The task Force would like to thank all detainees, members of the public, Expo, Circuit Attorney, Health Director, Corrections Commissioner, administration and staff, The Honorable Cori Bush's staff, Police Department staff, and Sheriff staff who took the time to meet with the task force and present testimony and recommendations.

Commissioner Dale Glass and the entire CJC staff met with the Task Force several times and allowed access, supplied policies and data allowed by the City Counselor's office. The task force would especially like to thank Major Tonya Harry, Captain Jemenda Adams, and SRT member Anthony Spencer for providing the tour and escort throughout the facility. The task force would also like to thank Ms. LaTanya Reeves for her assistance with coordination of the task force activities.

The following CJC staff/contractors participated in meetings with the task force:

- Dale Glass, Commissioner
- George Hayes, Deputy Commissioner-Detainee Management
- Kim Maloney, Deputy Commissioner- Operations
- Adrian Barnes, Superintendent
- Tonya Harry, Chief of Security
- Jemenda Adams, Captain
- Anthony Spencer, SRT
- Kristina Davis, Health Services Administrator- Corizon Health Care
- Karen Davies, Senior Vice President- Corizon Health Care
- Dr. Mallard- Corizon Health Care
- CO Price, Continuance Services Unit

In addition, numerous staff were spoken to during the tour to confirm operational practices.

**General findings and recommendations impacting all three tasks:**

It is not clear if the Justice Center meets ACA Core Jail Standards or the Missouri Sheriff's Association Standards. There appears to be confusion about which agency is in control of the movement and housing of any person being detained for at least one night on the 2<sup>nd</sup> floor. The perception of detainees is different than the perception of administration in several areas such as quality of food, temperature, and medical care access. When an incident occurs, there is no clear after-action analysis and response representing all entities operating in the building. Communication and transparency need to be improved, especially in the areas of detainee housing status, detainee length of stay, medical care, and complaints/grievances.

**RECOMMENDATION:** Through ordinance, create a long-term oversight board that has authority over Corrections operations including, accountability, analyzing unmet needs, investigating incidents and complaints/grievances. (See attached draft ordinance.)

**RECOMMENDATION:** Through ordinance, clarify that the Corrections Commissioner is legally responsible for and has the authority to assure all persons detained at least overnight in a correctional facility are treated humanely and have access to food, water, shower, and a bed.

**Task #1: The need to begin moving cases through the 22<sup>nd</sup> Circuit and any other measures to address the isolation and uncertainty resulting from the halting of court cases for nearly one year due to the COVID-19 pandemic.**

Given that the importance of the criminal justice system in assessing a detention operation cannot be understated while assessing the operations of a jail, it is appropriate to begin the report by addressing this task.

The detainee population is a result of the admission rate and the average length of time detainees are incarcerated. The admission rate is driven by arresting agencies as well as probation and alternative program staff. Law enforcement and bonding practices determine the rate of admissions to the facility. Moreover, the community, through its case management practices (judiciary, district attorney and defense attorneys, and availability of resources including alternatives to incarceration, etc.), determines the average length of stay, and therefore, the exit. The detention facility retains the population with little control over who is admitted and who is released.

**Judicial**

While representatives from the Judicial declined to meet with the task force, the task force received written response from Judge Stelzer which included a written correspondence, Grand Jury Reports, electronic monitoring data, and a felony case disposition report.

Judge Stelzer relayed that preliminary hearings have been continuously available except for March 2020 through June 2020. Judge Stelzer pointed out that the slowdown has been exclusively due to the inability to have jury trials and not being able to safely bring jurors into the building during the COVID-19 pandemic. Jurors were present for about 10 weeks in 2020. Judge Stelzer also noted that the pandemic has not prevented the parties from reaching plea agreements and notes that the felony case load has increased by several hundred during the pandemic. It should be noted that there are several priority cases scheduled for trial in March and April, pending the status of the pandemic.

Year	Pending Cases	Trails to Verdict	Felony Guilty Pleas
2019	1512	85	1109
2020	1906	20	438

The electronic monitoring report reflects that usage has continued to rise from 147 in 2020 to 231 as of January 2021. The court has requested \$350,000 in its budget to absorb costs rather than passing it on to the defendants. Electronic monitoring is a reasonable method of accountability to monitor pretrial defendants while reducing incarceration.

Grand Jury Reports provided reflect that inspections of CJC noted the following:



- Satisfied with operations of CJC. Floors scratched and could be better maintained.
- CJC is clean and well lit. Feels relatively new given it is 16 years old.
- Satisfied with overall CJC operation, minimal maintenance issues apparent, quarters well maintained and well managed.
- Clean/modern. Run to high professionalism and standards. Medical facilities and services quite adequate including mental health evaluations and services.

In addition, one report outlines challenges with circuit attorneys including changes in charges, inconsistent charging, and scheduling issues.

According to the wing reps we spoke to, detainees have adequate access to attorneys, however nearly all of those spoken to expressed concern about the time in pretrial status.

**RECOMMENDATION:** Continue to increase the use of electronic monitoring with the goal of reducing the jail population while maintaining accountability and public safety. It is recommended that pretrial detainees are not required to pay for this.

**RECOMMENDATION:** Create a robust video platform to support a wide array of court proceedings for most every case type. Create a hybrid in-person and remote appearance Grand Jury process. Empanel a petit jury to hear a case using Zoom. Conduct jury selections one day and then ask the empaneled jurors to appear the next day for a one or two day jury trial.

**RECOMMENDATION:** Consider reviewing the challenges brought forward by the previous Grand Jury regarding the Circuit Attorney's Office to determine if there are areas that can be improved.

### **Circuit Attorney's Office**

Chief Warrant Officer, Christopher Hinckley presented to the task force about the Circuit Attorney's Office process and role in processing detainees through the justice system. Mr. Hinckley outlined that the need to protect victims and witnesses is taken into consideration when determining whether to use the preliminary hearing process vs. a grand jury. The grand jury process is used to protect victims and witnesses as the witnesses and victims are not questioned during this process.

Mr. Hinckley outlined that if a defendant requests a speedy trial the trial must take place within 180 days noting this timeframe can be extended at the request of defense council but cannot be extended by the Circuit Attorney. The Circuit Attorney must be prepared to present the case at any time after a speedy trial is requested and if they are not prepared to present when trial is scheduled the case may be dismissed.

Mr. Hinckley relayed that his office has met with the Public Defender's Office previously to examine ways to move cases that would assist in decreases in the numbers of detainees. This has resulted in the reduction of bond amounts. Mr. Hinckley also shared that it is general practice to release those with pending C, D, or E felonies pending a warrant application. This also reduces the numbers of those detained. In addition, the use of summons is also used to reduce the number of defendants detained and there is a review process to make referrals to diversion programs.

Mr. Hinckley shared that the court is hoping to resume jury trials soon, but this is dependent on the approval of the Supreme Court and the COVID-19 situation.

### **Public Defender's Office**

District Defender Matthew Mahaffey met with the task force on March 5, 2021. Mr. Mahaffey relayed his appreciation for an opportunity to address the task force and emphasized the need for his office to be at the table for discussions regarding the city justice process as his office represents many detainees held at the CJC and MSI. Mr. Mahaffey also emphasized a need for stakeholders to listen, have compassion, have patience and be unassuming. Mr. Mahaffey stressed the importance of accountability of the stakeholders in the process, including his office.

Mr. Mahaffey shared that about 148 calls have been made to ArchCity Defender hotline to date regarding conditions at the CJC. Concerns noted were the 5<sup>th</sup> floor isolation, use of pepper spray, overall conditions, and the time it took for COVID-19 results.

Mr. Mahaffey shared data regarding the length of stay (LOS) of detainees prior to being provided a probable cause hearing. The LOS prior to COVID-19 was 126 days and has increased to 146 days since. State data shows the state average is 139 days.

Mr. Mahaffey shared concern of the overall ALOS at the CJC noting it is currently 344 days and climbing. Further troublesome is the fact that judges are not getting the cases for almost 5 months and said the status and process is a "recipe for disaster." Mr. Mahaffey stressed that those in detention have a disadvantage, as defending a case for a defendant who is not incarcerated has shown to have better outcomes. Therefore, there is a need to rethink incarceration and utilize pretrial options as he believes we are over incarcerating.

Mr. Mahaffey shared the need for increased transparency and cited his experience with the City Attorney's Office and their consistency in stonewalling records requests which results in barriers to defending clients. Mr. Mahaffey did praise Commissioner Glass for his responsiveness when called upon. Further barriers are being placed by the Circuit Attorney's Office as recommendations for charges are not being shared in a timely manner.

Mr. Mahaffey outlined the problematic use of grand juries rather than preliminary trials and his feeling that the Circuit Attorney's Office is filing by complaint but taking the case to grand jury which is resulting in unnecessary delays.

Mr. Mahaffey shared concerns that detainees are not allowed to receive books purchased by family and friends and finds this to be unnecessarily suppressing and believes this is an example of the need to rethink the system. It was confirmed that the CJC policy does allow softcover books; however, for security reasons, the books must be received at the CJC directly from the vendor. Mr. Mahaffey shared that his office has not been able to obtain a daily roster of those in the CJC and feels this is helpful to locate and provide services to clients. It was shared that 26 attorneys handle the caseload for the City of St. Louis, noting this is suboptimal as more attorneys would result in better representation.

Mr. Mahaffey shared that the Criminal Justice Coordinating Council-CJCC is the appropriate forum for addressing issues but has had a lack of production on the ground to address issues and affect change thus far.

Mr. Mahaffey submitted the following recommendations:

- Include someone from the public defender's office and/or ArchCity in every part of the discussions and recommendation process. These two organizations specifically have been on the ground with the clients who have been directly affected by the inadequacies at the jails.
- Court - Follow the rules regarding the time parameters for probable cause determinations. Since the circuit attorney's office chooses to file over 99% of their cases by complaint, pretrial accused individuals should not be spending an average of 146 days before a probable cause determination is made. The court alone has the ability to enforce these rules but has chosen not to. Considering that enforcing these rules (even if leading to a dismissal) would not prohibit the circuit attorney's office from later seeking an indictment, the unwillingness to enforce this seems designed to favor guilty until proven innocent instead of the reverse.
- CA's office - Stop filing cases by complaint that you intend to bring to a grand jury. The only logical reason for doing this would seem to be to have individuals criminally-legally involved without access to the legal and rule-based means for addressing their case pretrial. Many times, these individuals are incarcerated, making the approach even more damaging and unfortunate. If the state wants to take a case to a grand jury, that is their absolute right. But don't file by complaint, issue a warrant, arrest the individual, and then tell the court you are opposed to a preliminary hearing because it is a grand jury case. Instead, take the case to the grand jury and THEN issue your warrant or summons. Otherwise, stop opposing requests for preliminary hearings under the rules.

- All parties - Rethink pretrial detention. If we are an innocent until proven guilty system, we should stop treating people otherwise. We suggest being more creative and expansive in how we view release. Data shows that outcomes for criminally-legally involved individuals is much better for non-incarcerated people than incarcerated. And we all know the disproportional outcomes for Black and Brown people versus Whites. Continued efforts toward pretrial decarceration would help address both these inequities and the cost of jailing people. Understanding it would take a radical rethinking of our historical practices, I would respectfully suggest that our current and forever-approach has not produced increased public safety outcomes or societal betterment. We cannot continue to jail our way out of our racist carceral history and expect different results.
- Transparency - Power structures should be much more transparent regarding records request and information than they are. The Sunshine law has a default of disclosure, but our local authoritative bodies treat almost all requests otherwise. Things like use of force procedures, information regarding who and what equipment has what type of technology, and jail rosters should not be difficult to obtain. They should not require a fight. It would be wonderful to see a jail, mayor's office, and police department more interested in openness and honesty than protectionism.
- CA's office - Present pre-trial recommendations on a timely and early basis. This would help enormously in discussions with clients regarding how they want to approach their cases. We would like to have these initial offers as close to the start of a case as possible, per the practice in many other jurisdictions.
- Listen to and believe the voices of those incarcerated in the facilities. The historical default of power structures is towards detention and oppression of bodies and voices that they/we fear or deem "other." Focusing on building and equipment needs centered around controlling humans rather than the voices of those humans regarding needs and concerns is unlikely to produce better results for anyone. (Think access to books, recreation, communication, healthy food, and safe COVID protocols.)
- We need our people in power to move towards a more objective, unassuming, and patient approach. This would require a default towards listening, compassion for everyone involved, and respectful questioning. Our current criminal-legal system has a default similar to most humans and organizations - defensiveness, protectionism, and explosive reaction. Being involved in the criminal-legal system is already an unwanted emotional reality for those lay-people who are a part of it. Intimidating, angry, and/or egotistical

engagements from those with power towards such individuals does not foster an environment of trust or confidence. We can and should do better with how we talk to and treat everyone involved, professional and otherwise.

**RECOMMENDATION:** Develop a process for the CJC and the MSI to send the roster to the Public Defender's Office daily.

**RECOMMENDATION:** In the appropriate forum, formally evaluate the concerns about records requests to see if there are opportunities for improving the process.

**RECOMMENDATION:** In the appropriate forum, review the process, recommendations and concerns presented by both Mr. Mahaffey and Mr. Hinckley to determine if efficiencies can be identified.

**URGENT RECOMMENDATION:** Conduct and audit to determine if the public defender is filing motions with the court regarding detainee complaints about conditions of confinement.

## **CJCC**

Correspondence was received from Debbie Allen as a representative of the CJCC. Ms. Allen outlined that the CJCC began its work in 2018 and continues today with three standing committees - Alternatives to Incarceration, Information Sharing Governance, and Public Health.

As part of its work, the CJCC has reviewed existing workflows and identified needed changes to follow Rule 33. This included changes to improve the pretrial process. One issue identified was that the three agencies (Police, Sheriff, and Corrections) utilize separate data systems that do not allow for a smooth transition of data which creates efficiency issues in management of the CJC and those incarcerated there. An effort is underway to combine data from the various systems for official use which will not only improve operations but will allow for improved data collection that will assist in understanding how the criminal justice system is being utilized and is working.

The CJCC also continues to act and promote the importance of the agencies working together to ensure changes to regulation, policies, programming, and data systems. This is done with an understanding of how those changes will impact the other parts of the criminal justice system.

Although the CJCC is relatively new in the City of St. Louis, stakeholders spoken to were not able to identify actions taken by the CJCC to improve the justice system. While some criminal justice information must be kept confidential, it is appropriate to educate the community about the process and share progress to help the community gain trust and confidence in the system. For a CJCC to be successful there must be buy-in and

participation from the highest executive levels. It has been reported that the Public Safety Director does not participate in the process.

**RECOMMENDATION:** Keeping in mind a goal of maximizing transparency while following criminal justice data sharing policies, consider ways to increase education of the public on the goals and actions of the CJCC.

**RECOMMENDATION:** Review the output expectations of the CJCC vs. what has been done and make adjustment to make the CJCC more effective.

**RECOMMENDATION:** Continue to utilize the CJCC as the platform to examine the criminal justice system and make recommendations for adjustments. Create a work plan to address the issues and recommendations in this report.

**RECOMMENDATION:** Fund the development of the necessary data management system needed as described by Ms. Allen, keeping in mind the need to include stakeholders such as the system users and those that will use the data for analysis in the development of the system.

**RECOMMENDATION:** Ensure buy-in and participation into the CJCC from the Mayor, Public Safety Director, and other executives necessary so communication and change can be successful.

### **Detainee Population Data**

As of 2/10/2021, the total corrections population was 885 with 700 housed at CJC and 185 housed at the Medium Security Facility (MSI). There were 751 detainees being held on felony charges, 123 on detainers, 9 for misdemeanors and 2 for an ordinance violation. There were 207 held on Federal charges. Additional population data for corrections is outlined in the table below.

<u>Year:</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Bookings:	16,717	17,107	17,171	7,986
Admitted:	6,383	7,455	7,001	3,377
Not admitted:	10,334	9,644	10,155	4,609
ADP:	1,118	1,117	1,017	845
Peak Pop:	1,618	1,399	1,399	1,011
ALOS:	216	204	223	320

Note: The ALOS in 2021 thus far has increased to 344 days.

The data shows that the average daily population (ADP) had remained steady though 2018 with slight decreases in 2019 and 2020. The data beginning in March 2020 through present has been affected by the COVID-19 pandemic and may not be an accurate indicator of future space needs. Even with the decrease, the ADP in 2019 and

2020 were far above the operating capacity of CJC set at 665 per the recommendation of a 2020 consultant report. In addition, peak populations were even higher showing that in 2019-2020 the average peak population was 1205 which is 55% above the operating capacity of CJC. At peak population in 2019 and 2020, an additional 540 beds were needed in addition to those at CJC.

The ALOS remained extremely long over time with a significant increase in 2020. The ALOS is of concern as nearly all the detainees confined are pretrial. All detainees interviewed relayed concerns about the excessive pretrial LOS. Several indicated being there for extremely long times without even being charged. The CJC administration shared the same concerns noting that the jail is not designed for such long-term housing. The administration has, prior to COVID-19, mitigated this by providing programming to the extent that space and provider resources allow. The CJC administration shared that before the discussions about closing MSI, there had been a plan to implement a unit based mental health program that would enhance mental health services and transition to and from the community. The administration feels this need still exists today.

The numbers of arrestees that are not admitted into corrections is also extremely high. The police confirmed that all persons arrested, even those arrested for minor municipal issues, are brought to the CJC for processing.

**RECOMMENDATION:** Conduct an audit of detainees currently incarcerated to report the LOS for each. This audit would enable the city to further analyze reasons for the ALOS and determine if adjustments to the criminal justice system are needed. A long-term ability to track this information would also be helpful in monitoring the performance of the criminal justice system moving forward. Data points needed include:

- The current judicial status of each case/detainee
- How many have requested speedy trials.
- How many who have requested speedy trials were granted and denied.

**RECOMMENDATION:** Review current arrest practices to determine if other options are viable other than processing all through the CJC. Consider the use of risk screenings at the point of arrest and cite and release processes.

## **COVID-19**

The CJC took immediate measures at the start of the COVID-19 pandemic to protect the staff, detainees, and public. The CJC Administration consulted with St. Louis Public Health Department regarding the action plans. As of March 2, 2021, 100 detainees total between CJC and MSI had tested positive for COVID-19, no detainees were hospitalized, and there have been no deaths. A total of 752 detainees have been tested

to date. This is quite remarkable given the confined spaces, close contacts, and constant influx from the community. While the state has not made vaccine available to all detainees, CJC administration, in conjunction with the City of St. Louis Public Health Department, did secure and make available vaccine to those detainees identified as high risk. Seventeen of the 65 detainees that were offered the vaccine accepted it. Representation from EXPO did relay that they had received complaints about COVID-19 not being taken seriously by the CJC, however they had also received complaints about the restrictions placed on movement within the CJC including the loss of visits due to the COVID-19 mitigation protocols the CJC put in place. Some of the measures taken by the CJC to mitigate COVID-19 at the CJC included:

February 3, 2020

- Medical staff increased temperature readings of all arrestees entering and detainees assigned to the facility.
- Flu protocol was initiated. The medical and administrative staff spoke to staff and detainees regarding the importance of washing their hands and sanitizing all handrails, doorknobs, telephones, and other shared and frequently used devices.
- Detainee work crews implemented on all shifts to consistently disinfect all doorknobs, handrails, telephones, and other shared items throughout the jail.
- Medical staff implemented a screening form for the police department to utilize when arrestees enter the facility.
- Professional visits limited to no contact area. Disinfectant and sanitary wipes were made available.
- Detainee social visits limited to two (2) non-contact visits a week.
- All programs and volunteers are suspended from entering the facility until further notice.
- Protocol developed in the event a detainee is suspected and/or shows symptoms of having COVID-19.

March 16, 2020

- All social visits for detainees were suspended until further notice.
- Recreation and curfew hours were changed from 10pm to until 1am.
- A COVID-19 screening form was implemented for the facility. This form is being used for all outside professionals entering the facility.

March 17, 2020

- Staff provided COVID-19 updates. Staff was advised to provide access to cleaning supplies and disinfectant to all staff and detainees for all shifts.

March 18, 2020

- Access to the fitness centers suspended indefinitely.



- Provided updates regarding COVID-19 during shift briefings.
- Information provided to staff regarding Health Department contact information, procedure regarding medical or other paid leave, and steps to take if an employee believes he/she may have COVID-19.
- Disposable masks, hand sanitizers, disinfectant, and gloves available for all staff and distributed throughout the facility.

March 19, 2020

- Staff provided COVID-19 updates.

March 24, 2020

- Everyone entering both facilities will have their temperature taken prior to entering the building with a non-contact infrared thermometer.
- If you have a temperature in excess of 100.4° F, you will not be allowed entry.
- If you have traveled to a foreign country in the past 14 days, you will not be allowed entry.
- If you have had close contact with someone who has traveled to a foreign country in the past 14 days, you will not be allowed entry.
- If you have been asked to self-quarantine by a doctor or health agency, you will not be allowed entry.
- If you have a fever or shortness of breath, you will not be allowed entry.
- If you have been diagnosed or have had contact with someone diagnosed with COVID-19, you will not be allowed entry.
- All intake detainees will be separated for 14 days.
- All detainees at the Medium Security Institution (MSI) have been assigned to single cells.
- In the event all local hospitals are filled to capacity, we have designated Pod 4 at MSI as our holding area.
- Detainees are allowed two (2) free fifteen (15) minute calls a week.

March 27, 2020

- Obtained additional supplies (i.e., re-usable masks, surgical masks, and gloves).
- Distribution of COVID-19 flyers throughout the facilities.

March 30, 2020

- Reusable masks distributed to staff.
- Initiated a Google calendar so that public defenders could schedule a telephone conference with clients.

April 3, 2020

- Initiated spray bottles containing hand sanitizers.

April 6, 2020

- Definition of close contact, under six (6) feet and within a close proximity for 10-15 minutes.

April 9, 2020

- Everyone entering the facilities must wear a protective mask.
- Distributed masks to detainees for use in common areas.
- Temporarily suspended staff briefings in the briefing room.
- Sanitizing services every other week from a private contractor

The response to COVID-19 is ongoing. The response to COVID-19 resulted in many changes to operations at the CJC that are viewed as “take-aways” by the detainees and have therefore created climate issues. The concerns regarding the perceived “take-aways” were a common theme from all detainees interviewed. Detainees confirmed that this is a primary source of their agitation and a major contributing factor to recent disturbances. Some of the “take-aways” are a reduction of dayroom/recreation time which also limits time for telephone use, television, dining, and shower use, as well as loss of visitation, and loss of programming activities. The limited dayroom time often leads to detainees having to choose between using the phone, TV, preparing commissary, or showering as the access to this area is limited to about 1.5 hours per day. The reductions in dayroom use are compounded by the crowding at the CJC.

According to the wing reps we interviewed, administration and medical staff testimony the CJC has successfully mitigated the COVID-19 pandemic, all detainees are quarantined for 14 days upon admission, and all high-risk detainees have been offered the vaccine, the risk of allowing units to access the dayroom may now be less of a risk than preventing such use.

It should be noted that CJC administration has adjusted compensate for losses by allowing two free phone calls to each detainee per month, allowing attorneys to call in to speak to detainees, and by providing free commissary packs to each detainee two times per month. There is a current tablet pilot program in place, however, there are not enough tablets to service the entire population. CJC administration is in the process of contracting for each detainee to have a tablet that will be usable for messaging, video visitation, health service requests, grievances, law library access and mail delivery. The mail delivery application allows mail to be scanned into the system and made accessible to the detainee via the tablet. This will provide enhanced security and safety as it will eliminate the ability to send drugs through the mail. This will assist in addressing a long-standing issue of detainee overdosing while at the CJC. This concern

was relayed by both CJC and Sheriff's staff. The tablets are expected to be implemented within 60 days.

The following detainee care expenses were reported from January 2020 to present:



The CJC administration stated they do not test staff, nor do they maintain data regarding the number of staff that have contracted COVID 19. It was outlined that if ill, staff see their health provider who is required to report COVID-19 positives to the City Health Department who, in turn, provides tracking and direction regarding returning to work.

### **Director of Public Health and Hospitals**

Dr. Fredrick Echols met with the task force and outlined his Department's role, experience with, and recommendations pertaining to the CJC. Dr. Echols shared that he had been in communication and collaboration with Commissioner Glass from the start of the COVID-19 pandemic. Dr. Echols relayed that he feels that the CJC has done an amazing job with the response to COVID-19 and has worked closely with his office and the CDC guidelines throughout the process. Dr. Echols praised the hourly cleaning protocol in housing and the bi-weekly disinfectant spraying being done by a contractor.

Dr. Echols acknowledged that the response to COVID-19 has had unintended consequences such as loss of recreation and visits that have led to increased isolation and anxiety among the detainee population. Dr. Echols shared that the CJC administration has taken efforts to mitigate this isolation by offering 60 minutes of free phone time per week to each detainee. The CJC administration is also in the process of implementing tablets for each detainee which will allow for video visitation. Implementation is estimated to be May 22, 2021.

Dr. Echols feels that due to the detainees not being eligible for the vaccine and the recent new strains of COVID-19, the CJC population is still at risk. However, he is working with CJC administration to increase recreation time and to re-implement in person visitation. Dr. Echols recommends that dayroom/recreation use be increased to (15) fifteen detainees at a time for (1) one hour (2) two times daily. This number of detainees in a grouping will still allow for contact tracing should there be positive cases

of COVID-19. While the task force had initially recommended dayroom/recreation be increased to (4) four hours with larger groups, the recommendation by Dr. Echols is reasonable. In addition, Dr. Echols is working the CJC administration on a plan to reimplement ½ capacity visitation to allow for social distancing. This will require staff and cleaning resources to disinfect areas in-between visits. Dr. Echols feels that coronavirus relief funds can be used to assist with the resources needed. Dr. Echols also shared that the relief funds may also be appropriate to implement telehealth services.

Dr. Echols shared that his Department does inspect the CJC kitchen at least annually. This inspection results in a written report and follow up inspection if issues are identified. Dr. Echols was open to further discussion about his Department providing auditing of the CJC healthcare program but indicated that he would need additional resources to do that. Dr. Echols shared that this may result in an increase in collaboration that may enhance overall public health. For example, release planning and continuation of care processes may be improved.

**URGENT RECOMMENDATION:** Increase dayroom recreation consistent with Dr. Echols' recommendation. Continue to utilize enhanced sanitation measures and allow for monthly review of this practice. Reinstall seating and tables for the population using dayrooms.

**URGENT RECOMMENDATION:** Consider re-implementing programming with the restriction that units are not mixed, and program providers provide proof of COVID-19 vaccination.

**URGENT RECOMMENDATION:** Place a high priority on the implementation of the tablets allowing for remote visitation. Consistent with Dr. Echols' recommendation, reimplement in person visiting.

**RECOMMENDATION:** DOH should submit a weekly report to the Corrections Commissioner of how many staff in the aggregate have, and are currently, COVID-19 positive. The report should also include how many have been vaccinated, and how many contact investigations have been conducted with aggregate results.

**RECOMMENDATION:** Develop a vaccine education program based on science to inform detainees of vaccine risk, safety, and efficacy to discourage vaccine resistance. A presenter should be chosen who will just share the facts. There may be video available from The National Institutes of Health, the U.S. Food and Drug Administration and the Centers for Disease Control and Prevention in this regard.

## **Other Issues affecting conditions of confinement & effects of Isolation.**

### **Medical and Mental Health Care**

Upon interviewing detainees, a general theme emerged that medical services were not responsive to health requests in a timely manner. The Constituency Services Unit reported that the highest number of submittals are for medical issues. Several detainees reported waiting lengthy amounts of time to be seen by the provider or for orders such as labs to be completed. The health service provider acknowledged that there is a current backlog due to issues surrounding COVID-19 and lack of security escorts but insists that the medical needs of detainees are being met. Any backlog is tracked for accountability and follow-up needs. It was explained that not all health requests require the detainee to be seen for an appointment as there are many times that the detainee may be wanting medication, lab work, or other items that have not been medically indicated or ordered. Some detainees simply disagree with the provider's plan of care; however, that does not mean there has been indifference to their medical needs. The provider outlined the requirement that nursing staff conduct a face-to-face triage of each medical request within 24 hours and that necessary appointments take place with nursing or MD within 72 hours. It was noted that nursing staff are on each unit a minimum of four days for medication pass, triage, and diabetic checks. Each detainee receives screening upon intake, full medical assessment within 14 days of admission and annual assessment. It was also shared that the health services are currently accredited by the National Commission on Correctional Healthcare (NCCHC). The accreditation requirement is a condition of the medical contract and an accreditation survey is expected soon.

While public comment and information shared from EXPO included general issues about the lack of mental health care, detainee representatives generally praised the availability of mental health and reported seeing them on units daily.

Health requests can currently be submitted via the tablet and paper form. Soon, it is expected that the tablets will be used exclusively for this. This will allow for enhanced tracking and data collection. The task force did not investigate healthcare services due to time constraints. This would also require access to personal health information.

Detainees also generally praised the case workers noting they were responsive to their concerns and assist in ensuring access to attorneys.

**RECOMMENDATION:** Conduct an audit of the health and mental health services provided via a consultant/expert. Specific attention should be given to response to health requests, completion of medical orders/medications, and follow up appointments/services in accordance with established plan of care.

**RECOMMENDATION:** Utilize the Public Health Department to annually evaluate the CJC healthcare program.

## Grievance System

A brief review of the grievance system indicated that the system may be misunderstood by staff and detainees. Nearly no formal grievances are filed as there is a requirement to attempt to resolve all issues through an informal resolution process. Detainees report not being able - or not understanding how - to file a formal grievance after exhausting the informal resolution process. The tracking system currently used also provided limited data regarding the process. The CJC administration acknowledged that a review of this process is needed.

**RECOMMENDATION:** Conduct a review of grievance process to make sure it is meeting the intended needs. This should include ensuring staff and detainees understand the system and data tracking is maximized.

## Staffing

Adequate staffing suggests there must be the right number and type of staff, in the right place, at the right time, doing the right thing. The right number of staff and having staff in the right place is a product of a well-thought-out staffing analysis. A staffing analysis is also a tool for the evaluation of activity levels that take place in the 24-hour operation and creates an opportunity to adjust scheduled activity and/or staffing as necessary to maximize efficiency of resources.

Good hiring, screening, selection, placement, and retention of staff are major components of having the right staff. Police and fire officer salaries are significantly higher than correctional staff. While salary is not the sole reason for seeking work in corrections, the disparity in the salary has the potential to suggest to staff that correctional work is menial compared to other public safety positions. At the present time, there are 88 vacancies reducing the staffing levels to critical levels. It was reported that staff often leave for higher paying police officer positions as well as other higher paying positions. The reported starting wage is \$16 per hour. The wage certainly can affect the ability to hire and retain staff. The CJC administration relayed that the City is currently conducting a compensation study. The CJC administration also reports that the ongoing discussion about closing MSI has negatively affected recruitment and retention due to the uncertainty of job security and the negative effects it may have on the already crowded CJC facility.

**RECOMMENDATION:** Fund and conduct a comprehensive staffing analysis. A consultant can assist you with this process. Fully fund the necessary staffing positions identified by the staffing analysis.

**RECOMMENDATION:** Make it a priority to adjust the compensation of correction staff based on the compensation study results. Parity with law enforcement and fire personnel should be considered.

To effectively manage the detainee population, there must be an appropriate staff-to-detainee ratio. This is especially important in a direct supervision style jail where detainee behavior management is necessary. Currently, there are about 65 detainees on average in the direct supervision units that are staffed with one corrections officer. The dayrooms also do not appear to be sized for this number of detainees. This leads to crowding in the dayroom and the need to reduce the time detainees may access this area, therefore reducing services to detainees. Such crowding can be a root cause to detainee management problems and disturbances such as those recently experienced at the CJC. Customarily, direct supervision units like those at the CJC are populated at about 48 detainees. This allows for optimum detainee management. Failure to obtain this optimum detainee management and supervision leads to a lack of communication and accountability which has potential to lead to climate issues as well as deteriorating facilities.

CJC currently contains 782 “rated” beds that can be used for general population housing purpose. If the direct supervision unit beds are reduced to 48, this will reduce the number of rated beds to 638. This includes 63 beds that are currently designated for segregation. Designated segregation space is necessary to maintain separation of those inmates assigned to administrative or protective confinement as well as those separated for disciplinary reasons.

The purpose of pointing out the designated 63 beds used for segregation is because that space cannot be used simultaneously for other housing due to classification and separation requirements. The same applies to units used to house females, juveniles, and those of differing classifications. On the day of the 2020 population assessment, there were 38 segregation inmates housed in a 63-bed unit therefore, the remaining 25 beds could not be occupied.

Likewise, 25 female inmates were housed on a 64-bed unit eliminating the ability to utilize the remaining 39 beds. In addition, two juveniles were housed in an eight bed sub-pod eliminating the ability to use six beds. Therefore, on this day, 70 “rated” beds at CJC could not be occupied due to classification and separation requirements. Additionally, cells may be down for periods of time for cleaning and maintenance. It is not uncommon in a jail for several cells to be out of service due to sanitation or maintenance needs. Therefore, there is a need to establish an operating capacity that is below the maximum capacity.

Compounding the staffing and crowding issue is the fact that MSI is not fully utilized. This causes unnecessary crowding at the CJC. On the day of the tour, there were several detainees held in holding due to not having cell space for them. This is not an acceptable housing solution and creates significant climate and care issues. MSI staffing has been cut from 149 to 65 in recent years causing the closing of many of the housing areas. Additionally, it was observed that some security posts were left open

and there was a lack of utility/support officer staff to assist in movement and searches. The security checkpoint for staff entrance was not staffed.

The need for a trained emergency response unit was also identified as enforcement had provided mutual aid to control the recent disturbances. Currently, the CJC has only six members of a Special Response Team (SRT) which does not have an allocated budget. The recent disturbance highlighted the need for such a team as the CJC did not have the ability to quickly respond and quell the disturbance that led to extensive damage to the facility and the breaching of the perimeter security of the jail. Planning and training for such emergencies is a necessary part of risk management in any correctional facility.

**RECOMMENDATION:** Reduce the population and beds on the direct supervision units to 48. It is understood that this will reduce CJC beds by 144 and the operating capacity to 542, however, this is necessary for overall safety and security of staff and detainees. This will also increase the ability to effectively manage the detainee population and meet the constitutional requirements of the detainee population.

**RECOMMENDATION:** By way of policy, limit the population housed at the CJC to the identified operating capacity.

**RECOMMENDATION:** Consider ways to improve and streamline communication to staff and detainees. For example, consider daily communication messaging to all detainees.

**RECOMMENDATION:** Consider developing and funding training opportunities for staff around effective behavior management. This is a vital component to operating successful direct supervision units.

**RECOMMENDATION:** Fully budget for the training and equipping of a 24-member SRT at the CJC. This will require an annual budget for appropriate training and equipment needs.

## **Detainee Management**

In addition to having the appropriate staff-to-detainee ratio and proper number of detainees for the space, active supervision of detainees must be in place. Corrections practitioners typically focus on active supervision of detainees because mere observation results in surveillance rather than supervision. It is not uncommon for crowded correctional facilities to focus on a more physical containment model rather than an effective detainee behavior management model. A physical containment model focuses on barriers and separation of the staff from the detainees. This model typically removes staff from detainees resulting in detainees, rather than staff, having more



control over other detainees. Moreover, fixtures and security materials are often of the highest security and therefore the highest cost.

While the entire CJC is crowded, the effects of a containment model can be seen on the 5<sup>th</sup> floor. The 5<sup>th</sup> floor does not have direct supervision; therefore, the staff are not consistently in the housing units actively supervising detainees. In the case of the CJC, many of the detainees housed on the 5<sup>th</sup> floor are only held there due to lack of space on other floors and have the perception they are being punished resulting in the creation of a negative climate.

Effective Detainee Behavior Management includes:

- Assessing Risk and Needs
- Assigning Detainees to Housing
- Addressing Basic Needs
- Defining and Conveying Expectations
- Supervision
- Keeping Detainees Productively Occupied

### **Assessing Risk and Needs**

Effective classification requires that detainees be screened upon commitment to the jail to ensure they are physically, mentally, and emotionally stable to be received into the facility. Additionally, a classification system helps to assess several of the predictors of behavior while in the detention center. An objective classification system aids staff in creating a behavior-based classification. Without the use of a validated objective classification system, it is not possible to determine if the current bed space is being utilized appropriately or if there is a need to expand the facility to ensure appropriate bed space.

**RECOMMENDATION:** Review the available validated objective classification systems (both point-additive and decision tree) available and develop a plan for implementation.

### **Assigning Detainees to Housing**

Once the detainee's classification is completed, it is essential to house the detainee in a location where they are assigned with detainees of similar risk and need. By doing so, correctional staff are better positioned to manage detainee behavior and provide appropriate treatment resources in an efficient and centralized manner. These cohorts allow for housing based on custody and programmatic focus. Opportunities also exist for implementing therapeutic type communities where the program focus can be in the housing unit and detainees can support the programmatic needs of other detainees.

Assigning detainees to housing based on whether their charge is of a violent or non-violent nature does not account for a detainee's behavior within the facility. Often, detainees may be arrested while under the influence of substances, and once incarcerated, their behavior no longer requires the same level of heightened security. This is significant so staff resources are focused on those detainees who require additional supervision.

**RECOMMENDATION:** Once the classification system is fully implemented, the classification levels will inform the housing needs. At this point, a housing plan can be designed to support the custody and classification levels of the population.

### **Meeting Detainees' Basic Needs**

Effective behavior management considers the importance of *meeting detainees' basic needs*. Meeting basic needs is significant because the failure to do so often results in detainees finding creative, albeit inappropriate, means to meet these basic needs.

Considering detainees' basic needs in general accounts for those situations when detainees find ways to meet the physiological, safety, and social needs when these needs are not addressed by the facility. One common example is detainees covering vents in their cells with newspapers or plugging them with toilet paper to prevent cold air from flowing on them as they sleep or when they are locked down. This behavior creates three problems: First, it meets the definition of a rule violation, and therefore staff must make a decision to charge detainee with an infraction or to allow the infraction to occur thus diminishing the significance of the rules; second, the practice increases the use of objects which give the appearance that detainees are abusing these supplies, therefore, resulting in the more controls placed on supplies – resulting in a downward spiral; and third, and perhaps most importantly, it adversely affects the HVAC balance.

### **Defining and Conveying Expectations**

A key component of effective detainee behavior management is defining and conveying expectations. Expectations are conveyed both directly (e.g., rule books, orientations, and staff directives, etc.), and indirectly (e.g., the physical cleanliness of the facility, staff behaviors, support for the officer, etc.). It is important that administrators continually assess operations to determine what direct and indirect messages are being communicated to the detainees. Direct conveyance of expectations typically occurs through written and oral orientations, rule books and directives. Discussions with staff and detainee representatives at the CJC determined that there is a need for increased communication and consistency. There were examples of processes being changed that had not been successfully communicated to the staff and detainees. Furthermore, there must be an accountability system in place to ensure expectations are carried out.

The CJC administration appears to be more than willing to make necessary adjustments as they were already addressing issues identified by the task force before we had left the facility. The issue appears to be the need for long term evaluation to ensure practices mesh policy and expectations.

**RECOMMENDATION:** Conduct a review of the policies and procedures and detainee handbook to ensure they are consistent with practices. Make efforts to continually communicate expectations and processes to the staff and detainees.

**RECOMMENDATION:** Further develop systems of accountability to ensure practices are meshing with policy and expectations.

### **Supervision of Detainees**

Active supervision requires that detention officers roam housing units regularly, and supervisors and escort staff visit each housing unit frequently to support housing unit officers. It was observed that due to the crowding and staffing inadequacies, this is not happening at the CJC. Supervision is more than merely observing areas; the goal is to interact with the population to proactively identify and prevent issues.

### **Productive Activities**

The final consideration for actively supervising detainees is the importance of occupying detainees' idle time with productive activities. While the CJC did have recreation and program activities available previously, COVID-19 dictated that this be limited. As previously said, this has increased the stress of the detainee population and negatively affected the climate. The benefit of providing access to programs, work opportunities, and leisure activities is it keeps detainees productively occupied, but also has the potential to address detainee needs. Further evaluation is needed to determine if the resources offer sufficient opportunity for programs.

## **Task #2: To investigate the alleged concerns and complaints regarding food, water, temperature, and clothing.**

### **Food**

Policies and procedures and food service documentation customarily found in a detention setting were present at the CJC. This includes:

- “It is the policy of the Division of Corrections that the preparation and service of food items complies with the American Correctional Association standards in maintaining the highest professional and quality standards of security, sanitation, physical hygiene, and safety; and to provide a therapeutic diet program to address medically required diets and diets prescribed by religious and other recognized practices.”
- “It is the policy of the St. Louis City Division of Corrections to provide three (3) meals to detainees at scheduled times in each twenty-four (24) hour period, and two of the three meals will be hot meals; and the meals will be served with no more than fourteen (14) hours between the evening meal and breakfast.”
- “The food service provider will meet or exceed dietary allowances as contained in the Recommended Dietary Allowances of the National Academy of Sciences.”
- “Food service staff are required to adhere to the approved menu and substantially follow established plan. Meal preparation will include consideration for flavor, texture, temperature, appearance, and palatability. Menu substitutions will be approved by the Commissioner of Corrections or designee.”
- “Each detainee will be provided foods from a six-category grouping with daily allowances for each grouping.”
- “The menu, portions standard will be established and distributed by the Food Service Manager as prescribed by contract.”
- “The Food Service Manager will ensure that nutritional standards are met through a system that includes: (a). Annual menu review with a date and signature, and (b). Documentation of the annual review by a registered dietician, with a signature and date; a copy of which will be forwarded to Commissioner of Corrections or designee.”
- “A quarterly record of the meals actually served will be maintained by the Food Service Manager to document the following: • Nutritional adequacy • Menu planning effectiveness • Meal service procedures • Cost; and • Special problems including menu substitutions.”

The food services are provided by a contractor with detainee workers assisting. The kitchen at the CJC provides the general meal for both CJC and MSI while MSI provides baked goods for both facilities. Meals for the CJC are prepared and plated in the kitchen under supervision of staff and once the unit carts are prepared, the carts are delivered

to the housing units for meal delivery to the detainees. Plating and holding temperatures are also taken and recorded for all meals. Currently, due to COVID-19, seating in the dayroom is limited which requires detainees to eat in their cells.

Detainees generally felt the food was bland, high in starch, lacked variety and presentation and lacked fruit and vegetables. Detainees reported having basically the same breakfast each morning. We also heard through public testimony that some detainees did not receive three meals per day. The CJC administration confirmed that fruit is not served due to security issues, however, also offered that the diet and menu is reviewed by a dietician to ensure appropriate nutrition is being provided. While it is understood that fruit can be used to ferment alcohol, there are other measures available to monitor this without removing fruit from the diet. Customarily, detention facilities control and monitor this issue by ensuring fruit served is consumed in the dining area and not allowed to be kept in cells. This does require appropriate seating for the number of detainees and appropriate number of staff to provide supervision.

While touring the food service area, it was noted that the area was generally clean, but some areas needed deep cleaning. The mop closet and detainee bathroom were noted as areas of concern. On the date of the tour, the dishwasher was not functioning properly which required meals to be served in disposable containers rather than on trays. The CJC administration indicated that a new dishwasher would have to be purchased. The food service facilities are inspected by the St. Louis Health Department. The most recent inspection took place on 9/28/2020 with a score of 98 and grade of A.

In addition to the provided menu, detainees may order commissary and have access to vending machines on the housing unit. Access to vending machines is a unique privilege not seen at many jail facilities. Microwaves are available on the housing units for heating of commissary items.

While generally clean and sanitary, some detainees did express frustration with being able to obtain cleaning supplies consistently. Staff did verify that cleaning supplies are available as scheduled. The most recent health inspection of the entire CJC was from November of 2019.

**RECOMMENDATION:** Install a hands-free sink in the detainee restroom in the kitchen area.

**RECOMMENDATION:** Improve communication from the kitchen to the staff responsible for delivery of meal carts to ensure the meals are served as soon as possible after plating. This will assist in providing a quality meal at the desirable temperature.

**RECOMMENDATION:** Implement a quality control system to ensure specialty meals prepared in advance are maintained and served at appropriate temperatures.

**RECOMMENDATION:** Review ways to improve overall sanitation of the area and deep cleaning processes.

**RECOMMENDATION:** Review the menu to determine if cost effective variations that offer healthy diets may be available to provide variety in the menu rotation. Review the menu to ensure compliance with servings of fruits and vegetables. Consider serving fruit and/or fruit juice to meet this requirement.

**RECOMMENDATION:** Request health inspections from the Health Department in accordance with CJC policy. Two times annually.

**RECOMMENDATION:** As a matter of policy, document any corrective measures taken because of inspections.

**RECOMMENDATION:** Adjust the detainee population to mesh with the space available to ensure each detainee can sit at a table during meals.

## **Water**

Detainees interviewed were satisfied with access to water and noted that water is available to drink in cells, at each meal, and from a fountain in the dayroom. Shower and sink water are also available in the dayrooms. Staff and detainees confirmed that water is only shut down momentarily for maintenance needs on the 3<sup>rd</sup> and 4<sup>th</sup> floors while detainees on the 5<sup>th</sup> floor did relay that water has been shut off at times. It was confirmed by staff that other than for maintenance reasons, this is only done to stop a detainee or detainees who are actively engaged in “flooding.”

**RECOMMENDATION:** As a matter of policy, require documentation any time water is not available to a detainee. This would include the start time, end time, and the offering of drinking water.

## **Temperature**

Per policy, “The Maintenance Supervisor sets, controls, monitors, and maintains the temperature throughout the facility consistent with applicable standards or statutes. In facilities housing detainees, there will be supply of at least 15 cubic feet per minute of circulated air per occupant with a minimum of five-cubic feet per minute of outside air. There will be no less than four air changes per hour in toilet rooms and cells with toilets unless state or local codes require a different number of air changes. The Facility Manager or a qualified source will document air quantities at least once every three years or per accreditation cycle.”

While some detainees interviewed felt the temperatures were too low, others found it to be acceptable. Detainees did acknowledge that the perception of cold temperatures may be due to the significant air exchanges that take place. Upon tour, the task force

members found the temperature to be acceptable. The temperature is set at 72. And temperature logs reflect the temperatures are maintained in the 70's. It was confirmed that the temperature sensors are in the return air ducts. The HVAC system provides automated alerts to maintenance staff any time the temperature becomes out of range so that immediate correction can take place.

**RECOMMENDATION:** Issue a second blanket to each detainee to address concerns of varying temperatures and draft issues due to air exchange.

## Clothing

Standard clothing and linen provided includes: (1) Pair of Sneakers (2) Elastic waist – yellow color pants (no pocket) (2) Top Tanks – yellow color (with pocket) (2) Pair white socks only (3) Pair of boxers or women's underwear (no pocket) (3) bras-females (2) Undershirts (no pocket) (2) Bed sheets (1) Towel (1) Facecloth (1) Mesh laundry bag (1) Blanket. Detainees are also able to order thermal tops from commissary if they so choose.

Laundry policy requires that detainees receive 2 (two) complete sets of clean clothing per week, Detainees can exchange/laundry linens, including towels, at least weekly, and Detainees are able to exchange/laundry blankets at least once every month.

Both staff and detainees confirmed laundry is now done for each housing area two times per week. This was recently increased from one time per week. The 5<sup>th</sup> floor detainees did report differences in the laundry schedule and the staff have confirmed that laundry is provided two times per week now for all detainees. Clothing and linens observed on the tour appeared to be in good condition. The laundry facility was exceptionally clean and orderly and was equipped with three commercial washers and three commercial dryers. There did appear to be confusion or inconsistency as to the process for exchanging blankets. Detainees did report concerns about clothing not being fully dried upon return at times. The CJC administration did put out a memorandum to all staff and detainees on 3/5/21 clarifying the laundry procedures.

The following clothing/laundry expenses were reported from January 2020 to present:

- Clothing/shoes                   \$14,039.26
- Bedding                            \$14,094.16
- Towels/cloths                   \$11,844.00
- Laundry Bags                    \$2,929.92

**RECOMMENDATION:** Ensure the handbook and policy reflect current laundry procedures.

**RECOMMENDATION:** Implement a quality control method to ensure all clothing is properly dried before returning to detainees.

**RECOMMENDATION:** Maintain a clothing and linen supply available to the unit in the event of an emergent exchange need. This is especially important for those with special needs.



**Task #3: To become apprised of the urgent building and equipment needs of the facility, which is approximately 20 years old.**

**CJC General**

The CJC is generally well maintained, however, some systems are at or past life span and need upgrade or replacement. Additionally, due to the age and inadequate space at the CJC, it would be appropriate to begin planning for future needs of corrections facilities.

The CJC administration reports the recent addition of an air purification system as part of COVID-19 mitigation. The automation for the HVAC system was also replaced last year. The facility has a total of 15 pending funded requests for HVAC, electrical, and plumbing needs totaling \$255,863.00.

It is reported that the roof has issues with leaking and investigation is needed to determine what actions need to be taken.

The CJC administration has advised that a current project is pending to replace/upgrade the locking mechanisms in several of the housing units. Currently, three housing units/195 beds are out of service pending completion of this project. This compounds an already critical crowding issue at the CJC. The security electronics system, which control the doors, is at the end of its life cycle, is a proprietary system, and needs upgrading and replacement.

During the recent disturbance, detainees were able to breach a gate that acts as the perimeter security and prevents access to the glass windows necessary to provide natural light. It was noticed that a lock is missing from one of the program rooms and a door on the first floor is not currently lockable. CJC administration advised that these repairs are included in the pending project.

Currently, officer staff log rounds by entering the time of the round in an electronic log. This does not allow for real-time recording and tracking of rounds. Modern systems allow for real-time recording and tracking of rounds which allows for increased accountability.

Scanning equipment at staff entrance checkpoints is lacking. Staff nor items brought in by staff are searched. Accepted correctional practice requires staff and contractors entering a correctional facility to be searched and have their belongings searched. This is accomplished using x-ray and/or body scanners. Modern day body scanners have privacy settings appropriate for staff use.

It was relayed that there have been some architectural services provided for planning for future facility needs should MSI be closed. It is unknown as to what level the services have been provided or what level of planning has taken place. Planning for future detention facilities must include a needs assessment process as well as program planning in advance of any schematic or design development to ensure that any future

facilities will meet the needs of the agency. Planning for future facilities as well as evaluation of the current facilities must consider what the City of St. Louis wants its correctional facilities to look like, represent, and produce. For example, what changes are necessary to ensure the facilities are consistent with current corrections approaches.

**URGENT RECOMMENDATION:** Fully fund the replacement and upgrade the security electronics system to ensure necessary security and containment is maintained. Consider the upgrading and enhancement of intercoms, camera systems, public address, and alarm systems during this replacement. Incorporate the installation and implementation of a real-time tracking system for officer rounds such as the “Pipe II Tour.” Incorporate the detainee tracking system to allow for enhanced investigation ability.

**URGENT RECOMMENDATION:** Contract for design and installation of maximum-security gates to be installed that will prevent future breaches such as that in the recent disturbance. A vestibule/double door may be appropriate for this application.

**RECOMMENDATION:** Require all staff and contractors to enter the facility at a single security checkpoint. Fund, purchase and install a body scanner and x-ray machine that staff and staff belonging are required to pass through when entering the facility.

**RECOMMENDATION:** Contract for a study to be completed to determine what the needs of the CJC roof are and fully fund and complete the work.

**RECOMMENDATION:** Fully fund replacement of the dishwasher in foodservice. Study, plan for and fund future replacement of the aging kitchen equipment.

**RECOMMENDATION:** Fully fund the necessary equipment to outfit and train the SRT to ensure adequate response capabilities to disturbances. Consideration should be given to enhanced deployment tools such as “Protectojets” and masks.

**RECOMMENDATION:** Begin the planning process to develop a plan to build a new jail facility. This should begin with a thorough needs assessment and program planning process with the assistance of a consultant. This should be followed with securing bonding and architectural services for design services.

**RECOMMENDATION:** Require a bi-annual report from the Corrections Commissioner to the Public Safety Committee that summarizes what, if anything, is needed to meet current accepted correctional practices in both facilities and operations. This should include future needs necessary for continuous improvement.

**RECOMMENDATION:** Consider outdoor recreation space in future facilities.

## Police Holding at the CJC

During the tour of the CJC, a significant number of detainees were observed being housed in group holding cells on the 2<sup>nd</sup> floor. These detainees are held by the police and not admitted to corrections. The holding cells were crowded, and it was reported that detainees often spend days and weeks in the holding cells without change of clothes, bed, or bedding. Each holding cell has one toilet which does not provide for privacy and the occupancy of each is currently set at 31. It was reported on the day of the tour that one detainee had been held in holding for 38 days. This report was confirmed by viewing the roster. Additionally, those housed in the holding cells are not classified to ensure detainees are housed with those of similar risk. The holding cells are designed for temporary holding and the current practice appears to meet the level of cruel and inhumane treatment. The police holding facility appears to be lacking appropriate cells to place those detainees held for more than 24 hours. It is understood that those being held cannot simply be moved to a corrections cell within the CJC as they have not been legally committed to corrections. This situation is particularly concerning as thousands of people are arrested and held at the CJC under police custody each year that are not admitted to corrections custody.

Unfortunately, while most states have standards for such facilities, there does not appear to be standards in the state of Missouri that apply to municipal lock ups. A standard located in another state calls for ten square feet per occupant, one toilet for every eight occupants and housing by risk classification.

This issue appears to be causing a climate issue at the CJC. Detainees do not necessarily understand that corrections is not responsible for this placement therefore, they become agitated which places corrections staff at increased risk.

Because the 2<sup>nd</sup> floor is utilized by police and corrections, there appears to be a lack of clear role responsibilities and accountability. This concern was also relayed by the Sheriff's Department representation who also has blurred duties and roles in the CJC.

Lt. Pierre Benoist and Sgt. Colin Tully from the Police Department met with the task force and outlined the intake process and their role at the CJC. It was shared that while the Police Department oversee the functions of the 1<sup>st</sup> floor, the CJC administration oversees the facility maintenance and sanitation. Once detainees are moved to the 2<sup>nd</sup> floor they are under the supervision and care of Corrections, however they do remain in police custody.

It was relayed that it is rare that anyone would be held in police holding more than 24 hours but did acknowledge that there have been parole holds that have spent significant time in holding as corrections would not accept custody of the detainee. It was relayed that there have been issues with getting detainees moved from 1<sup>st</sup> floor holding to 2<sup>nd</sup> floor holding. This was attributed to staffing issues.

The Police relayed safety concerns noting the lack of communication surrounding the recent disturbance and the CJC's inability to control the situation. It was also relayed that there has been a lack of response from CJC administration to concerns about facility issues including the door call up, doors not functioning properly and cameras not functioning properly. It should be noted that the camera is now fixed and the call up and door issue will be resolved as part of the security electronics upgrade that is an urgent recommendation listed above.

The Police recommend that efforts be made to increase cooperation and communication among the agencies functioning within the CJC and that clear understanding of roles and processes be established.

**URGENT RECOMMENDATION:** Conduct an immediate audit on those detainees held in holding to identify the length of stay and rectify any issues found.

**URGENT RECOMMENDATION:** Cease the practice of holding detainees in holding cells more than 24 hours and implement policy to ensure transition to appropriate police holding facilities, corrections housing, transportation to other jurisdictions, or release is required after 24 hours. An appropriate tracking and accountability mechanism should be developed to monitor this moving forward.

**URGENT RECOMMENDATION:** By way of policy, require those housed in holding cells together to be of the same security classification and limit the capacity of each holding cell to (8) eight occupants.

**URGENT RECOMMENDATION:** Develop a plan for conducting police holding operations separately from corrections activity. This may require separate facilities as individual cells are needed in addition to group holding cells.

**URGENT RECOMMENDATION:** The Public Safety Director shall develop a system of monitoring the use of the police holding cells and furnish a report to the Public Safety Committee monthly. The report shall include time and date of admission to police group holding cell as well as the time and date of release from police group holding cell.

**RECOMMENDATION:** By way of policy, MOU, or ordinance, establish clear roles and accountability for all sections of the CJC.

## Closing

The Corrections Task Force was able to glean a significant amount of information in a short period of time as it relates to the CJC and the City's criminal justice system. While our tasks focused primarily on the CJC operations it is very apparent that there is need to examine the justice system as a whole and its effects on incarceration. The number of and lengths of the incarcerations taking place in the City of St. Louis is concerning and needs immediate analysis and change. We have made recommendations in this report that we believe will move this analysis and change forward and hope that it can become a priority for the City.

While the task force identified opportunities for improvement and increased accountability at the CJC; however, there must appropriate support for the Corrections Division so that the constitutional requirements of the detainees are met. Many of the recommendations herein this report reflect necessary adjustments to current operations and resources to address the current climate concerns at the CJC; however, there is a need to put in place long-term assessment and monitoring of the facility operations and goals. The State of Missouri, unlike most states, does not have jail standards or an inspection process set by the state. The American Correctional Association does have standards that can be used as does the Missouri Sheriff's Association.

Through examination of the three tasks, we have concluded that the climate issues which contributed to the recent disturbances at the CJC are a result of a combination of factors. This includes the excessive pretrial length of stay, the lack of appropriate facilities/space, the lack of appropriate resources, and the stress the COVID-19 pandemic and necessary mitigations added to the staff and detainees. We believe the recommendations made herein will begin to address the short-term and long-term needs of the CJC as well as others in the City's Justice System.

The task force has provided analysis of numerous areas and has made over 60 recommendations in this report. It is our hope that each and every analysis offered, and each recommendation is given due consideration and that plans be developed to address each.

We would like to thank you for the opportunity to perform the duties of this task force and trust you will find this report to be a valuable tool in moving the City of St. Louis Justice System forward.

**RECOMMENDATION:** As a matter of policy, incorporate the ACA Core Jail Standards and the Missouri Sheriff's Association Standards using the more stringent of each as a minimum standard for the CJC facilities and operations.

**RECOMMENDATION:** As a risk management strategy, contract for an annual operations assessment by a corrections consultant to assess current operations and identify opportunities for improvement.

**URGENT RECOMMENDATION:** The St. Louis Board of Aldermen establish an ordinance creating a “Corrections Oversight Board” for its city correctional facilities and operations. See attachment.

**URGENT RECOMMENDATION:** The Corrections Task Force be retained as a sub-committee of the Public Safety Committee until such time that the Corrections Oversight Board is created.

## Attachments

### **Attachment A: Data Reviewed**



Data Reviewed.pdf

### **Attachment B: CJC On Site Review Schedule**



Agenda .pdf

### **Attachment C: Mayor's Framework**



Mayor's Framework  
for Task Force - Feb

### **Attachment D: Correspondence from Deputy City Counselor**



Corrections Task  
Force letter.pdf

### **Attachment E: Correspondence from Pam Walker to Mayor Krewson**



Out of Cell  
recommendation 3.5

### **Attachment F: Correspondence from Debbie Allen- CJCC to Task Force**



CJCC Letter to  
Corrections Task Fo

### **Attachment G: Correspondence from Debbie Allen-CJCC to Task Force**



Letter to  
Corrections Task Fo

## **Attachment H: Correspondence from Judge Stelzer**



Presiding Judge  
response to the Tasl

## **Attachment I: District Felony Activity Report**



DIST FELONY  
ACTIVITY REPORT.02

## **Attachment J: GPS Data**



GPS data Jan.  
2020-Jan. 2021.pdf

## **Attachment K: Grand Jury Report August 2017 Term**



Grand Jury Report -  
Aug 2017 Term.pdf

## **Attachment L: Grand Jury Report February 2018 Term**



Grand Jury Report -  
Feb 2018 Term.pdf

## **Attachment M: Grand Jury Report May-August 2018**



Grand Jury Report -  
May-Aug 2018 Term.

## **Attachment N: Grand Jury Report November 2017-Februray 2018**



Grand Jury Report -  
Nov 2017 - Feb 2018

## **Attachment O: Grand Jury Report November 2017-Februrary 2018**



Grand Jury Report -  
Nov 2017-Feb 2018



**Attachment P: Mohave County, AZ news article**



Article .pdf

**Attachment Q: St. Louis Corrections Oversight Board**



St. Louis  
Corrections Civilian

**Attachment R: COVID-19 Assessment Chart**



COVID19  
Assessment Chart 3.