

# Exhibit 113

Report of Investigation of 2021 Uprisings at City  
Justice Center

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### I. EXECUTIVE SUMMARY OF INVESTIGATION

Reginald L. Harris, of the law firm Bryan Cave Leighton Paisner LLP, was appointed Special Assistant Circuit Attorney and was asked to investigate disturbances occurring at the St. Louis City Justice Center (“CJC”) during the COVID-19 pandemic. Mr. Harris, with the assistance of associates from the firm (collectively “BCLP”), focused primarily on incidents occurring at the CJC on February 6, 2021 and April 4, 2021, although other disturbances occurred before and after these two particular ones.<sup>1</sup> Both disturbances involved detainees manipulating cell locks, coming and remaining out of their cells against orders, causing property damage, and in at least one case, causing injury to a corrections officer. As part of its investigation, BCLP sought to determine the potential underlying causes of the disturbances and reviewed the St. Louis Division of Corrections’ (“the Division”) responses to the disturbances.

#### a. Potential Causes of Disturbances

What seems clear from BCLP’s investigation is that detainees engaged in the disruptive behavior, at least in part, because of the effect on their living conditions brought about by changes in policies and procedures instituted at the CJC in response to the COVID-19 pandemic.<sup>2</sup> Changes included the elimination of social visits and social programs and drastic reductions in recreation time. As a way to protect the health and safety of detainees and staff at the CJC by reducing the risk of exposure to COVID-19, these changes were reasonable and seemed to comport with recommendations of federal, state, and local public health officials. Nevertheless, the changes also led to feelings of frustration, deep social isolation, and increased distrust among the detainee population because detainees were no longer able to have in-person visits with family, friends, and loved ones and were required to spend the vast majority of their time each day inside their cells and could not congregate with one another.

Another source of detainees’ frustration and distrust was the fear that the CJC was exposing otherwise healthy detainees to the coronavirus by mixing them in with COVID-infected detainees. CJC officials generally denied this claim and asserted that there was a process in place for handling infected detainees and detainees suspected of being infected in order to avoid exposing healthy detainees to the virus. However, BCLP was unable to confirm with any degree of certainty that CJC staff responsible for interacting with and monitoring detainees was sufficiently aware of the process or

<sup>1</sup> In the latter part of the investigation, BCLP learned that an additional uprising occurred at the CJC in late July 2021. While BCLP inquired about the July uprising with its remaining interviewees, which included certain CJC administrators, the primary focus of the investigation was on the February and April disturbances.

<sup>2</sup> It should be noted that various CJC employees and detainees also attributed court delays as being one of the leading causes for the recent disturbances. BCLP understands that, as a result of the pandemic, courts throughout the country, including those in St. Louis, were forced to cancel court appearances and postpone trials. Consequently, detainees at the CJC likely experienced longer than normal delays in getting their cases resolved, thus resulting in longer stays in detention. Because the CJC has no control over those judicial processes, BCLP did not focus its investigation on that particular factor.



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that the process was consistently followed so as to effectively reduce detainees' risk of exposure to COVID-19. Moreover, some corrections officers corroborated the detainees' concerns that the CJC was mixing COVID-positive detainees with otherwise healthy detainees.

Alleged excessive use of force, particularly the use of pepper spray, was another major concern of detainees. During the course of the investigation, BCLP reviewed the CJC's policies and practices related to the use of pepper spray against detainees and has identified concerns, which the Division should address. Multiple CJC officials expressed concern that corrections officers tend to resort too quickly to the use of pepper spray, before employing non-violent tactics such as de-escalation techniques, to address detainee conflicts and misbehavior. Detainees who were interviewed were consistent in stating that corrections officers use pepper spray against detainees on nearly a daily basis and too often without first attempting other non-violent means of resolving detainees' issues. BCLP recommends that the Division provide additional and continuing training to corrections officers on the use of force, especially pepper spray.

During the period covered by the review, the Division reportedly had a policy requiring every use of force to be documented and then reviewed at increasing levels of authority within the Division. However, there is no way to tell whether the policy was consistently being followed, and there is reason to doubt that it was. At least one CJC official opined that some corrections officers were not truthful when documenting the reasons for the use of pepper spray. Another CJC official expressed doubt that the review process was being followed in every case. BCLP also inquired into the policies and practices related to the acquisition, tracking, and inventory of pepper spray but received, at most, inconsistent responses from CJC officials. BCLP strongly recommends that the Division conduct a comprehensive audit of its pepper spray policy if it has not already done so.

Other reported concerns of detainees that BCLP investigated were those pertaining to general (i.e., non-COVID-related) aspects of detainees' living conditions, including, among other things, the food served to detainees, detainees' access to water, and the temperatures in the units. It seems clear, based on the majority of interviews BCLP had with corrections officers and the interviews of detainees, that the food served to CJC detainees during the period under review was not appealing. Several interviewees quickly and unequivocally attested that the food was not something they would want to eat. That said, BCLP understands that certain changes to the food were made during the course of BCLP's investigation (such as the CJC's decision to offer a hot breakfast to the detainees), and CJC officials confirmed that medical professionals have reviewed and approved the food menu. Detainees also confirmed that they have seen recent improvements in the food that is served. Nevertheless, BCLP recommends that the Division continuously review its food menu and institute quality control measures such as—as one interviewee suggested—having a CJC official eat a meal prepared by the kitchen on a daily or weekly basis.

BCLP discovered no substantiating evidence with regard to reports that detainees are deprived of access to water in their cells. Nor did BCLP discover any evidence to suggest that the CJC subjects detainees to unreasonably cold temperatures. At most, BCLP confirmed, both through its tour of the facility and conversations with interviewees, that the temperatures in the units vary. However, BCLP understands that the temperature in the units operates through an automated computer system such



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that corrections officers do not have the ability to manipulate the thermostat (thereby eliminating any concern that corrections officers could intentionally cool down the units as a form of punishment).

### **b. Responses to Disturbances**

The February and April disturbances each lasted multiple hours and required assistance from law enforcement sources outside of the Division to get under control. Two factors stood out as obstacles to the Division being able to end the disturbances faster than it did: (1) defective door locks, and (2) staff shortages.

The locks on the cells at the CJC had been a cause for concern for many years. Because of the manner in which the cells were constructed, the locks were susceptible to being “jimmied” or “binked” by using an item such as a playing card, which could allow detainees to come out of their cells at will. As early as 2014, the Commissioner of Corrections requested that existing cell door locks at the CJC be replaced with tamper proof locks. It is unclear how much urgency the Commissioner placed on this or any other such request. It is also unclear how serious the request was taken by the officials responsible for allocating the funds to fix the problem. It is beyond dispute, however, that had the locks been working in February and April 2021, the disturbances may not have happened at all, or at a minimum, may not have lasted as long as they did.

Staffing shortages at the CJC also hindered the Division’s ability to prevent the disturbances or at least get them under control quicker. By the time the pandemic began in early 2020, the CJC was severely understaffed. As the pandemic continued throughout 2020 and early 2021, the vacancies at the CJC were not being filled. BCLP was advised that this was because the Commissioner was holding the positions for staff members at the Medium Security Institution (“MSI”) who might ultimately be transferred to CJC as a result of the rumored closing of MSI. Nevertheless, instead of focusing on hiring full-time employees to fill the vacancies at the CJC, the Division ultimately began hiring temporary guards from a security company sometime in or after February 2021. However, because of the contractual terms under which the temporary guards were hired, they were unable to perform the full duties of full-time corrections officers.

It must be appreciated that turnover will likely always be an issue in corrections because of the nature of the work; and therefore, staffing will likely always be an issue. Still, the Division should have undertaken greater effort to fill vacancies at the CJC instead of holding those spots for MSI officers who may or may not get transferred. The failure to fill those vacancies likely hampered the CJC’s ability to respond to the disturbances in a more effective manner.

### **c. Common Concern from Detainees**

Without exception, each of the detainees who were interviewed expressed that, while there are some exceptions, in general the corrections officers treat detainees poorly. They said that the corrections officers’ overall treatment of detainees was also a cause of the disruptions. Detainees described being treated “like dogs,” harassed, yelled at, cursed at, having their cell doors banged on, and having their



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requests routinely ignored. As already mentioned, detainees also reported being excessively pepper sprayed.

Further, every detainee interviewed by BCLP expressed frustration about the CJC's complaint procedure (or lack thereof). Specifically, detainees stated that, although they had submitted numerous complaints about various issues, they had never received any response from the CJC; they further indicated that the CJC's failure to respond to detainees' complaints likely contributed to the unrest that led to the disruptions. BCLP recommends that, if it has not already done so, the Division should review the CJC's procedure for responding to detainee complaints and implement any necessary changes to ensure that submitted complaints are addressed in a timely manner.

### **d. Common Concern from Corrections Officers**

While BCLP focused its investigation on identifying the potential underlying causes of the disturbances and the Division's responses to the disturbances, after interviewing multiple corrections officers, a common theme became clear—CJC officers have significant concerns for their safety. Specifically, a number of corrections officers emphasized their fear of managing detainees, whom many claimed have become increasingly violent and virtually unmanageable, with insufficient staffing levels. Officers also informed BCLP that they believe the CJC does not adequately hold detainees accountable for their misconduct toward officers, which emboldens the detainees to continue their disruptive behavior. Those same officers also claimed they expressed their safety concerns on multiple occasions to CJC officials but received unsatisfactory responses or no response at all.

CJC officials generally disputed the notion that officers' concerns went ignored. Putting aside those conflicting positions, the communication between CJC leadership and CJC officers—at least during the time-period investigated by BCLP—appears to have been inadequate. By way of example, it does not appear as though CJC officials provided a reasonable explanation (or any explanation at all) to officers for not filling vacancies during the heart of the pandemic. Given the extreme staffing shortages that the CJC faced during that time, one can certainly understand why an officer would feel confused, frustrated, and concerned by the CJC's decision in that regard.

## **II. INVESTIGATIVE STEPS TAKEN BY BCLP**

### **a. Witnesses Interviewed by BCLP**

BCLP interviewed the following individuals as part of this investigation<sup>3</sup>:

- a. Tonya Harry (“Major Harry”), Major at CJC;
- b. Direll Alexander (“Officer Alexander”), Correctional Officer (“CO”) at CJC;
- c. Bryan Harris (“Officer Harris”), Former CO at CJC;

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<sup>3</sup> Some of the titles listed in this section may no longer be accurate; upon information and belief, some of these interviewees are no longer employed at the CJC.

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- d. Richard Frank (“Mr. Frank”), Former Director of the Personnel Department for the City of St. Louis;
- e. Bryan Boeckelmann (“Mr. Boeckelmann”), Human Resources Manager, City of St. Louis, Personnel Department;
- f. Anthony Pinkney (“Officer Pinkney”), CO at CJC;
- g. Mark Benjamin (“Lt. Benjamin”), Lieutenant at CJC;
- h. Debra Willis (“Lt. Willis”), Lieutenant at CJC;
- i. Aviane Strong (“Ms. Strong”), Internal Affairs Investigator at CJC;
- j. Christopher Briggs (“Lt. Briggs”), Lieutenant at CJC;
- k. Terrence Sharp (“Mr. Sharp”), Internal Affairs Investigator at CJC;
- l. Cora Baker (“Captain Baker”), Captain at CJC;
- m. Dale Glass (“Mr. Glass”), Former Commissioner of the Department of Corrections for the City of St. Louis;
- n. Jennifer Adams (“Ms. Adams”), Area Steward for the St. Louis Carpenter’s Union;
- o. Kristina Davis (“Ms. Davis”), Health Services Administrator for Corizon;
- p. George Hayes (“Mr. Hayes”), Correctional Center Superintendent;
- q. Adrian Barnes (“Mr. Barnes”), Detention Center Superintendent;
- r. Jeffrey Carson (“Mr. Carson”), Former Interim Commissioner of Department of Corrections for the City of St. Louis;
- s. [REDACTED] Detainee;
- t. [REDACTED] Detainee;
- u. [REDACTED] Detainee; and
- v. [REDACTED] Detainee.

### **b. Documents Reviewed by BCLP**

The Special Assistant, through a grand jury subpoena, requested the Division to produce a variety of documentation regarding the 2021 disturbances and various aspects of the CJC’s operations. Through the St. Louis City Counselor’s Office, the Division ultimately made five productions of documents pertaining to the following general subjects:

- a. Internal video surveillance from the CJC;
- b. COVID-19 related documents and protocols for the CJC;
- c. Maintenance and health inspection reports for the CJC;
- d. Documents related to former Mayor Krewson’s Taskforce;
- e. Various policies and procedures pertaining to employees and detainees at the CJC;
- f. Documents and communications related to disturbances that occurred at the CJC between December 2020 and April 2021;
- g. Documents and communications related to staffing at the CJC in 2020;
- h. Documents related to officer safety; and
- i. Grievances and reports by detainees.

Additionally, BCLP reviewed articles, press releases, and news reports related to the disturbances that occurred at the CJC and other relevant issues taking place at the CJC.



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### c. BCLP's Tour of CJC

On September 29, 2021, BCLP visited the CJC to obtain a first-hand look at the locations where the disturbances occurred, the detainees' living conditions, and the progress of improvements reportedly being made to various units at the facility. George Hayes, Adrian Barnes, and Tammy Ross directed this tour (an Assistant City Counselor also attended).<sup>4</sup>

## III. INVESTIGATIVE FINDINGS

### a. High Level Summary of February 6, 2021 Uprising

In the early morning hours of February 6, 2021, certain disturbances or "uprisings" occurred in two units on the fourth floor of the CJC—4-Alpha and 4-Delta. In an effort to better understand how those two events occurred, BCLP interviewed multiple officers who were working on the fourth floor that evening as well as CJC administrators. BCLP also reviewed video surveillance footage from 4-Alpha.

It is apparent from BCLP's investigation that the CJC was severely understaffed generally in 2020, and particularly so during the shift that began in the evening of February 5, 2021 and continued until the morning of February 6, 2021 (the "third shift"). Officer Harris was the only CO assigned to supervise 4-Alpha that evening, which housed over 60 detainees.

Before every shift, COs attend a "pre-shift briefing," where they receive their unit assignments and learn other information that may be relevant for their duties for that particular shift. During the "pre-shift briefing" that occurred before the third shift on February 5, 2021, Lt. Willis (the individual responsible for supervising all units on the fourth floor that evening) and Officer Harris (the officer assigned to supervise 4-Alpha that evening) were warned that detainees in 4-Alpha had been refusing to lock down—i.e., the detainees had been manually unlocking their cells and roaming the unit without permission.

Surveillance video from 4-Alpha that evening makes clear that this behavior continued in the third shift as multiple detainees can be seen exiting their cells (seemingly at will and presumably without permission). Surveillance video further shows that, around 1:15 a.m., Officer Harris began having difficulty getting a particular detainee to stay on the lower level during recreation time (which was a requirement at that time). Given the detainee's apparent agitated state and refusal to comply with his directives, combined with the fact that multiple detainees were roaming the unit without permission, Officer Harris asked for additional support in the unit. Per his request, Lt. Willis entered the unit and

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<sup>4</sup> The City Counselor's Office's assistance in scheduling witness interviews and facilitating the production of relevant documents was greatly appreciated.



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attempted to speak with the non-compliant detainee but was ultimately unable to calm the detainee down.<sup>5</sup> Lt. Benjamin and Officer Pinkney also entered 4-Alpha shortly thereafter to lend assistance.

Shortly after the additional officers arrived to the unit, the detainee in question walked down the stairs and approached Officer Harris. Based on the video, the detainee appeared to stop a few feet in front of Officer Harris and the two argued for a very short period. According to Officer Harris, the detainee looked very aggressive as if he was about to attack Officer Harris. As a result of that perceived aggression, Officer Harris deployed his mace on the detainee. After being sprayed, the detainee charged toward Officer Harris and punched Officer Harris' person. Another detainee then joined the attack on Officer Harris. Other officers quickly stepped in and secured the two detainees. Officer Harris informed BCLP that he suffered injuries to his shoulder and wrist as a result of the altercation.

Surveillance video shows that, minutes after the altercation took place, officers appear to exit the unit, leaving 4-Alpha completely unsupervised. During this time, a number of detainees exited their cells. Although officers periodically returned to the unit over the course of the following hour, detainees were largely out of their cells and appeared to gain access to the unit's control panel, which ultimately allowed them to release other detainees from their cells. Ultimately, all officers exited 4-Alpha shortly before 2:30 a.m., at which point the detainees began to block the surveillance cameras and destroy property.

In or around this same period, the detainees in 4-Delta similarly began opening their cell doors without permission and engaging in disruptive behavior. Officers with whom BCLP spoke indicated that the detainees in 4-Delta likely engaged in this behavior after hearing and learning about the uprising that was occurring in 4-Alpha. Officer Pinkney additionally noted that, similar to 4-Alpha, there was only one CO assigned to 4-Delta that evening, and, according to Officer Pinkney, that CO had recently informed CJC administration that she did not feel safe working at the facility. Ms. Strong informed BCLP that, per her investigation, the officer assigned to 4-Delta that evening simply "abandoned" the unit, thereby enabling the detainees to take over.<sup>6</sup>

Ultimately, as widely reported in the media, detainees in 4-Alpha and 4-Delta destroyed various property in the units, broke windows, and barricaded entryways. Officers informed BCLP that these uprisings lasted until around 7:00 a.m. When asked why so much time passed before the CJC was able to regain control over the units, CJC officers and administrators informed BCLP that the CJC simply lacked sufficient personnel to enter the units and thus had to wait for local law enforcement to arrive to assist.

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<sup>5</sup> Ms. Strong informed BCLP that Lt. Willis should have used better de-escalation tactics to calm the detainee down and, if that was unsuccessful, she should have shut down the entire unit.

<sup>6</sup> According to Ms. Strong, that officer resigned shortly after the February 6, 2021 uprising.

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Following this uprising, Mr. Barnes asked Internal Affairs to investigate the events that transpired on February 6, 2021. Per his request, Ms. Strong reviewed witness statements and surveillance footage from that evening and ultimately prepared a report regarding her findings. According to that investigative report, Ms. Strong concluded that the uprising in 4-Alpha “was an escalation” from Officer Harris’ decision to deploy pepper spray on the aforementioned detainee.<sup>7</sup> Ms. Strong further concluded that Officer Harris’ deployment of spray violated CJC policy because Officer Harris was “not authorized nor trained to use that [particular] chemical agent.”

During her interview with BCLP, Ms. Strong clarified that, although Officer Harris was not authorized to use that particular type of mace, given the detainee’s demeanor and refusal to comply with directives, she believed Officer Harris’ decision to deploy spray in that instance was appropriate.

Despite the conclusion articulated in Ms. Strong’s report that the uprising in 4-Alpha resulted “from an escalation” of Officer Harris’ use of force, none of the CJC witnesses interviewed by BCLP credited such force as a primary cause for the uprising.<sup>8</sup> To the contrary, several CJC administrators opined that such use of force was merely a *consequence* of the detainees’ disruptive behavior as opposed to a *cause* of such behavior. Indeed, Mr. Barnes posited that such use of force was inevitable that night, suggesting that, had Officer Harris not deployed his spray that night, another officer would have. Similarly, neither Mr. Glass nor Mr. Hayes believed Officer Harris’ use of force was inappropriate.<sup>9</sup> However, Mr. Hayes and others noted that they personally would not have used spray in that instance, implying that they would have instead attempted to resolve the situation through de-escalation tactics.

As will be seen, detainee witnesses all reported that COs employ pepper spray far too frequently and unnecessarily, and that this conduct by the COs was a major cause of the uprisings.

### **b. High Level Summary of April 4, 2021 Uprising**

Almost two months later, in the evening of April 4, 2021 (Easter Sunday), another uprising occurred at the CJC—this time in two units on the third floor (3-Charlie and 3-Delta).

Mr. Barnes asked Ms. Strong to investigate the events that transpired on April 4 and identify the likely cause(s) for such events. Ms. Strong informed BCLP that she interviewed staff members, reviewed surveillance video and listened to recordings of calls made by detainees that were involved

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<sup>7</sup> During her interview with BCLP, Ms. Strong also opined that the detainees in 4-Alpha rioted because they were upset that this particular detainee was taken out of the unit.

<sup>8</sup> At most, Mr. Sharp, one of the Internal Affairs employees who investigated the uprising, stated that, “in hindsight,” Officer Harris may have sprayed “too much.”

<sup>9</sup> Mr. Glass could not specifically recall the details surrounding Officer Harris’ deployment of spray. However, he said that when he watched the surveillance video, he did not remember thinking, “oh he shouldn’t have done that.”



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in the disturbances on April 4, 2021. Based on her investigation, Ms. Strong concluded that this particular uprising was planned. When asked how she reached that conclusion, Ms. Strong explained that she discovered at least one detainee had informed his friends and family that the uprising was going to occur. According to Ms. Strong, the detainee who planned this uprising did so in order to gain “street credit.” Ms. Strong also noted that, in one of the detainee’s phone calls, he allegedly stated, “I bet you they get to my case now,” implying that, after he gained media attention from the unrest, he would finally get a court date.

Multiple other witnesses likewise opined that the April 4, 2021 uprising was planned. To that end, Mr. Hayes noted that, by the time he arrived to the CJC on April 4, 2021, numerous civilians were already outside the CJC. Considering those civilians were able to arrive to the CJC before Mr. Hayes, Mr. Hayes believed detainees had previously informed others in the community that they were going to riot that evening. Mr. Glass similarly recalled seeing individuals outside the facility on April 4, 2021 and indicated that, in his opinion, the support that the detainees received from the community from the February uprising “emboldened” them to engage in disruptive behavior again in April.

Aside from concluding that the April 4, 2021 uprising was planned, Ms. Strong further informed BCLP that she concluded that the officers working the third floor that evening did not perform their duties properly. For example, Ms. Strong noted that, before the uprising commenced in 3-Delta, surveillance video showed that detainees were covering their persons with various materials, which, according to Ms. Strong, should have alerted the CO in the unit to take action. One Lieutenant informed BCLP that he heard that detainees actually informed the CO in 3-Delta to leave so that they could begin rioting. Other witnesses informed BCLP that the Lieutenant in charge of the third floor that evening instructed the COs in 3-Charlie and 3-Delta to abandon their units, leaving the units completely unsupervised and thereby enabling the detainees to barricade the entryways and destroy property.

Ms. Strong indicated that, based on her review of the surveillance footage, 3-Delta was the first unit to become destructive. Although 3-Charlie was unsupervised, Ms. Strong stated that the detainees in that unit did not destroy any property for the first hour; the detainees in 3-Charlie did not become destructive until they were able to see the destruction that was occurring in 3-Delta, which, according to Ms. Strong and others, motivated the detainees in 3-Charlie to likewise become disruptive.

Ultimately, similar to the February 6, 2021 uprising, detainees in 3-Charlie and 3-Delta destroyed various property, including furniture, windows, and other items. Characterizing the damage, Ms. Strong stated that 3-Charlie was “trashed” and 3-Delta was “absolutely destroyed.”

Furthermore, BCLP interviewed one detainee who was housed in 3-Charlie on April 4, 2021. That detainee informed BCLP that detainees in his unit became upset that day when they were told that they would only receive two hours of recreation for the day. The detainee further stated that, when they asked to speak with a Lieutenant about the reasoning behind that decision, they were denied (which created additional frustration amongst the detainees). Subsequently, after the unit was locked down, detainees started getting out of their cells and ultimately started rioting once they saw the detainees rioting in 3-Delta.



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### c. High Level Summary of July 2021 Uprising

As previously mentioned, the thrust of BCLP's investigation revolved around the uprisings that occurred at the CJC on February 6 and April 4, 2021. However, during the investigation, BCLP learned that an additional uprising occurred at the CJC on July 27, 2021. According to news reports<sup>10</sup>, that afternoon, detainees in 5-Charlie began exiting their cells without permission (by manually unlocking their cells in the same manner they did during the February and April uprisings), prompting the officers in that unit to abandon their post by approximately 4:00 p.m. Once those officers left the unit, similar to the previous uprisings, the detainees accessed the unit's control panel and destroyed various property, including a microwave and computer monitors.

CJC officials who were questioned about this incident maintained that, despite media reports to the contrary, the detainees involved in the July uprising did not manipulate any of the new locking devices that had been installed at the facility by that time. Rather, 5-Charlie had the same type of locks that were manipulated during the February and April disturbances.

Mr. Hayes noted that the February and April uprisings likely occurred, in large part, because of detainees' frustrations with restrictions that were put in place to address COVID-19—namely, the reduced amount of rec time and elimination of social visits. However, according to Mr. Hayes, by July, those restrictions had largely been lifted (rec had been expanded significantly and social visits had been reinstated), and thus, in Mr. Hayes' view, the July disturbance occurred simply because the detainees wanted to be disruptive.

Mr. Barnes posited a different theory for the July disturbance. Mr. Barnes informed BCLP that this disturbance occurred because the interim commissioner, Mr. Carson, ordered the CJC to move certain problematic detainees—namely, detainees who had been involved in the prior disturbances—into 5-Charlie, which was known as a less secure unit (since it had defective locks). When BCLP asked Mr. Barnes why these detainees were moved to that unit, Mr. Barnes stated that Mr. Carson should be the person to answer that question.

Mr. Carson did not share Mr. Barnes' view about the cause for the July disturbance. According to Mr. Carson, the disturbance in July occurred because, once MSI closed and the detainees from that facility were transferred to the CJC, the CJC did not have enough beds for all of the detainees.<sup>11</sup> While Mr. Carson was looking for additional beds, the detainees became impatient and began to be disruptive. Given the apparent lack of space at the CJC, Mr. Carson made the affirmative decision to

<sup>10</sup> See, e.g., Lauren Trager, *Exclusive video shows latest chaos inside St. Louis City's Justice Center*, KMOV4 (July 28, 2021), <https://www.kmov.com/news/exclusive-video-shows-latest-chaos-inside-st-louis-citys-justice-center/article>.

<sup>11</sup> Mr. Carson explained that, although reports online may have suggested that the CJC had a sufficient number of beds, several of the units at the CJC were still inoperable because of the prior disturbances.

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transfer many detainees back to MSI (or, as Mr. Carson and others refer to it, the “CJC Annex”) at that time.

### **d. Factors That May Have Caused Or Contributed To The Uprisings**

As previously noted, aside from ascertaining the basic facts about what transpired during the February, April and July 2021 uprisings, one of the key goals of BCLP’s investigation was to pinpoint the likely *causes* for such uprisings. Many of the potential causes outlined in this Memorandum were reported by various news outlets before BCLP began its investigation (or shortly thereafter) and others were posited by various interviewees. However, in BCLP’s view, a number of various factors likely contributed to the reason for the uprisings.

#### **i. COVID-19 Related Issues**

The COVID-19 pandemic largely commenced in the United States between February and March 2020. In an effort to mitigate the effects of the pandemic, CJC administrators implemented a number of changes and policies at the facility. By way of example, the CJC modified their intake procedures, requiring all new intakes to answer a COVID-19 questionnaire.<sup>12</sup> The CJC also limited the number of detainees allowed out of their cells for recreation at any one time, eliminated social visits, provided masks to detainees, and instituted mandatory cleaning procedures in the units. Despite those efforts, as one would expect, given the manner in which COVID-19 is transmitted and the general design of a jail facility, preventing and/or controlling the spread of the virus proved to be difficult. Ultimately, by September 29, 2021, somewhere between 106 and 110 detainees had tested positive for COVID-19.<sup>13</sup> The CJC informed BCLP that no detainees died as a result of the virus. However, it should be noted that one detainee interviewed by BCLP stated that her entire unit contracted COVID-19 in September 2021 and that she was ultimately hospitalized for a significant period of time as a result of the virus.

Putting aside the effectiveness (or ineffectiveness) of the CJC’s various COVID-19 policies/changes, said policies/changes undeniably had an impact on the general morale of the detainees. News reports indicated that detainees’ frustrations with such policies/changes were relevant factors in the detainees’ decision to engage in the uprisings in 2021. As discussed herein, some of the detainees’ reported concerns in that regard were largely undisputed by interviewees, while others were not.

#### **1. Mixing COVID-positive and negative detainees**

In early March 2020, the CJC adopted and implemented the “St. Louis City Jails Emergency Response Plan to Corona Virus (COVID-19),” which was created by Ms. Davis, the Health Services

<sup>12</sup> Individuals who answer positively to one or more of the COVID-19 questions are isolated. All other individuals quarantine together on the second floor for 14 days.

<sup>13</sup> During BCLP’s September 29, 2021 tour, Mr. Hayes noted that a total of 106 detainees had tested positive since the outset of the pandemic. However, when BCLP interviewed Ms. Davis on July 22, 2021, she indicated that a total of 113 detainees had tested positive.



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Administrator for Corizon—the third party entity that handles the detainees’ medical needs. Among other things, this plan set forth the general intake and testing procedures for CJC detainees and the protocols for treating detainees with confirmed cases of COVID-19. Ms. Davis explained that, although the plan originally called for any COVID-19 positive person to be transported to local hospitals, it quickly became apparent that local hospitals would not have capacity to hold such individuals. Thus, the CJC was forced to find places to house positive and potentially positive detainees so that positive detainees would not expose the general population.

Whether the CJC successfully isolated infected detainees is far from clear. As widely reported in the media<sup>14</sup>, detainees complained that the CJC was mixing COVID-positive detainees in the same units as non-positive detainees. Detainees with whom BCLP spoke substantiated these reports. For example, one detainee informed BCLP that, at one point, detainees infected with COVID-19 were housed in the 4-Charlie unit, and non-positive detainees were brought into that same unit and contracted the virus.<sup>15</sup> Another detainee informed BCLP that detainees who test positive for COVID-19 are merely told to quarantine in their cell with their cellmate for 14 days; this same detainee indicated that he knew of several individuals who had contracted the virus as a result of being quarantined in a cell with a COVID-positive detainee. Multiple detainees informed BCLP that detainees’ exposure to COVID-19 played a major role in the detainees’ decision to engage in the uprisings in 2021.

Mr. Hayes and jail administrators outright denied the accusation that the CJC was mixing COVID-positive and non-positive detainees. Mr. Hayes explained that positive detainees were initially housed in the infirmary (which has 16 beds) and remained there until they received two negative tests; if the infirmary was full, positive detainees were housed together in the post-admission housing unit on the second floor. Once those two areas were full, positive detainees were transferred to a particular pod at MSI. Mr. Barnes and Mr. Glass generally agreed with that summary but also noted that some detainees were required to quarantine with their cell mate (if the CJC determined that the cell mate had already been exposed), which understandably made the cell mates uncomfortable.

However, several officers with whom BCLP spoke indicated that positive detainees were indeed housed in the same units as non-positive detainees. For example, one Lieutenant told BCLP that the CJC first tried to isolate positive detainees in the female unit, and “when that didn’t work,” the positive detainees were placed in 4-Charlie with non-positive detainees. Two COs likewise told BCLP that positive detainees were placed in 4-Charlie. One of those COs also indicated that, although the positive detainees were supposed to have recreation time alone, they would often come out of their cells at the same time as non-positive detainees. The other CO indicated that, not only

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<sup>14</sup> See, e.g., Associated Press, “*St. Louis jail tensions ‘boiled over’ amid COVID-19 worries*,” KSDK.com (Feb. 18, 2021), <https://www.ksdk.com/article/news/crime/st-louis-city-justice-center-tensions-covid-19-worries/63-06eaf50e-8208-4e33-b5bd-80710a2dba27>.

<sup>15</sup> The detainee informed BCLP that he learned this information through a conversation he had with one of the nurses at the facility.



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were positive detainees placed in 4-Charlie with non-positive detainees, but multiple officers (including himself) worked in units on the fourth floor while having COVID.<sup>16</sup>

Similarly, Mr. Carson informed BCLP that COVID-positive detainees were “clogged in arrest tanks” and were housed in the same areas as non-positive detainees. When asked how he discovered this information (since at the time he managed MSI and not CJC), Mr. Carson stated that, as a duty officer, he periodically toured both facilities and spoke to detainees at both jails who informed him that the CJC was mixing COVID-positive and negative detainees.<sup>17</sup>

### 2. Elimination of social visits

The CJC eliminated social visits in mid-March 2020 and did not reinstate such visits until May 2021. It is undisputed that the temporary elimination of such visits created a significant amount of frustration and discontent among the detainees. The vast majority of interviewees acknowledged to BCLP that the elimination of such visits likely played a major role in the detainees’ decision to engage in uprisings in 2021. None of the CJC officials with whom BCLP spoke indicated that the decision to temporarily eliminate social visits was ill advised. One detainee witness stated that the elimination of the social visits was not justified, especially since COs and other staff were able to leave the facility and then return after being around other people, thereby presumably risking the spread of the disease.

CJC administrators informed BCLP that, while they understood the detainees’ frustration, the CJC had no choice but to follow the guidance of the CDC and Dr. Echols—the Director of the City of St. Louis’ Department of Health—who advised the CJC to remove such social encounters. Mr. Barnes told BCLP that, while he wishes the CJC could have avoided the temporary elimination of such visits, his primary goal was to keep the detainees safe.

To help provide more contact between the detainees and their families, the CJC provided each detainee a certain amount of free telephone minutes each day. Additionally, in or around May 2021, the CJC provided the detainees with access to tablets, which allow detainees to video chat with their friends and family any time between 7:00 a.m. and 10:00 p.m. One detainee stated that there was a lack of follow through in improving access to video visits with family and friends.

BCLP discovered no evidence to suggest that the CJC’s decision to temporarily eliminate social visits was arbitrary or improper.

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<sup>16</sup> Mr. Barnes informed BCLP that he learned many staff members acted recklessly and came to work after testing positive for COVID-19. While he did not suggest that he approved of such behavior, he noted that many officers likely did so out of necessity because they had already expended the 80 hours of paid leave offered by the City (he pointed out that many officers are single parents, and used all of their paid leave to stay home with their kids when schools closed).

<sup>17</sup> Mr. Carson also noted he “saw files Hayes put together,” which suggested that there had been mixing of COVID and non-COVID detainees, but failed to describe such files to BCLP.

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### 3. Limited recreation time

As previously mentioned, in an effort to keep all detainees sufficiently distanced, the CJC modified its recreation schedule by reducing the number of detainees allowed out of their cells at any one time. Mr. Barnes explained that, based on CDC's recommendations (and the total number of detainees being housed at the CJC), shortly after the pandemic took effect, the CJC had to reduce the number of detainees allowed out of their cells at one time to 10.<sup>18</sup> Given the small number of detainees that were allowed out at one time, the total amount of rec time afforded to each detainee decreased significantly (less than two hours per day).

While that limitation remained in place for many months, the number eventually increased over time. When BCLP interviewed Mr. Barnes in August 2021, he indicated that the CJC allowed up to 30 detainees to rec at one time, and thus the amount of rec time had "increased by a ton."

Virtually every interviewee with whom BCLP spoke agreed that the limited rec time played a major role in the 2021 uprisings. That said, similar to the CJC's decision to eliminate social visits, BCLP discovered no evidence to suggest that the CJC's decision to limit the number of detainees allowed out of their cells for recreation at one time was malicious. However, one detainee expressed frustration that detainees were the only ones being asked to make sacrifices. The detainee suggested that if COs would have been willing to take shorter breaks, perhaps detainees could have had more recreation time.

It should be noted that, when BCLP toured the CJC facility on September 29, 2021, the BCLP team walked into empty cells to grasp a better understanding of the size and facilities of each cell. While not abnormal for a jail facility, the cells are incredibly small and generally contain nothing more than two beds, a sink and a toilet. Suffice it to say, one can understand how prolonged periods of confinement in such small spaces could have a profound psychological impact on detainees.

### 4. PPE and medical treatment

BCLP understood from news reports that detainees had complained about not receiving masks and not receiving prompt medical treatment for COVID-19.

Multiple CJC officials informed BCLP that, from the outset of the pandemic, the CJC provided detainees with masks each week. When asked whether the CJC would provide additional masks if detainees needed them, numerous CJC employees at various levels confirmed that the CJC has ample

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<sup>18</sup> Based on the number of detainees, and the limited number allowed out at any one time, the CJC had to extend rec hours to 1:00 a.m. Several interviewees told BCLP that extending the rec time to such late hours created problems from an inmate management standpoint as the detainees were not getting sufficient sleep and consequently were less compliant with jail rules.



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masks and readily provides such masks upon request. Detainees who were interviewed felt differently. Multiple detainees stated that they would have to use the same mask for days at a time and sometimes would have to go without a mask due to the jail's failure to respond to detainees' requests for masks in a timely manner. Detainees also stated that they are sometimes told by COs that there simply are no masks available.

Mr. Glass spoke very favorably about the CJC's provision of medical treatment to detainees, noting that the CJC has been accredited by the National Commission on Correctional Health Care—an organization that sets forth best practices for medical care at correctional institutions—since 2012.

Ms. Davis, the lead Corizon employee at the CJC, informed BCLP that she had not heard detainees complain about not receiving medical treatment for COVID-19-related issues. She stated that the only medical-related complaint that she has heard from detainees pertains to detainees' long wait times for general medical care. Detainee witnesses confirmed that detainees often have to wait long periods of time before being seen by the medical staff. While Ms. Davis acknowledged that, based on the large number of detainees and limited medical staff, detainees sometimes experience significant wait periods to see a physician, she emphasized that such wait times do not happen in emergency situations; she maintained that detainees who experience a medical emergency receive immediate medical attention.

Ms. Davis also informed BCLP that she has not heard detainees complain about having to wait long periods of time before being checked for COVID-19. Ms. Davis made clear that detainees who have “reportable” or “measurable” symptoms of COVID-19 are quickly addressed and isolated pending test results. Ms. Davis and others also made clear that detainees can request a COVID-19 test at any time but are not forced to take such tests. While no detainee witnesses stated that they were aware of instances in which detainees who requested COVID tests were denied, detainees did state that they had to wait long periods of time before being tested. One detainee said that they could request a test, but they were put on a wait-list and that it often would take months to be seen.

### **ii. Excessive Use of Force**

#### **1. Allegations regarding use of pepper spray**

BCLP learned through a variety of sources—including media reports, court filings, internal documents, etc.—that CJC detainees may have engaged in the 2021 uprisings because they were frustrated about being consistently subjected to unauthorized/excessive uses of force.

Various news agencies reported such allegations both before and after the disturbances in February and April 2021. For example, before the February uprising, there were news reports indicating that guards “spray[ed] mace into [a] pod” and made detainees wait a significant period of time before

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allowing them to wash the mace off their bodies.<sup>19</sup> Then, after the February disturbance, there were news reports indicating that CJC detainees rioted in order to protest mistreatment from CJC officers, including unauthorized use of pepper spray.<sup>20</sup>

Furthermore, on May 24, 2021, CJC detainees Derrick Jones, Darnell Rusan, and Jerome Jones filed suit against the CJC in federal court alleging, among other things, that various officers indiscriminately and excessively sprayed detainees with mace.<sup>21</sup>

Aside from those external sources, BCLP received and reviewed numerous grievances or informal resolution reports (“IRR”) filed by CJC detainees, many of which contained allegations of officer misconduct, including unauthorized uses of force.<sup>22</sup> Moreover, as outlined below, BCLP inquired about the allegations of excessive force with all of the detainees that it interviewed as part of this investigation. Additionally, in an effort to better understand the circumstances in which the CJC authorizes a use of force, BCLP reviewed CJC’s Policies and Procedures related to Use of Chemical Agents, Use of Force, Inmate Rights and Grievances and health and mental health related policies.

### 2. Detainees’ statements

All of the detainees interviewed by BCLP unequivocally stated that they believe COs consistently deploy excessive and unnecessary force on detainees, primarily in the form of pepper spray. Indeed, the detainees stated that COs deploy pepper spray on detainees every day or almost every day and, in their opinions, the vast majority of such sprays are unwarranted. One detainee described COs’ overuse of spray by stating: “They kill us with it.” Another detainee characterized COs’ general mistreatment of detainees as follows: “It ain’t all the COs, but it’s most; they treat us like dogs.”

<sup>19</sup> See, e.g., Chris Hayes, *Videos document alleged horrors at Justice Center; city won’t turn over evidence*, Fox 2 Now (Jan. 12, 2021), <https://fox2now.com/news/fox-files/videos-document-alleged-horrors-at-justice-center-city-wont-turn-over-evidence/>.

<sup>20</sup> See, e.g., Doyle Murphy, *St. Louis Inmates Take Over Units After Weeks of Complaints*, RIVERFRONT TIMES (Feb. 6, 2021), <https://www.riverfronttimes.com/stlouis/st-louis-inmates-take-over-units-after-weeks-of-complaints/Content?oid=34947925>.

<sup>21</sup> See, e.g., Dana Rieck, *City faces lawsuit alleging brutal treatment at CJC*, THE ST. LOUIS AMERICAN (June 3, 2021), [http://www.stlamerican.com/news/local\\_news/city-faces-lawsuit-alleging-brutal-treatment-at-cjc/article\\_1db5a6a8-c427-11eb-b6ef-a71c56ca499e.html](http://www.stlamerican.com/news/local_news/city-faces-lawsuit-alleging-brutal-treatment-at-cjc/article_1db5a6a8-c427-11eb-b6ef-a71c56ca499e.html); Doyle Murphy, *St. Louis Jail Guards Locked Detainees in Mace-Filled Rooms to ‘Marinate,’ Suit Says*, RIVERFRONT TIMES (May 25, 2021), [https://www.riverfronttimes.com/newsblog/2021/05/25/st-louis-jail-guards-locked-detainees-in-mace-filled-rooms-to-marinate-suit-says?utm\\_source=widget&utm\\_medium=articleblog&utm\\_campaign=rightrail&utm\\_content=RelatedStories](https://www.riverfronttimes.com/newsblog/2021/05/25/st-louis-jail-guards-locked-detainees-in-mace-filled-rooms-to-marinate-suit-says?utm_source=widget&utm_medium=articleblog&utm_campaign=rightrail&utm_content=RelatedStories); see also Plaintiffs’ Complaint, *Jones and Rusan v. City of St. Louis, Missouri, et al.*, No. 4:21-CV-600 (E.D. Mo. May 24, 2021).

<sup>22</sup> By way of example, one detainee submitted an IRR claiming that, on December 28, 2020, an officer sprayed pepper spray through the chuckhole of his cell while passing food.



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Several detainees reported that COs typically deploy pepper spray for the primary purpose of demonstrating their level of authority over the detainees, as opposed to reserving such force for situations that truly call for such measure. For example, multiple detainees stated that they have seen detainees sprayed for merely asking to speak with a Lieutenant or other higher-ranked officer. One detainee also stated that, the day before his interview with BCLP, he saw a CO spray one particular detainee four times in the same day.

Detainees made clear that the overuse of pepper spray, and the general disrespect COs exhibit toward detainees, were significant causes for the uprisings that occurred in February and April 2021.

### **3. Officers' varied opinions on detainees' concerns regarding use of force**

When questioned about the validity of detainees' concerns regarding officers' frequent use of excessive force, the CJC witnesses with whom BCLP spoke offered varying opinions, with some dismissing such claims and others validating them. Captain Baker fell under the latter category, stating there are around 20 deployments of spray per month, which, in her estimation, is an exorbitant number.<sup>23</sup> She also indicated that some officers lie on the use of force reports to make it seem as though the use of pepper spray was justified (when it may not have been). When asked how she knew of such frequent unauthorized uses of spray, Captain Baker stated that detainees disclose such information to her, and she also hears about such uses of force during pre-shift briefings. According to Captain Baker, officers excessively use spray on detainees in order to garner power.

Other interviewees dismissed or downplayed the allegations regarding the unauthorized use of pepper spray. Mr. Glass, for example, stated that there were not many incidents of use of spray and that detainee violence against officers is more of a concern than officers using excessive force against detainees. Mr. Glass emphasized that there were no records showing any hospitalizations of detainees after being subjected to a use of force, which, in Mr. Glass' view, demonstrates that officers use restraint when engaging with detainees.

Similarly, most officers with whom BCLP spoke rejected the notion that detainees are frequently subjected to unjustified or excessive uses of force and dismissed the idea that detainees engaged in the 2021 uprisings for that reason; those interviewees generally stated that they were more concerned about being subjected to force from *detainees* (not the other way around).

Many interviewees acknowledged that the CJC had seen an increase in the number of pepper spray deployments. However, they generally attributed this increase to a rise in acts of misconduct committed by detainees.

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<sup>23</sup> Mr. Glass also stated that there were around 20 use of spray incidents per month. However, he believed that this was a low number.

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### 4. Lack of documentation and oversight

Each time an officer uses force on a detainee (including the deployment of spray), per CJC policy (specifically, CJC's Use of Chemical Agents Safety and Emergency Procedures), the officer is required to write a use of force report. The report is reviewed by the Shift Supervisor, Chief of Security, and Detention Center Superintendent to determine whether the use of pepper spray was appropriate and within guidelines.<sup>24</sup> Following that review, the report is forwarded to the Commissioner of Corrections.

However, Mr. Carson told BCLP that he is not confident that a full review actually occurs in every case. Based on the documents reviewed by BCLP, BCLP cannot definitively determine whether a use of force report is created after each use of force or whether such reports are indeed reviewed by all of the individuals noted in CJC's policy.

### 5. Contradiction in use of force monthly reports

St. Louis City Division of Corrections, which includes both MSI and CJC, publishes monthly reports regarding statistics related to uses of force at all St. Louis jail facilities. These reports are available online.<sup>25</sup> Based on the reports, there were a total of 470 uses of force between January 2020 and April 2021 at the two jails (i.e., an average of approximately 29 uses of force per month).

According to Mr. Glass, the CJC trains officers on de-escalation tactics, and in his opinion, the training has successfully decreased the number of uses of force.

Whether Mr. Glass' position is accurate is not entirely clear. The aforementioned reports arguably support Mr. Glass' contention that the CJC sees approximately 20 uses of force per month. As previously mentioned, opinions vary as to whether 20 uses of force per month is a desirable number. In any event, BCLP questions the accuracy of some of the information from the monthly reports.

The reports indicate that all 470 uses of force fell under the lowest category of force (indicating that no injuries to staff or inmates resulted from the force). Yet, BCLP believes that at least one use of force in March 2021 should have fallen under a different category. Based on various news reports,

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<sup>24</sup> In determining whether a use of force is justified, BCLP understands that supervisors analyze whether the force was necessary based on the CJC's "continuum of use of force," which describes the circumstances under which an officer is justified in using force on a detainee. Generally speaking, the continuum prohibits the use of pepper spray for passive resistance or against any detainee who does not pose an imminent danger to staff or other detainees. This continuum is largely consistent with the Division of Corrections' use of chemical agents policy.

<sup>25</sup> St. Louis Division of Corrections, Monthly Reports <https://www.stlouis-mo.gov/government/departments/public-safety/corrections/index.cfm>.



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and as confirmed by various interviewees, on March 22, 2021, a former officer at the CJC allowed two detainees to attack another detainee, and the victim reportedly suffered a concussion and a broken jaw and was later taken to the hospital.<sup>26</sup> While this incident represents one discrepancy, it potentially provides credence to Captain Baker's claim that not all use-of-force documentation is accurately reported.

### 6. Conflicting explanations regarding substantial purchase of pepper spray

On July 28, 2021, the Riverfront Times<sup>27</sup> and the St. Louis American<sup>28</sup> reported that the CJC has been "stocking up" on pepper spray. Specifically, those newspapers reported that, between January 2021 and June 2021, the CJC spent \$17,379 on pepper spray, whereas the CJC only spent \$17,061 *in total* from 2015-2020.

When asked for an explanation regarding this substantial increase, BCLP received conflicting explanations from interviewees. For example, Mr. Hayes (who said he sanctioned the purchase) stated that the CJC purchased a large order of pepper spray because, after the disturbances, many officers checked their pepper spray and realized their spray was expired. Conversely, Mr. Carson indicated the large purchase order was because the pepper spray supply was depleted during the disturbances.

During BCLP's September 29, 2021 tour of the CJC, the Special Assistant again inquired about this increased purchase of spray and asked to see the alleged expired canisters. Mr. Hayes, Mr. Barnes, and Ms. Ross had different explanations of where both the active supply of pepper spray and expired spray were located. Ms. Ross indicated that the police department would take the expired spray and dispose of it. Mr. Hayes indicated that the training academy had the expired pepper spray and used it for training purposes. In any event, BCLP was shown neither the expired supply nor the unexpired supply of pepper spray during its tour of the jail.

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<sup>26</sup> *WATCH: St. Louis corrections officer looks on as 2 inmates attack man inside cell*, KMOV4 (June 16, 2021), [https://www.kmov.com/news/watch-st-louis-corrections-officer-looks-on-as-2-inmates-attack-man-inside-cell/article\\_acfb39c6-8e81-11eb-873a-bf2f47527f0e.html](https://www.kmov.com/news/watch-st-louis-corrections-officer-looks-on-as-2-inmates-attack-man-inside-cell/article_acfb39c6-8e81-11eb-873a-bf2f47527f0e.html).

<sup>27</sup> See Doyle Murphy, *St. Louis Jails Stocked up on Pepper Spray as Detainees Complained of Abuse*, RIVERFRONT TIMES (July 28, 2021), <https://www.riverfronttimes.com/stlouis/st-louis-jails-stocked-up-on-pepper-spray-as-detainees-complained-of-abuse/Content?oid=35962135&showFullText=true>.

<sup>28</sup> Dana Rieck, *City ordered 6 years' worth of pepper spray amid jail uprisings*, ST. LOUIS AMERICAN (July 29, 2021), [http://www.stlamerican.com/news/local\\_news/city-ordered-6-years-worth-of-pepper-spray-amid-jail-uprisings/article\\_9dfb0f2e-f096-11eb-9a89-af8020956049.html](http://www.stlamerican.com/news/local_news/city-ordered-6-years-worth-of-pepper-spray-amid-jail-uprisings/article_9dfb0f2e-f096-11eb-9a89-af8020956049.html).

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While Mr. Hayes and Ms. Ross indicated that they now track serial numbers of pepper sprays assigned to officers, they stated that this had not been done previously. BCLP has not been provided records of tracking.

The lack of consistency among CJC leaders regarding the reason for the increased purchase and the location of pepper spray (active and expired) is concerning.

### **7. De-escalation**

During its investigation, BCLP inquired into the CJC's policies and procedures, if any, regarding the use of de-escalation as an alternative to use of force during encounters with detainees. Mr. Glass stated that the Division provides training to its COs in de-escalation, which he said includes a program developed by St. Louis University. He opined that the training was sufficient. Former CO Harris, whose deployment of pepper spray was at the center of the uprising on February 6, 2021, stated that he received training on de-escalation.

However, several other CJC witnesses, including leaders within CJC, conceded that there were deficiencies regarding de-escalation training at CJC. Mr. Hayes, Mr. Carson, and others acknowledged that officers were not adequately trained in de-escalation techniques and that officers often resorted to reaching for their pepper spray before deploying other non-violent tactics. In fact, Mr. Hayes stated that many officers are "trigger happy," or that when addressing a potential unruly detainee they automatically start shaking their pepper spray. He stated that this was not the correct way to handle encounters with detainees and that it simply results in more violence.

These conflicting views at a minimum raise concerns that officers may not be attempting to de-escalate non-violent encounters with detainees before resorting to violent means (including use of pepper spray).

### **8. BCLP's general conclusions regarding detainees' claim of excessive use of force**

As noted, detainees unanimously informed BCLP that excessive force (i.e., the overuse of pepper spray) is a major problem at the CJC, and at least one CJC employee supported that claim. Conversely, multiple CJC employees rejected that allegation out of hand. Given the conflicting information BCLP received on this issue, BCLP cannot make any definitive conclusions about the validity of detainees' general claims that officers frequently use excessive and unjustified force.

However, as previously noted, CJC administrators' failure to consistently explain the reason for making a substantial purchase of pepper spray and their inability to locate the spray is concerning. Another note of concern is interviewees' perceptions of Officer Harris' deployment of spray on February 6. On the one hand, Ms. Strong noted that the use was unauthorized based on the type of spray deployed. Other interviewees (particularly more senior level officers) suggested that they would have tried to employ de-escalation tactics. On the other hand, no CJC witness expressly opined



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that the force was unjustified.<sup>29</sup> The varying views on this subject suggest that, at a minimum, officers needed more training as to when use of force is appropriate and more training on how to avoid using force through de-escalation tactics.

### **iii. Defective Locks**

#### **1. Locks have been an issue for many years**

All witnesses who work at CJC noted that the locks have been problematic for many years. Captain Baker noted that she believed there had been around 50 maintenance requests for defective locks. However, most witnesses stated the pandemic exacerbated this issue because detainees spent more time alone in their cells and thus had more incentive (and time) to find ways to manually unlock their cells.

Mr. Glass told BCLP he first became aware of the defective lock problem in 2012 and began making requests to replace the locks a short time later. Evidencing his point, Mr. Glass provided BCLP with his “five-year plan,” which purports to demonstrate that he requested “tamper proof cell door locks” as “critical” improvements for \$500,000 as early as 2014. Mr. Glass stated that he told former Public Safety Director Jimmie Edwards that, “people are going to get hurt” as a result of the inability to get funding for the replacement locks.

It seems as though CJC leadership attempted to request a budget for the installation of tamper proof cell locks for many years. However, based on the budget information provided (the 5-year plan), it is not clear whether CJC leadership communicated to those in charge of approving a budget how dire the situation had become.

Ultimately, Mr. Glass stated that he was able to receive funding for the locks by convincing the City to allocate a certain amount of its COVID-grant money to the CJC for that purpose.

#### **2. The defective locks played a major role in the 2021 disturbances**

Major Harry, Mr. Carson, Mr. Glass, Mr. Hayes, and Mr. Barnes attended a post-disturbance debriefing at the CJC where they reviewed surveillance video from the February 6, 2021 disturbance. Major Harry noted that she observed detainees “bink” or “jimmie” the locks on the February 6 riot surveillance. CJC employees made similar observations with regard to the April 4 disturbance.

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<sup>29</sup> It should be noted that, when BCLP observed the surveillance video from that evening, it was not convinced that Officer Harris’ deployment of spray was necessary in that instance for two reasons. First, BCLP observed no clear signs that the detainee was about to engage in violence against Officer Harris. Second, a CO was standing directly behind the detainee when Officer Harris deployed his spray, which resulted in the detainee and the CO being sprayed.

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It is clear that officers knew about the issues with the locks and communicated their safety concerns to those in CJC leadership. In fact, Captain Baker stated she repeatedly expressed concerns about the defective locks to Former Commissioner Glass, Adrian Barnes, and George Hayes.

During BCLP's tour of the CJC on September 29, 2021, Mr. Hayes demonstrated how a detainee could "bink" a lock on the fourth floor. Specifically, he showed how, by inserting an item into a space in the lock itself, a person can easily open the door.

Given the foregoing, it seems beyond dispute that, had the locks been working in February and April, the disturbances may not have occurred at all, or, at a minimum, the disturbances would not have lasted as long as they did.

### 3. Progress of replacement locks at CJC

The CJC reported that progress is underway to replace the locks. During its tour, BCLP was not able to view any installed new locks to determine the efficacy of those locks (the new locks were sitting against a wall waiting to be installed).

However, many officers interviewed by BCLP indicated that, based on the way the new locks were manufactured, detainees could still theoretically stick items in the holes to manipulate them. Captain Baker stated that she was able to "jimmie" open the new locks that were installed. When she shared this information with Mr. Hayes, he told her that the job was not yet finished. Lt. Willis believed that the new locks were still problematic because the doors do not extend all the way to the floor, and therefore detainees are able to pass things to each other under the door.

Additional planned repairs include creating a separate entrance for officers into the units. The CJC also intends to replace the slider doors because, according to Mr. Carson, those doors were not installed correctly. Additionally, in a memo dated April 28, 2021, Mr. Hayes stated that ballistic-type glass is being installed at the CJC.

Mr. Carson stated that he meets with Richard T. Bradley, President of the Board of Public Service in St. Louis City, and RR Brink Locking Systems every Wednesday to discuss progress on the Sally ports and locks. Mr. Hayes indicated that the CJC will have all new locks in the next eighteen months.

### 4. Safety concerns with the locks

It became clear throughout the investigation that many officers are afraid to work at the CJC, citing security and safety concerns with the locks. The design of the units at the CJC may also be problematic as it requires the monitoring officer to be located in the rear area of the unit at a far distance from the door through which the officer could exit the unit if necessary for safety purposes. Many officers knew that detainees were able to "bink" their cell doors and could gain access to and potentially cause harm to them. Therefore, many officers were afraid to go into the units.



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The fear of being assigned to posts in the units likely contributed to staffing shortages. Lt. Briggs stated that officers are scared to work and he knows of many who did not report for their duty before and after the disturbances. In fact, Ms. Strong stated that Officer Connolly simply left 3-Charlie unmanned during the April disturbance and that she likely left the unit because she was afraid of what detainees could do to her since they were able to easily come out of their cells.

Detainees interviewed by BCLP also expressed safety concerns with the defective locks. Multiple detainees noted that they felt concerned about being housed in cells with faulty locks in that they could not prevent other detainees from entering their cells without permission.

### **iv. Staff Shortage**

Based on BCLP's investigation, there appears to be no dispute that the CJC has been understaffed, particularly with respect to COs, since the outset of the pandemic (and possibly earlier). It is also beyond dispute that the staffing shortage played a significant role in the uprisings that occurred at the CJC in 2021. To be sure, the vast majority of interviewees specifically noted that the CJC was grossly understaffed in February and April. Many of those interviewees posited that detainees rioted on those occasions because they knew the CJC lacked the manpower to quell the disturbances. Along those same lines, many interviewees theorized that, had the CJC had a sufficient number of personnel on those occasions, at a minimum, the disturbances would have been short lived.

Put simply, it is clear that the CJC was unable to maintain staffing at a sufficient level throughout the pandemic. The blame for such failure, however, is not as apparent. In early March 2021, a local news station published a report indicating that the CJC was 72 employees short on February 6. The report also noted that, according to Todd Waelterman, the City's Director of Operations, the staff shortage largely fell on the shoulders of the City's Personnel Department. BCLP interviewed both Richard Frank, Director of Personnel for the City of St. Louis at the time, and Bryan Boeckelmann, Human Resources Manager, regarding this accusation. Mr. Frank and Mr. Boeckelmann disagreed with Mr. Waelterman's position.

Mr. Frank explained that, when there are vacancies at the CJC, the Division of Corrections is expected to send a "requisition" to the Personnel Department to fill the vacancies. Once Personnel receives the requisition, it sends the CJC a list of candidates, and the CJC has a certain amount of time in which to schedule interviews with those individuals. Mr. Frank stated that shortly after the beginning of the pandemic (i.e., sometime in February or March 2020), the Division of Corrections submitted a requisition for a total of 113 vacancies at the CJC.

However, Mr. Boeckelmann said that, on April 24, 2020, he had a phone conversation with Mr. Glass in which Mr. Glass stated that he did not want Personnel to send any more names for vacancies because he wanted to reserve those vacancies for MSI officers. In other words, according to Mr. Boeckelmann, Mr. Glass assumed that MSI would be closing at some point in the near future and wanted to fill vacancies at CJC with the officers from MSI. Mr. Boeckelmann provided a copy of an e-mail that he sent to Mr. Glass shortly after the phone call in which Mr. Boeckelmann stated, in

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pertinent part: “[w]e will not reopen the [Correctional Officer I exam] until you send us a requisition or contact me and request that it be opened.”<sup>30</sup>

Mr. Glass told BCLP that he has no recollection of ever speaking to Mr. Boeckelmann about any staffing issues at the CJC. However, Mr. Glass did not dispute that he purposefully did not fill many of the vacancies at the CJC in order to preserve those positions for MSI officers (if/when MSI closed).<sup>31</sup>

Mr. Boeckelmann expressed frustration regarding the aforementioned news article, which appeared to suggest that he or the City’s Personnel Department, in general, was to blame for the low staff numbers at the CJC. Mr. Boeckelmann emphasized that if the CJC had a dire need for staff at any point in 2020 and beyond, Mr. Glass should have contacted Mr. Boeckelmann to discuss the situation, but he did not.

The CJC’s staffing shortage was of great concern to CJC employees at all levels. However, there appears to have been a lack of communication between Mr. Glass and CJC employees regarding the reason for the CJC’s failure to fill vacancies. Multiple CJC employees interviewed by BCLP noted they had strong concerns about the lack of staff at the CJC and expressed those concerns to Mr. Glass and others on multiple occasions. Mr. Glass told BCLP he does not recall receiving any “major” complaints like “we need more staff or we’ll get hurt.”

In October 2020, CO union members met with Mr. Glass and other administrators and, according to the notes from that meeting, expressed the following concern:

Staff concern: expressed issues with the staffing shortage, adding how stressful it is to remain on the job with so many officers leaving or with people testing positive for COVID-19, and that it requires those remaining officers to be assigned to work multiple posts, and as a result, monitoring inmates on detox and suicide watch makes it even more stressful — how they worry even more about getting the job done without any problems because when there is a problem, it always results in being written up. Gave the example when there were only 3 people assigned to the 2<sup>nd</sup> Floor; 1 officer and 2 lieutenants.

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<sup>30</sup> Mr. Boeckelmann acknowledged that, a few months later, in June 2020, Mr. Glass sent 32 requisitions. Mr. Boeckelmann found Mr. Glass’ actions in that regard “suspect” because the CJC had a total of 100 vacancies at that time.

<sup>31</sup> Mr. Glass also mentioned that the City had a hiring freeze for a certain period of time. Mr. Frank confirmed this hiring freeze but suggested that CJC employees would have been exempt from the freeze. Mr. Carson likewise told BCLP that, per his conversations with Mr. Frank, CJC could have still hired COs during that freeze. Mr. Boeckelmann suggested that CJC employees may not have fallen under the “security-related” positions that were exempt from the freeze; however, he noted that Mr. Glass could have contacted him if there was an emergency staffing situation, which arguably suggests that the CJC could have hired COs during the hiring freeze.



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Per those meeting notes, Mr. Glass responded by stating that “he honestly has no answer for the staff shortage and overtime other than we just don’t have the staff.” Mr. Glass also noted (in response to another staffing concern raised by staff at that meeting) that he “tried to compensate for staff leaving by working with Mr. Carson by lowering the inmate population at MSI and transferring . . . staff from MSI,” emphasizing that he wanted to “make sure everyone who wants to remain in Corrections has a job in Corrections.”

While such remarks suggest that Mr. Glass and Mr. Carson were on the same page regarding the staffing situation at the CJC, Mr. Carson made clear to BCLP that was not the case. Mr. Carson expressly stated that he believed the issues at the CJC in early 2021 were exacerbated because of the CJC’s failure to hire anyone from March 2020 to April 2021. When asked why the CJC did not hire anyone during that period of time, Mr. Carson replied, because “Glass said so.”

Mr. Barnes seemed to have a better understanding of Mr. Glass’ reasoning for not filling the positions at the CJC, noting that the staff shortage resulted, in part, because they were waiting to see what would happen to MSI. However, Mr. Barnes also blamed the staff shortage on the City’s Personnel Department and the hiring freeze, which arguably suggests that he was not aware of Mr. Glass’ alleged instruction to Mr. Boeckelmann to stop sending names of candidates for some period of time.

To address the staffing shortage, rather than focus on hiring full-time employees, the CJC opted to hire temporary security guards from Whelan Security. Mr. Frank informed BCLP that the City agreed to pay \$1.2 million for those temporary employees against his advice—according to Mr. Frank, per the City’s charter, the City was required to hire permanent employees before obtaining staff from private companies.

BCLP received a copy of the agreement between the City and Whelan Security, which took effect on February 17, 2021 and expired on December 31, 2021. Per that agreement, the temporary guards were only allowed to assist with certain aspects of work at the CJC, including inspections, monitoring, and traffic management.

The temporary guards’ limited scope of duties was a source of frustration for COs. To be sure, several COs interviewed by BCLP unequivocally stated that the temporary guards were not helpful because they could not supervise units by themselves and could not physically engage with the detainees. On the other hand, CJC administrators believed that the temporary guards were helpful because, at a minimum, they served as an extra pair of eyes in the units. CJC administrators also told BCLP that much of the COs’ frustration centered on the fact that the temporary guards received a higher hourly rate of compensation. However, Mr. Barnes noted that the temporary guards did not receive the same benefits as full-time CJC employees.

Given the foregoing, it seems clear that, at least for some period of time, Mr. Glass intentionally held off on hiring CJC employees despite having a dangerously high number of vacancies. While he apparently did so in an effort to secure jobs for MSI officers (an understandable reason to be sure), the CJC’s failure to fill those vacancies crippled their ability to properly handle the disturbances and

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created a significant amount of angst among current staff members. Thus, in BCLP's view, the CJC should not have waited for information regarding MSI before attempting to fill the many CO vacancies. Furthermore, at a minimum, there should have been clear communication between Mr. Glass and CJC employees/administrators regarding (a) the reason for the staffing shortage, and (b) a clear plan to address such shortage.

### **v. Poor Communication Between CJC and Detainees**

In interviews with BCLP, detainees expressed frustration over the lack of communication between the CJC and detainees in a number of respects.

First, detainees stated that they were given no explanations for various changes the CJC implemented to address COVID-19, which created a tremendous amount of confusion and frustration among the detainees. For example, one detainee noted that the CJC changed the number of detainees allowed out on recreation multiple times but failed to explain the reason for those changes. Another detainee noted that, when social visits were eliminated, the CJC provided no reasoning as to why they deprived detainees of access to their families but allowed them to be around COs who were interacting with people outside of work and potentially bringing the virus back into the facility. Another detainee reported that his entire unit was forced to move to a different location in the facility and then forced to move back within a very short period of time with no explanation whatsoever. Multiple detainees opined that, had the CJC been more forthcoming with detainees as to the logic behind those decisions, detainees' frustrations may have been lessened.

Second, detainees unanimously expressed discontent with the CJC's formal complaint procedure. The CJC had a procedure that allowed detainees to submit written or electronic grievances (through tablets), which, according to CJC employees, should have triggered an internal review process. However, every detainee interviewed by BCLP stated that they had submitted grievances through this process (about various issues, including, among other things, excessive force) but received no response or follow-up from the CJC. When asked about this complaint procedure, one detainee stated that detainees' complaints simply "go missing." Other detainees echoed that sentiment, noting they had submitted multiple written complaints to no avail.

Multiple detainees reported to BCLP that the CJC's failure to effectively communicate with detainees—both through the formal complaint procedure and more generally with regard to policy changes—likely contributed to the unrest that led to the disruptions in 2021.

### **vi. General Living Conditions for Detainees**

#### **1. Food**

The CJC utilizes the services of a third-party company, Summit Food Service, LLC ("Summit"), to supply food to the detainees. Summit has served as the CJC's food supplier since July 1, 2020 and



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is contractually bound to provide such services until June 30, 2022.<sup>32</sup> Each detainee is entitled to three meals per day. Until recently, only two of those meals (lunch and dinner) included hot food.

When BCLP began its investigation, it understood (from information reported in the media)<sup>33</sup> that detainees were unhappy about the quality of food served to them at the CJC. Detainees interviewed by BCLP confirmed the accuracy of such reports, with one detainee characterizing the food as “stuff [he] wouldn’t feed [his] dog.” Another detainee characterized the food as “horrible,” and another complained about the repetitiveness of the food. However, each of those same detainees indicated that those characterizations pertained to the food that the CJC *previously* served and that they have actually seen improvements in the food in recent weeks (particularly with regard to the variety of food and hot meal options). Only one of the detainees interviewed by BCLP reported the food as being a cause for the uprisings that ensued in 2021.

BCLP inquired about this topic with individuals serving in various roles at the CJC to determine whether there was any merit to the detainees’ complaint in this regard and whether the quality of the detainees’ food may have motivated them to riot in February and April 2021. While BCLP received mixed responses as to whether the food may have played a factor in the uprisings, most interviewees acknowledged hearing complaints about this issue from detainees.

Moreover, numerous interviewees made clear that detainees’ dissatisfaction with the food was justified. By way of example, one Lieutenant told BCLP that the food was “terrible” and characterized it as a “dummy version of hamburger helper.” Another Lieutenant noted that the food consisted mostly of starch and that detainees’ complaints about the food were valid. Multiple other CJC employees, including a CO, Captain, Internal Affairs investigator, and medical staff member, unequivocally stated that they would not want to eat the food themselves. Relatedly, one CJC Captain indicated that she had previously observed gnats in the food preparation area, prompting her to submit a complaint.

On the other hand, several witnesses informed BCLP that, although they had heard about detainees’ complaints about the food, they believed those complaints were unfounded. Various COs and CJC administrators informed BCLP that there had been “no issue” with the quality of the food. Dismissing the detainees’ complaint, one CO suggested that, although detainees may not get the “fillets” they want, they are provided real food made from real ingredients. Another CO indicated that he did not

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<sup>32</sup> The CJC’s contract with Summit is publicly available at the following link: <https://www.stlouis-mo.gov/government/departments/public-safety/corrections/documents/upload/Food-Service-Corrections-Mod-6-Ext-1-Exp-6-30-22.pdf>.

<sup>33</sup> See, e.g., Justina Coronel, *‘The riot was the wake up we needed’ / Transparency and change demanded after City Justice Center Revolt*, KSDK.COM (Feb. 6, 2021), <https://www.ksdk.com/article/news/local/the-riot-was-the-wake-up-we-needed-transparency-and-change-demanded-after-st-louis-city-justice-center-revolt/63-e90a4cf7-dd8b-40e9-a936-9cab0fcc14c6>.

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believe the quality of the food was something that contributed to the general unhappiness of the detainees because the detainees often asked for seconds.

According to Mr. Glass, a nutritionist and physician reviewed and approved the CJC's food menu to ensure that it met certain caloric and health requirements. Mr. Glass also noted that he allowed detainees to taste the food before the CJC implemented the menu. While Mr. Hayes did not believe the quality of the food caused any of the 2021 uprisings, he opined that, as an extra quality assurance measure, at least one person in CJC administration should eat a meal prepared by the kitchen each shift.

BCLP visited the kitchen area of the CJC during its tour of the facility on September 29, 2021. BCLP saw no obvious sanitation concerns in the meal preparation area. Nor did BCLP observe any visual concerns with the food that was being prepared at that time (which was jambalaya). BCLP observed a menu posted in the kitchen, which confirmed that breakfast now includes hot food. During its tour, BCLP spoke with a Summit employee who informed BCLP that Summit uses the CJC kitchen to prepare food for both the CJC and the CJC Annex (MSI), and transports food three times a day to the CJC Annex.

### 2. Access to water

BCLP also understood early in its investigation (from various sources, including a lawsuit filed in federal court) that detainees claimed the CJC regularly deprived them of access to water in their individual cells as a form of punishment.<sup>34</sup> While BCLP asked numerous witnesses employed at various levels at the CJC about this allegation, as well as detainees housed at the CJC, BCLP's investigation revealed no evidence to substantiate this reported complaint.

Mr. Glass unequivocally stated that the CJC does not deprive detainees of water as a form of punishment. He explained that, although the CJC has the capability of shutting off the water in a particular cell, it only does so if a detainee is attempting to flood their cell (and, even in those scenarios, the CJC only shuts off the detainee's toilet and not his/her sink).

Mr. Hayes told BCLP that he has never received any complaints from detainees about not having access to water and noted that water cannot be turned off without approval from a duty officer.

Mr. Carson questioned the validity of the detainees' complaint in this regard, noting that it is quite difficult (practically speaking) to shut off a detainee's access to water at the CJC.

At most, one Lieutenant informed BCLP that he has heard detainees complain about the water pressure. He went on to explain that the water pressure at the CJC periodically goes down but someone from maintenance typically fixes the issue during that same shift or the subsequent shift.

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<sup>34</sup> See Plaintiffs' Complaint, *Jones and Rusan v. City of St. Louis, Missouri, et al.*, No. 4:21-CV-600 (E.D. Mo. May 24, 2021).



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Detainees interviewed by BCLP did not report having issues with regard to accessing water in their cells. One detainee mentioned that his unit previously had an issue receiving ice, but the CJC recently started bringing a cooler of ice into the unit. Another detainee reported that she boils her water as she believes the water “looks dusty.”

### 3. Cold temperatures

BCLP also understood (from various news reports)<sup>35</sup> that detainees were allegedly frustrated about being subjected to unreasonably cold temperatures at the CJC. Thus, BCLP asked various CJC staff members and administrative personnel whether they believed there was any validity to such complaint and whether the cold temperatures may have motivated the detainees to riot in February and April 2021.

Multiple COs informed BCLP that the temperatures at the CJC can be very cold. One Lieutenant indicated that the cold temperature has been an issue for “years.” Another Lieutenant indicated that the cold temperatures tend to be more evident in certain locations of the facility—namely, for the cells located on the “back wall” of the facility. While the specific area to which this Lieutenant referred was not entirely clear, when BCLP visited the CJC on September 29, 2021, it noticed a significant drop in temperature in one of the units on the fifth floor (5-Delta).

However, BCLP discovered no evidence to suggest that the CJC maliciously cools the temperatures at the facility. In fact, several witnesses confirmed that officers have no control over the temperature at the facility. Mr. Glass explained that a new heating/cooling system was installed at the CJC last year (2020) and the temperature is controlled through a computer. Mr. Glass further explained that, if the temperature drops below a certain degree, a notification is sent to the cell phone of the CJC’s key maintenance employee. According to Mr. Glass, this maintenance employee stated that he has never received such a notification.

One Lieutenant noted that, in the cooler areas of the facility, officers are very understanding and provide those affected detainees with extra blankets. This information somewhat conflicted with comments made by Mr. Glass, who noted that, although the City’s taskforce recommended that extra blankets be given to detainees who complain about being cold, Mr. Glass disagreed with that recommendation because the blankets could be used as weapons.

BCLP asked Ms. Davis if she had received any complaints from detainees in the infirmary regarding the cold temperatures and/or whether she had any concerns (from a medical standpoint) about the temperatures at the CJC. Ms. Davis answered such questions in the negative.

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<sup>35</sup> See, e.g., Rachel Rice, *Activists say uprising at city jail facility was a protest of ‘inhumane’ conditions*, ST. LOUIS POST DISPATCH (Feb. 8, 2021), [https://www.stltoday.com/news/local/crime-and-courts/activists-say-uprising-at-city-jail-facility-was-a-protest-of-inhumane-conditions/article\\_12f71ce1-fc12-51d9-962f-d86781c342cc.html](https://www.stltoday.com/news/local/crime-and-courts/activists-say-uprising-at-city-jail-facility-was-a-protest-of-inhumane-conditions/article_12f71ce1-fc12-51d9-962f-d86781c342cc.html).

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BCLP also inquired about this issue with detainees at the CJC. Only one detainee reported having complaints about the temperature, noting that her unit was extremely cold. When asked if she believed the CJC intentionally made her unit cold, she stated that she did not know.

### **vii. Lack of Accountability for Detainee Misconduct**

Many of the individuals with whom BCLP spoke appeared to support the general notion that detainees have understandably been frustrated with various aspects of their living conditions at the CJC and that such frustration likely served as a primary motivator for the detainees to engage in disruptive behavior in 2021. However, several interviewees informed BCLP that, in their opinions, the uprisings occurred because CJC detainees have simply become increasingly violent, defiant and disrespectful and the CJC has failed to hold them accountable for their misconduct.<sup>36</sup> Stated differently, according to some, because detainees had not been adequately punished for engaging in prior bad behavior, they felt entitled to engage in riots and other destructive behavior.

Mr. Carson, a primary proponent of this theory, informed BCLP that, when he took over as Interim Commissioner, he discovered that many of the individuals who were involved in the February and April disturbances had (prior to those uprisings) received numerous “write-ups” (i.e., disciplinary reports from officers) but such write-ups were never addressed by CJC administrators. According to Mr. Carson, because those detainees were never held accountable for their prior misconduct, they likely participated in the February and April uprisings because they believed there would be no consequences for their participation. Mr. Carson also stated that he discovered many of the individuals who were involved in those disturbances were never written up for their participation in such events and others who were written up were never disciplined.<sup>37</sup>

Several COs expressed similar concern with regard to the CJC’s alleged failure to hold detainees accountable for their misconduct. Indeed, one CO opined that the disturbances continued to happen because “inmates get what they want” and engage in various types of misconduct with “no accountability.” As an example, the CO mentioned that, when detainees throw feces and urine on the officers, the officers just have to tolerate the behavior. Another CO expressly cited the lack of punishment for detainees as a primary cause for the February and April uprisings.

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<sup>36</sup> Mr. Barnes noted that he has seen a change in detainees in recent times. For example, he mentioned that detainees historically would not physically harm women or older officers, but they have abandoned that informal code of conduct.

<sup>37</sup> It should be noted that Mr. Hayes informed BCLP that the CJC was in the process of charging detainees restitution for damaged property. During its tour of the facility, BCLP observed postings on the wall outlining monetary amounts that detainees would be charged for damaging particular pieces of property.



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Multiple Lieutenants expressed similar viewpoints. One Lieutenant suggested that there has been an uptick in disruptive behavior because detainees were too comfortable (noting that they have been given overnight rec and access to vending machines) and therefore have no incentive to change their behavior. Another Lieutenant informed BCLP that the CJC has made the “hole”—the unit in which detainees are supposed to be held in isolation as a form of punishment—too comfortable because detainees still receive their rec time and commissary. Thus, according to that Lieutenant, the “hole” did not serve as a deterrent for bad behavior.

During his interview with BCLP, Mr. Glass acknowledged that he had received complaints from officers regarding the lack of accountability for detainees’ misconduct. However, Mr. Glass explained that he intended the CJC to be a “progressive facility.” Expounding upon his jail management philosophy, Mr. Glass noted that he brought a number of educational and entertainment programs into the facility and was instrumental in providing the detainees with access to tablets. According to Mr. Glass, his philosophy did not align with the views and opinions of many others who wanted the focus of the facility to be on punishment. With regard to those criticisms, Mr. Glass stated, “we don’t punish detainees, we manage safety.”<sup>38</sup>

### **viii. Societal Influence**

As previously mentioned, several individuals interviewed by BCLP noted that the 2021 uprisings garnered significant media attention and drew in crowds of people outside the CJC, many of whom appeared to be there to encourage or support the protests happening inside the facility. Mr. Glass credited such community support as being a significant motivating factor for the April uprising.

Indeed, when discussing what may have prompted the detainees to be disruptive on April 4, 2021, Mr. Glass stated that it seemed like the general public supported the detainees’ decision to riot two months earlier in February. According to Mr. Glass, this apparent community support “emboldened” the detainees to riot once again in April. Mr. Glass explained that, when detainees saw supporters on the street during the riots, they felt as though the community was protesting alongside them.<sup>39</sup>

While Mr. Hayes and Mr. Barnes did not expressly suggest that public support motivated the detainees to be disruptive in April, both specifically noted the large crowd of individuals outside the facility during that uprising.

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<sup>38</sup> It should be noted that BCLP discovered evidence suggesting that COs expressed their desire for better accountability for detainee misconduct to CJC administrators as early as October 2020. Per the notes from a union meeting that occurred on October 27, 2020, officers informed CJC administrators (Mr. Glass, Mr. Barnes, Mr. Hayes, and Mr. Carson) that they wanted the CJC to impose harsher punishments against detainees who were disrespectful or noncompliant. Based on that document, CJC administrators responded by stating, “staff is not here to punish inmates; staff is here to manage the facility.”

<sup>39</sup> Along those same lines, Mr. Glass implied that the media exacerbated the problem by disseminating false information to the public, including the notion that detainees were subjected to unreasonably cold temperatures.

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**Getting in touch**

Please don't hesitate to get in touch if you would like to discuss anything covered or raised within this document.

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