



**Suffering in Silence:
Human Rights Abuses in St. Louis
Correctional Centers**

Summary

Introduction

In 2007 the American Civil Liberties Union of Eastern Missouri began a preliminary investigation into the two St. Louis City Jails--the City Justice Center and the Medium Security Institute. (CJC/MSI). The investigation was initiated after numerous citizens brought allegations of abuse to the attention of the ACLU-EM . Six Corrections Officers (COs) were interviewed for the preliminary investigation. Nine inmates provided the ACLU-EM with information about abuse and conditions in the CJC/MSI through correspondence and direct interview. The preliminary investigation further draws upon media coverage of an incident in which two Emergency Medical Technicians were called to the CJC and were delayed and interfered with by COs as the Emergency Medical Technicians attempted to treat a dying citizen.

The ACLU-EM realizes that this report is not exhaustive. At this stage, the ACLU-EM has neither the resources nor the authority to subpoena those involved and gather the necessary documentation. The preliminary investigation goes as far as the limits of our access allowed. The allegations herein can easily be corroborated by an entity with the power to compel information, particularly where immunity can be extended to cooperating persons. The ACLU-EM stands behind this document, believing that it is an important wake-up call, delivered by credible participants with long records of service to our community.

Findings

The accounts and descriptions of conditions provided here by both the COs and inmates in this preliminary investigation lead to the conclusion that there is endemic abuse of inmates and a pattern of policy violations at the CJC/MSI. They describe conditions that warrant serious consideration of class action litigation, injunctive relief, outside intervention, and both civil liberties and human rights advocacy for the class and the individuals at the CJC/MSI.

According to those interviewed, human dignity is contemptuously disregarded, and civil liberties violations and physical abuse of residents are covered up regularly by officials at both facilities. The accounts of both the COs and inmates are consistent.

The findings described in this preliminary investigation include:

- * Inmate Assaults by COs
- * Inmate Assaults on Other Inmates Directed by COs
- * Systemic Cover Up of Incidents
- * False Reporting
- * Failure to Make Reports
- * Superficial Accountability Process and Interference with Reporting of Incidents
- * Subjective Discipline and Rewards
- * Sexual Harassment
- * Sexual Misconduct
- * Medical Neglect
- * Squalor
- * Overcrowding
- * Extended Incarceration
- * Inmates Stripped Naked and Subjected to Temperature Extremes
- * Negligence Resulting in Death
- * Intimidation
- * Failure to Log and Report Medical Matters
- * Questionable Hiring and Training
- * Policy Violations
- * Failed Oversight (Department of Public Safety)

Corrections Officers

COs report numerous cases of physical abuse. A juvenile was beaten for making a joke and he was originally denied medical attention. No proper report was filed. Another man was beaten and placed in an isolated cell without medical attention. An entire group of inmates was brutally assaulted in violation of use of force policy because one of them repeated a question that initially went unanswered. A woman in need of psychiatric attention was physically mishandled and unnecessarily left naked on repeated occasions. The COs report that inmates are often ordered by other COs to carry out vicious assaults of other inmates.

Lack of sanitation contributes to ongoing problems with disease, especially staph infection. Inmates are also denied medical care and medication is sometimes not given to those unable to walk to the locations where medicine is dispensed. Severe overcrowding adds to the spread of disease and raises safety issues for the COs.

Sexual misconduct allegations include guards abusing both inmates and other guards. Drug trafficking is cited as a continuing problem, with COs smuggling drugs into the facilities. Due Process is effectively suspended, with hundreds of inmates held for months and years without a conviction.

COs give several accounts of retaliation against those officers willing to enforce adherence to policy. They also report favoritism toward specific cliques of officers. Favored officers are allowed to break policy and to avoid filing reports or alter reports when incriminating evidence would otherwise be exposed. Commissioner Eugene Stubblefield and Acting Deputy Superintendent (ADS) Reginald Moore are directly accused of condoning and even encouraging such behavior.

EMT Complaints

Two EMTs were called to the CJC to treat Lovonda Kimble, who was suffering from an acute asthma attack. They were slowed down in their initial attempt to gain access to the patient, and later they were hampered by unnecessary questioning. When they finally gained access to the patient, they found that COs had initially administered Cardiac Pulmonary Resuscitation incompetently. COs continued to harass the EMTs while they performed their duties. After the incident was reported, the two EMTs were later called to return to the facility for another patient, and they felt threatened by the staff to the point that they believed their safety was in immediate danger.

Inmates

Inmate accounts corroborate the reports by COs. They cite filth and lack of medical attention. They describe beatings they have witnessed. An inmate wrote of a beating so sadistic that the inmate he'd seen beaten by a CO urinated blood. One inmate recounts an incident during which his arm was intentionally severely injured by a CO because he did not move quickly enough toward the dinner line.

A disabled inmate was mocked by COs and left on the floor for hours, and later required surgery for his injuries. He had had asked for medical attention and was ignored by staff. Inmates unable to use toilet facilities are sometimes left in their own urine and excrement. One allegation describes the death of an inmate due to medical neglect on or about the same day that Lovonda Kimble died.

Another inmate letter pleads, "I understand that we have been charged with a crime but we are still human and most of us have not been convicted so we are innocent until proven guilty...please write and let me know that my cry for help is not ignored."

Impacts

"Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world..."

---The Universal Declaration of Human Rights

Overcrowding and abuse are amplified by a Public Defender system which is overtaxed. Inmates are too often forced by circumstance to accept a plea bargain despite claims of innocence. They do so largely to escape intolerable conditions. The legal committee of the ACLU-EM is studying ways to address the constitutional right of inmates to adequate representation. Lives have been lost and broken, even though in many cases those impacted have been convicted of nothing. The injustices at the CJC/MSI have resulted in a growing population of citizens that have disinvested in our society and are alienated from our communities.

This situation is not exclusive to St. Louis. Everywhere in the country these kinds of human rights abuses are reported and little is done about them. They have become entrenched in our criminal justice system. Reform is difficult. Mainstream America struggles when presented with information that represents such a dramatic departure from our favored narratives about our ethics and morality. Legislators and criminal justice officials have continually ignored or denied those failings which, at times, have put us on par with human rights violators we have denigrated throughout our history.

Too often we have avoided an honest inventory of our own adherence to our stated ideals, and have not made a meaningful commitment to hold accountable those who violate our standards. To the extent that the race of these inmates is disproportionately African American, we remain a nation unable to live up to its own ideals of equal treatment under the law.

Conclusion

"Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind..."

"Article 5.

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”

---The Universal Declaration of Human Rights

Given the nature of the environment at the CJC/MSI it is remarkable that any information was provided at all by the individuals contributing to this preliminary investigation. COs are subject to retaliation and, given the level of abuse reported, it is easy to understand the reservations of inmates to report that abuse. For that reason, this preliminary investigation most likely presents a significantly lesser part of the whole picture of abuse inside the walls of the CJC/MSI.

ADS Moore and Commissioner Stubblefield are those most directly responsible for health and safety in the City jails. In the chain of command, ADS Moore presides over the MSI, while Commissioner Stubblefield has dual responsibilities for the CJC and the Division of Corrections as a whole. Based on the information provided in the report, ADS Moore and Commissioner Stubblefield have sustained and encouraged an environment of systemic abuse and cover-up. Moreover they are described as literally running administrative interference for certain officers in order to better position them for advancement despite those officers' violations of department policy and inmates' civil and human rights.

The Director of Public Safety has oversight responsibilities for these facilities. The Director's official duties make it reasonable to expect that the Director would be aware of abuses such as those described in this preliminary investigation. The two Public Safety Directors during this time period were Sam Simon and Charles Bryson. Both men had at least indications of problems in the Division of Corrections, and further investigation would have led them to discover the alleged abuses.

The failures documented herein could well result in an increasing number of serious legal actions claiming civil liberties and human rights violations. Lawsuits of this kind could cost St. Louis dearly.

To this point no local authorities have intervened. Nor would an internal audit serve any useful purpose, given the culture of threats and retaliation which would most likely keep information from surfacing. The violations of civil liberties and human rights resulting from these actions do open the door for the United States Justice Department, the U.S. Attorney's Office, and others, to force compliance with the Constitution. Furthermore, violent crimes against persons have been alleged; local and federal authorities must commit to prosecutions when the facts warrant it.

Some combination of independent investigation, oversight, litigation, and advocacy must compel the reforms required here. A resource for employees, inmates and former inmates at the CJC/MSI should be established so that they can provide information, free from intimidation and retaliation, and the full extent of the violations can be known and addressed.

Hope for those who are suffering in silence rests in the faith that citizens who know the facts will push for reform. There are countless citizens who believe in civil liberties and the rule of law. There can be no better example of this than the Corrections Officers and inmates who have risked much to come forward and bear witness to the abuses in the St. Louis CJC/MSI, which have continued far too long.