



**American Civil Liberties
Union of Eastern Missouri**

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November 29, 2010

Alderwoman Phyllis Young
1200 Market Street
St. Louis, Mo. 63103

Dear Alderwoman Young:

I am writing to alert you to serious concerns we have regarding progress of discussions we undertook with the Department of Public Safety as recommended by the Board of Aldermen in June, 2009. After more than fourteen months, and despite the best efforts and intentions of John Chasnoff and Redditt Hudson, our talks about the formation of a third party review mechanism have bogged down . The details are explained in the attached progress report.

We at the ACLU of Eastern Missouri remain strongly committed to working with the City to make oversight of the jails a reality; however, we are not willing to sit by while an indefinite suspension of our talks turns into permanent non-action. We know too well that delay incurs serious costs. We continue to receive reports of abuse and neglect at the jails. You are probably aware that we recently filed a wrongful death lawsuit against the city related to an incident at the City Justice Center. Even as I write, we are reeling from the death of yet another Justice Center inmate on November 5, 2010.

I urge the Board of Aldermen to use its influence to insure that our negotiations continue. I believe that you are in a position to clarify your intentions and refocus those you previously tasked with this assignment. Please let me know how you plan to proceed.

Sincerely yours,

Brenda Jones
Executive Director

Memo

From: John Chasnoff

To: Brenda Jones

Subject: Negotiations Regarding City Jails

The recent history of our involvement with this issue begins twenty months ago. At that time the American Civil Liberties Union of Eastern Missouri published a report entitled "Suffering in Silence: Human Rights Abuses in St. Louis Correctional Centers." The report gave first-hand accounts from correctional officers and inmates, documenting serious cases of physical abuse, medical neglect, drug trafficking and unsanitary conditions. The report's information was quickly bolstered by an outpouring of further reports from officers and inmates and the arrest of three corrections officers on charges of intent to sell drugs.

The Board of Aldermen's Committee on Public Safety called for hearings, at which we were able to share much of the new information we had gathered. In June, 2009 the St. Louis Board of Aldermen passed a unanimous resolution calling for discussions between the American Civil Liberties Union of Eastern Missouri and St. Louis Public Safety officials. The stated purpose of these discussions was the creation of an independent agency that would provide oversight of the city jails.

Negotiations began on September 2, 2009. At the table then and ever since were the following people: Charles Bryson, Director of Public Safety; Eugene Stubblefield, Superintendent of Corrections; Alderman Terry Kennedy representing the Public Safety Committee; JoAnn Williams, President of the Carpenters Union which represents the corrections officers; and John Chasnoff and Redditt Hudson, staff members of the ACLU-EM. At our initial meeting we agreed to keep the talks confidential; while adhering to that agreement I think it is appropriate to share with you our process, progress, and some indications of how and why our work is currently stalled.

After some initial sharing of views, Mr. Stubblefield informed us that he was rewriting the grievance policy and asked for our input. That process was productive and the new grievance policy was put into place. We next heard from two academics, experts in this area, who gave us insight into the types of oversight that were currently in place nationally and shared with us models of proposed "best practices." We then began the process of creating our proposed oversight entity, and captured our thoughts in a document that came to be called "Division of Independent Review: Duties and Responsibilities." Our talks were held in a congenial atmosphere and we progressed reasonably quickly; by this summer we had a rather complete document in place and began talking about finalizing it. This is the point at which the process seems to have derailed.

One of our members, who had missed several preceding meetings, expressed serious concerns that our proposal might violate certain due process rights and civil service requirements. The question was raised whether some members were operating in good faith, having let the process proceed down such an "unrealistic" path. We agreed that the proposal should be reviewed by attorneys who could guide us through these obstacles. Ms. Williams gave the document to the City's Department of Personnel. Mr. Bryson agreed to give the document to the City Counselor's Office. Alderman Kennedy solicited the opinion of the Counselor for the Board of Aldermen. We agreed at that point, after our meeting in August 2010, that we would suspend our meetings until we had the legal information necessary to move forward.

Unfortunately, we have made no progress since then. Furthermore, the cooperative spirit amongst the negotiators has evaporated. Since our document first went to the attorneys, I have asked Ms. Williams and Mr. Bryson to procure an estimated time when we might receive our legal opinions. I have twice expressed concern that an open-ended suspension of our talks did not bode well. My requests for this timeline have received one inadequate response and have been otherwise ignored. Also ignored have been several assignments that members took on. One member, for instance, offered to notate our document with indications of the exact nature of the legal concerns. Another offered to propose alternative solutions that might avoid the possible legal problems. A third member agreed to write a letter detailing for the attorneys the type of information we needed from them and cc the other members on this letter. Despite repeated requests, none of these assignments were completed. Reminders have been mostly ignored. Only Alderman Kennedy has kept an adequate line of communication open as he waits for the Board's attorney to render his opinion.