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U.S. DISTRICT COURT  
E. DISTRICT OF MO.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

**FILED**

AUG 1 1994

U. S. DISTRICT COURT  
E. DISTRICT OF MO.

BILLY JOE TYLER et al.,  
Plaintiffs,  
vs.  
UNITED STATES OF AMERICA,  
Plaintiff-Intervenor,  
vs.  
JAMES W. MURPHY, et al.,  
Defendants.

Cause No. 74-40-C (4)

DEFENDANT CITY OF ST. LOUIS' PLAN FOR CONSTRUCTION OF  
ADDITIONAL DETENTION FACILITIES AND OTHER RELATED MATTERS

On March 11, 1994, this Court entered its "Order Regarding Population Control of Jails of St. Louis." In that Order, the Court required the City to submit to the Court a plan for the construction of one or more additional detention facilities, and further required the City to address other matters relating to the control of inmates detained in the City's facilities. The following is the City's response.

Construction of New Facilities

The City's current detention facilities consist of the Jail, which includes an intake center for processing new inmates, and the Medium Security Institution ("MSI"). The City is also housing an average of 115 inmates per day in local jails throughout the State, at an average cost of \$37.50 per inmate per day. The Court-imposed population ceilings at the Jail and MSI are, respectively, 228 and 550 inmates, although the ceiling

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at MSI was recently raised, on an interim basis, to 580. The City is currently constructing a 224-inmate, maximum-security facility adjacent to MSI. This new facility should be completed by August, 1995. It is anticipated that, when the new facility becomes operational, the existing Jail will be closed and razed. The City will at that time have capacity for 774 inmates.

In the Order entered on March 11, 1994, the Court ordered the City to submit a plan "for the construction of one or more additional facilities which, when coupled to the existing institutions, will provide housing for at least 950 but not more than 1,200 prisoners." (The City understands, based upon discussions with the Court, that the 1,200 prisoner maximum is a flexible number that may be increased if the City and the Court agree that additional capacity is necessary.) For purposes of this plan, the City will assume that the capacity of its "existing institutions" is 774 inmates.

Over the course of the last several months, the City has explored a variety of plans to satisfy the Court's requirements and to meet the City's objectives. In developing its plan, the City has consulted with and relied upon the expertise of the architectural firm of Hellmuth, Obata and Kassabaum ("HOK"). (In 1990, HOK also conducted a study for the City regarding expansion of the City's detention facilities.) The City has considered several types and sizes of facilities, various locations for the facilities, and a myriad of financing options. As a result of this exhaustive investigation, the City has

formulated a plan that serves the short- and long-term goals and objectives of the Court, the City and other interested parties.

The City intends to build 448 additional beds at the existing, city-owned, MSI site. These facilities will be similar to the maximum-security facility under construction, but will consist of maximum-, medium- and minimum-security components. The City anticipates that, upon the approval of this plan by the Court, design for the MSI expansion can begin immediately. It is estimated the design stage will take approximately 10 months. The bidding and construction phase will take approximately 31 months. This construction, when completed, will bring the total number of beds at the MSI site to 1,222.

Additionally, the City intends to construct a detention facility in the downtown area with capacity for 150 inmates. This facility will include an intake center for processing new inmates, and will be used to house those inmates who are appearing in court or are about to begin court proceedings (including pre-trial, trial and post-trial proceedings). The inclusion of this facility in the City's plan is essential to serve the needs of the Circuit Court, which must have prompt access to those inmates whose appearance is required in court. The City has not selected a site for this facility, but will establish a site selection committee consisting of several interested persons, including the Mayor, the Comptroller, the Presiding Judge of the Circuit Court, the Circuit Attorney, the Clerk of the Circuit Court, the President of the Board of

Aldermen, the Chairpersons of the Ways and Means and the Public Safety Committees of the Board of Aldermen, the Alderman for the Seventh Ward, the Director of Public Safety, the Commissioner of Corrections, the Budget Director, the President of the Board of Public Service, the Executive Director of the St. Louis Development Corporation, the Sheriff of the City of St. Louis, and two citizen representatives. The City believes that this committee will be able to choose a site for the downtown detention facility that will best serve the community's needs.

With the expansion at MSI and the addition of the downtown detention facility, the City will have capacity to house 1,372 inmates.

The total cost of these additional facilities, based upon estimates provided by HOK, is \$68.3 Million, including \$42 Million for the new facilities at MSI, \$17 Million for the downtown facility, and \$9.3 Million for the intake center. The cost of the downtown facility and the intake center are, of course, subject to change based upon their exact size and location. The annual debt service on this \$68.3 Million outlay, projected over 20 years, is \$6.6 Million per year. The City intends to service this debt without increasing taxes. The City's financing plan contains two major components.

First, in anticipation of these new facilities, the City has entered into discussions with the United States Marshal regarding the housing of federal prisoners in one or more of the City's facilities. These prisoners would generally be those who are

in trial or are awaiting trial in federal court in St. Louis. The Marshal has expressed interest in a contractual arrangement whereby the City would rent space to the federal government. This arrangement would generate revenue for the City of approximately \$1.4 Million annually. This revenue would be applied by the City to service part of the debt on the new facilities.

Second, the City requests this Court's approval and assistance in obtaining increased reimbursement from the State of Missouri for the cost of housing the State's prisoners in the City's facilities. Under the current State law, §221.105, R.S.Mo., the State is required to reimburse the City for the City's costs incurred in housing the State's prisoners, including prisoners being held for parole or probation violations. However, the State has limited its liability to "the actual cost of incarceration not to exceed seventeen dollars per day per prisoner." §221.105.3, R.S.Mo. Furthermore, although §221.105.3 requires the State to pay reimbursement up to \$17 per prisoner per day, the State has in fact only reimbursed the City at the rate of \$14 per prisoner per day.<sup>1</sup>

In the fiscal year beginning July 1, 1993 and ending June 30, 1994 ("fiscal year 1994"), the State reimbursed the City at the rate of \$14 per day for 197,586 days that its prisoners were housed in City facilities, for a total reimbursement of

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<sup>1</sup> Effective July 1, 1994, the State has increased the reimbursement rate to \$14.75 per prisoner per day.

\$2,766,206. The average "actual cost" to the City for incarcerating prisoners, including State prisoners, is \$37.50 per prisoner per day.<sup>2</sup> Consequently, the State is reimbursing the City \$23.50 per prisoner per day less than the City's actual cost, and the City is incurring the unreimbursed costs of housing those inmates, which costs are paid out of the City's general fund. During fiscal year 1994, the City's loss was \$4,643,271 (\$23.50 x 197,586 prisoner days) for housing State prisoners. The City expects to lose an equal or greater amount in the current fiscal year.

The City and its citizens cannot--and should not be required to--continue subsidizing the State's incarceration of prisoners. The added burden of paying the State's bills is totally unwarranted. It is absolutely essential to the City's plan that the State begin paying "full freight" for its prisoners. If the State begins reimbursing the City \$37.50 per prisoner per day, this increased revenue of approximately \$4.6 Million per year would help greatly service the debt for the new facilities.

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<sup>2</sup> Some of the county jails in which the City has been forced to house its prisoners charge the City as much as \$45 per prisoner per day. This amount does not include transportation costs.

The City has attempted for the last several years to convince the State to pay the full cost of incarceration.<sup>3</sup> Unfortunately, the City's pleas have fallen upon deaf ears. Now is the appropriate time, in the City's opinion, for this Court to act. The Court should join the State as a party to this litigation,<sup>4</sup> and should order the State to begin reimbursing the City at the rate of \$37.50 per prisoner per day, effective July 1, 1995.<sup>5</sup>

With the additional funding obtained through renting space to the federal government and requiring the State to pay full reimbursement, the City can adequately finance the construction of the facilities described above. The City will then have adequate capacity to house those persons who present a danger to

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<sup>3</sup> The State has argued before, and will likely argue again, that it cannot afford to pay the full cost of incarceration because, if it does so for the City, it may be obligated to do so for other counties throughout the State. Not only is this argument speculative, but it flatly ignores the fact that the City is under a federal court order with respect to the conditions of its detention facilities, and that the City is the only jurisdiction in the State facing the crisis situation that this Court has eloquently documented in its prior Orders. The State should not be allowed to escape its obligations to the City and to this Court by raising the spectre of its own potential financial problems.

<sup>4</sup> Joining the State would also assist the Court in its efforts to increase the staff of the Public Defender's Office and to enhance the Board of Probation and Parole's efficiency in removing parole and probation violators from the City's facilities. The Court has previously addressed the benefits of joining the State as a party in a Proposed Order the Court circulated several months ago.

<sup>5</sup> As a consideration to the State, the City would agree to this postponement of the effective date of the increased reimbursement rate.

the community. The City respectfully requests that the Court approve this plan in order to meet the objectives of the Court, the City and other interested parties. The City looks forward to working with the Court in implementing this plan at the earliest possible date.

#### Drug Treatment Program

An eight-week drug treatment program has been established at MSI. Inmates with histories of substance abuse or addiction may be sentenced to the program as a condition of their probation, and inmates with a serious substance abuse history may volunteer to participate in the program. The program consists of three phases. The first phase is orientation, which focuses on assessment and physical conditioning. During this phase, the inmates are given an extensive battery of standardized and in-house tests, and are required to participate in an intense physical conditioning program for the purpose of restoring the inmates' physical energy. This phase lasts one week.

In the second phase, the focus is on treatment planning and relapse prevention. Inmates are required to participate in group therapy and individual counseling to provide them with constructive insight into their addiction problem and alternatives designed to produce positive changes in behavior. The therapeutic activities available to the inmates include a values clarification group, vocational counseling seminar, stress management seminar and a family counseling group. This phase lasts three weeks.

In the third phase, the focus is on recovery and discharge planning to assist the inmates in successful re-entry into the community. Along with group and individual counseling, appropriate referrals are made to help the inmates implement their recovery and discharge plans, and to achieve their treatment goals. Counseling modalities include reality therapy, in which the inmates are taught realistic behaviors necessary to achieve treatment goals. Behavior therapy is also used to resolve specific behavioral problems. This phase lasts four weeks.

A full-time social worker is responsible for overseeing both the drug treatment and boot camp programs. In addition, two correctional counselors are assigned to direct the drug treatment program's activities. One of these counselors is a certified addiction counselor. The City also has seven specially trained correctional officers, one of whom is assigned to the program at all times.

Ten inmates are currently in the drug treatment program. The capacity for the program is 30 inmates. The City expects the number of inmates in the program to rise as coordination problems are resolved among the Public Defender's Office, the Circuit Attorney's Office and the Circuit Court.

The City spends approximately \$80,000 annually for the drug treatment program, including approximately \$74,000 for the salaries of the social worker and correctional counselors, and \$5,000 for supplies.

### Boot Camp

Youthful offenders (age 17-29) who have a substance abuse problem and are prison bound may be sentenced as a condition of their probation to this federally funded eight-week therapeutic program. During this "shock incarceration" period, the participants engage in rigorous physical conditioning, attend classes on job skills, individual and group counseling sessions and perform community services. This program is designed to assist otherwise prison bound offenders to come to grips with their addiction problems and develop effective coping mechanisms and skills. Follow-up after care and programming is coordinated with community resources.

The staffing level for this program is the same as for the drug treatment program, with two correctional counselors (one a certified addiction counselor) and a specifically trained correctional officer. Twenty-seven inmates are currently in this program. The capacity for the program is thirty. All costs of this program are paid through a federal grant. The funding for this grant has been extended through March, 1995.

### Electronic Supervision Program (ESP)

The purpose of this program is to provide a cost-efficient alternative to traditional incarceration of pre-trial detainees and some carefully screened individuals, who are serving local or state sentences and do not pose a threat to community safety. These individuals have attached to them a remote electronic surveillance device, which enables staff to verify the

participants' compliance to the program rules, including home confinement or work attendance during given hours. The City currently has 44 persons on electronic surveillance.

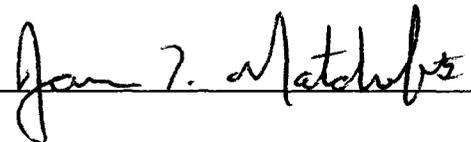
Respectfully submitted,

THOMAS J. RAY, DEPUTY CITY COUNSELOR

  
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CERTIFICATE OF SERVICE

Copy of the foregoing mailed this 1 day of August, 1994 to: Frank Susman, Attorney for Plaintiffs, 7711 Carondelet, St. Louis, MO 63105; Jerome Lawrenz, Chief U.S. Probation Officer, 200 U.S. Court & Custom House, 1114 Market St., St. Louis, MO 63101; Steve German, Eastern Region Board of Parole, 8525 Page, St. Louis, MO 63114; William Franz, Attorney for Defendant James Murphy, Sheriff of the City of St. Louis, 720 Olive St., St. Louis, MO 63101.

  
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