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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

APR 26 1995

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

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BILLY JOE TILLER, et al.,

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO.
ST. LOUIS

vs.

UNITED STATES OF AMERICA,
Plaintiff-Intervenor,

vs.

JAMES W. MURPHY, et al.,
Defendants.

Cause No. 74-40-C (4)

MEMORANDUM

Comes now defendant, City of St. Louis, and in further support of its proposal to increase the population cap at the City Jail, submits herewith a report prepared by Alfred R. Bennett, an expert jail consultant, regarding the City's proposal.

Respectfully submitted,

TYRONE A. TABORN, CITY COUNSELOR

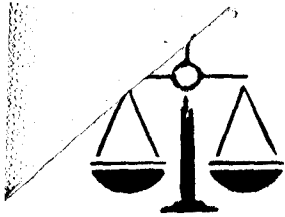
Jan 2. Matt

James L. Matchefts
Assistant City Counselor
Attorneys for Defendant
City of St. Louis
Room 314 City Hall
St. Louis, MO 63103
(314) 622-3361

CERTIFICATE OF SERVICE

Copy of the foregoing mailed this 26 day of April, 1995 to: Frank Susman, Attorney for Plaintiffs, 7711 Carondelet, St. Louis, MO 63105; William Franz, Attorney for Defendant James Murphy, Sheriff of the City of St. Louis, 720 Olive St., St. Louis, MO 63101.

Jan 2. Matt



BENNETT ASSOCIATES

856 Vestal Road — Plainfield, IN 46168
1-800-484-1090 — Code 5759

April 25, 1995

Mr. Tyrone A. Taborn
City Counselor
City Counselor's Office
City Hall, Room 314
St. Louis, Missouri 63103-2806

Dear Mr. Taborn:

Your office has asked that Bennett Associates give an opinion regarding the City of St. Louis' proposal to increase the population cap at the City Jail. Bennett Associates is a criminal justice consulting firm specializing in evaluating the conditions of jails and prisons. Bennett Associates has been involved in the evaluation of the operations of facilities throughout the United States and has given numerous opinions on the quality of operations as requested by municipalities whether they were federal, state or local facilities. Al Bennett of Bennett Associates has been an administrator, warden, consultant and trainer in the field of jail and prison operations since 1960. He serves as an auditor and consultant for the American Correctional Association.

It is our opinion that the plan for increasing the City Jail's inmate population by an additional 141 inmates is sound and is well founded. The plan as outlined by the City takes into consideration that it is for a short term duration. We fully realize that the City Jail needs to be replaced and it will be in the next few years. On March 15, 1995, the City announced a plan to build a 650 bed facility in the downtown area. They anticipate it should be in operation within three years, which will allow the old City Jail to be closed.

JAIL IMPROVEMENTS

Since 1974 when the United States District Court placed a cap of 228 inmates on the City Jail, there has been considerable improvement in the present operation. The City has invested considerable monies to make improvements in the staff and programs. There has also been a continuous updating and improving the standards as written by the American Correctional Association for local detention facilities (jails).

It is our opinion that when considering the twenty years of improved operations and the updating of the ACA standards that the Court should seriously consider the temporary raising of the 228 cap on the City Jail to 369.

Prior to 1974, there were no educational requirements for guards employed by the City. In 1980, the City required a high school degree and a physical examination for all new hires prior to being hired. There is also random drug testing, which started in 1988, for all employees working at the facility. In general, there has been considerable improvement in the quality of staff hired and the accountability for them to be appropriate employees while serving as guards.

There has also been considerable improvement in the top management of the operation of the facility. Beginning in 1989, a management team made up of the superintendent, chief of security, business manager and program manager meet monthly, or more often if needed. The management team is concerned about the day-to-day operations and the conditions within the Jail.

In 1985, there was a three-tier management system organized in which there is a superintendent, chief of security/major, shift supervisor/captains, and area/floor supervisors as lieutenants. Prior to 1985, there were no opportunities for employees to go up a career ladder while working at the St. Louis City Jail.

Prior to the court order, there were no medical or dental screenings during intake. The present intake operation requires a comprehensive screening to have full knowledge of the inmates' medical needs immediately after arriving at the facility.

Programs for counseling, drug and alcohol abuse programs, and GED preparation classes have been increased in recent years. Prior to Judge Regan's order, recreation and activities did not exist. At the present time, there is adequate space for one-hour per day, outdoor recreation. It is the jail administration's policy that there be activities outside the cells as an ongoing program.

A number of staff have improved their professional association with the American Correctional Association, the American Jail Association, National Commission on Healthcare Standards, and numerous other professional organizations. Several have also received higher degrees such as a masters and doctorates to be more efficient in their professional work with the City Jail's inmates.

In 1983, the administration at the City Jail developed a policy and procedure manual of operations. They also developed post orders for every post manned by guards in the facility. Revisions of the policy and procedure manual and post orders have been made periodically as needed. The policy and procedure manuals were developed with the use of the American Correctional Association Standards for Local Detention Facilities as a basis for the operations throughout the facility.

A comprehensive classification program has been developed within the St. Louis City Jail. Inmates are classified according to behavioral, custody levels, and special housing needs. The fifth and sixth floors have special mental health inmates and these floors, because of the configuration of the housing unit, is considered to be a medium security part of the jail. A part of the policy and procedure is for there to be ongoing daily and monthly inspections of the facility in every area. Sanitation inspections are required and physical plant improvements are made when needed.

ACA STANDARDS' IMPROVEMENTS

It is the American Correctional Association's full intent to provide standards that are relevant and up-to-date. These standards for jails are suggested benchmarks for municipalities to use. These are not mandatory standards being forced on agencies who operate jail facilities. On several occasions, standards have been improved and thus have been of assistance to the City Jail regarding single and multiple occupancy celling. Several of the physical plant standards in the Standards Manual for Adult Local Detention Facilities have been rewritten, revised or added since 1986. Standard 2-5110-1 was added in August of 1991, which requires that single cells are required for inmates assigned to maximum custody and close custody. Also Standard 2-5111-1 was added in August of 1991, which states written policy and procedure and practice provide that single occupancy cells/rooms shall be available and indicated for the following: Inmates with severe medical disabilities, inmates suffering from serious mental illness, sexual predators, inmates likely to be exploited or victimized by other, and inmates who have other special needs for single housing.

It should be pointed out that Standard 2-5114 was revised in August of 1989, which states, where used for minimum or medium custody inmates, multiple occupancy rooms house no less than 2, and not more than 50, each of whom are screened prior to admission for suitability to improved living. Also 2-5114-1 was added in August of 1991, which states that single cell/rooms and multiple occupancy cells/1 room may be used for housing inmates in medium/minimum custody when the classification system, cell/room size, and level of supervision meet the following requirements:

1 occupant	35 SF per occupant
2-50 occupants	25 SF per occupant

We fully recognize that the City Jail does not fully comply with all Standards because of the building's age and the era in which it was designed. However, because of the 20 years time in making improvements in these standards, there is more flexibility in the use of the standards for jail facilities and operations.

Another consideration is the time inmates spend outside their cells/dormitories. Inmates are only locked in their cells from midnight to 7:00 a.m. each day. The space for dayrooms is most adequate for them the remainder of each day.

The recent publishing of the Third Edition of the ACA Standards for Adult Local Detention Facilities Standard, 2C-04, states, "At a minimum, the facility is designed to provide single occupancy cells for one-third of the population." Now jail facilities are required to have just one-third of the population in single cells. It is our opinion this jail can operate at a reasonable level for a short time with 141 additional inmates.

On April 13, 1995, we also visited the City's Medium Security Institution where 224 additional beds will be on-line later in 1995. These much needed additional beds will be a big asset to the operation of the City's Correctional Department. We would ask that the court consider the many improvements that have been made by the City Department of Public Safety in the operations of their jail facilities as outlined above and also the updating of ACA Standards since 1986. It is our opinion that this temporary increase in the cap for 141 additional beds in the City Jail would be appropriate for a short-term, temporary plan.

We wish to thank the officials from the City of St. Louis for their assistance in providing the appropriate information and the time they gave during our visit in the City.

Sincerely,



Alfred R. Bennett
Jail Consultant

ARB/jb