

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED

AUG 8 1975

BILLY JOE TYLER, ET AL.,)
)
 Plaintiffs,)
)
 and)
)
 UNITED STATES OF AMERICA,)
)
 Plaintiff Intervenor,)
)
 vs.)
)
 SHERIFF RAYMOND PERCICH, ET AL.,)
)
 Defendants.)

WILLIAM D. RUND, Clerk
U. S. DISTRICT COURT
E. DISTRICT OF MO.

No. 74-40 C (2)

PARTIAL CONSENT DECREE

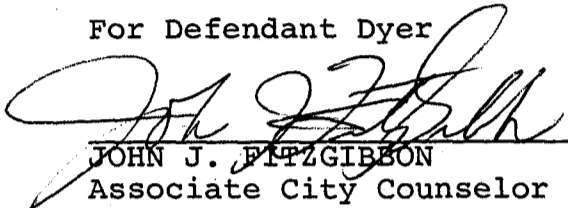
Defendant Dyer and Plaintiff-Intervenor hereby consent without trial on the merits, to the following resolution of the issue of disciplinary rules and procedures for the members of the plaintiff class confined at the St. Louis City Jail.

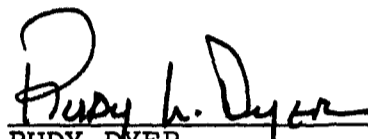
From this date forward, the defendants shall use the rules and sanctions listed in Appendix A hereto and no others. From this date forward, defendants shall use the procedural rules contained in Appendix B hereto and no others. All inmates of the City Jail shall receive a copy of Appendixes A and B on their admission to the jail.

All proposed changes, alterations, modifications, or supplementations of these disciplinary rules and procedures shall be submitted to Court and to the United States. Plaintiff-Intervenor shall have fifteen days to comment on or object to each such proposed change, alteration, modification or supplementation. If no such objection is received, the proposal may go into effect at the end of the fifteen-day period. If an

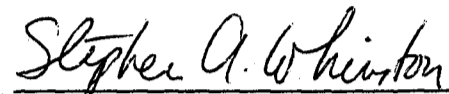
objection is filed within the said time limit, proposal will be submitted to the Court and will not go into effect until such time as the Court rules on the objection.

For Defendant Dyer


JOHN J. FITZGIBBON
Associate City Counselor


RUDY DYER
Acting Warden
St. Louis City Jail

For Plaintiff-Intervenor


STEPHEN A. WHINSTON
Attorney
United States Dept. of Justice

UNITED STATES DISTRICT JUDGE

Dated this _____ day of _____, 1975.

DISCIPLINARY BOARD MUNICIPAL

Effective Friday, November 22, 1974 the City Jail Disciplinary

Board membership will consist of:

1. One (1) member of Training & Treatment as chairperson, one (1) Correctional Officer and one (1) Social Worker as members of the Board.
2. Any Jail Social Worker selected by the Chairman on a consultive basis with the Director of Social Service.
3. A Correctional Officer selected by the Shift Supervisor.
4. (The Chairman may invite other persons to sit as observers)

The Board will meet each workday and on any other day, and at a time designated by the chairman. The Chairman may adjourn the Board at such time as he deems expedient.

A secretary, selected by the Chairman, or some other means of making accurate and permanent recordings of testimonies should be utilized.

The Chairman of the Disciplinary Board is directly responsible to insure that Board meetings are timely, accused inmates are given written notice of the charges against them and sufficient time and opportunity to prepare a defense, all parties are given an opportunity to be heard, due care and consideration is given to all testimony and evidence offered and all findings and other written reports are made as designated herein.

The Chairman will be responsible in that when an Incident Report is submitted not more than seventy-two hours should elapse before the Disciplinary Board meets concerning that Incident. An inmate accused of any violation of Jail Rules for Inmates must be heard within seventy-two hours from the time the Report is submitted. Wherein there are "long weekends" or three or more non-workdays running consecutively, the Board must nevertheless meet within the seventy-two hour period. In the event the accused is absent from the Jail (Court, Hospital, etc.) when the Board meets on his case, the Chairman will determine daily the status of the accused; when he becomes available to the Board the Board must act expeditiously to consider his case. Wherein the accused inmate has left the Jail permanently prior to any Disciplinary Board action, a notation of "No Action Taken" or any other explanatory entry the Board deems appropriate may be made to accompany the Disciplinary Board Action report.

In the case of an illiterate inmate charged with a violation of Jail Rules, or where it appears unlikely that the inmate involved will comprehend the complexity of the issues involved and the nature of and procedure before the Board, he will be allowed to request the aid of either a fellow inmate, or where this is deemed unduly hazardous to the maintenance of order in the Jail, the aid of a member of the prison staff of his choosing, or an inmate designated by the Board, in order to adequately prepare and present the necessary evidence on his behalf.

The Disciplinary Board may invite, or require, any member of the Jail Staff, except the Warden, to appear before the Board as a Witness or to testify.

A written report of any disciplinary action taken by the Disciplinary Board Action will be made on a form entitled Disciplinary Board Action. A copy of that report, fully completed, will be handed to the inmate within 24 hours of the Board's decision as to action to be administered. The report of action by the Disciplinary Board will set forth in writing the conclusions reached by the Board, the evidence relied on to reach those conclusions, and what disciplinary action if any is to be taken. The original of that fully completed report will accompany the original Incident Report to the inmates personal file. All original Incident Reports and Disciplinary Board Action reports will be maintained in a confidential status by the Chairman of the Disciplinary Board. The Social Service Director will designate a Social Service Secretary to copy and distribute reports as herein indicated.

Copies of all Inmate Incident Reports and Disciplinary Board Action reports should be distributed as follows:

Inmate

Jefferson Tallent

Warden

Correction Manager

Chiefs Central folder (Located in Processing)

Training Section

Reporting Officer

Inmate's personal file

In cases wherein an inmate is transferred to MSI from the Jail copies of the Incident Report and Action report, if any, should

A folder entitled Chairman, Disciplinary Board, is located on the Chief's desk in Processing. All Incident Reports should be placed in that folder by the end of each shift. The Chairman should inspect the folder daily for Incident Reports which may demand immediate consideration. The Chairman will ensure that each Inmate for whom an Incident Report has been written charging him with an offense against Jail Rules for Inmates receives notification of the charges and the name of the Correctional Officer/s submitting the Incident Report. Said notification must be in writing and must be accomplished within 24 hours after the Chairman receives the Report. A Notification of Charge form is provided.

Correctional Officers or any other Jail Staff member submitting an Incident Report charging an Inmate with violation of Jail Rules must submit such Reports to the Supervisor of the Shift during which the alleged offense occurred. The Report must be completed by the Officer and submitted to his Chief during or immediately following the end of the Shift. The Chief must review and complete the Report and insert it into the Folder for the Chairman, Disciplinary Board, prior to his (Chief) departing the Jail at the end of the Shift.

Inmates charged with an offense against Jail Rules will be provided with the opportunity to call witnesses before the Disciplinary Board. The Board may limit the number of witnesses an inmate is allowed to call on his behalf. When a request to present a witness is denied by the Board, it shall clearly state its reason, preferably in writing, to the inmate. The Board may refuse to allow a witness upon its determination that the desired testimony would be irrelevant, unnecessary, or in some manner hazardous because of the circumstances of a particular case.

An inmate charged with a violation of Jail Rules will be allowed to present documentary evidence in his defense when this will not be hazardous to the safety of the Jail.

Any Inmate charged with an offense against Jail Rules shall be given at least twenty-four hours to prepare for his appearance before the Board. The Board may allow additional time for an inmate to prepare his defense as it sees fit in particular cases.

accompany his file to MSI.

Appeals: Any Inmate who feels that he has been unjustly treated by Disciplinary Board action may appeal to the Warden. The appeal must be made in writing and must be submitted to the Warden within 48 hours from the time the Inmate signs his Disciplinary Board Action report.

At the time the Inmate receives his copy of Disciplinary Board Action, he must also be given one copy of the form entitled Inmate's Appeal.

The Warden must respond to the written appeal within 48 hours of receiving same. His action may be in person or in writing; but in either event a report of his decision or action must be in writing and will accompany the appeal to the permanent Inmate Personal File.

CITY OF SAINT LOUIS

JOHN H. POELKER
Mayor

MUNICIPAL JAIL

DEPARTMENT OF WELFARE - DIVISION OF ADULT SERVICES

124 So. 14th Street
St. Louis, Missouri 63103



JEFFERSON TALLENT
COMMISSIONER

ALPHONZO LARK
WARDEN

November 9, 1974

INMATES ISOLATION

A Tier is set aside as the Isolation Tier for disciplinary purposes. Currently that Tier is 2-2. This may be changed in time to another Tier. In any event the following procedures are established in regard to the Isolation Tier.

When an inmate is assigned to Isolation he will be restricted to a single cell, and will be removed only for showers, courts, sick call and visits.

Each man, one man at a time, will be provided with opportunity to exercise daily outside his cell, inside the Tier, for $\frac{1}{2}$ hour. The 7-3 Shift should schedule half of the Tier for this purpose and the 3-11 Shift should schedule the remainder. A check list should be kept on the Floor so as to ensure that each inmate is given this opportunity.

There will be no phone calls made. Social Workers may make phone calls to his Attorney and family, but must never bring the inmate out of his cell.

There will be no commissary.

There will be no inmate Floormen, or any other inmate not assigned to that Tier, allowed inside the Tier. Floormen will be allowed to clean in the catwalk only during 3-11 Shift and only when he is under the immediate and direct supervision of an Officer. If the Officer must leave the catwalk, the Officer must have the Floorman leave also. No other inmate should ever be allowed in the proximity of the Isolation Tier. No Floorman or other inmate should be allowed opportunity to approach the Isolation Tier by going around the far end of the Wing.

In the event an inmate, while on Isolation, causes or creates a fire of any nature all matches will be removed from his cell for the remainder of his isolation time.

An inmate on isolation shall be authorized tobacco, stationery, toothbrush, toothpaste; these items will be provided by the Social Service Department. The 11-7 Shift Supervisor will be responsible in that the inmate will have a bar of soap in his cell at all times.

At the time of transfer to Isolation the inmate and his belongings will be searched and all items of a contraband nature for isolation will be confiscated and retained in a box in the property storeroom. He will be allowed to keep in his cell only those items necessary for hygiene and his welfare. No foodstuffs are allowed, except for regular meals as provided by the Jail Kitchen. He will be allowed to keep tobacco and matches which he may have in his possession at the

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November 9, 1974
Inmates Isolation

time of transfer to isolation; but will not be allowed to purchase anything from commissary during isolation.

Inmates on isolation shall be seen by a medical doctor or psychologist at least twice a week, and by a Social Worker at least three times a week.

List of authorized items for isolation inmates:

1 Shirt	1 Sheet
1 Undershirt	1 Pillow
1 Pair Undershorts	1 Pillow Case
1 Pair Shoes	1 Towel
1 Pair Trousers	1 Pair Socks
2 Blankets	1 Cap
1 Mattress	

Stationery

Books; not more than four in addition to items such as family pictures, prayer books, dictionary.

Tobacco and matches (not more than 2 cartons cigarettes)

1 Toothbrush
2 Toothpaste
1 Bar Soap

Articles necessary to clean his cell (only during 3-11 Shift unless approved by another Shift Supervisor)

Any article not listed above is contraband in the Isolation cell.

March 28, 1975

ADMINISTRATIVE SEGREGATION

An inmate may be placed in Administrative Segregation by the Shift Supervisor and the Disciplinary Board. No other person is authorized to place an inmate in this status unless the Warden provides such authorization in writing.

Administrative Segregation is to be used only where the continued presence of the inmate in general population poses a serious threat to life, property, himself, other inmates, staff members, or the security of the Jail. The purpose of this procedure is to facilitate an immediate transfer of an inmate to Administrative segregation and to provide authorization for the Shift Supervisor and Disciplinary Board to do so.

Administrative Segregation is the status of confinement of an inmate housed in an individual cell by himself. To the extent possible inmates in this status will be afforded the same general privilege given to inmates in general population. Unless security needs demand otherwise, these inmates shall be provided with regularly scheduled phone calls, commissary, and visits. They will be afforded the opportunity to exercise outside their cells at least two hours per day unless security needs prevent such.

An Incident Report detailing the reason for placing an inmate in Administrative Segregation will be prepared and the same procedures for the handling of such Reports will be the same as described for Disciplinary procedures.

A hearing on the case must be held by the Disciplinary Board 72 hours from the time the Report is submitted. Administrative Segregation is to be used only for short periods of time except where an inmate needs long-term protection where the need for such protection will be well documented. Such long-term status of this type may be extended indefinitely, but in every instance the Disciplinary Board must review the case at least every ten days.

Inmates on Administrative Segregation shall be seen by a medical doctor or psychologist at least twice a week.

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