

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

**FILED**

JAN 2 - 1981

**EYVON MENDENHALL**  
**U. S. DISTRICT COURT**  
**E. DISTRICT OF MO.**

ROBERT BULLINGTON, et al., )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
WARDEN MORELAND, et al., )  
 )  
Defendants. )

Cause No. 79-650 C (2)

COMPLIANCE OF JAMES L. THOMAS WITH ORDER OF DECEMBER 11, 1980

Comes now James L. Thomas pursuant to, and in response to, the Order of December 11, 1980, entered in this action and states as follows:

1. The Order of December 11, 1980, directs the undersigned to submit a list specifying all conditions complained of in Plaintiffs' Petition.

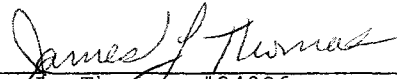
2. Attached hereto on separate sheets of paper are photocopies of the provisions of the Plaintiff's Petition which specify all complaints to be remedied.

3. The Court and counsel for the Plaintiffs have met and agreed upon a time and date for a visual inspection of St. Louis County jail facilities.

WHEREFORE, James L. Thomas has made full compliance with the terms and provisions of the Order of December 11, 1980.

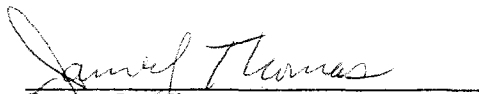
Respectfully submitted,

HENDERSON, HEAGNEY & THOMAS



James L. Thomas, #24986  
906 Olive Street, Suite 605  
St. Louis, Missouri 63101  
(314) 421-6544

A copy of the foregoing served upon Defendants by mailing it to the Honorable Donald J. Weyerich, Assistant County Counselor, 11 South Meramec Avenue, Clayton, Missouri 63105, and to John P. Emde, 611 Olive Street, Suite 1950, St. Louis, Missouri 63101, this 30th day of December, 1980.

  
James L. Thomas

Johnson v. O'Brien  
JC-MO-010-044



UNSANITARY AND UNSAFE CONDITIONS

11. The cells are infested with roaches and mice. There is also a fungus which frequently grows on some walls of the jail during periods of high humidity and heat. Whenever this fungus is present, there is an increase of respiratory ailments among the inmates.

12. Windows in the jail vary in their condition. In 1975, a majority of the windows were blocked up and air conditioning units installed. The exhaust vents on the roof provide the only source of ventilation in the cell areas. This lack of ventilation causes foul odors to collect and constantly permeate the air.

13. The mattresses for the bunks are filthy, foul-smelling and never cleaned, aired out, or disinfected. No mattress covers are furnished, and there is often a long period of time between changing of sheets.

14. The only cleaning in the jail is done by the inmates. Inmates who are trustees are responsible for the halls and common areas, while all inmates are solely responsible for their cells. Inmates who are not trustees frequently have difficulty obtaining the proper cleaning tools, such as mops and brooms.

15. Showers and open toilet areas are contained in each cell, except for the women's cell that has a separate enclosed bathroom. The only cleaning of these areas is done by the inmates occupying the individual cells, who are seldom provided with the proper materials to adequately clean these areas. Consequently these areas are breeding grounds for bacteria and fungus.

16. Inmates are required to eat their meals in their cells, which are usually in a dirty and unsanitary condition due to the limited amount of cleaning previously described.

17. There is insufficient hot water for inmates to take showers. Normally an inmate must shower in cold water or remain dirty.

18. Personal hygiene items such as shampoo, soap, toothpaste, toothbrushes, and combs, are sometimes difficult to obtain. No razors are given to any inmates, except during sporadic times when groups of inmates are allowed to shave in one cell.

19. Laundry is supposed to be done once a week for all inmates by the trustees. However, because of breakdowns in the equipment, washing is often done only once a month. Also, inmates must wash their own socks in the sink without any detergent.

20. There are heating and cooling problems, causing the jail to be unreasonably cold in the winter and unreasonably hot in the summer. At all times, the temperature varies from floor to floor. Inmates often suffer the harsh physiological effects of temperature extremes.

FOOD

22. The food served to the inmates is nutritionally deficient. Food which is supposed to be hot is always cold. Inmates never receive fresh fruits or vegetables. The portions of food which inmates do receive are too small, leaving inmates still hungry immediately after eating a meal.

## MEDICAL FACILITIES AND CARE

23. An inmate needing medical attention or medication from 5:00 p.m. to 9:00 a.m. must request it by getting a written or oral message to a correctional officer. These officers have no procedure for routinely checking with inmates to see who needs medical attention, and they do not in fact do so. Even when officers receive requests for medical attention, these messages may not be transmitted promptly to the medical staff, and they may not be conveyed to the medical staff at all. Therefore, inmates must sometimes endure unreasonable delay in obtaining needed care. For "minor" problems, such as colds, sores, dandruff, insect bites, rashes, corns, athlete's foot, headaches and toothaches, it is very difficult to get any relief, even an aspirin.

24. When medical requests are made, the officer decides if the inmate receives medical attention. The officer has no specialized training to diagnosis or to determine if medical assistance is required. Therefore, the decision to allow medical assistance is often at the whim of the officer.

25. There is no medical screening procedure to test for contagious diseases. Trustees who handle all food preparation tasks do receive a limited amount of screening for certain diseases. However, this screening frequently does not take place until the inmate has been on the job for a number of weeks, thus rendering these tests meaningless, exposing other inmates to great harm.

26. No dental care is provided.

VISITATION AND COMMUNICATION RIGHTS

27. The visiting facilities are grossly inadequate. The visitation area consists of a "fish-bowl" area where visitors enter. Inmates are viewed through glass-like panels which are the walls of the "fish-bowl". If more than two or three persons occupy this area, it becomes very crowded. Inmates with visitors must stand on the outside of the "fish-bowl" and communicate with their visitors through a hole. They are difficult for effective and meaningful communication. There is only one visit allowed per week. Each inmate is allotted one hour per week for visitation, with a limit of two visitors.

28. Inmates are allowed an initial phone call upon admittance and are thereafter allowed to make one call per week. According to the whims of some guards, certain inmates are permitted to make more calls, while some have their weekly call delayed until the very end of the week. Inmates are only allowed to speak to the person called for a period of ten minutes. The calls take place in an office, with a social worker or officer present, depriving them of any privacy. If an inmate uses this call to speak with his attorney, he is denied the confidentiality of the attorney-client relationship.

## JAIL DISCIPLINE

29. The only written rules and regulations issued to inmates consist of a general list of infractions classified by level of seriousness. Included with this list is a generalized statement as to the punishment to be given if a certain rule is broken. The jail purports to have a policy whereby all inmates are to receive a copy of these rules upon admission. However, officers neglect to provide this document to incoming inmates. Frequently inmates are, therefore, unaware of the existence of any formal rules or regulations.

30. When inmates do violate a rule or regulation, no due process whatsoever is afforded the inmate. Guilt or innocence is an arbitrary decision made by the individual guard and the inmate may or may not be punished depending on the mood of the guard. There is no procedure for appeal of a decision of guilt.

31. A procedure exists for reducing the time to be served by a sentenced inmate if he shows good behavior while in the jail. Inmates lost "good time", as this practice is called, on the whim of the corrections officers, and are frequently not informed of this decision when it is made.

32. Shakedowns occur at unreasonable times and are harrassing in nature. When shakedowns do occur, it is normal practice for officers to throw bedding onto floors that have standing pools of water and to scatter personal items throughout the cell areas, causing them to become lost and damaged.

33. When admitted to the jail, all of an inmate's personal effects are placed in a numbered bin in the property room located in the basement.

34. Inmates are subjected to verbal abuse from officers, such as threats, name-calling, intimidations, insinuations, and harassment.

35. There is no established procedure for registering inmate complaints. The inmate must depend upon the good humor of the staff to correct any problem he or she might be having.

INMATE SECURITY AND SUPERVISION

36. Those persons hired as guards for the St. Louis County Jail receive no training to prepare them for their duties at a detention facility.

37. There is no effective procedure for the classification of inmates. Pre-trial detainees, misdemeanants and felons are all housed together. No classification procedure exists based upon inmates' age, physical size, crime or experience with the criminal justice system. The only system of classification which does exist is an arbitrary one imposed by the staff attempting to separate violent inmates from those more well-behaved.

38. Adequate supervision of the inmates is impeded by the structure of the jail itself and the limited number of guard staff employed by the jail. There is no central location in the jail where guards can supervise inmates located in cells and there are too few guards on duty at any given time to have someone stationed on each of the floors at all times. Consequently, when assaults or medical emergencies have occurred in the past, guards have had difficulty determining from what part of the jail an inmate's cries for help have come. Delays in locating disturbances or medical emergencies have resulted in unnecessary injuries which could have been prevented. In instances where inmates are so severely injured or seriously ill preventing them from crying out for help, even more grievous harm has occurred.



PSYCHOLOGICAL EFFECT OF DETENTION IN THE JAIL

39. Plaintiffs and the class they represent suffer mental and emotional as well as physical harm by incarceration at the St. Louis County Jail. Long-term psychological damage results from the degradation and demoralization associated with the unsanitary and inhumane living conditions, the lack of adequate recreational facilities, the long hours of idleness, the isolation, the deficient health program, the almost total denial of contact with their families and friends, and the inconsistent treatment by jail personnel. This atmosphere deprives plaintiffs and the class they represent of all dignity and severely damages their mental and emotional well-being. The mental and emotional harm is demonstrated by the numerous suicide attempts at the jail.

FREEDOM TO PRACTICE RELIGION

40. No special diets are provided for those inmates whose religious preference requires one.

## IMPAIRMENT OF FIRST AMENDMENT RIGHTS

41. Plaintiffs and the class they represent, pre-trial detainees, First Amendment Rights are violated by the officers, who place the inmates' reading material from publishers in the property bin without allowing the inmates access to the bin. The inmates are restricted to only two pieces of literature per week.

42. Pre-trial detainees are impaired as to their right to aid in the preparation of their defense at trial in the following manner:

a. There is no adequate facility for private conversations between inmates and attorneys. Most attorney-client visits take place in social workers' offices. Attorneys who do wish to speak privately with their clients must wait their turn to use the social worker's office. The hours for these visits are limited, and if there are a large number of requests for private attorney visits, there may be a delay of several days before an inmate can consult privately with his attorney.

b. The jail does not have a law library. The legal books are scattered remotely in social workers' offices and are inadequate to assist the inmates. No provisions are made for inmates to have access to a law library if they should need to use one.

c. Inmate's legal papers, documents, notes, letters, and other records have been confiscated or destroyed.

d. Writing paper, pens, envelopes, etc., are often difficult to obtain, especially by those detainees who are indigent.

e. Lack of access to telephones inhibits proper attorney-client communication. There are no special telephone privileges for contacting attorneys, so a detainee has to use his one weekly call for this purpose. If the attorney is not in his office when the call is made, the inmate cannot try again for another week.

43. Inmates are often forced to appear in court unshaven and wearing dirty, malodorous clothing. The psychological impact of being unable to relate to a jury as dignified human beings has caused many inmates to be ineffective witnesses at trial.

44. Information, rumors and personal correspondence concerning an inmate's case are openly and loudly discussed by jail staff.