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Investigative Summary City of St. Louis Criminal Justice Center

Summary of Significant Complaint(s) Reported

Senator Roberts sent a letter expressing concerns over the lack of transparency by city corrections officials and a lack of accountability by the St. Louis City Criminal Justice Center (CJC) to the Detention Facilities Oversight Board (DFOB). This and other complaints allege the DFOB was unable to obtain requested information to address citizen concerns over detainee deaths within the last two years. Concerns included staffing, training, meals, healthcare, and investigations of the CJC.

Background

The CJC was built in 2002 with a capacity of 860 detainees and as of January 2024 the city increased the capacity to 1,060 by adding additional beds per unit and renovating/completing previously unused floors of the building. During the investigation period, January 2022 through August 2023, the detainee population ranged from 500 to 700 detainees. The city contracted for food and health services during the investigation period.

The city entered into a contract with Summit Correctional Services in May 2020, to provide detainee food service; commissary services; and education, training and coaching to detainee workers. City of St. Louis Division of Corrections (DOC) policies require 3 meals per day for all detainees. The total meals prepared per day is based on detainee counts obtained prior to each meal. The contract dictates the meal count process, method of food delivery, and nutritional requirements for detainee meals in accordance with policy.

In November 2019, a health services agreement was initiated between the DOC and Corizon LLC for an initial 3 year term. The agreement required the contractor to provide reasonable and necessary medical, behavioral, and dental care to individuals under the custody and control of the City of St. Louis. Corizon also contracted to provide administrative services that included a program for screening incoming detainees upon arrival. The cost of the contracted health services was based on an annual base price for 1,150 prisoners and a total cost of \$8,757,304 annually, and splits the costs for outside medical costs. The contract allows for a per diem per detainee reduction or addition for detainee populations below or above the base amount.

In May 2022, Corizon became YesCare and a new agreement was signed in October 2022 (effective November 1, 2022). The new agreement lowered the number of detainees to be covered by new lower prices and also increased the number of FTEs required. It also provided for pricing reductions if Corizon did not maintain the required number of staff. The agreement provides for new pricing based on a reduced number of detainees and ranges from \$7,579,848 for 658 detainees to \$8,487,852 for 800 detainees. The increased detainee amounts were included to address the possible opening of the 4th floor. The agreement also increased the required FTE from 26.2 to 38.5 and provides for additional staffing if the 4th floor opened. In theory, if fully staffed, this allowed for a greater medical staff per detainee ratio than the previous agreement and provided the city recourse if the contractor did not provide sufficient medical staff.

Detention Facilities Oversight Board (DFOB)

The DFOB was established by the Board of Alderman by ordinance, effective in January 2022. The Board passed subsequent ordinances to authorize the hiring of staff and legal counsel and clarify training requirements for DFOB members. The DFOB is comprised of 9 city residents and serves as an advisory body to the Mayor, Commissioner of Corrections, and the Director of Public Safety with regard to detention facility operations, conditions of detention, and Division of Corrections policies. The DFOB is authorized to receive complaints of alleged corrections misconduct and detention incidents, issue subpoenas, and is allowed access to city detention facilities upon request so that it may obtain information and make findings and recommendations, including recommendations regarding Division of Corrections' policy and procedures, employee professional development, and employee disciplinary action. There are currently 6 DFOB members, with 4 serving past their original term. DFOB members are appointed by the Mayor (6) and Department of Public Safety Committee (3). Members should include an attorney, someone with corrections experience, a previously incarcerated person, a medical professional, a civil liberties advocate, and one member must be between 18 and 24 years old. The Division of Civilian Oversight (within the Department of Public Safety) provides support staff and aids in investigations for the DFOB.

Complaint Review

Food Service

Overall, the meal services contract requirements agree with policy requirements and invoices indicate a sufficient number of meals were prepared to provide the required number of detainee meals. To review concerns over food services provided to detainees, we compared city policy to the food service contract and reviewed invoices, meal counts, and food menus for the investigation period. Invoices provided indicate Summit provided breakfast, lunch, dinner, and snacks.

News articles reported some detainees complained about lack of food services and a group of prisoners were not served after a guard was held hostage in August 2023. The only explanation provided by the Commissioner is that it was the Segregation unit involved and they were requesting pizza from an outside vendor and that caused the disruption. The prisoners were moved to a different location after the hostage situation and the Sheriff indicated, in a news article, that the relocated prisoners became disruptive after not being served meals. The Summit contract indicates the contractor is required to provide food service to the Division in the event of lockdowns, riots, fire, power-failure, severe weather conditions or other events that would hinder the normal operation of the detention facility. A review of food service invoices in and around the dates of the hostage situation and lock down indicate the number of lunch and dinner meals on the August 22 (the day after the guard was taken hostage) were lower than the previous day by approximately 80 meals but the average population was only 6 less detainees. The number of meals rose again on the 23rd. The following is a summary of the meal counts and average daily population before and after the August 21st incident.

Meal Count	Breakfast	Lunch	Dinner	Ave. Pop.
August 20, 2023	776	798	786	674
August 21, 2023	769	817	806	682
August 22, 2023	771	736	727	676
August 23, 2023	746	798	784	681

Additional investigation is needed to determine if the number of meals served after an incident is consistently lower indicating if the CJC or contractor is withholding meals in violation of policy or contract.

Health Services Contract

Complaints and news articles report insufficient health care services within the CJC. Some complaints allege insufficient health services led to detainee deaths over the last few years. Complaints also noted the

Commissioner requested a new health services provider soon after her appointment and unsuccessful attempts to obtain a new health services provider. DFOB member Pamela Walker (former Director of the City of St. Louis Health Department), indicated during the March 11, 2024 board meeting that 80 percent of DFOB complaints received were healthcare related. In a news article dated December 15, 2023, Public Safety Director Coyle stated most of the deaths are due to natural causes and substance abuse. To review the concerns we reviewed policy, the health care contract, reported medical service issues, and spoke with CJC officials.

A review of correspondence related to the health services provider indicates that the city issued an RFP in July 2023 for a new health services provider and issued a notice of nonrenewal to YesCare in August 2023 (contract end date of November 2023). The city later requested YesCare to extend the agreement to January 2024, and YesCare denied this request. The notice of nonrenewal was after the city filed suit against YesCare in June 2023, for negligence of a detainee who died by suicide. In October 2023, YesCare sent a letter to the Commissioner advising it would not submit a response to the 2023 RFP. The letter noted multiple reasons behind the decision including that the ongoing CJC staffing challenges created "obstacles in achieving basic access to care for the detainee population" and risked the safety and security of YesCare's staff. The letter also indicated there were multiple incidents in which YesCare staff were locked in housing units without custody staff being present, an employee being carjacked, and windshields smashed while parked by the jail. YesCare also indicated detainees were not going through the appropriate intake process which prevented them from performing necessary health screenings.

The city contracted with Physician Correctional USA, on a one year contract starting in December 2023. The Commissioner indicated they identified this provider with the aid of the city Department of Health and National Commission on Correctional Health Care (NCCHC) after realizing they would need a provider in 30 to 60 days. The RFP issued in July 2023 has been extended multiple times since, and the current date for responses is July 19, 2024, for a December 2024 contract. The city website indicates the extensions are due to the complexity of the contract. We reviewed the RFP and noted it covers the required services, payment structure, and safety requirements for services. The RFP does not dictate the staffing levels but notes specific positions that must be maintained and notes the contractor must maintain the jail's accreditation by NCCHC (obtained in 2022). A review of potential RFP respondent questions published on July 2, 2024, includes many related to the required staffing. In October 2023, the Mayor also received approval for city health department staff to audit and provide oversight of health services in the CJC.

Information provided as well as multiple reports indicate staffing may have impacted detainee health services. The former contractor indicated proper intake did not occur due to CJC staffing and that impacted the care provided as well as the safety of its staff. The city did take steps to address improved health care staffing and additional city staff to address service needs. However, the city has been unable to complete its RFP process for a new provider. If audited, a review of the services provided under the current and future contract is recommended as well as what action the city has taken or is planning to take to address the issues noted by the previous health services provider.

CJC Staffing

The ratio of detainees to correctional staff has increased since 2022 and, as noted above, CJC staffing has been cited as a cause for poor detainee care. Our review of staffing levels noted detainee /correctional staff ratios increased from approximately 4 detainees per correctional officer in 2022 to 7 detainees per officer in March 2024 and was up to 8 detainees per correctional officer in August 2023. The ratios do fall within the CJC minimum standard of 10 detainees per officer,¹ but the trend indicates increasing staffing issues.

¹ City policy requires the jail superintendent to regularly monitor correctional staff vacancies and ensure the ratio of detainees to correctional officers does not fall below 10 to 1 for an 18 month period.

Additionally, the expansion of the CJC capacity may only exacerbate the issue as additional officers must be hired to monitor any additional detainee population. Further, the CJC Commissioner indicated that ideal detainee/staff ratios are 5 to 1 or even 3 to 1, significantly lower than current CJC levels. Our review indicates that in January 2022, the number of correctional officer I's employed was 123 and this fell to only 74 in August 2023.

The Commissioner indicated the poor reputation of the CJC has contributed to hiring issues and she is considering alternative staffing plans to address the issues including using all CJC staff as correctional officers if needed. This would include account clerks and other administrative staff. While theoretically addressing the staffing issue, this may be problematic if individuals without necessary training and skillsets are responsible for detainees. The Commissioner indicated she has also worked to address officer salaries to improve recruitment and retention and the beginning salary has increased from \$34,000 to \$46,000.

DFOB Investigations

Barriers continue to exist in the DFOB's ability to investigate complaints. Since 2022, the DFOB has received 74 complaints,² and per its lead investigator, it has been unable to complete an investigation or reach conclusions on any of them. It appears investigations were originally delayed by unclear training requirements and the need to develop policies and procedures that satisfied DFOB and city personnel. Investigations continue to be limited by the DOC and City Counselor due to their belief the investigations may impact ongoing civil litigation and/or criminal investigations. To review concerns over the DFOB's ability to complete investigations we reviewed meeting minutes, DFOB provided information, and spoke with DFOB and Corrections personnel.

News reports, DFOB minutes, and the DFOB personnel indicated there was considerable confusion about the timing and content of required training. This prevented DFOB members from entering or touring the CJC, as DOC and the City Counselor's office required completion of training prior to entrance. The DFOB lead investigator indicated that only after the Board of Aldermen reduced, consolidated, and clarified training requirements in ordinance 71749 (September 2023), were all DFOB members able to successfully complete the training. Ordinance 71749 also specifies all DFOB members shall have access to jail facilities after completing new member orientation. In July 2024 the Board of Alderman passed 2 additional Board Bills to provide oversight board members and staff access to detention facilities.

Additionally, DFOB personnel's ability to speak with detainees and complete investigations has been significantly limited. To date, DFOB personnel have only been able to speak with one detainee and that was not until April 2024. This appears to be due to the DOC and City Counselor's broad interpretation of federal code and city ordinance. The Commissioner stated they try to handle all complaints from detainees internally as stated under 42 USC Section 1997. The Commissioner indicated that it is necessary for all internal investigations to be exhausted prior to the DFOB being allowed to investigate. However, a review of the federal code the Commissioner cited as the reasoning for this, does not appear to require any such process. The Commissioner sent an interpretation of 42 USC Section 1983, "The doctrine of exhaustion of administrative remedies says that a person challenging an agency decision must first pursue the agency's available remedies before seeking judicial review. It was created by courts in order to promote an efficient justice system and autonomous administrative state." We reviewed 42 USC Section 1997e(a), which states: "Applicability of administrative remedies. No action shall be brought with respect to prison conditions under section 1983 of this title or other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."³ It appears the Commissioner is improperly using the 42 USC Sections to circumvent the oversight authority of the DFOB.

² Through May 2024

³ <https://www.justice.gov/crt/civil-rights-institutionalized-persons>

Additionally, the Commissioner and City Counselor cite the ordinance provisions (Ordinance 71430, Section 6(C) now Ordinance 71749 Section 6(C) and Ordinance 71647, Section 4 (B)), that allows for a stay of DFOB investigation activities, if such activities would interfere with civil litigation or a criminal investigation. A request for a stay must be made in writing from the City Counselor, Police Commissioner, or Circuit Attorney. For example, Division of Civilian Oversight investigators received notice of a criminal investigation from the Police Commissioner in relation to one of its investigations on behalf of the DFOB in September 2023. The investigators suspended the investigation as required, but requested, at the direction of the DFOB, an explanation of whether the scope of the investigation would constitute interference under ordinance and further direction on how to proceed. Some of the outlined DFOB investigative procedures included interviewing personnel which could overlap with a criminal investigation. However, other DFOB investigative procedures required investigators to review financial records to determine if there were lapses in city contractual obligations. It would appear DFOB investigators could continue this portion of their review during the criminal investigation. In response to the DFOB investigators' request for an explanation and further direction on how to proceed, the DPS Director provided a letter from the Circuit Attorney saying the investigation would interfere with the criminal investigation, without any detail as to which procedures would or would not interfere, and information from the City Counselor saying DFOB action may open the city up to civil litigation. Nothing in ordinance appears to allow an investigation to be stayed due the possibility of litigation.

Finally, Ordinance 71749 requires the Police Commissioner, City Counselor or Circuit Attorney to make an appearance, or arrange for staff to appear before the Civilian Oversight Board and/or DFOB at least once per month or issue a report in writing to the chairperson of the respective board to provide an update on any criminal investigations or civil litigation concerning individuals mentioned in complaints received by City agencies. The report is required to specifically cover conflicts that have led to a suspension of DFOB investigative responsibilities. The Lead Investigator for the DFOB indicated none of the applicable parties have provided such communication to the DFOB. Without this, the DFOB may not be able to properly track the status of open investigations and pursue investigative avenues that would not be considered as part of the legal proceedings.

Conclusion

In the review of the concerns raised by the complainant, there is no indication of fraud. However, our review indicates that CJC staffing issues appear to have impacted jail operations, including health care services, and complaints regarding the DFOB's lack of access are credible. We will prepare a closing letter to that effect. Any audit should include further review of city efforts to address known concerns about health care services and staffing as well as limitations imposed by city officials to independent oversight of jail operations.