

# CLOSE THE WORKHOUSE

A PLAN TO CLOSE THE WORKHOUSE &  
PROMOTE A NEW VISION FOR ST. LOUIS



# EXECUTIVE SUMMARY

The City of St. Louis condemns hundreds of mostly poor and Black people to suffer in unspeakably hellish and inhumane conditions at the “Workhouse,” officially known as the Medium Security Institution. Over 95% of people at the Workhouse are awaiting trial and remain incarcerated due to their inability to afford unusually high and unconstitutional cash bonds. They face horrific conditions in the jail, including extreme heat and cold, abysmal medical care, rats and cockroach infestations, and mold. The City of St. Louis spends over \$16 million every year operating this facility with little public benefit. The arrest-and-incarcerate approach to public safety targeting the poor and Black communities in St. Louis not only ruins lives, but also does not make the city safer. The Workhouse represents one facet of a broader system of criminalization and marginalization in St. Louis.



INEZ BORDEAUX

**Lives are ruined every day by the Workhouse.** Take Inez Bordeaux’s experience as an example of St. Louis’s past and present racial and class segregation, criminalization, and disinvestment:

Inez spent 30 days in the jail when she was unable to afford bond set at \$25,000 for a minor, technical probation offense. At the time, she earned \$1,000 per month and was raising four children. Due to her incarceration, Inez lost her nursing license for a year and was separated from her children.

Inez is now a leader in the Close the Workhouse campaign.

**The campaign calls for an immediate closure of the Workhouse, a reduced incarcerated population in St. Louis, and reallocation of current arrest-and-incarcerate funding into investments in community well-being.**

## CONTENT OF THE REPORT

1. **The Story of the Workhouse:** Outlines a history of abuse, failed attempts at reform, and the resistance movement and calls for changes to the jail and the broader criminal legal system.
2. **The People Harmed by the Workhouse:** Outlines and humanizes who is incarcerated at the Workhouse, what people are charged with, what practices keep people detained, and the broader structural practices of marginalization when interacting with people’s realities of incarceration.
3. **Why the Workhouse Must Close:** Outlines the inhumane and unconstitutional conditions at the jail, the public cost of operating the jail, and St. Louis’s unconstitutional pretrial bail practices.
4. **From Arrest-and-Incarcerate to Community Well-Being:** Outlines the failure of St. Louis’s current approach to public safety premised on arresting and incarcerating individuals and promotes a new vision of public safety premised on programs that promote community well-being.
5. **The Plan to Close the Workhouse:** Outlines a plan calling on three institutional leaders (the Mayor, the Circuit Attorney, and the Board of Aldermen) to close the Workhouse, decarcerate St. Louis, and reinvest public funds in initiatives that promote a community well-being vision for public safety.
6. **A Call to Action**

### THE CAMPAIGN TO CLOSE THE WORKHOUSE

Community-driven and committed to transformational decarceration in St. Louis, this campaign calls for:

- ✓ The immediate closure of the Workhouse
- ✓ Reinvestment of current public safety spending into broader community well-being initiatives
- ✓ A significant decrease in the incarcerated population in St. Louis, ensuring that no new jail is built to replace the Workhouse

More info online at [www.closestheworkhouse.org](http://www.closestheworkhouse.org)

## OUR VALUES

The Workhouse is part and parcel of a racialized system of mass incarceration that grew directly out of slavery and Jim Crow and works to perpetuate this shameful legacy in America. The story of the Workhouse illustrates this oppressive history. The demands proposed by the campaign aim to limit harms of mass incarceration, without legitimizing or justifying the continued caging of people as punishment.

The Close the Workhouse campaign emerges from the outcry that was the Ferguson Uprising. It's grounded in a commitment to end an ongoing war against Black people that has been waged against generations of families in St. Louis. Our aim is not to reform but to deconstruct a racist system that has destroyed lives and to abolish the practice of criminalizing the poor. We embrace this task in order to vindicate the victims of the Workhouse and to secure future generations' ability to thrive.<sup>1</sup>

This report is a collaboration of the individuals subjected to incarceration at the Workhouse and lawyers and activists engaged on the issue.

## FINDINGS OF THE REPORT

- **Nearly everyone incarcerated in the Workhouse has not been convicted of a crime and is legally presumed innocent.** The Workhouse almost exclusively confines individuals awaiting trial. Many people are incarcerated in cages because they are poor. Most are charged with non-serious crimes related to their poverty. Over 10% of those awaiting trial ultimately have their charges dismissed after spending an average of 291 days in jail.
- **Individuals remain incarcerated in the Workhouse solely because they cannot afford bond.** Cash bail allows wealthy individuals to be released while confining the poor simply because they cannot pay. Unlike similar cities, St. Louis allows only 4% of individuals to be released on a promise to appear, instead setting a median bond of \$25,000. This is completely unaffordable to the average St. Louisan who has a per capita income of \$25,434.
- **Nearly 90% of the individuals in the Workhouse are Black though only half of St. Louis's population is Black.** This outcome reflects the targeted policing and criminalization of segregated Black communities, especially communities in North St. Louis. Poor and homeless individuals and those facing mental illness are also disproportionately impacted.
- **The inhumane and abusive conditions in the Workhouse violate the Constitution.** Since opening in 1966, there has been a well-documented history of inhumane conditions at the Workhouse, continuing to today. In the last 5 years, there have been 6 documented deaths. Individuals incarcerated there endure extreme temperatures, inadequate sanitation, vermin infestations, and violence. These conditions violate the Eighth and Fourteenth Amendments to the U.S. Constitution.
- **St. Louis spends \$16 million every year to run the Workhouse without making us safer; these are funds that should be reinvested in policies to build strong, stable communities.** Over half of St. Louis's budget is devoted to "public safety", but the current approach of policing and incarceration does not make us safer. These funds should be reinvested to promote a new vision of public safety that addresses the root causes of crime - like economic insecurity, lack of opportunity, living with a mental illness, and substance use disorders - to create lasting stability and safety. A portion of these funds should be used to retrain and rehire current employees at the Workhouse into other or new City employment. Reallocation of funding should occur through a participatory budgeting process that involves all residents in the city, especially the most impacted communities.

# DEMANDS: *THE PLAN TO CLOSE THE WORKHOUSE*

This report outlines a clear plan to address a part of the broader system of criminalization and marginalization in St. Louis by outlining a set of steps to decarcerate the city, invest in all its communities through a new vision of public safety, and immediately close the Workhouse.

Who must Close the Workhouse?

- **Mayor Krewson:** By calling for the immediate closure of the Workhouse and directing reinvestment of city funds into programs that promote a new vision of public safety.
- **Circuit Attorney Gardner:** By supporting the release of individuals currently detained pretrial, by choosing not to prosecute certain charges, and by supporting diversion approaches.
- **Board of Aldermen:** By reinvesting money out of arrest-and-incarcerate models of public safety and into a new vision of public safety centered around community well-being.

How can we Close the Workhouse?

See the Plan to Close the Workhouse on pages 31 to 38.

## 1 Release individuals detained pretrial

The Circuit Attorney's Office should recommend automatic pretrial release for individuals charged with misdemeanors, victimless crimes, and poverty-related offenses. For other charges, there should be a presumption of release and individualized release determinations focused on meeting the needs of incarcerated peoples and eliminating threats to public safety. Conditions of release must take financial means into account and be the least burdensome means possible to ensure that the person returns to court. This would lead to a significant decrease in the incarcerated population.

## 2 Close the Workhouse

Mayor Krewson can direct the closure of the Workhouse. The Workhouse is controlled and operated by the City of St. Louis. As the political leader of St. Louis, she controls the jail through the Department of Public Safety and can choose to immediately close the jail.

## 3 Decline to prosecute and criminalize individuals

The Circuit Attorney's Office should decline prosecutions of victimless and poverty-related offenses and divert those individuals towards health, economic, and treatment opportunities. This would lead to a significant decrease in the incarcerated population in St. Louis. The Office must also dismiss similar pending charges. Decisions not to prosecute should be categorical and not based on an individual's criminal background. Where the Circuit Attorney's office decides to prosecute an individual, they should prioritize their entry into pre-plea diversion programs and work with individuals to address underlying issues such as housing insecurity or substance abuse that can lead to continued interactions with the criminal legal system.

## 4 Reinvest money from arrest-and-incarcerate to community well-being

The City of St. Louis should reinvest the \$16 million it currently spends to operate the Workhouse. The St. Louis Board of Aldermen, along with the Mayor, should vote to fund initiatives that improve public safety through a focus on community well-being instead of police and incarceration. Community well-being priorities should be defined through community participation in a participatory budgeting process.

## OUR PARTNERS AND ACKNOWLEDGMENTS

This report reflects the leadership and experience of individuals inside and outside of the Workhouse who have been impacted by the systems we seek to change.

**The Close the Workhouse Campaign** is led by four core partners: Action St. Louis, ArchCity Defenders, the Bail Project, and MORE (Missourians Organizing for Reform and Empowerment).

Nearly 30 organizations across St. Louis have already signed on in support of the Campaign to Close the Workhouse. Please see the Close the Workhouse campaign website for the full list of campaign partners.

**We would like to thank the contributions of our research team coordinated by ArchCity Defenders.**

Research, data, and stories were compiled throughout 2018 and are on file at ArchCity Defenders.

The report's design, research, and drafting was led by ArchCity Defenders' Staff Attorney Sima Atri, with significant support from ArchCity Defenders' 2018 summer interns including Luce Randall, Dara Jackson-Garrett, Sonya Levitova, Mara Roth, Leila Atri, Corri Mader, and Amari Fennoy and ArchCity Defenders' staff including Blake Strode, Jacki Langum, and Rebecca Gorley.

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Thank you to our Black-owned union printshop: Pelican Printing.

“Nobody’s free until everybody’s free.” - Fannie Lou Hamer



This report is produced by the Close the Workhouse Campaign.

[www.closetheworkhouse.org](http://www.closetheworkhouse.org) #closetheworkhouse



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# THE STORY OF THE WORKHOUSE

The history of the Workhouse is a story of exploitation of the poor and communities of color. St. Louis's first jail began as a literal Workhouse, serving as a labor camp and debtors' prison in the 1800s. The modern Workhouse has a long, well-documented history of continued inhumane conditions and abuses. This report and campaign is grounded on years of documentation and mounting pressure through protests and lawsuits calling for change.

## A HISTORY OF ABUSE

The history of the Workhouse is a story of the exploitation of already marginalized St. Louis communities. Over the years, there have been trails of evidence that document the inhumane living conditions, violence, and corruption in the Workhouse.<sup>2</sup> The history of the Workhouse is grounded in St. Louis's segregated history, disproportionately harming Black communities and notoriously caging and depriving the poor of freedom in the name of public safety through the criminal legal system. Since its inception, jails in St. Louis, including the Workhouse, have notoriously housed and harmed the poorest and most marginalized members of our community.

### 1843: A ST. LOUIS CITY ORDINANCE ESTABLISHES THE WORKHOUSE.

The first St. Louis Workhouse was established in 1843,<sup>3</sup> roughly twenty years after Missouri was granted statehood as a slave-holding Union State through the Missouri Compromise of 1820.

The Workhouse was located in South St. Louis at the corner of Broadway and Meramec Street.<sup>4</sup> At the original Workhouse—a debtors' prison—the poor and destitute in St. Louis were sentenced to manual labor crushing limestone for city streets when unable to pay their fines.<sup>5</sup>

As the Missouri Historical Society writes: "All day long, inmates toiled making little stones out of big ones. Women were sentenced to the Workhouse right beside men, and in 1875 alone more than 1,100 women picked up their hammers and headed to the rock yards."<sup>6</sup>

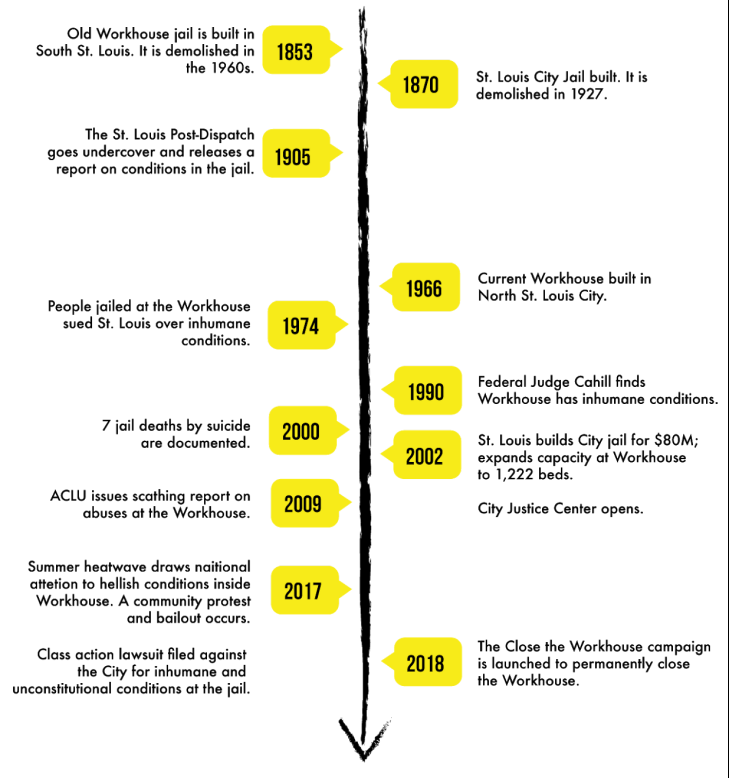
### PUTTING ST. LOUISANS INTO CHAINS

A Curious Survival of Medieval Times to Be Witnessed Here Every Day

Headline from a 1905 Post-Dispatch Article Referencing the Workhouse

## A BRIEF HISTORY OF ABUSE: THE WORKHOUSE

St. Louis infamously forces innocent, poor people to suffer in hellish conditions. This investment is rooted in the earliest Workhouse, and continues in today's jail.



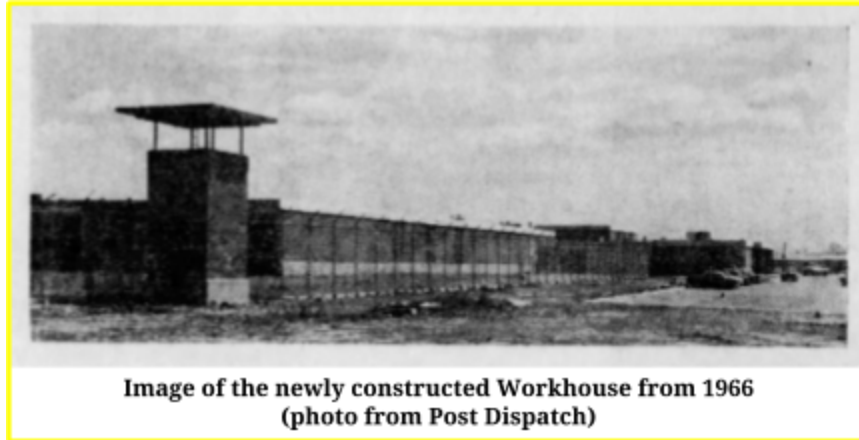
### Poverty was at the root of people's incarceration:

"The reason why these men are in chains in the St. Louis Workhouse is because they are poor. Probably many of them are innocent, but certainly every one is 'broke'. There would be no more chance of a man with money having chains put on him in tWorkhouse than there would be a of a camel passing through the eye of a needle. Has it come to this—that poverty itself has become a crime?"<sup>7</sup> (Post Dispatch, 1905)

This question continues to resound loudly in the jail's current form 113 years later. The Workhouse largely serves as a cage for people waiting for trial and too poor to afford to pay for their freedom.<sup>8</sup>

## ANOTHER JAIL BEYOND REFORM

The current Workhouse was opened in 1966<sup>9</sup> and mirrored its historical roots as it continued to incarcerate those too poor to afford their freedom from the inhumane conditions. The Workhouse soon became the target of lawsuits and judicial interference due to the conditions in the jail: including inadequate sanitation, poor air quality and ventilation, and abuse by guards.<sup>10</sup> Many of these same conditions continue today.<sup>11</sup> The jail's history provides one reason among many why the jail is beyond reform and must be closed.



### 1966: CURRENT WORKHOUSE IS BUILT.

In 1966, the City moved the Workhouse from South Broadway to North St. Louis.<sup>12</sup> This move to North St. Louis mimicked the racialized migration patterns of the mid-twentieth century in St. Louis, where white and richer communities moved toward South St. Louis and Black communities were segregated in Northern areas.<sup>13</sup> The current structure sits on Hall Street.

### 1974: ST. LOUIS IS SUED FOR INHUMANE CONDITIONS AT THE ST. LOUIS CITY JAIL AND THE WORKHOUSE.

In 1974, individuals detained at the old City Jail on 14th and Tucker brought a class action civil rights lawsuit against the City for inhumane conditions. In *Tyler v. Percich*, individuals detained described inoperative toilets, inadequate ventilation, inadequate lighting, and infestations of rats and insects. The jail was overcrowded and individuals were confined for 24 hours a day without recreational opportunities.<sup>14</sup>

**The Court found that the conditions at the City Jail violated the rights of those incarcerated guaranteed by the Eighth and Fourteenth Amendments to the Constitution.** The judge ordered that the jail be closed. Upon appeal, the

Court ordered certain conditions- related reforms and capped the jail's capacity at 228 prisoners.

In 1982, after extending the conditions evaluation to the Workhouse, Eastern District of Missouri Federal Court Judge Clyde Cahill **made a similar determination of the Workhouse's inhumane conditions** and ordered basic improvements to the facility and its offered services be made.<sup>15</sup>

### 1990: A FEDERAL JUDGE HIGHLIGHTS THE JAIL'S SYSTEMIC EXPLOITATION OF THE POOR.

In a scathing 1990 opinion, Judge Cahill described the systemic and disparate oppression promoted by the jail<sup>16</sup> in response to the lawsuit brought against the City for the conditions at the Workhouse. He found that targeted police actions and an aggressive overuse of the criminal legal system resulted in the mass incarceration of Black men and the poor at the Workhouse.

“Certain neighborhoods in St. Louis have become the target of intensive police activity. . . . These intrusive tactics, coupled with detention because of poverty, lead to a destruction of confidence in the criminal justice system.”<sup>17</sup>

Judge Cahill noted the City courts' and prosecutors' frequent refusals to give low bonds or recognizance bonds for low-level offenses and drug offenses. The



refusal meant that they were using jail as the default which contributed to problems of overcrowding in the City jails.

“Prisons and punishment alone cannot be the answer—there must be encouragement, assistance and above all, confidence in the fairness of the legal system. Mass detention for petty offenses now may give temporary relief but it only postpones the misery to come.

Most of the persons now arrested for these drug-related offenses are young black men from North St. Louis. Their prospects are as bleak as their surroundings. . . While the racial connotations of this issue are seldom mentioned, they may, nonetheless, be a factor in the public’s perception of the drug problem. There are myths, which have been partially developed by the media, that only minorities are involved with drugs. The City’s prison population, nearly all black, perpetuates this misconception. The Court does not believe that racial identity is used as a factor in these matters; but nonetheless, because most blacks who are arrested are poor, they are more likely to be detained when denied recognizance.”<sup>18</sup>

Decades after *Tyler v. Percich*, the inhumane conditions in the Workhouse bear a startling resemblance to the conditions found decades ago.

### **2002: A NEW CITY JAIL IS BUILT ALONGSIDE THE WORKHOUSE.**

The City of St. Louis spent over \$80 million dollars constructing the City Justice Center, the City’s new city jail.<sup>19</sup> Although this "state-of-the-art" jail across from City Hall is plagued by a culture of violence and inhumane incarceration, the difference in the cost of design and construction alone reveals the deficiencies of the Workhouse.

Adjusted for inflation, the difference in expenses between the two facilities is stark; today, the City Justice Center would cost around \$111 Million to build while the Workhouse could be constructed for only \$15 Million.<sup>20</sup>

Despite pressure to decrease numbers of incarcerated people in St. Louis, in 2002, the City also completed an extension to the existing Workhouse complex and increased its capacity to 1,222 beds.<sup>21</sup>



### **2009: ACLU RELEASES A SCATHING REPORT ON ABUSES IN THE WORKHOUSE.**

In light of continued inhumane conditions in St. Louis’s city jails, advocates continued to mount pressure for change. In 2009, the American Civil Liberties Union (“ACLU”) of Eastern Missouri released a report outlining rampant abuses, policy violations, overcrowding, negligence, staff assaults on individuals, systematic cover-up of incidents by staff and higher-ups, and squalid conditions inside of the Workhouse.<sup>22</sup>

### **2013: ABUSE BY WORKHOUSE GUARDS ESCALATES.**

The Workhouse is infamous not only as a debtors’ prison and for its inhumane conditions, but also because of its documented history of violence by jail guards.<sup>23</sup> For example:

- **In April 2013**, seven guards were fired from the Workhouse for using excessive force against a detainee. This incident was only made public years later.<sup>24</sup>
- **In May 2013**, the Department of Justice published a report classifying the Workhouse as a facility with a “high rate of staff sexual misconduct”. In a survey of 358 jails across the country, the Workhouse ranked third for reports of sexual misconduct by staff.<sup>25</sup>

- **In August 2013**, two guards pled guilty to hosting fights among detainees after being caught on camera doing so.<sup>26</sup> Individuals detained at the Workhouse reported “gladiator-style” fights where guards would take people out of their cells, into common areas, and force them to fight each other.<sup>27</sup>

The rampant and varied abuses documented for over 100 years in St. Louis’s jails have life or death consequences for those incarcerated there.<sup>28</sup>

***Based on St. Louis’s own numbers, since 2007, 18 have died while in St. Louis custody. Since 2012, 6 have died in the Workhouse alone.***

## RESISTANCE AND THE MOVEMENT FOR CHANGE



**Protestors demand Workhouse closure during 2017 heat wave**

### 2017: A HEAT WAVE BRINGS PROTESTS AND DEMANDS TO CLOSE THE WORKHOUSE.

Calls for change continued to mount, leading to large public calls for the jail’s closure amidst a heat wave in the summer of 2017.<sup>29</sup> In July 2017, temperatures reached a record high of 108 Fahrenheit.<sup>30</sup> People inside the jail could be heard screaming through the jail’s windows pleading for their lives.

The St. Louis community organized a noise demonstration outside the jail to show solidarity with people inside the Workhouse. Activists called on officials to close the Workhouse. ArchCity Defenders, Action St. Louis, and Decarcerate St. Louis

organized to raise \$25,000 to free people held pretrial who could not afford to buy their freedom by paying bond.

### 2017: PEOPLE DETAINED AT THE WORKHOUSE SUE THE CITY.

Individuals incarcerated at the Workhouse brought another class action civil rights suit around inhumane conditions at the jail.<sup>31</sup> The lawsuit describes conditions amounting to “cruel and unusual” punishment and violations of the Eighth and Fourteenth Amendments of the U.S. Constitution. The lawsuit is ongoing as of this report’s publication.

### 2018: THE CLOSE THE WORKHOUSE CAMPAIGN LAUNCHES.

In 2018, individuals previously incarcerated at the Workhouse partnered with community organizations, legal advocates, and allies to launch the Close the Workhouse campaign.<sup>32</sup> The campaign is intentionally grounded in the leadership of people directly impacted by the horrors of the Workhouse. The campaign calls for a permanent closure of the Workhouse, decarceration reforms so no new jail is built, and more equitable investments of funds currently used to operate the jail.



**Protestors rally at the Close the Workhouse campaign launch in July 2018.**

# THE PEOPLE HARMED BY THE WORKHOUSE

The Workhouse is a blight on the City of St. Louis and we are all worse off for allowing it to remain open. The Workhouse disproportionately impacts specific communities in St. Louis and mirrors the targeting of police arrest practices and other structurally marginalizing state institutions and practices. The vast majority of people at the Workhouse have not been convicted of any crime; are there because they have been targeted, over-charged and cannot afford to pay for their freedom; and most are Black men who lack representation. The Workhouse harms not only those incarcerated, but also their families and communities.

**The impact of even one day in the Workhouse can be devastating for someone's life.** While incarcerated, people lose their jobs, housing, and income, in addition to the immediate loss of one's liberty. The following stories are from leaders of the Campaign to Close the Workhouse and depict some of the realities of the Workhouse.

## INEZ BORDEAUX: THE HOPELESSNESS OF THE WORKHOUSE

**"I say all the time that the Workhouse is a hopeless place.** When you first walk in you can feel the hopelessness. You can feel the desperation." Inez Bordeaux is a St. Louis native, who ended up in the Workhouse awaiting a court hearing for allegedly violating probation. She was sentenced to probation but never assigned a probation officer and so did not report. In spring 2016, she was stopped while driving and arrested for failing to report to a non-existent probation officer, and transferred to the Workhouse.



**Inez at a Close the Workhouse Campaign meeting in the summer of 2018**

Inez's bond was set at \$25,000. She earned less than \$1,000 per month. Unable to pay even 10% of her \$25,000 bond, she spent 30 days in the Workhouse awaiting a probation violation hearing. During those 30 days, Inez describes the Workhouse as a hopeless place with black mold on the walls, stopped up toilets, holes in the ceiling, and rats running under cell doors.

A mother of four, Inez was held in solitary confinement for the first three days in the Workhouse after being deemed a suicide risk. "The nurse she deemed me a suicide risk because I was upset and I was crying about

being in jail. I was crying because I was separated from my children and devastated to be in the worst place possible." Inez said. "And so they deemed me a suicide risk and they took me to the women's pod and they took all my clothes away. They gave me a suicide smock and they left me in that room for three days."

Inez has twenty-years experience working as a Licensed Practical Nurse and knew better. "I know for a fact that when someone has mental health issues, if someone does have suicidal ideation, if someone is having

thoughts about harming themselves, you don't lock them in a room for three days. You don't."

Today, Inez continues to feel the impact of the Workhouse on her life. On what she lost while in the Workhouse, Inez said, "The time with my kids, the educational opportunities, the jobs, the money." Because of her incarceration, Inez lost her nursing license and spent a year trying to get it back. She is working as a nurse again and back with her children. Now, she is committed to leading the movement to close the Workhouse.

## JASMINE BORDEN: THE DESTABILIZATION OF FAMILY LIFE AND THWARTED DREAMS

**Jasmine Borden moved to St. Louis in hopes of a better life for her and her four children.** Her sister told her that St. Louis would offer her better opportunities than she had in Sacramento, California, where she was born and raised. Her life in St. Louis was going well—she had a job, her kids were in daycare, she had a house she liked, a landlord she got along with, and she had even bought a car so that she could pick up some extra shifts at work. Jasmine said, "I was living the American Dream when out of nowhere my life just changed. It changed all because I got arrested while driving."

In the summer of 2017, police arrested Jasmine after she got into a car accident. Her bond was set at \$10,000 and the judge ordered that it must be paid in full with cash in order for her to be released. On that day, Jasmine remembers thinking, "I don't have \$10,000 just saved away in an account somewhere. So, that that was the scariest thing because I realized, 'How long do I have to wait to make this bond? How can I make this bond? Who is going to post this bond? When is my next court date?'" Jasmine realized that to fight her charge meant she would remain incarcerated.

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"I was living the American Dream ... It changed all because I got arrested."

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Jasmine describes the Workhouse as a place unfit for any human being. "The conditions that you're living in: the mold, the rats, the recycled air. You can't even go outside and get fresh air," Jasmine said.

When Jasmine finally obtained free representation with the Public Defenders' office two months later, her lawyer argued a bond reduction motion. The judge reset her bond to 10% cash on a \$5,000 bond; the community could pay the \$500 bond so she could escape the Workhouse.



While she was incarcerated, Jasmine lost her income leading to her losing her housing and many of her belongings. She was also separated from her children who were bounced around homes, living with her relatives. Jasmine's harrowing experience at the Workhouse has had a long-term effect on her life, impacting her mental health, and leaving her concerned about the residual emotional distress her children might experience from the family's separation. Though Jasmine has worked hard to successfully rebuild her life after her incarceration, she still lives in constant fear that everything may fall apart again. "The Workhouse has changed my life so dramatically. I'm still a part of it because at any time anything I do can end me up back there."

# GERALD WORTHAM: A NEARLY FATAL INCARCERATION IN THE WORKHOUSE AND THE PROFITEERING SUPERVISION SYSTEM

**Gerald Wortham's experiences in the Workhouse were not only emotionally devastating, but nearly fatal.**

Gerald was arrested in May 2017 and brought to the Workhouse. Gerald suffers from sickle cell anemia, a genetic blood disorder that can cause severe medical complications and a disease that disproportionately impacts Black people. The conditions at the Workhouse exacerbated the symptoms of Gerald's illness and the inadequate medical care offered him no treatment. The jail's excessive heat left him dangerously dehydrated. The exposure to dirt, black mold, and biological contaminants in the Workhouse from rats and mice worsened Gerald's breathing problems and increased his oxygen deprivation.

Gerald felt his health deteriorating and asked to visit the nurse. The nurse took his vitals and assured a distressed Gerald that he was okay. Gerald was sent back to his cell where he sat suffering for another four days. Corrections officers refused to provide Gerald with his needed medications for his sickle cell anemia and instead laughed at his pain. On his fifth day at the Workhouse, Gerald fell unconscious in a chair while he was waiting to eat. "I was only in there for 5 days and I was losing my life."

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**"I was only [in the Workhouse] for five days and I was losing my life."**

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Gerald said, "I was suffering for 5 days and it took like a head nurse to actually look up my medical records and see that I didn't belong in there." It was only then that Gerald was transported to the hospital and, on that same day, he was able to pay his bond and was freed from St. Louis's custody. "I feel like I saved my own life by paying for my freedom." He was released directly to the hospital.

One condition of his bond required Gerald to report to a private supervision company at a cost of \$300 per month. Gerald cannot afford this and risks being re-arrested and returned to the Workhouse, where he fears he could be the jail's latest death statistic.

*"It seems that the inhumane conditions are getting worse. This jail should have been shut down by now. This is something I wouldn't wish on anyone."*

*"I have suffered greatly while incarcerated at the Workhouse. My mental health was heavily impacted and my family has yet to recover from the devastation that followed my incarceration at that facility."*

*"There is no panic button in case of an emergency in our cells. The officers are supposed to check on the cells, but they only come if someone screams through the bottom of the door and they hear."*



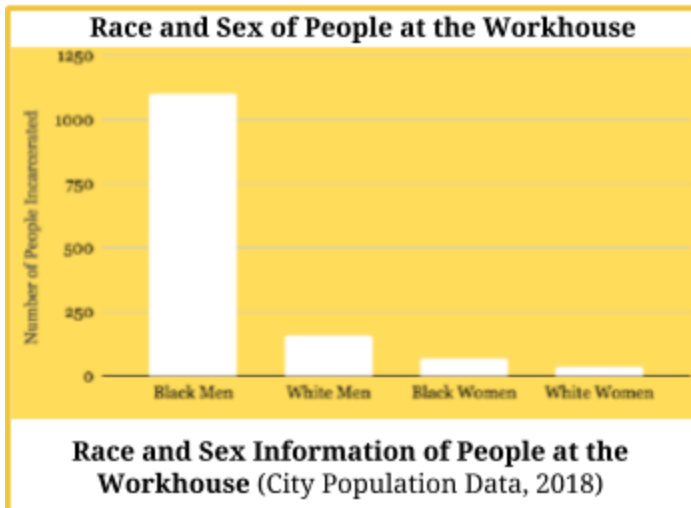
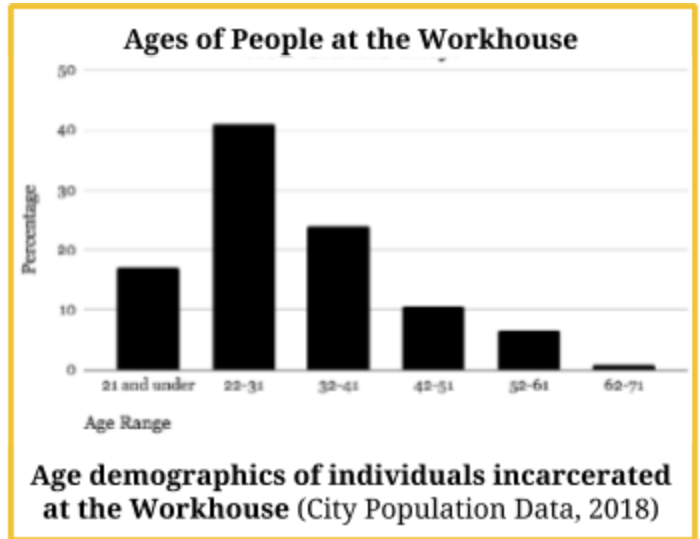
# THE PEOPLE IN NUMBERS: WHO IS INCARCERATED?

It is difficult to get complete demographic, bond, charge, and case disposition data from the City of St. Louis. The City selectively releases data in a way that helps it justify its arrest-and-incarcerate model and the lack of transparency has made it difficult for many groups to organize around different approaches. We obtained data that provides a snapshot of the reality of the Workhouse, in numbers, from March 2018.

**This section breaks down the demographics of those in the Workhouse, their charges, and their average bond amounts.**

The bar graph to the right shows the age range of those detained at the Workhouse. Notably, 70% of those detained are between 22 and 41 years old, a time when many adults have many family and financial responsibilities.<sup>33</sup>

Taking into account the data from the graph below, incarcerating mostly young Black men during these formative years destabilizes Black communities and families, shifting a huge economic burden to Black women and other family members who are working and raising children. It also impacts opportunities available to individuals at the start of their adult lives.



The City of St. Louis is 49% Black,<sup>34</sup> but the incarcerated population of the Workhouse is 89% Black.<sup>35</sup>

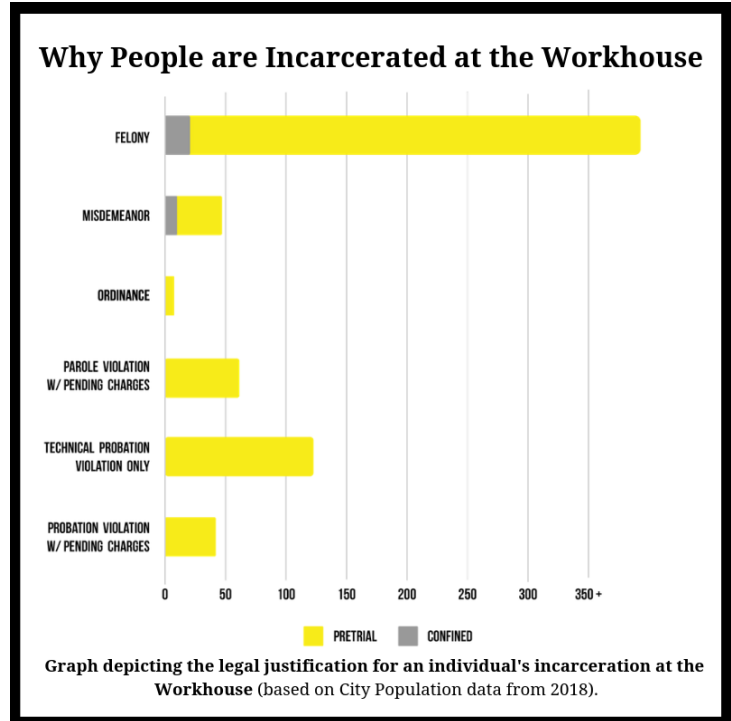
Black men constitute the overwhelming majority of people incarcerated at the Workhouse due to the targeting of Black communities for low-level crimes. This is due both to systemic racism in the policing and criminal legal system and social marginalization that has pushed Black communities into poverty. The St. Louis Metropolitan Police Department overpolicing Black neighborhoods for low-level traffic infractions<sup>36</sup> and criminal issues causing these communities to be trapped in a cycle of warrants, fees and fines, incarceration, and state surveillance.<sup>37</sup>

## THE PEOPLE IN NUMBERS: *WHAT THEY ARE CHARGED WITH?*

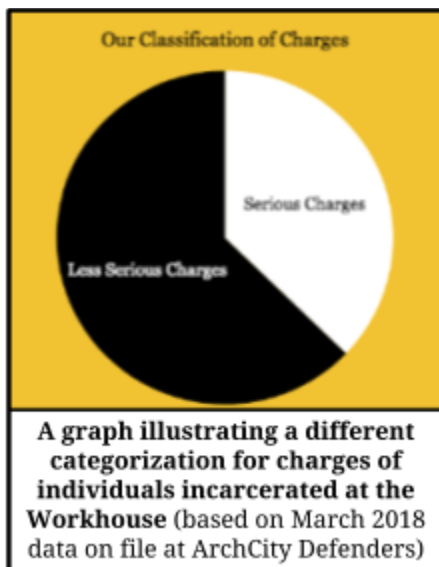
Understanding the background criminal charge justification for people’s incarceration is important, but should not be determinative of their treatment nor representative of their experience at the Workhouse. An evaluation of what people are charged with at the Workhouse demonstrates that the vast majority of people are detained pretrial despite the fact that they are charged only with non-serious and non-dangerous crimes.

### Flags:

- The vast majority of people at the Workhouse have only been charged (not convicted) of a crime.<sup>38</sup>
- Charging decisions are made solely by the Circuit Attorney’s Office and often based only on facts provided by the police on police reports. Even the Circuit Attorney’s Office has admitted to the uncredible nature of some of these reports.<sup>39</sup>
- Many of these charges will be dismissed or amended.
- Charge information may reflect a practice of overcharging by prosecutors’ offices pressuring individuals to plead.
- Charge information reflects a broader classification issue in Missouri where non-serious charges are over-classified as felonies as opposed to misdemeanors in other states.
- When discussing the criminal legal system, most people default to speaking in the language of the state. In this report, we do not use terms such as “inmate”, “criminal”, or “offender” because these words reduce a person to a one-dimensional identity, framed only as a threat, while removing the context of their situation, history, and role in the community. The people in the Workhouse are members of communities, neighbors, friends, and family.



## A Breakdown of what People are Charged with at the Workhouse

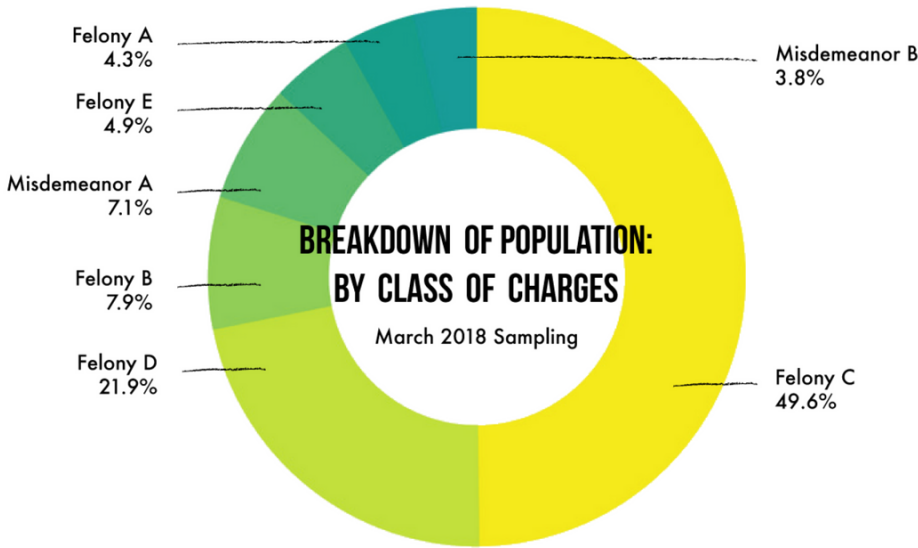


It is important that we re-examine our classification of charges in order to better understand what people are charged with and how the classification of crimes and charging decisions are used to justify pretrial detention.

This chart and the categories defined by the Close the Workhouse team help us re-examine what constitutes a threat to public safety based on the seriousness of the crime charged.

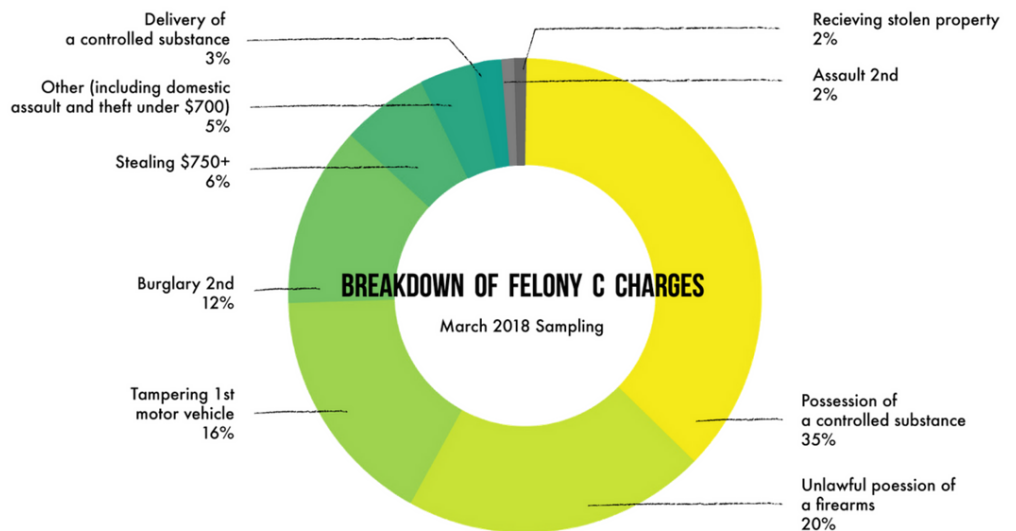
For the purposes of this chart, we defined less serious charges as all misdemeanors, drug-related charges, resisting arrest, and poverty crimes, such as stealing small amounts or being unable to afford child support. For serious offenses we included all charges that involved violence or would be in any way threatening to a community’s safety.

# HOW ARE CRIMES CATEGORIZED BY THE CITY



In Missouri, state crimes can be categorized as felonies or misdemeanors. Missouri law categorizes many more crimes as felonies than other states. There are five categories of felonies that range from Felony A to E and may include a sentence of at least one year. There are five categories of misdemeanors (Misdemeanor A through D and unclassified) and individuals can be sentenced with up to one year in jail and/or fines.<sup>40</sup>

Chart illustrating what individuals at the Workhouse are charged with (based on data on file at ArchCity Defenders from March 2018).



Detailed chart illustrating what half of individuals at the Workhouse are charged with (based on data on file at ArchCity Defenders from March 2018).



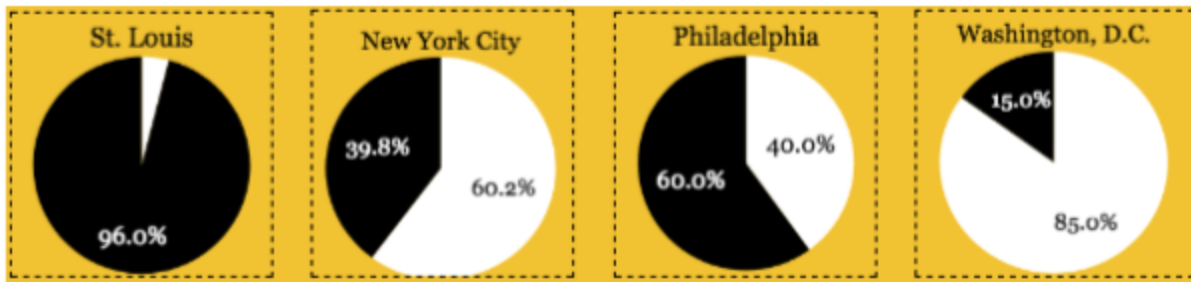
# THE PEOPLE IN NUMBERS: *WHY PEOPLE REMAIN INCARCERATED PRETRIAL & BAIL PRACTICES IN ST. LOUIS?*

Over 95% of people at the Workhouse have not been convicted of any crime and remain incarcerated only because they are too poor to pay for their freedom. The median bond at the Workhouse is a staggering and unaffordable \$25,000 due to the unconstitutional bail setting practices in St. Louis. A very small number of individuals at the Workhouse are released on their own promise to return. They are instead incarcerated without any justification and at great cost to their communities and taxpayers.

Bond practices in St. Louis are falling far behind the progress being made in other large cities.

For example, only a very small number of people in St. Louis are released based on their own promise to appear in court—a policy successfully carried out in other cities across the country. The vast majority (96%) must pay for their release from jail. This is compared to only 15% in Washington, D.C., 40% in New York City, and 60% in Philadelphia.

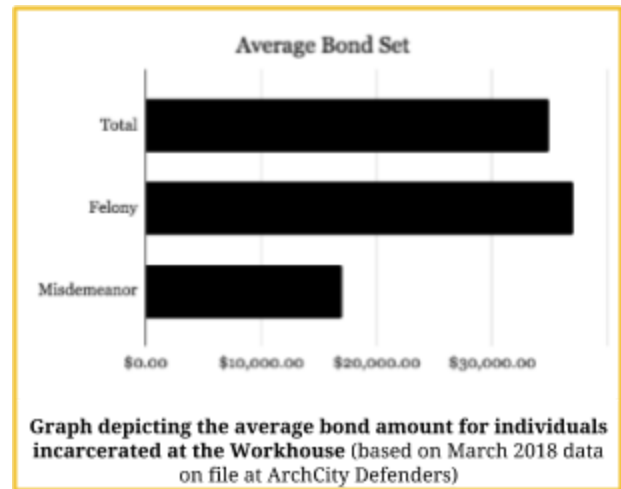
## Graphs Depicting Comparative Rates of Release



Bail Set  
 Released only on Promise to Appear

Not only are the vast majority of people in St. Louis custody incarcerated on bond, but bond amounts are much higher in St. Louis.

For example, the average bond amount is \$35,000 (\$17,000 for misdemeanors and \$37,000 for felonies). This is compared to average bond amounts under \$10,000 in New York City<sup>41</sup> and much lower amounts in St. Louis County. The discrepancies are more clear when comparing specific bond amounts for charges between St. Louis City and St. Louis County. In the city, the average bond amount for the charge of unlawful possession of a firearm is unofficially automatically set at \$30,000 compared to in the county where it is set at an average of \$8,417.<sup>42</sup>



However, cash bond is not the only way to condition release. Other courts and other states use other types of “conditions” of release. These include “signature bonds” where an individual may be released based on a promise under oath to appear, “property bonds”, or through loans from bail bond companies who then pay a portion of the bond in exchange for the person’s release.

**WHAT IS A BOND?**

After an individual is arrested, a judge has the ability to choose whether to release them on a promise that they will appear at their next court date or, alternatively, to set an amount of money (called bond OR bail used interchangeably in St. Louis) that someone must pay in order to be released while their case advances. If they cannot post their bond, they remain incarcerated.

# THE DISPROPORTIONATE IMPACT OF THE WORKHOUSE & CYCLES OF INCARCERATION ON BLACK AND POOR COMMUNITIES

The Workhouse disproportionately impacts poor and Black communities in St. Louis adding to and mirroring the various forms of systemic oppression that people from these communities already face.

“The prison therefore functions ideologically as an abstract site into which undesirables are deposited, relieving us of the responsibility of thinking about the real issues afflicting those communities from which prisoners are drawn in such disproportionate numbers.” Angela Y. Davis, *Are Prisons Obsolete?*

The conditions of incarceration at the Workhouse unequally impact the citizens of St. Louis. As the data presented in “The People: In Numbers” demonstrates, Black and poor residents make up a disproportionate number of those incarcerated in the Workhouse. The class and racial disparities present in the Workhouse do not exist in isolation. Those communities disproportionately impacted by the Workhouse are also those targeted and impacted by other forms of structural inequality in St. Louis. The Workhouse is just one piece in of a larger system of oppression faced by poor Black communities in St. Louis.

## PROCESS BY WHICH SEGREGATION LEADS TO POVERTY

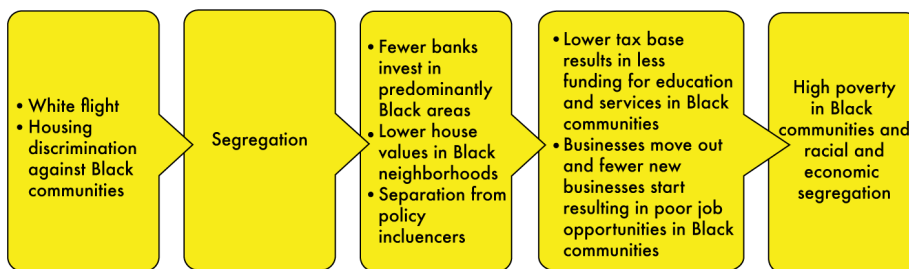


Image illustrating the disparity between Black and White poverty in St. Louis City and County: Percent living below the poverty line (Graph from the For the Sake of All report).

## The Workhouse impacts Black people disadvantaged by historic and continued marginalization and segregation.

Historic and current government policies and practices impact St. Louis today, leaving the city segregated by class and race. Running East and West, Delmar Boulevard was previously one of the “red-lines” that systematically separated Black and white communities during the Jim Crow era.<sup>43</sup>

Several other prominent government policies ensured that white communities built wealth, while denying access to Black communities. For example, until the late 1960s, the Federal Housing Administration refused to provide government backed mortgages in Black neighborhoods. Because home ownership is the primary way that families build wealth, this policy contributed to a large and long-standing wealth gap between Black and white

communities. At the same time, many white families, and their tax dollars, moved from the city into segregated suburbs. Due to this “white flight”, businesses and banks continued to divest from Black communities.

St. Louis communities remained geographically segregated by race and black neighborhoods continued to struggle with lower home values, less wealth, a smaller tax base, and the resulting wide-ranging oppression.<sup>44</sup> For example, Black communities in North St. Louis face higher rates of poverty, lower educational outcomes, fewer employment opportunities, poorer health, and higher rates of incarceration.<sup>45</sup> These historical patterns are exacerbated by government policies that continue to under-invest in Black community development; instead, offering only policing and incarceration as solutions.

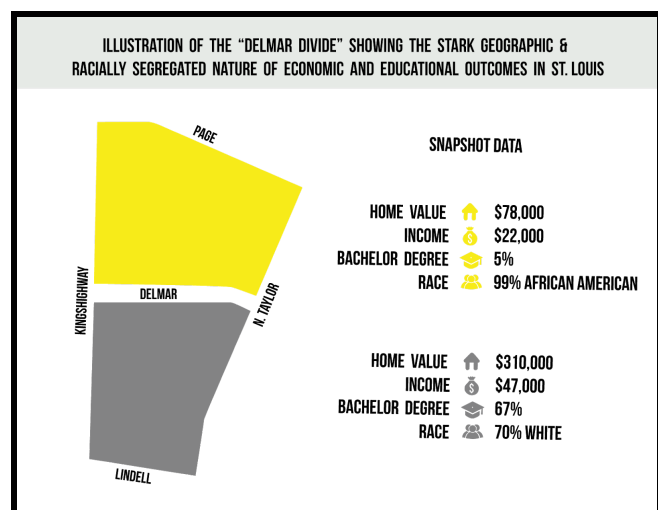
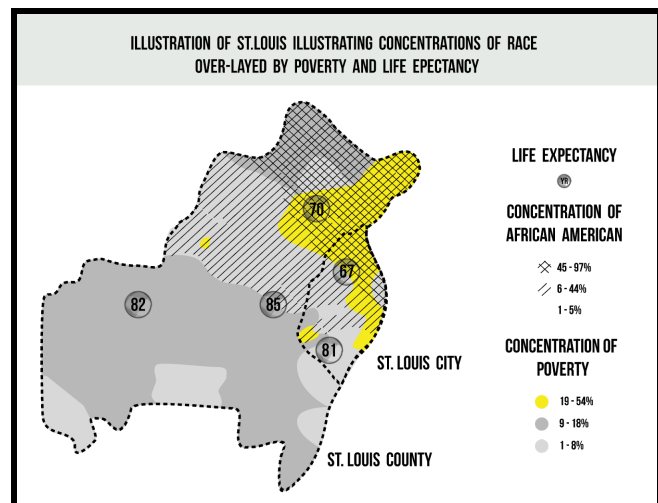
**Black communities in the Workhouse are also more likely to face systemic adversity in other facets of their lives, including:**

- **Health:** Inadequate investments lead to poor neighborhood conditions and a deficiency of resources that elsewhere promote good health in segregated regions. This leads to many fast food restaurants, few or no quality grocery stores, and adverse health outcomes for individuals living in segregated poor and Black communities.<sup>46</sup>
- **Education:** A lack of school funding and quality teaching staff leads to racialized disparities in educational performance and attainment in segregated poor and Black communities.<sup>47</sup>
- **Policing and Incarceration:** Since slavery, Black people have been branded as

criminals and law enforcement efforts in poor Black communities have been incentivized. The police targeting of Black people continues today, especially in St. Louis, and these efforts result in the disproportionate incarceration of Black residents.<sup>48</sup>

- Individuals who are homeless are also targeted by the police and the criminal legal system, through policies that criminalize panhandling, loitering, and unlawful assembly.
- Individuals living with mental illness are overly represented in the Workhouse. Untrained Workhouse guards are often left to act as de facto mental healthcare providers.<sup>49</sup> Additionally, the conditions at the Workhouse can be so traumatic that they give rise to serious mental illness.

Incarceration, Unemployment, Education, and Arrest Statistics In St. Louis City and St. Louis County <i>broken down by Race</i>		
	St. Louis County	St. Louis City
<b>Total Black Population</b>	23.2%	46.7%
<b>Total White Population</b>	68.5%	43.5%
<b>INCARCERATED POPULATION</b> Total Numbers: 2293 (County) 1300 (City)		
Black	1264 (54%)	956 (74%)
White	1029 (44%)	336 (26%)
<b>UNEMPLOYMENT STATUS FOR THE POPULATION 16 AND OVER</b> Average: 9% (County) 14% (City)		
Black	18%	26%
White	6%	6%
<b>MEDIAN HOUSEHOLD INCOME</b>		
Black	\$35,757	\$21,931
White	\$65,500	\$49,192
<b>HIGHEST LEVEL OF EDUCATION ACHIEVED BY THOSE 25 AND OVER</b>		
Black	46% high school or less; 54% College or more	
White	27% high school or less; 73% college or more	
<b>STOPS, SEARCHES, ARRESTS BY ST. LOUIS POLICE</b>		
Black	38% of stops 44% of searches 46% of arrests	64% of stops 73% of searches 73% of arrests
White	60% of stops 54% of searches 52% of arrests	33% of stops 26% of searches 26% of arrests



# WHY THE WORKHOUSE MUST CLOSE

It is clear to those directly impacted by the Workhouse why it must close and why it cannot be remedied with a new jail. The abhorrent jail conditions, the high public cost of operating the facility, and its role in the unconstitutional and inhumane practice of pretrial incarceration because detainees are too poor to afford their freedom are three distinguishing reasons why the Workhouse must close.

## 1. *The Workhouse must close due to*

### **INHUMANE & UNCONSTITUTIONAL CONDITIONS**

Individuals incarcerated at the Workhouse describe consistent stories of **abusive and unconstitutional conditions, dangerous temperatures, inadequate medical care, little to no mental health and drug addiction treatment, and abuse by guards**. These conditions are well documented in the ACLU of Eastern Missouri's 2009 report "Suffering in Silence",<sup>50</sup> and ArchCity Defenders' 2017 civil rights lawsuit.<sup>51</sup> **The conditions in the Workhouse make it an inhumane facility that violates the constitutional and human rights of people incarcerated and it must be closed.**



#### Unsanitary and Dangerous Conditions

The complaints outlining physical conditions at the Workhouse are consistent and vast. Detainees report toilets, sinks, and showers that overflow, leak, or do not work altogether.<sup>52</sup> They report bed bugs, rats, and rodents in the cells, dorms, and kitchen,<sup>53</sup> as well as mold in the food and on the walls.<sup>54</sup> Detainees often cite the deterioration of the physical building detailing experiences of being rained on because of the lack of window coverings, insects entering the building through openings, and ceilings caving in.<sup>55</sup>

The building conditions along with the lack of sanitation in the Workhouse cause detainees to experience a number of health issues. For example, mats and beds are not regularly sanitized, and vomit and fecal matter are found on surfaces where inmates are housed.<sup>56</sup> Additionally, detainees are often denied access to bathing and regular hygiene procedures and products, including showering, clean uniforms, and towels.<sup>57</sup> Coupled with poor air circulation, the conditions at the Workhouse produce a threatening air quality that has caused general breathing problems, asthma attacks and seizures among detainees.<sup>58</sup> These conditions have also led to widespread staph infections that remain an ongoing problem.<sup>59</sup>

**The conditions of the building are non-compliant with St. Louis City Building Code**, which states that buildings are not up to code if they are "unsafe, unsanitary or deficient because of inadequate...facilities, inadequate light and ventilation... or are otherwise dangerous to human life or the public welfare..."<sup>60</sup> The Workhouse violates all of the conditions of this code and the code requires that non-compliant buildings be taken down, removed, or made safe.

*"During my time [in the Workhouse], there was mold in the showers. The food was unbearable. I wouldn't feed it to an animal. There were roaches, rats. The staff were very unprofessional. They would purposely put enemies in the same living facility so they could see entertainment of Gladiators."*

- Carl Hill



### Excessive Temperatures

**The temperatures inside the Workhouse reach dangerous extremes.** People are confined to dormitories with brick walls and concrete floors year-round without regular temperature control.<sup>61</sup> Some Workhouse dormitories have old, boarded-up windows preventing proper ventilation.<sup>62</sup> Last summer alone temperatures climbed to 130 inside the building.<sup>63</sup> People detained at the Workhouse have suffered health complications from the dangerously high temperatures inside including dehydration, heat exhaustion, asthma attacks, and heat rashes.<sup>64</sup> One detainee described sweating through five shirts in one day from the heat.<sup>65</sup>

Detainees also report extreme cold in the winter, heaters in the dormitories that are never turned on, and inadequate blankets. One individual reports, “We were provided two thin sheets and one blanket in the wintertime, and it was never sufficient to keep us warm. Men would walk around the dorms in the daytime wearing their blankets because it was so cold.”<sup>66</sup>



### Abusive and Rampant Use of Solitary Confinement

The Workhouse forces individuals into solitary confinement without a hearing. Individuals incarcerated at the Workhouse report that **solitary confinement is used for a set of situations that range from serious medical and mental health conditions, disciplinary segregation, punishment for breaking a code of conduct, or retaliation for speaking out.** Approximately 196 people out of 1200 in St. Louis’s custody are incarcerated in administrative segregation.<sup>67</sup> Individuals in solitary confinement (also known as “the hole” or “administrative segregation”) are often **only allowed out of their cells a few hours a week** and restricted from accessing recreation facilities phone calls to their families and attorneys. In the summer of 2018, incarcerated individuals have reported that everyone incarcerated at the Workhouse spends their first few days in “the hole.”<sup>68</sup>



### Abuse and Assault by Jail Guards

Correctional officers frequently assault and abuse Workhouse detainees. **In 2015, the City of St. Louis fired seven officers after they**

**assaulted a detainee at the Workhouse.** The assault was in retaliation for a prior incident involving the detainee.<sup>69</sup> In one case documented by the ACLU, a corrections officer entered the cell of a 130-pound, 16-year-old detainee, stomped him, punched him, and kicked him in the face.<sup>70</sup> In another incident officers punched, kicked, and beat detainees with billy clubs.<sup>71</sup>

People detained at the Workhouse often complain of **needless deployment of mace by corrections officers.** One individual declares, “They spray mace and laugh about it. It seems as if it’s designed to create chaos in the dorms.”<sup>72</sup> Detainees also complain of unnecessary use of force, especially mass punishment for the actions of one individual. “I’ve noticed that officers will often treat an inmate badly based on the behavior of some other inmates. Often we will get collectively punished because one inmate misbehaved.”<sup>73</sup>

### Inadequate or Nonexistent Medical Care

#### **Sick and injured detainees at the Workhouse receive slow and inadequate medical care.**



In 2015, a local CBS affiliate, KMOV, reported that one detainee struck his head in the shower and attempted to obtain medical treatment but was not given adequate medical care.<sup>74</sup> Ultimately, he lost his hearing completely.<sup>75</sup>

Similarly, **individuals with chronic conditions are often denied the correct medication or denied medication entirely.** One detainee with sickle cell anemia reported, “I was in so much pain...I thought I was going to die. When I finally saw the nurse...I explained to her that I get regular blood transfusions, and that my doctor gives me folic acid and serious medications to control my pain. She ignored me and I was given Tylenol two hours later.”<sup>76</sup>

**Care is non-existent for individuals requiring drug addiction treatment** despite the fact that so many individuals at the Workhouse are awaiting trial for drug-related charges.<sup>77</sup> Many also report being in treatment prior to their arrest and losing access to this treatment due to their pretrial incarceration.<sup>78</sup>



### No Mental Healthcare

There is no mental healthcare available to individuals incarcerated at the jail. The City has a contract with Corizon Health, Inc., to provide behavioral and mental healthcare services to people detained in St. Louis city jails—but people have to request treatment, and their requests for medication or access to a psychiatrist can be, and are often denied.<sup>79</sup> Individuals incarcerated at the Workhouse testify to being denied their prescribed mental health medications. This flat rate payment system to Corizon (\$3.7 million per year) incentivizes Corizon to cut corners with the care provided because Corizon keeps whatever they don't spend.<sup>80</sup> The contract puts the health interests of incarcerated people directly in conflict with the economic interests of the company contracted by the City to care for them.<sup>81</sup> As a result, **the Workhouse guards have used solitary confinement to restrain individuals exhibiting serious mental health symptoms.**

Incarcerated people living with mental health conditions are at an increased risk of becoming victims of physical abuse, sexual assault, and suicide.<sup>82</sup> They are also likely to remain incarcerated for longer periods of time than individuals who do not experience mental illness.<sup>83</sup> Inadequate mental health care can also be life-threatening. **Over the course of nine months in 2000, seven people being held at the Workhouse committed suicide by hanging themselves in their cells.**<sup>84</sup> According to the Riverfront Times, guards were untrained in CPR and lacked the tools necessary to cut the sheets used for hanging.<sup>85</sup>

### No Grievance Process to Address Conditions



It is very difficult for incarcerated individuals to file grievances or otherwise complain about their treatment at the jail. Although locked complaint boxes exist to file grievances, detainees continue to describe having to give their complaints to the same jail guards who abused them, and then facing retaliation by being placed on lockdown or in solitary confinement.<sup>86</sup> One individual reports, "I filed a complaint and when the guard received it, the guard called the Lieutenant and said I had threatened him."<sup>87</sup> Detainees also describe how complaints almost always go unanswered. On detainee reports, "It is a waste of time to talk or file a grievance. I have never received an answer for any complaint."<sup>88</sup>

Complaints about conditions from Workhouse employees also go unanswered or are cause for retaliation. This year, a former Captain filed a lawsuit against St. Louis City and his superiors, claiming he was fired for complaining about conditions and encouraging those incarcerated to file grievances. The only witness to testify against the former Captain in a pre-termination hearing was St. Louis Corrections Commissioner, Dale Glass.<sup>89</sup>

## THE WORKHOUSE VIOLATES FEDERAL CONSTITUTIONAL & INTERNATIONAL HUMAN RIGHTS

<b>8<sup>TH</sup> AMENDMENT</b>	<b>14<sup>TH</sup> AMENDMENT</b>	<b>14<sup>TH</sup> AMENDMENT</b>	<b>UN UNIVERSAL DECLARATION OF HUMAN RIGHTS</b>
<p>Eighth Amendment right to be free from "cruel and unusual punishment." Workhouse conditions described above, including: living in a building infested with insects, rodents, and mold; with inadequate access to medical care; exposure to extreme heat and cold; and violence instigated by staff. These conditions constitute cruel and unusual punishment violate US Constitution</p>	<p>Fourteenth Amendment right not to face punishment before being found guilty. The conditions at the Workhouse amount to punishment. Punishing people who are not convicted of a crime is a violation of the U.S. Constitution.</p>	<p>Fourteenth Amendment right to be treated equally by the law. The vast majority of people at the Workhouse are there because they cannot afford to pay the bail to be free. Detaining poor people while those with enough money to post bail walk free is a violation of the U.S. Constitution.</p>	<p>UN Universal Declaration of Human Rights requires that all people have a certain standard of living. The conditions at the Workhouse violate internationally-recognized rights to a standard of living with access to adequate health care, food, clothing, housing, medical care, and necessary social services.</p>

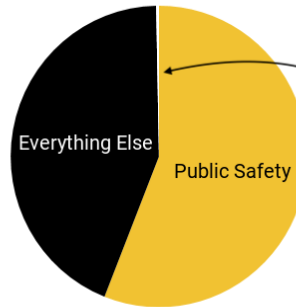
## 2. The Workhouse must close due to

### THE PUBLIC COST OF OPERATING THE JAIL

The City of St. Louis spends **\$16 million every year to operate the Workhouse. It costs \$16,300 to incarcerate one person per year.**<sup>90</sup> By closing the Workhouse, St. Louis has an opportunity to create a permanent shift in the way we think about public safety by reallocating investments into new solutions. Investing in the people of St. Louis, instead of policing and incarceration, will lift up individuals and communities that have been disproportionately impacted by the criminal legal system—and create a safer, more just St. Louis.

#### St. Louis Spends the Majority of Its Budget on a Failed Arrest-and-Incarcerate Approach to Public Safety

In recent years, the City of St. Louis has spent hundreds of millions of dollars on programs that fall under the category of “public safety.” In 2019, the City will devote **\$290 million, over half of its general fund, to public safety.** In contrast, the City of St. Louis will spend less than \$1.6 million on human services. That means St. Louis will spend 187 times more on public safety than what the Department of Human Services receives to provide the City with “social service programs to the aged, homeless, veterans, disabled, youth, and families in need.”



This pie represents the city's general fund in 2019.

This tiny white sliver represents everything the city is going to spend on human services in 2019—less than \$1.6 million, or about 0.03% of the general fund.

**70% of the money allocated for public safety is currently used for policing and incarceration.** In 2019, the St. Louis City police, their retirement fund, and the city's jails will receive almost \$208 million—over 70% of the \$290 million earmarked for public safety. As of August 2018, residents in St. Louis voted to approve a \$50 million bond that provides additional money to this same arrest-and-incarcerate approach. The Board of Aldermen are able to re-allocate any funds earmarked for police or jails because it is General Fund money.

We must reinvest in a new vision of public safety.

**Research shows that the arrest-and-incarcerate model does not make us safer** (see page 27):<sup>91</sup>

- National increases in incarceration correspond with a roughly 0% decrease in crime.
- Increased law enforcement efforts have only resulted in the targeting of poor and Black communities for non-serious criminal violations without creating additional protection for communities.<sup>92</sup>

**Instead of spending money on police and jails, we can use the \$16 million** to fund programs that build stronger communities and expand opportunities for all residents in St. Louis. This funding could be re-allocated through the annual budget process and could fund (see pages 28 through 30):

*Affordable housing*

*Community-based mental healthcare*

*Economic and educational opportunities*

*More equitable city programs, like equitable public transportation, affordable and accessible child care and expanded reentry wrap-around services*

*Retraining for current Workhouse employees into alternative City employment*

*Neighborhood based community spaces open to all*

### 3. *The Workhouse must close due to UNCONSTITUTIONAL PRETRIAL BAIL PRACTICES*

291 days is the average number of days of pretrial detention for a felony charge in St. Louis

Over 95% of the people incarcerated at the Workhouse are there pretrial, which means they have not been convicted of a crime. St. Louis incarcerates many more people pretrial than the national average.<sup>93</sup>

There are many problems with the practice of keeping people incarcerated pretrial and cash bail in St. Louis:

- The process for setting bail is unconstitutional.
- Cash bail discriminates against the poor by keeping them in jail because they cannot afford to buy their freedom.
- Pretrial incarceration affects outcomes at trial and sentencing, in addition to consequences related to the loss of liberty including loss of income, separation from children, and loss of housing.

#### St. Louis over-incarcerates pretrial detainees when compared to the state and national average

In St. Louis, only 4% of people are released without bail, compared to 85% in Washington D.C., 60% in New York City, and 40% in Philadelphia.

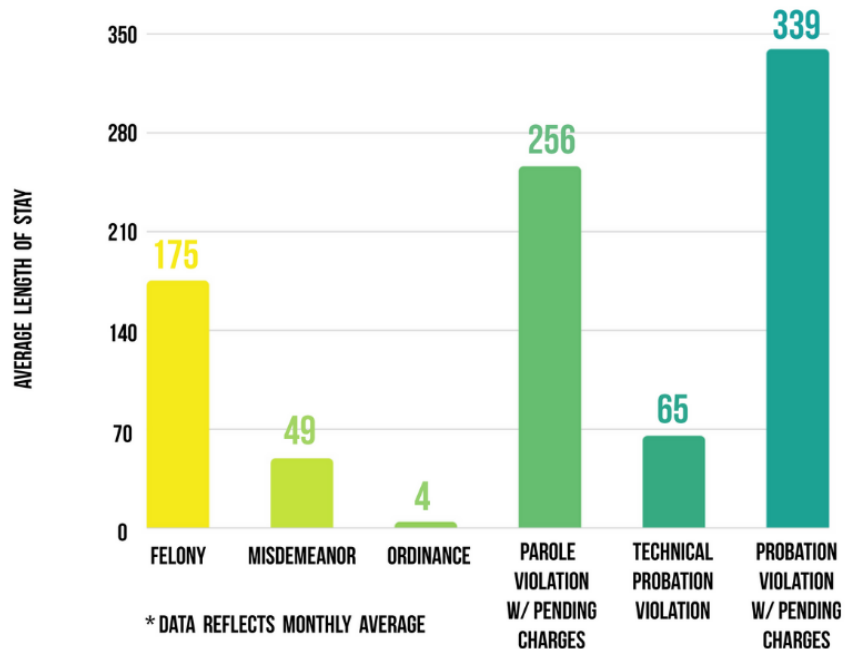
On average, individuals incarcerated in St. Louis face approximately 291 days in detention.<sup>94</sup> This is the second longest period of pretrial detention in the state, with the state average at 191.<sup>95</sup> St. Louis County's average of 254 days.<sup>96</sup>

Long periods of pretrial detention stem from the incredibly high bail amounts set in St. Louis that prevent individuals from being able to afford their pretrial freedom. **The median bail for an individual incarcerated pretrial at the Workhouse is \$25,000**, compared to an median bond amount of \$10,000 for felony cases across the country.<sup>97</sup>

#### There are significant consequences to pretrial incarceration

Individuals who are incarcerated pretrial, even if only for a few days, face many consequences that are similar to individuals sentenced to jail or prison time. Pretrial detention impacts an individual's life far beyond their loss of liberty.

#### PRE-TRIAL CONFINEMENT



A graph depicting the legal justification for an individual's incarceration at the Workhouse (based on City population data from 2018).

*"Some people at the Workhouse had \$500 bonds but still couldn't make it. That makes sense - that's rent!"*

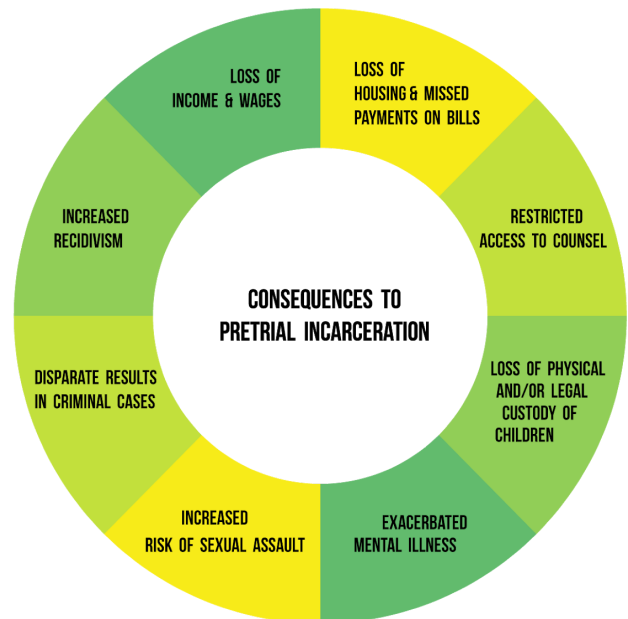
- Jasmine Borden



Consequences of pretrial incarceration include:

- **Loss of income and wages** because missing just one day of work can even result in someone losing their job;
- **Loss of housing and missed payments on bills** because individuals cannot work or pay bills while incarcerated;
- **Restricted access to counsel** because it is much more difficult to communicate with a lawyer from jail and nearly impossible to gather evidence;
- **Loss of physical and/or legal custody of children;**
- **An increase of mental illness symptoms** because conditions in jail can put an individual under a lot of stress and restrict access to needed medications, exacerbating or even causing mental illness;<sup>98</sup>
- **Increased risk of sexual assault** with rampant assault in St. Louis jails, especially in the first few days of incarceration;<sup>99</sup>
- **Disparate results in criminal cases** as individuals who remain incarcerated pretrial have a 13% increased chance of being found guilty, have a 21% increased chance they will plead guilty, are 4 times more likely to be sentenced to jail, and have 3 times longer jail sentences (an average of 4.6 months longer) than those free while waiting for their trial; and/or<sup>100</sup>
- **Increased recidivism**, or committing a future crime, as individuals incarcerated for any amount of time have much higher rates of committing crimes in the future.

"I was told to just make bond if I don't like it in the Workhouse,"  
- Declaration on file at ArchCity Defenders (Sept. 2018)



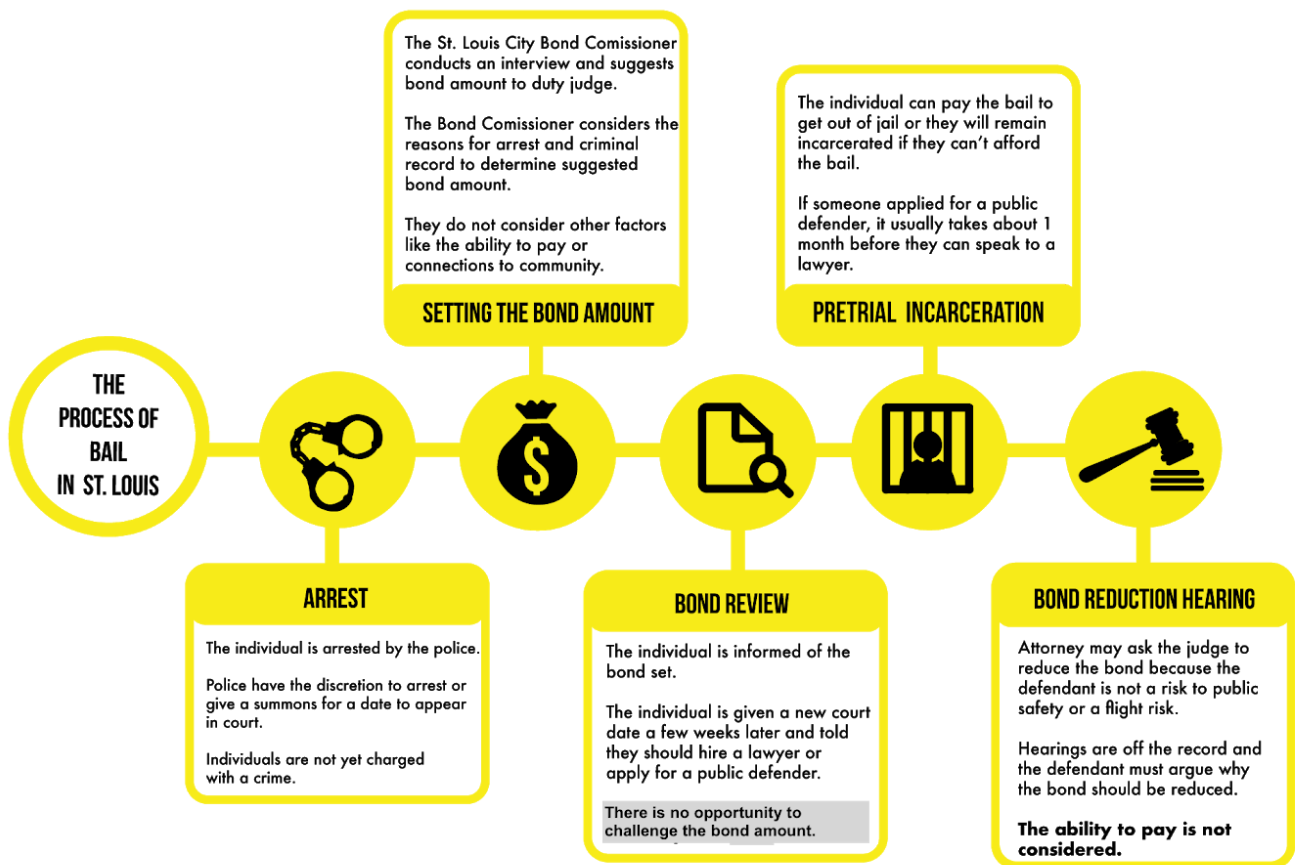
## The process and practice of keeping individuals incarcerated pretrial violates the U.S. Constitution

The process for setting bail in St. Louis:

When someone is arrested in St. Louis, a City of St. Louis Bond Commissioner will recommend a bond amount they have to pay to be released from jail. This amount is based purely on the police's reason for the individual's arrest, as well as the individual's past criminal record. It does not take into consideration an individual's ties to the community, other evidence related to whether they are a public safety risk or whether the individual can afford the bond.

Individuals who are incarcerated in St. Louis do not have a hearing where they can challenge their bond amount until they have an attorney who requests a hearing. Since most individuals who are arrested cannot afford a private attorney, if they cannot pay their bond they must wait in jail until the public defender decides whether to take their case, enters his or her appearance, and begins the representation, a process that usually takes four to six weeks.<sup>101</sup>

**Defendants who cannot afford a private attorney are represented by a public defender.** A public defender is a free lawyer funded by the state of Missouri. The Missouri Public Defenders office is one of the least funded offices in the country. This means that the Public Defenders' office is unable to represent everyone who requests a lawyer and that they have high caseloads leading to delays when someone is able to get representation.

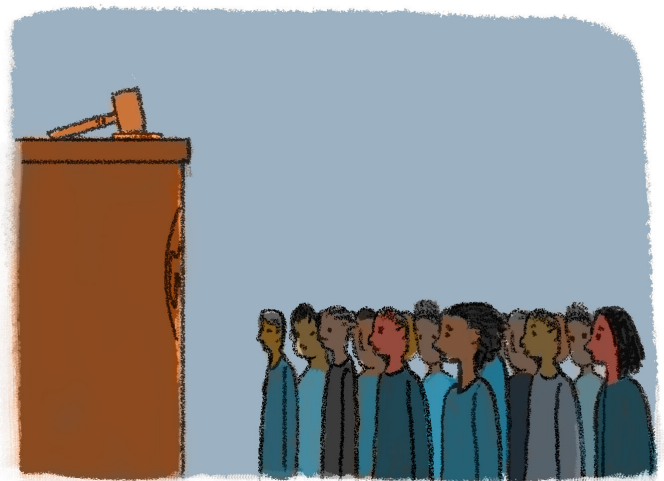


Bail setting practices as a violation of the U.S. Constitution and Missouri law:

**Under the U.S. Constitution,** individuals have a right to pretrial liberty. This right means that a prosecutor should be required to argue that it is necessary for someone to remain incarcerated while awaiting trial because they are at risk to public safety or a flight risk. Instead, individuals in St. Louis must argue why they deserve to be released. This practice is unconstitutional. It is supposed to be the prosecutor's burden to argue a reason for pretrial detention. Additionally, where bail is set so high that individuals cannot afford it, the prosecutor and judge are effectively imposing mandatory incarceration, which requires a much higher standard and specific due process requirements that must be met when imposed.<sup>102</sup>

**Under Missouri State Law and the State Constitution,** a person should only be incarcerated pretrial when a court believes an individual will not attend court or that they are a risk to public safety.<sup>103</sup> In fact, the Missouri Supreme Court demands that financial resources of the defendant be taken into account when setting the conditions of their release.<sup>104</sup>

There are many proven alternatives to pretrial incarceration that ensure public safety and that individuals return to court, including reminders for court, and transportation and childcare while in court.



# FROM ARREST-AND-INCARCERATE TO COMMUNITY WELL-BEING

St. Louis's current approach to public safety—arresting and incarcerating target communities—has failed. This section explains St. Louis's current approach, why it is not working, and why it would be more effective to fund local programs that further a holistic notion of community well-being instead of policing and incarceration.

## ST. LOUIS'S CURRENT APPROACH TO "PUBLIC SAFETY" IS NOT WORKING



St. Louis City Police gather in riot gear downtown in response to protests the day Jason Stockley was acquitted for the murder of Anthony Lamar Smith.

St. Louis's current approach to "public safety" consists of spending hundreds of millions of dollars to fund an expansive and militarized police department and operate two jails.

**In 2019, the City plans to devote \$290 million, over half of its general fund, to "public safety," with 70% of that funding being used to pay for police and jails.**

The cost of the City's current approach is especially problematic because it is ineffective in its goal of decreasing violent crime in communities.

Since 2000, **national increases in incarceration have corresponded with a roughly 0% decrease**

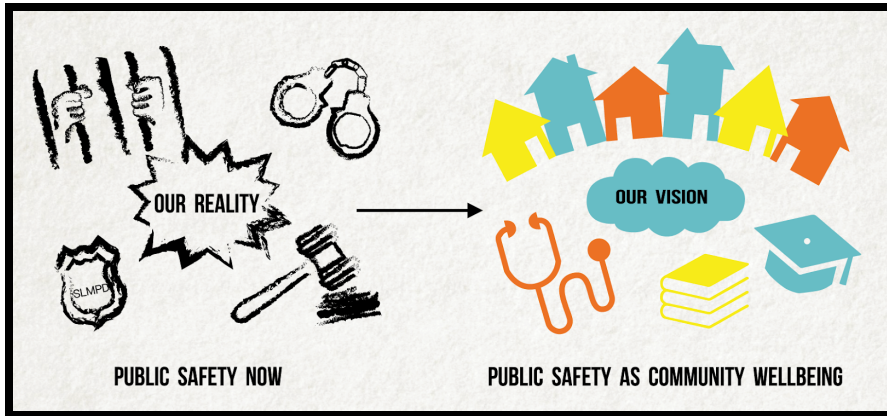
**in crime.** This means that almost 100% of crime reduction occurring after 2000 can be attributed to factors other than incarceration.<sup>105</sup>

In fact, **increases in incarceration can instead increase crime rates.** Researchers say that this phenomenon can be attributed to the withering of economic and social ties that occurs when many individuals in a community become incarcerated. Similarly, incarcerated individuals lose social and economic capital (their skills, connections, and resources), which makes it very difficult to re-enter society upon release and can make them more likely to commit a crime.<sup>106</sup>

Local policing approaches like broken windows policing and "hot spot policing" are ineffective at addressing violent crime. These policies have led to the over-policing of already marginalized communities without also increasing safety.<sup>107</sup> Statistics reveal drastic disparities in interactions with the police by race, likely resulting from implicit biases and stereotypes of "criminality". For example, Black people in St. Louis are 85% more likely to be searched by the police even though they are 20% less likely than their white counterparts to be found carrying contraband.<sup>108</sup> These practices do more to support existing racial and socioeconomic hierarchies than they do to promote the safety of the St. Louis community.

## INVESTING IN COMMUNITY WELL-BEING: A NEW VISION

The City of St. Louis needs to rethink its conception of public safety away from an arrest-and-incarcerate model and into programs that promote community well-being for the sake of increasing safety in St. Louis. Funding for these programs could easily be redirected as it all comes from the City's General Fund.



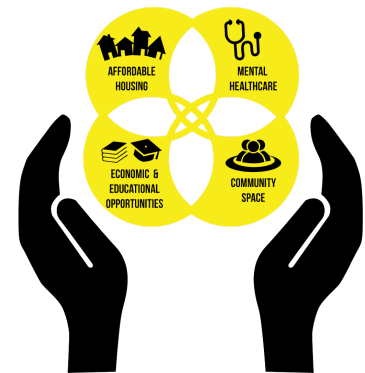
In 2019, the City of St. Louis plans to spend less than \$1.6 million providing residents with human services. Compare this to the over \$200 million the City has set aside to fund arresting and incarcerating people.

**A new integrated approach to public safety will require the promotion of community well-being and increased investment in both individuals and communities.** This approach would require the City to prioritize alternatives

to incarceration like substance-use treatment programs, expanded education and employment opportunities, improved access to health and mental health services, and increased affordable, stable housing options—especially for marginalized communities. This approach would allow St. Louis to begin to address the underlying issues that cause crime, like economic insecurity and addiction, while limiting the consequences of incarceration.

Passing the annual budget requires the input of every city department and the approval of the Board of Estimate and Apportionment (comprised of the Mayor, Comptroller, and President of the Board of Aldermen) and the Board of Aldermen. The Board and the Mayor are accountable to their constituents and can be influenced to change their approach to public safety and what programs get funded.

Many alternative approaches have been tried and successfully tested around the country and found to increase public safety through the promotion of community well-being instead of a reliance on arrests and incarceration.



### FUND THIS INSTEAD: AFFORDABLE HOUSING

Investing in stable housing will help St. Louis disrupt the City's cycle of incarceration. Nationally, people without stable housing are more likely to become involved in the criminal legal system than their stably housed counterparts: 26% of people in jail report that they were homeless in the year prior to incarceration.<sup>109</sup> Moreover, stable housing is one of the most important factors for successful reentry after incarceration.

Unfortunately, current policy makes it more difficult for people with a history with the criminal legal system to find stable housing, as formerly incarcerated individuals can face subsidized housing restrictions, landlord discrimination, or home loan restrictions. In addition, many existing supportive housing models, which offer housing and social services for homeless individuals, require people to submit to various kinds of treatment and graduate through a series of programs. Even if the client wants to comply, it is nearly impossible to do so

without a stable place to live. Investing in affordable, supportive housing would minimize many people's involvement with the criminal legal system.<sup>110</sup>

For example, St. Louis could divert current arrest-and-incarceration funding towards the St. Louis Affordable Housing Trust Fund. In 2001, Ord. 65132 § 2, 2000 established St. Louis's Affordable Housing Trust Fund.<sup>111</sup> The trust fund provided funding for groups working on low-income housing issues and awarded \$26 million in grants in the first 2 years. In 2002, the Board of Aldermen voted to cut the funding by half.<sup>112</sup> The City also failed to hold funded projects to proper standards and funded projects have repeatedly failed safety and accessibility inspections.<sup>113</sup> The Board of Aldermen could properly fund and implement the Housing Trust Fund and could start by converting the more than 7,100 abandoned structures that exist in the city today into stable housing.<sup>114</sup>

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**PROGRAM HIGHLIGHT:** *Office of Neighborhood Safety (Richmond, California)*

In Richmond, California, the Office of Neighborhood Safety (ONS) is a non-law enforcement agency that used trauma and developmental based approaches to reduce gun violence. ONS is tasked with building partnerships with those most at risk of being injured or killed by gun violence. Using developmental and trauma based approaches, the ONS' work has led to a 71% reduction in gun violence resulting in death or injury since 2007 and 100% of the fellows in their program are still alive.

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**PROGRAM HIGHLIGHT:** *Center for Women in Transition*

The Center for Women in Transition provides reentry support for individuals leaving jails and prisons. They provide individualized case-management and after care programs to help individuals move into independent housing, receive subsidized mental healthcare and substance-use treatment, and provide mentorship. Last year, 85% of their participants obtained employment and 77% have maintained employment for over 3 months. The recidivism rate of participants in the program is half the statewide average.

See more information at [www.cwitstl.org](http://www.cwitstl.org)

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**FUND THIS INSTEAD:**  
***COMMUNITY-BASED MENTAL HEALTHCARE***

People who experience mental illness are more likely to end up incarcerated than they are to receive medical care that will help them live safely.<sup>115</sup> The right to health, both physical and mental, has been articulated in a number of international agreements, including the Constitution of the World Health Organization and the United Nations' Universal Declaration of Human Rights. Unfortunately, not all communities have access to the care necessary to protect that right because of lacking affordable mental healthcare in St. Louis.<sup>116</sup> Instead of being community based and freely accessible to all, city-funded mental healthcare programs like the Women's Circle Program and the Transition Center of St. Louis are run through the Circuit Attorney's office where treatment is accompanied by the consequences of arrest, a criminal record, and the threat of incarceration.<sup>117</sup>

**FUND THIS INSTEAD:**  
***NEIGHBORHOOD-BASED COMMUNITY SPACES THAT ARE OPEN TO ALL***

Public spaces play an important role in bringing community members together and building stronger and safer neighborhoods. Reimagining public safety in St. Louis should include the development of free and accessible neighborhood-based community spaces in currently underserved areas.

Participatory design is key to the successful development of community spaces: Residents' sense of security in their own neighborhoods would be greatly improved by community-led and city-supported development of public parks, gardens, and community centers. Community spaces should have active programming based on expressed community needs, such as after school programs, job training, and community-wide events. To ensure the success of such spaces, it is important that community members are allowed and encouraged to take an active leadership role in managing and deciding the design and use of community spaces.

**FUND THIS INSTEAD:**  
***ECONOMIC AND FUNDED EDUCATIONAL OPPORTUNITIES***

Instead of jailing people for poverty-related crimes, St. Louis City must invest in economic and funded educational opportunities for communities traditionally locked out of accessing these institutions of mobility, most notably, Black and poor communities. Black communities continue to experience much higher rates of unemployment.<sup>118</sup> Unemployed individuals have higher rates of incarceration and involvement with the criminal legal system.<sup>119</sup> In addition, being incarcerated can reduce a person’s future earnings by 40% and seriously impact their children’s educational and economic potential.<sup>120</sup> Black communities also experience lower educational outcomes.<sup>121</sup> This stems from the social, health, and economic challenges that students in underperforming schools face due largely to the funding models for education that rely on strong tax bases to support schools that are lacking in many Black-majority, low-income districts.<sup>122</sup>

St. Louis can change these outcomes. When people are stably employed and can meet their families’ basic needs they are less likely to engage in certain types of criminal activity.<sup>123</sup> Moreover, when people can access employment opportunities, they are more likely to be able to afford child support or other legally-mandated payments and can avoid being jailed for unpaid fines.<sup>124</sup> For example, the City could fund job training, summer youth jobs, improving public education opportunities, raising the minimum wage, and offering after-school programs. The City should also work to make fines proportionate to income and limit the consequences of unpaid fines, especially when lack of payment is due to an inability to pay.

**FUND THIS INSTEAD:**  
***RE-TRAINING PROGRAMS FOR FORMER WORKHOUSE EMPLOYEES***

Individuals currently employed by the City of St. Louis at the Workhouse are working in inhumane conditions for little pay.<sup>125</sup> When the Workhouse closes, the City of St. Louis must commit to the continued employment of current city employees and provide paid training so individuals may transition to other City jobs.

St. Louis must also confront the disparity inherent in the segregated nature of the City and the resulting inequities in accessing important programs. To remedy this, the City could commit to:

<b>Expanding access to public transportation:</b>	<b>Accessible reentry programs and the promotion of pre-entry programming:</b>	<b>Investing in affordable child care:</b>
<p>Access to transportation is crucial to escaping poverty, but Missouri ranks 46th among the 50 states in public transportation funding.<sup>126</sup> In St. Louis City, areas of high job opportunities remain inaccessible to low income residents living outside the city center via Metrolink. This is compounded by the fact that many poor residents do not have a car<sup>127</sup> or cannot drive due to license issues. Additionally, access to public transportation is unequal as stops for the Metrolink and buses are more frequent in higher-income areas.<sup>128</sup></p>	<p>Reentry programs are a crucial part of breaking the cycle of recidivism. The programs help people formerly incarcerated confront what can be insurmountable barriers—finding employment, securing stable housing, reuniting with their families, and maintaining the necessary contact with their probation or parole officers.<sup>129</sup> Unfortunately, many reentry programs are limited in scope and restricted to people charged or convicted of specific crimes. St. Louis could also take the lessons learned from successful reentry programs and apply them “pre-entry” before individuals have to spend time incarcerated.</p>	<p>Access to affordable child care allows parents to find and maintain employment. However, in Missouri, child care is hard to find and costs an average of \$1,101 per month.<sup>130</sup> This is exorbitant considering someone making minimum wage makes only \$1,250 per month. Low-income families in St. Louis need access to safe, reliable, and affordable child care. Moreover, creating affordable child care options will create new job opportunities and have a positive, long-term impact on the learning abilities of St. Louis children.<sup>131</sup></p>

# THE PLAN TO CLOSE THE WORKHOUSE

Individuals incarcerated at the Workhouse (98% awaiting trial and the vast majority Black and poor) face hellish and unjustified conditions and incarceration. The Workhouse represents one facet of a broader system of criminalization and marginalization in St. Louis. This section of the report outlines a clear plan to change a part of this system.

A permanent closure of the Workhouse requires action by the Mayor, the Circuit Attorney, and the Board of Aldermen. There are clear steps that each can take:

- 1 RELEASE INDIVIDUALS INCARCERATED PRETRIAL
- 2 CLOSE THE WORKHOUSE
- 3 DECLINE TO PROSECUTE AND CRIMINALIZE INDIVIDUALS
- 4 REINVEST IN COMMUNITIES

## WHO CAN CLOSE THE WORKHOUSE?

<i>WHO</i>	<i>HOW</i>
<p>1 St. Louis Mayor <b>LYDA KREWSON</b></p>	<p>Lyda Krewson has the authority as the Mayor of St. Louis to <b>direct the immediate closure of the Workhouse</b>. We are calling on her to do so immediately in collaboration with Public Safety Director Jimmie Edwards. The Mayor should also <b>outline a new approach to public safety</b> away from arrest-and-incarcerate models and shift City programmatic and budgetary priorities.</p>
<p>2 St. Louis Circuit Attorney <b>KIM GARDNER</b></p>	<p>Kim Gardner has the discretion and authority to choose which charges and cases are prosecuted. She should <b>refuse to prosecute offenses</b> that should be decriminalized, such as crimes of poverty or drug possession. She should <b>expand pre-plea diversion programs</b> to limit the consequences of the criminal legal system. She should also commit to a <b>default of pretrial release</b> and choose the least restrictive conditions of release possible, taking ability to pay into account.</p>
<p>3 St. Louis <b>BOARD OF ALDERMEN</b></p>	<p>The Board of Aldermen can <b>refuse to fund the Workhouse</b>, effectively closing it. The Board has the authority to implement a new approach to public safety by <b>reallocating general funds away from arrest-and-incarcerate programs</b> and towards a set of community well-being programs including affordable housing and mental healthcare, and increased economic and educational opportunities. The Board should <b>assure all current employees of the Workhouse alternative City employment</b> and funded training to make this possible.</p>

# HOW ST. LOUIS'S MAYOR LYDA KREWSON CAN CLOSE THE WORKHOUSE

As the Mayor of St. Louis, and the City's Chief Executive Officer, Lyda Krewson has an obligation to define new priorities for the City of St. Louis, drawing from this plan and starting by immediately directing the closure of the Workhouse.

## **FIRST: KREWSON SHOULD IMMEDIATELY ORDER THE CLOSURE OF THE WORKHOUSE.**

Historically, mayors have played an important role in closing city jails. Earlier this year, the mayor of Philadelphia, Pennsylvania, along with the prison commissioner, closed one of the oldest jails in the city.<sup>132</sup> As part of the plan to close the jail, Philadelphia officials committed to developing programs and policies to decrease the city's incarcerated population so that the city would not need to build a new jail.<sup>133</sup>

"What we have is a legacy of policies that disproportionately impact people along racial and economic lines. This is not an opinion, this is supported by stacks of numbers. This is institutional racism... we hold the opportunity to lead the way in making concrete changes to our laws and policies to change the status quo.,"<sup>134</sup>

Lyda Krewson

**Mayor Krewson can direct Public Safety Director Jimmie Edwards and City Corrections Commissioner Dale Glass to permanently close the Workhouse and work with the Board of Aldermen on re-defining St. Louis's vision of public safety.**<sup>135</sup> In the same way that the City has the authority to establish and maintain a city jail, it can also close jails—there is no state law that prevents the City from doing so.<sup>136</sup> The Mayor has the power to direct those overseeing and maintaining the operation of the Workhouse.<sup>137</sup>

**Mayor Krewson could alternatively introduce a Board Bill to close the Workhouse** by requesting that the chairman of an Aldermanic committee sponsor such a bill—which could then become a city ordinance.<sup>138</sup>

Considering current capacity at St. Louis's City Justice Center; **St. Louis must decarcerate by only 450 people to immediately close the Workhouse** (see endnote 136 for the calculation).

This is possible through a combination of release of individuals awaiting pretrial and dismissing low-level charges and not prosecuting those offenses (see page 34).





## **SECOND: KREWSON MUST COLLABORATE WITH OTHER CITY OFFICIALS TO ENSURE CITY-WIDE IMPLEMENTATION OF DECARCERATION INITIATIVES AND A NEW APPROACH TO PUBLIC SAFETY.**

### **Jimmie Edwards, Director of Public Safety**

Mayor Krewson appointed Jimmie Edwards to be the Director of Public Safety, which means he oversees the Division of Corrections, including the operation of the Workhouse. Edwards plays a major role in Mayor Krewson's administration and he should use his broad authority to advocate that resources be directed away from the Workhouse and toward community-informed programs, especially for underserved neighborhoods devastated by the City's embrace of mass incarceration. He has stated, "good governance seeks out root causes for societal dysfunction, shows compassion when warranted, and works to improve opportunities for future generations."<sup>139</sup> Together, Krewson and Edwards are responsible for coordinating the closure of the Workhouse and setting new priorities for the City of St. Louis.

The Mayor must work with Director Edwards (as well as the employees' union and the Civil Service Commission) to ensure that all City employees working at the Workhouse are transitioned to alternative City employment. The Mayor and Public Safety Director should direct the City Corrections Commissioner Dale Glass to transition current Workhouse employees into alternative employment with the City. This may require new training based on the alternative programs developed as a part of a new approach to public safety. Funding should be reallocated from the operations of the Workhouse to train former Workhouse employees for these new positions.

### **Dale Glass, City Corrections Commissioner**

As the City decarcerates and sets a process for the closure of the Workhouse, the Mayor must work with Dale Glass to ensure humane and constitutional conditions at the Workhouse.

### **St. Louis Metropolitan Police Department**

The Mayor must work with the police department to reduce the number of arrests. The police department has the authority and discretion to issue ticket summonses rather than arrest individuals. In addition, the police department should focus on alternatives to the criminal legal system to address violence in communities, developing community policing models,<sup>140</sup> while ultimately working towards a reduced reliance on police to address public safety needs.

### **Bond Commissioner's Office**

The Mayor must work to reform the City's Bond Commissioner's Office. Currently, the Bond Commissioner engages with the state courts in unconstitutional practices of recommending bonds based solely on a person's charges and criminal record. If the Bond Commissioner's Office remains in operation, it must presume release and only call for the pretrial incarceration of individuals who are ultimately proven to be a public safety risk (see more on page 35). Instead, the Mayor should work with the Bond Commissioner's Office to develop initiatives that facilitate attendance in court (for example, through text reminders, child care and transportation to and from court).

# HOW ST. LOUIS'S CIRCUIT ATTORNEY KIM GARDNER CAN CLOSE THE WORKHOUSE

**FIRST:** KIM GARDNER CAN DISMISS AND DEPRIORITIZE THE PROSECUTION OF VICTIMLESS CRIMES, CRIMES OF POVERTY, AND OTHER LOW-LEVEL OFFENSES.

“The Circuit Attorney has unequalled and broad discretion in the criminal prosecution process—from whether to pursue criminal charges, to offer a plea deal, or recommendation for bail or sentencing. Throughout the entire prosecution process, the Circuit Attorney exercises significant discretion.” Kim Gardner

Kim Gardner is the lead prosecutor in the City of St. Louis and has the power to decline to prosecute certain offenses and to dismiss criminal charges.

**If Gardner declined to prosecute and dismissed low-level offenses, the Workhouse could immediately close.**

## Prosecutorial Discretion Highlight: Decriminalization of Marijuana

In 2018, Gardner’s Office agreed to not pursue a top charge of possession of marijuana in specified cases where an individual was found only in possession of under 100 grams of marijuana. This type of reform is important but must be expanded in scope to apply to all those charged with possession of marijuana and to many other similarly victimless and poverty-based, low-level offenses.

Incarcerating someone for a probation violation, a driving-related charge, low-level drug-related charges, crimes of poverty, and other victimless charges does not make our communities safer (see page 27). Rather, it results in a cycle of incarcerating poor people and communities of color. Racial profiling in policing means prosecutorial decisions target certain communities. **Black people are 85% more likely to be stopped by police than white people although there are no statistics showing they are more likely to commit crimes.** Nearly 90% of the people incarcerated at the Workhouse are Black while just under half of City residents are Black.

**Remember: The release or non-incarceration of 450 people at the Workhouse (by dismissing charges or refusing to prosecute certain charges) could sufficiently decarcerate St. Louis to immediately close the Workhouse (see page 32 and endnote 136).** The table below demonstrates different offenses that the Circuit Attorney could choose not to prosecute and how many people would be released based on their charges. With the following top charges, today around 460 people would not be criminalized if the Circuit Attorney dismissed the following low-level charges, and the Workhouse could immediately be closed.

<b>Numbers of People Incarcerated at the Workhouse on Low-Level Offenses</b>	
* based on data on file at ArchCity Defenders from March 2018 and St. Louis jail population data	
<b>Individuals charged with only a technical probation violation</b> A “technical probation violation” is a violation of a condition of probation (like reporting to one’s officer) and does not include people violated for being charged with a new offense.	<b>107</b>
<b>Individuals with a top charge that is Driving-Related</b> This includes driving with an invalid license and leaving the scene of an accident, but not DUIs.	<b>6</b>
<b>Individuals with a top charge that is a low-level Drug-related charge</b> This includes the offenses of unlawful possession of a controlled substance including marijuana, or possession of drug paraphernalia. It does not include distribution of drugs.	<b>109</b>
<b>Individuals with a top charge that is a Poverty-Related charge</b> This includes the offenses of non-payment of child support, trespassing, stealing [but not stealing a car or a firearm], prostitution, damaging property, and receiving stolen property.	<b>107</b>
<b>Other individuals with a top charge that is a Victimless charge</b> This includes the offenses of unlawful possession of a gun, resisting arrest, perjury	<b>137</b>
<b>Total Individuals with a low-level top charge (who could be released)</b>	<b>466</b>
<b>Individuals with a more serious top charge (who would not be released)</b>	<b>166</b>

## SECOND: KIM GARDNER CAN DECREASE THE NUMBER OF PEOPLE INCARCERATED PRETRIAL BY SUPPORTING PEOPLE'S RELEASE ON PROMISES TO APPEAR AND OTHER NON-RESTRICTIVE CONDITIONS.

Although many major cities are reforming their bail practices and progressing towards justice and decarceration,<sup>141</sup> St. Louis bail practices have been stagnant for years. Although most people at the Workhouse are not awaiting trial for serious charges (see chart on page 15),

96% of people have to pay bail to be released pretrial. The median bond for someone at the Workhouse is \$25,000. The vast majority of people cannot afford to pay the bond and stay incarcerated.

The average length of stay for those innocent and awaiting trial in a St. Louis City jail is 291 days.

prosecutors and the City Bond Commissioner request bail for someone to be released and **only between 4% of people in St. Louis are ever offered release only on a promise to appear.** The bail that is ultimately set is unaffordable for the vast majority of people, thus keeping people incarcerated until trial or until they plead.

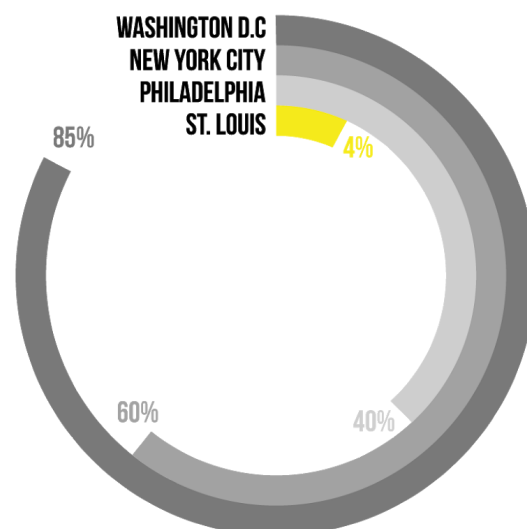
**If rates of pretrial release were similar to other cities, like Philadelphia,<sup>142</sup> this would result in the immediate release of 40% of people in St. Louis's custody, or around 500 people. This move alone would decarcerate sufficiently to close the Workhouse.**

Current bail practices in St. Louis are unconstitutional and violate Missouri law (see page 26).<sup>143</sup> Pretrial incarceration also has serious consequences (see page 25). **Studies show that those released pretrial have fewer guilty pleas, higher chances of dismissal and enrollment in diversion programs, and shorter sentences.**

Judges have the authority to order individuals released without conditions.<sup>144</sup> The Circuit Attorney's Office has the authority to request that an individual be released without bail and at the very least to consent to defendant's requests to be released on their own recognizance or to reduce their bond to an amount that is affordable.

**Instead, the Circuit Attorney's office and their prosecutors actively oppose individuals' release pretrial.**<sup>145</sup> It is a policy of the office for the prosecutor to argue to the judge that a defendant should remain locked up, and prosecutors contest every bond reduction motion.

### City Comparison: Individuals Released Without Bail



Released on Promise to Appear

#### Other jurisdictions replaced cash bail as a condition of release:

In Washington, cash bail was eliminated decades ago and replaced with Pretrial Services. 90% of people released returned to court.

In Philadelphia, the District Attorney no longer seeks cash bail for defendants accused of 25 low-level and misdemeanor offenses.




In Orlando, no bail is sought for 9 non-violent misdemeanor charges.

In New York City, two District Attorney's Offices no longer request bail for misdemeanor cases.

### "CONDITIONING RELEASE": PROVIDE PRETRIAL SERVICES NOT SURVEILLANCE

**Cash bail should not be replaced by private supervision programs,** like those currently operated by the private company EMASS. "Private supervision" programs use private companies to supervise individuals while they await trial. In St. Louis, the individual must pay the costs of the private supervision. The cost can be as high as \$300 per month, which is unaffordable for many. Those programs put unnecessary financial burdens on communities targeted by the criminal legal system and often result in reincarceration for inability to pay.

**The Close the Workhouse campaign does not support replacing cash bail with any type of invasive pretrial surveillance.** Instead, the City should invest in services that help people overcome barriers they face when appearing in court. These services include text message reminders about upcoming dates, as well as assistance with transportation, and childcare. In New York City, text message reminders of upcoming court dates reduced the number of people who miss their court date by almost 20% in 2017.<sup>146</sup> In D.C., the court operates a Pretrial Services Corporation that is staffed 24/7 and 89% remain arrest-free.<sup>147</sup> Other states connect individuals with pretrial treatment for drug and alcohol use disorders, or mental healthcare, and require mandatory court check-ins.

	<b>Electronic Home Detention.</b> St. Louis currently has a contract with a private company to provide Electronic Home Detention Programs that allow individuals to serve either some or all of their pretrial detention at home. These companies have an economic incentive to keep people in the most restrictive conditions for the longest period of time. In St. Louis the cost per day of electronic monitoring is \$5-\$8 per day; that's almost \$3,000 for a year of monitoring.
	<b>Private Pretrial supervision.</b> Although we support supervised release, we do not support privatizing these conditioned release services. Many private pretrial supervision services are user-funded, which can result in a cycle of excessive fees, debt, and poverty, even for those ultimately not found guilty of a crime.
	<b>Predictive Risk Assessment Technology.</b> Risk assessment tools are becoming increasingly popular across the country and they are used to decide who can be set free before trial. The Campaign does not support using risk assessment tools because predictive analytics that use racially-skewed data and present their assessment results as "race-neutral" are dangerous and likely to perpetuate a harmful cycle of over-incarcerating communities of color.

### **THIRD: KIM GARDNER'S OFFICE CAN EXPAND THE AVAILABILITY AND USE OF PRE-PLEA DIVERSION.**

Diversion programs are designed to avoid a criminal conviction and record, but also to provide opportunities and programs to prevent individuals from being swept up into the criminal legal system's cycle. Successful pre-plea diversion programs successfully connect individuals with important social service supports to reduce the collateral impacts that often occur after encounters with the criminal legal system.

**Kim Gardner's office has four diversion programs,<sup>148</sup> but they are very limited** with only 150 participants in over one year out of a total number of over 3000 filed prosecutions.<sup>149</sup> All diversion programs must be expanded with an emphasis on pre-plea diversion.

### **FOURTH: KIM GARDNER CAN BE ACCOUNTABLE TO ST. LOUIS BY RELEASING INFORMATION ON THE CHARGING DECISIONS AND POLICIES MADE BY HER OFFICE.**

"As your next Circuit Attorney, my office will operate through transparency to enhance community trust, a critical ingredient to make our city safer." Kim Gardner

#### **Transparency means the Circuit Attorney should:**

- Release information on charges prosecuted, cases dismissed, and bail amounts in St. Louis;
- Release information on policies to decrease the incarcerated population in St. Louis (including bail practices, use of prosecutorial discretion, and increased use of summonses over arrests); and
- Quantify the cost of incarceration throughout the prosecution and sentencing process. At a bail or sentencing hearing, when prosecutors are calling for incarceration, this should be declared on the record.

# HOW THE ST. LOUIS BOARD OF ALDERMEN CAN CLOSE THE WORKHOUSE

## FIRST: THE BOARD OF ALDERMEN CAN DIVEST FROM THE WORKHOUSE.

The Board of Aldermen is charged with yearly approval of the City's budget. This legislative "check" gives them the power to divest from the Workhouse. By refusing to fund the Workhouse, they can effectively close it.

## SECOND: THE BOARD OF ALDERMEN CAN PASS A RESOLUTION COMMITTING TO CLOSING THE WORKHOUSE.

In 1843, a City Ordinance was passed that established a Workhouse. Now, 175 years later, the Board could act again, this time to close the infamously hellish institution.

As the legislative body of the City of St. Louis, the Board of Aldermen can pass a resolution endorsing the closure of the Workhouse. Board resolutions do not usually carry the force of law but would represent an important political step towards closing the Workhouse.

## THIRD: THE BOARD OF ALDERMEN MUST RE-ALLOCATE THE GENERAL FUND TO INVEST IN COMMUNITY WELL-BEING FOR ALL IN THE ST. LOUIS COMMUNITY.

The **Board of Aldermen has final say on the budget** for the City of St. Louis. Instead of spending \$16 million operating a decaying city jail and detaining people before trial, the Board can create a budget that prioritizes the well-being of the City's residents. See page 38 and Section Investing in Community Well-Being.

This budget should be created through a **participatory budgeting process** that involves communities in deciding how money is spent and on what priorities.<sup>150</sup>

### **Reallocation of Funding Priorities:**

- Areas for reallocation of funding include (See pages 28 to 30):
  - Affordable housing projects
  - Access to employment and education initiatives
  - Creation of neighborhood-based and open community spaces
  - Community mental healthcare
- Alternative employment and required employment training for City employees currently employed at the Workhouse.
- Local funding for the Public Defender's Office so all individuals that require it can access free, quality, and timely counsel.
- The Board of Aldermen should reallocate funding from the recently passed \$50 million bond away from permanent building renovations (like non-temporary air conditioning units).

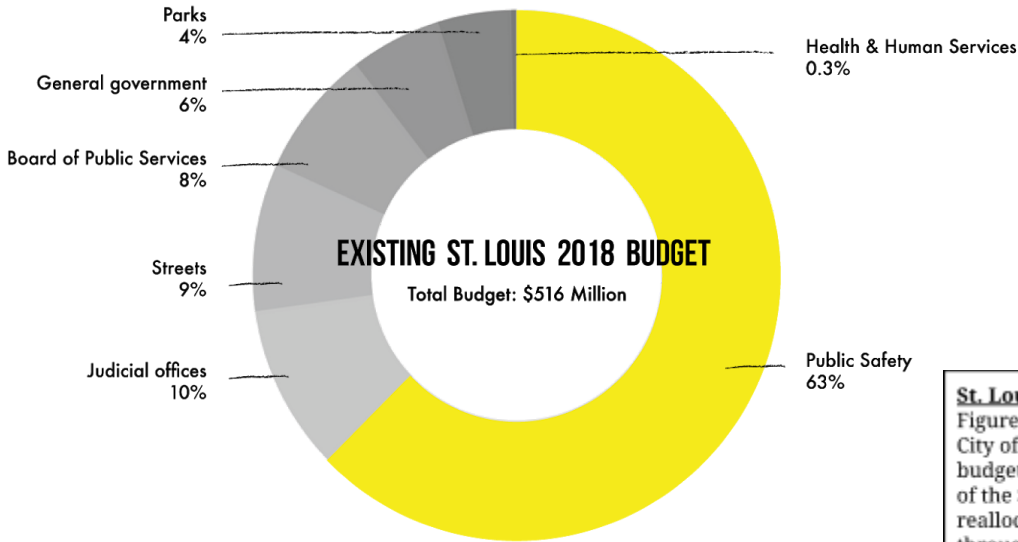
### **Who Are the Board of Aldermen?**

The Board of Aldermen is the legislative body of the City of St. Louis. The Board creates, passes, and amends local laws, as well as approves the City's budget every year. There are 28 Aldermen and each represent around 10,000 residents.

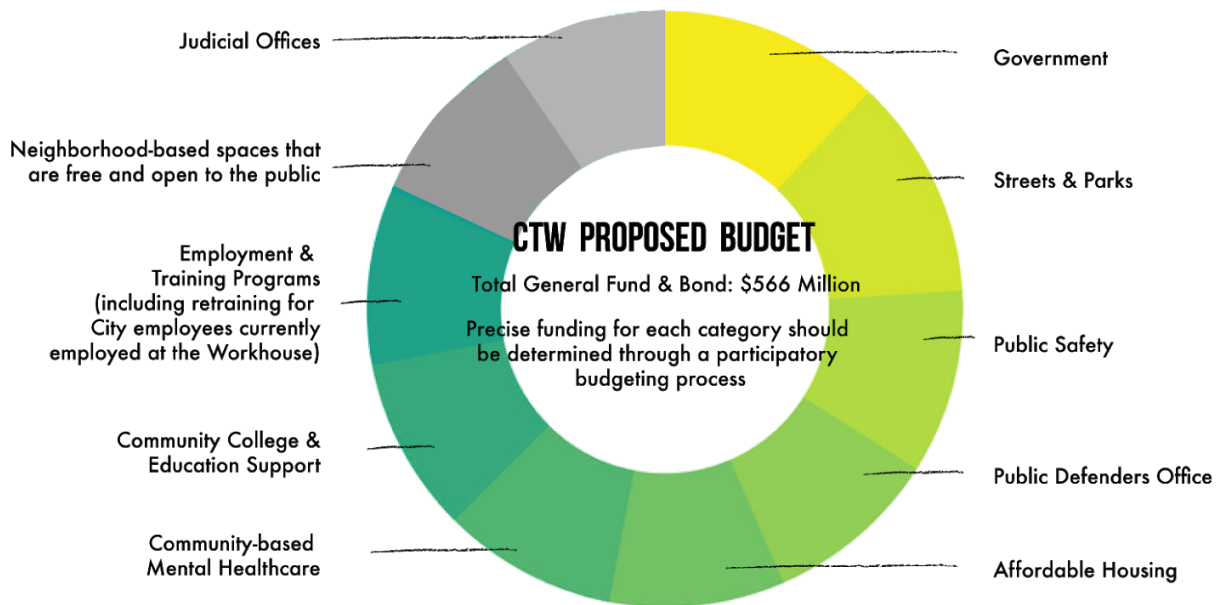
Louis Reed, the President of the Board, is the second highest ranking city official directly behind Mayor Krewson.

# Comparing City Budgets

Imagining city budgets before and after the closure of the Workhouse and a reallocation of city funding towards a new approach to public safety



**St. Louis Budget - Now and Future**  
Figure depicting the current 2018 City of St. Louis General Fund budget and a possible re-envisioning of the St. Louis budget. A precise reallocation of funding should occur through a participatory budgeting process involving communities impacted by the changes.



# A CALL TO ACTION

What You Can Do to Help Close the Workhouse and Decarcerate St. Louis:

## 1 Follow our campaign!

- Follow us on Facebook, Twitter, and Instagram @CloseWorkhouse
- Join our email list: [closetheworkhouse@gmail.com](mailto:closetheworkhouse@gmail.com)
- Visit our website: [www.closetheworkhouse.com](http://www.closetheworkhouse.com)
- Share our posts, events, and hashtags to spread the word
- Follow social media accounts of The Bail Project, Missourians Organizing for Reform and Empowerment, Action St. Louis, ArchCity Defenders, and others

## 2 Wield your political influence

- Call Mayor Lyda Krewson, Circuit Attorney Kim Gardner, and your Alderman to let them know that you support the campaign's demands
- Engage local elected officials and candidates in conversations about where they stand on the campaign demands
- Demand transparency and accountability from your local police and jails
- Educate and mobilize your friends, family, and network
- Mobilize your network to attend campaign events and promote the campaign

## 3 Organize your communities

- Organize and attend neighborhood meetings
- Host conversations with your friends and family about decarceration
- Engage your neighborhood in conversations about alternatives to calling the police
- Build alternative safety responses and structures in your community

## 4 Support local organizations with decarceration initiatives

- Move your organization or network to endorse the campaign
- Join the campaign to help further campaign priorities
- Donate to the campaign and our partner organizations

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142. In Philadelphia, the District Attorney has eliminated cash bail for 25 non-violent offenses. Also see, Alicia Victoria Lozano, "Philadelphia District Attorney Larry Krasner Ends Cash Bail for Low-Level Offenses," NBC 10, February 21, 2018, <https://www.nbcphiladelphia.com/news/local/The-End-of-Cash-Bail-in-Philadelphia-District-Attorney-to-Issue-Policy-Change-474728233.html>.
143. See Page 30 of the Plan; also see R.S.Mo. § 544.455 stating that that a judge may release an individual on their own personal recognizance. St. Louis law allows for release on personal recognizance.
144. Mo. Sup. Ct. R. 33.05: "A person for whom conditions of release are imposed and who after twenty-four hours from the time of the release hearing continues to be detained as a result of his inability to meet the conditions of release shall, upon application, be entitled to have the conditions reviewed by the court which imposed them. The application shall be determined promptly."
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148. The St. Louis Circuit Attorney's Office has four diversion programs: Misdemeanor Redirect Program; Pre-plea Felony Redirect Program; Post-plea felony program; Youthful offender program. The CAO Misdemeanor Redirect Program (M.R.P.) is a diversion program for defendants charged with Misdemeanor crimes with little or no criminal history that provides an opportunity to accept responsibility for their actions, seek rehabilitation, and divert their cases from traditional criminal prosecution. The Felony Redirect Program (FRP) is a Post-Plea/Deferred Sentencing diversion program designed to allow non-violent felony offenders with little or no criminal history to accept responsibility for their actions and enter an intensive course of supervision with programs such as behavior modification, education, job skills training and employment, and community service designed to redirect the offender out of the criminal justice system and into a more positive and productive position in the community).
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