

RACISM, TORTURE, & DEATHS OF PRE-TRIAL DETAINEES AT THE ST. LOUIS CITY JUSTICE CENTER

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I. Introduction

In the City of St. Louis, Missouri, the 2020 census found the City’s Black population is 45.7%.¹ Yet, the jail population at the City Justice Center (“CJC”) is 85-95% Black on any given day.² This overrepresentation of Black persons detained in the City of St. Louis at the CJC, in addition to the inhumane conditions at the jail, translates into an increased risk of discriminatory treatment and human rights violations. This report addresses four different human rights violations of pre-trial detainees at the CJC: (1) excessive use of chemical agents; (2) solitary confinement; (3) water shutoffs to cell blocks; and (4) inhumane denial of medical care.

1. Excessive Use of Chemical Agents

The CJC jail continues to face scrutiny for its frequent and excessive use of chemical agents, such as mace and OC spray, against detainees. Correctional officers often deploy these chemical agents through the food hole (also known as a “chuckhole”) of a locked jail cell or spray detainees who are restrained in handcuffs and pose no physical threat.³ Additionally, correctional officers at the St. Louis jail have used mace without any consideration of the mental or physical disabilities of detainees.⁴ Advocacy groups in St. Louis have documented incidents where detainees were repeatedly maced in their cells and were left to “marinate” without access to medical care, raising serious human rights concerns.⁵ Rather than being a tool to maintain order, these chemical agents have been weaponized as a form of punishment and retaliation.

The City of St. Louis’ use of chemical agents on pretrial detainees is in direct violation of both the prohibition on torture and cruel, inhuman, or degrading treatment and punishment and

¹ *Quick Facts, St. Louis City, Missouri*, U.S. CENSUS BUREAU, (2021), <https://www.census.gov/quickfacts/stlouiscitymissouri>.

² *Inmate Population Data By Day*, ST. LOUIS GOV’T, <https://www.stlouis-mo.gov/data/dashboards/inmates/by-day.cfm> (last visited April 1, 2025).

³ See Ryan Krull, *Corrections Officer Charged in Beating Previously Led Training on Mace*, RIVERFRONT TIMES (Aug. 11, 2023), <https://www.riverfronttimes.com/news/corrections-officer-charged-in-beating-previously-led-training-on-mace-40643088>.

⁴ See *Excessive Mace Use in CJC*, RIGHTS BEHIND BARS, https://www.rightsbehindbars.org/excessive-mace-use-in-cjc?mc_cid=07ba48a7a3&mc_eid=962b2c9e6c (last visited March 31, 2025).

⁵ *Jones v. City of St. Louis*, MACARTHUR JUSTICE CENTER, <https://www.macarthurjustice.org/case/jones-v-city-of-st-louis/> (last visited March 31, 2025).

the right for all persons deprived of liberty to be treated with humanity and respect for the inherent dignity of the human person. Moreover, the United States has failed to protect detainees in St. Louis from excessive, inappropriate, and discriminatory use of chemical agents, violating both the prohibition on racial discrimination and the right to equal protection under the law.

2. Solitary Confinement

Since 2020, the CJC has routinely confined all pre-trial detainees to their cells for 23 to 24 hours a day. During these periods of isolation, detainees are denied showers, phone calls with lawyers or family members, and any form of recreation.⁶ The use of solitary confinement at the CJC reflects broader practices in the United States, where solitary confinement is used as a disciplinary measure on a widespread basis. In the United States, over 80,000 people are held in solitary confinement per day.⁷ Moreover, detained persons of color in the United States are disproportionately placed in solitary compared to their white counterparts.⁸ Solitary confinement is called several things in the United States including: administrative segregation, disciplinary segregation, single cell mandate protective custody, and temporary segregation.⁹ While they all have different rationale behind their use, they all are defined as isolating an individual in a cell for 22 or more hours a day.¹⁰ This kind of extended isolation results in long-term psychological and physical health issues and the use is directly correlated with an increase in inmate deaths.¹¹ The United States's use of solitary confinement, regardless of the rationale, is inhumane and constitutes a severe violation of human rights.

⁶ Melinda Tasca & Jillian Turnavoic, *Examining Race and Gender Disparities in Restrictive Housing Placements*, OFFICE OF JUSTICE PROGRAMS (Sept. 2018), <https://www.ojp.gov/pdffiles1/nij/grants/252062.pdf>.

⁷ Andrea Fenster, *New data: Solitary Confinement increases risk of premature death after release*, PRISON POLICY (Oct. 13, 2020), https://www.prisonpolicy.org/blog/2020/10/13/solitary_mortality_risk/.

⁸ See Allen J. Beck, *Use of Restrictive Housing in U.S. Prisons and Jails, 2011-12*, OFFICE OF JUSTICE PROGRAMS (Oct. 2015), <https://bjs.ojp.gov/content/pub/pdf/urhuspj1112.pdf>.

⁹ Andreea Matei, *Solitary Confinement in U.S. Prisons*, URBAN INSTITUTE JUSTICE POLICY CENTER (Aug. 2022), <https://www.urban.org/sites/default/files/2022-08/Solitary%20Confinement%20in%20the%20US.pdf>.

¹⁰ *Id.*

¹¹ *Id.*

3. Water Shutoffs

The punitive use of water shutoffs to detainee's cells has also been documented at the CJC.¹² The CJC deliberately, frequently and inhumanely shuts off water to the cells, depriving inmates access to drinking water and the ability to flush the toilets in their cells for days and sometimes weeks at a time.¹³ It is important to note these deprivations occur regularly, and are imposed as punishment for minor and non-threatening misconduct, such as asking questions.¹⁴ The correctional officers will also shut off water access to a cell and then deploy chemical agents into the cell, leaving inmates unable to clean out their eyes or wash chemical agents off their skin for hours or days.¹⁵ The deliberate use of water shutoffs as a form of punishment is a direct violation of human rights.

The punishment of detainees by suspension or restriction of water violates the prohibition of torture and ill-treatment and universally recognized international human rights standards, as set forth in the Nelson Mandela Rules.¹⁶ Water is a fundamental necessity for survival and the deliberate deprivation violates detainees' human rights to water, sanitation, an adequate standard of living, health, privacy, and freedom from torture and discrimination.

¹² *New Federal Lawsuit Details Culture of Water Deprivation and Excessive Macing at City*, MACARTHUR JUSTICE CENTER (Aug. 22, 2023), <https://www.macarthurjustice.org/new-federal-lawsuit-details-culture-of-water-deprivation-and-excessive-macing-at-city-justice-center/>.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ See *Excessive Mace Use in CJC*, *supra* note 4.

¹⁶ Third Amended Complaint, *Jones v. City of St. Louis*, No. 4:21CV600 (E.D. Mo. 2021), available at <https://www.macarthurjustice.org/wp-content/uploads/2021/05/Third-Amended-Complaint.pdf>.

4. Inhumane Denial of Medical Care

For years, the CJC has denied essential medical care to pre-trial detainees, including medication and treatment for chronic health conditions and medical treatment for injuries sustained from use of force by officers or other detainees. There are numerous reports by pre-trial detainees of not receiving prescribed essential life-saving medication, including medication for seizures and heart medication. In United States's carceral facilities, it is estimated more than 20 percent of those incarcerated in state prisons and more than 68 percent of those in local jails who have chronic health conditions are denied essential medical care.¹⁷

Moreover, hundreds of incarcerated individuals are estimated to be killed in the United States each year from medical neglect.¹⁸ Since 2020, at least nineteen people have died while detained at the CJC, which is three times as many deaths as at similarly sized or larger detention centers in Missouri.¹⁹

United States law requires those in pre-trial detention as well as in state or federal prison be provided with adequate medical care. The Supreme Court of the United States has found “deliberate indifference” by correctional officers to medical needs of prisoners amounts to cruel and unusual punishment.²⁰ Despite this ruling, medical neglect remains rampant in U.S. prisons and jails.²¹

¹⁷ Wilper et. al, *The Health and Health Care of US Prisoners: Results of a Nationwide Survey*, 99 AM. J. OF PUB. HEALTH 2141, 2147 (2009), available at <https://doi.org/10.2105/AJPH.2008.144279>.

¹⁸ *Prison health care crisis mounts as incarcerated population ages*, EQUAL JUSTICE INITIATIVE (MAY 15, 2024), <https://eji.org/news/prison-health-care-crisis-mounts-as-incarcerated-population-ages..>

¹⁹ Kate Grumke, *Another detainee at St. Louis County Justice Center has died*, ST. LOUIS PUBLIC RADIO (March 23, 2025), <https://www.stlpr.org/government-politics-issues/2025-03-23/another-detainee-at-st-louis-city-justice-center-has-died>

²⁰ *Estelle v. Gamble*, 429 U.S. 97 (1976).

²¹ Marcella Aslan, Crystal S. Yang, James R. Jolin, Lucy Tu, & Josiah D. Rich, *Health Care in U.S. Correctional Facilities – A Limited and Threatened Constitutional Right*, 388 NEW ENGLAND JOURNAL OF MEDICINE 847 (2023), available at <https://www.nejm.org/doi/full/10.1056/NEJMms2211252>

II. Testimonials

“While I was there, I was brutally attacked with chemical agents and left in a cell without water for days.” said Jermon Jones, a former pre-trial detainee held at the City Justice Center in the City of St. Louis, Missouri.²²

Jerome Jones was detained at the CJC for 2 and half years before being acquitted of all charges. In February 2021, correctional officers removed Jerome from his cell before spraying him and the room with a large number of chemical agents. The officers then shut the door leaving Jerome trapped in the room full of chemicals. “I was terrified and I couldn’t breathe” said Jerome. “[M]y entire body was burning from the chemical agents. I yelled and asked for help and nobody came.” After half an hour, the officers let him out of the room and placed him in his cell. Despite asking for medical attention, Jerome never received any. The water in his cell block had been shut off to punish detainees for a protest that had occurred earlier in the week, leaving Jerome without any water to drink or wash off the residue from the chemical agents. “It took three days for me to stop feeling like I was burning from the chemicals.” Jerome said. “Due to what happened to me at [the] jail, I’m traumatized from these experiences, and I still have nightmares and wake up in cold sweats. I lost everything I worked hard to build, and I am emotionally exhausted.”

Jerome Jones’ experience is just one example of the inhumane treatment and living conditions the detainees at CJC experience.²³ In February 2025, Jaking Waller, pre-trial detainee at the City Justice Center in the City of St. Louis Missouri, was unnecessarily maced through his cell door by a correctional officer and left in his cell without medical treatment for several hours. “My mother had scheduled a visit for that day, but it wasn’t until I refused the visit that I

²² Recording of Jerome Jones’ statement available at, <https://drive.google.com/drive/u/2/folders/14y9MB2NNI3WXQO4gEOas1104jsaBzPLG>

²³ Roderick & Solange MacArthur Justice Center, Jones v. City of St. Louis, Declarations, 8-17, <https://www.macarthurjustice.org/wp-content/uploads/2021/05/Declarations.pdf>.

received medical attention,” said Jaking. During the hours he was left in his cell, a nurse and correctional officer had walked through the cell block for medication distribution but ignored his request for help.

“It’s been hard, I’ve been in a cell for 23 hours a day. In the one hour a day I get out, I have to shower, I have to make all of my calls, it’s crazy.” said Derrick Jones, a former pretrial detainee held at the City Justice Center in the City of St. Louis Missouri.²⁴ While at CJC, Derrick Jones experienced numerous macings, water shutoffs, and was kept in solitary confinement for over a year with no functioning light in his cell. Darnell Rusan, a former pretrial detainee at the City Justice Center was targeted by excessive chemical agents, deprived of access to water, and inadequate medical care during his nearly five years there. “I had a correctional officer tell me ‘we will kill your ass in here.’ Somebody has to do something,” Darnell said.

III. LEGAL FRAMEWORK & PAST RECOMMENDATIONS

1. In a report published in September 2022 by the CERD committee on the combined tenth to twelfth reports of the United States, the committee expressed concerns about the use of chemical agents and solitary confinement in the U.S. justice system.²⁵ The CERD committee recommended the United States. “take concrete and effective measures to eliminate racial disparities at all stages of the criminal justice system and of the juvenile justice system” by “[i]mposing strict restrictions on the use of solitary confinement and of chemical agents such as pepper spray, and ensuring such use does not have a disproportionate impact on racial and ethnic minorities, and the practices of the State party are in conformity with international law and international standards,

²⁴ ArchCity Defenders, New Federal Lawsuit Details Culture of Water Deprivation and Excessive Macing at City Justice Center (May 24, 2021), <https://www.archcitydefenders.org/for-immediate-release-new-federal-lawsuitdetails-culture-of-water-deprivation-and-excessive-macing-at-city-justice-center/>.

²⁵ International Convention on the Elimination of All Forms of Racial Discrimination, *Concluding observations on the combined tenth to twelfth reports of the United States of America*, 21 September 2022.

including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)[.]”²⁶

2. In November 2023, the ICCPR expressed its concerns and made several recommendations regarding the racial disparity and treatment of detainees in its observations on the fifth periodic report of the United States. On solitary confinement, the committee recommended “the State party should bring all legislation and practice on solitary confinement, at the federal, state, local and territorial levels, in line with the Covenant and the international standards as reflected in the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).”²⁷
3. While chemical agents have not been raised in previous UPR cycles, in the first and second UPR cycles, the United States previously supported recommendations relating to the prohibition of torture in detention facilities and the mistreatment of detainees.²⁸ In the third UPR cycle, the United States supported “granting the Special Rapporteur access to facilities and detainees to the extent consistent with this mandate, and on mutually agreed terms, consistent with national security.” Despite publicly stating support for these recommendations, the United States has failed to acknowledge the abuse of human rights occurring in their detention facilities and has not taken any effective steps to ensure compliance with international and domestic obligations²⁹

IV. RECOMMENDED QUESTIONS

²⁶ *Id.*

²⁷ International Covenant on Civil and Political Rights, *Concluding observations on fifth periodic report of the United States of America*, 3 November 2023.

²⁸ See Human Rights Council, *Report of the Working Group on the Universal Periodic Review*, 14 September 2015; see also Human Rights Council, *Report of the Working Group on the Universal Periodic Review*, 8 March 2011.

²⁹ See Human Rights Council, *Report of the Working Group on the Universal Periodic Review*, 4 March 2021.

- A. What concrete and effective measures is the U.S. using to eliminate racial disparities at all stages of the criminal justice system?
- B. What steps is the U.S. taking to restrict the use of chemical agents such as pepper spray in jails and prisons?
- C. What steps is the U.S. taking to restrict the use of solitary confinement in jails and prisons?
- D. What steps is the U.S. taking to ensure the fulfillment of the right to health for all detainees in jails and prisons?

V. SUGGESTED RECOMMENDATIONS

- A. **The U.S. must immediately take steps to restrict the widespread use of chemical agents on detained persons, specifically:**
 - i. Strictly review and modify all laws, policies, procedures and practices to restrict the use of force to ensure they are in compliance with international standards on the use of force, particularly the principles of legality, precaution, necessity, proportionality, accountability and non-discrimination.
 - ii. Take steps to identify and protect medically vulnerable detainees from the use of any and all chemical agents.
 - iii. Develop and implement a procedure for ongoing and periodic monitoring, reviewing, and auditing of the use of chemical agents in its detention facilities, including the disproportionate impact of chemical agents on Black detainees.
 - iv. Restrict officers who have been found to have used force inappropriately or excessively from carrying and having unrestricted latitude to use chemical agents.

- v. Cease the use of “riot-sized” cans of mace, MK-9 Cellbusters, or chemical agents of similar strength.
- vi. Take steps to ensure that chemical agents are never used on detainees who are restrained in handcuffs or locked in a cell.
- vii. Require any use of chemical agents to be promptly and fully documented, including the events leading up to the use of chemical agents that, in the officer’s opinion, warrant such use of force.

B. The U.S. should immediately stop shutting off water to jail cells except in instances of mechanical failures or flooding of jail cells, specifically:

- i. Review and modify all laws, policies, procedures and practices to restrict the use of water shutoffs for retaliation or punishment and to ensure they are in compliance with international standards on the right to water and sanitation.
- ii. In the event of mechanical failures, the State Party should shut off water for the shortest period possible to fix the mechanical issue.
- iii. If the duration of the water shut off must exceed thirty minutes, detainees should be moved to another cell where potable water is accessible and the toilet flushes.
- iv. To the extent that water is shut off, correctional officials must document in writing who shut off the water, for what purpose, and the amount of time the water was shut off.

C. The U.S. should immediately cease the use of all forms of solitary confinement, specifically:

- i. Review and modify all laws, policies, procedures, and practices to immediately end the use of solitary confinement regardless of the technical

name used to classify the solitary confinement, which may include, but is not limited to, “administrative segregation,” “disciplinary segregation,” and “temporary segregation.”

D. The U.S. should take immediate action to rectify the denial of essential medical care for those in Federal, State, and Local custody, specifically:

- i. Review and modify all laws, policies, procedures, and practices to ensure the fulfillment of the right to health for all detainees.
- ii. Increase administrative oversight to ensure incarcerated individuals with medical needs receive proper medical treatment and have access to prescribed medication.
- iii. Ensure officers are held accountable for misconduct related to the denial of requests for medical treatment by detainees.
- iv. Guarantee victims’ rights to reparations, restitution, and compensation for violations of human rights. This would require creating a right of action where none exists and limiting or eliminating qualified immunity.