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To: UN Committee on the Elimination of Racial Discrimination

Re: Gross Human Rights Violations at the St. Louis City
Justice Center (CJC)

Date: January 14, 2022

The undersigned human rights and civil rights organizations working in the City of St. Louis, Missouri, hereby submit the following to inform the List of Issues for your review of the U.S. government's compliance with CERD in April 2022.

The City of St. Louis, Missouri, is committing gross human rights violations against Black detainees at the CJC, with some actions amounting to torture. CJC correctional staff use three specifically cruel and inhumane tactics to punish or discipline detainees: 1) the excessive and unnecessary deployment of chemical munitions; and 2) water shutoffs to detainees' cells.

As background, the overrepresentation of Black detainees in U.S. correctional facilities may provide insight of the issues presented here. Black Americans make up only 13.40% of the U.S. population, while accounting for nearly 40% of its prison population.¹ In the City of St. Louis, Missouri, the 2020 census found the City's Black population is 46.4%.² Yet, the detainee population at the CJC is almost entirely Black.³ It is fair to say that this overrepresentation of Black detainees in U.S. correctional facilities places them at an increased risk of being targeted by correctional staff for inhuman punishments.

The CJC's unjustified deployment of chemical munitions and water shutoffs, as described in detail below, demonstrate that CJC staff have violated the prohibition against torture and target Black detainees to the kind of inhuman practices which amount to gross violations of human rights.⁴

Chemical munitions, including oleoresin capsicum, otherwise known as mace or pepper spray, is sprayed either directly into detainees' faces or is sprayed

¹ Amber Pariona, *US Population By Race*, WORLDDATLAS, (July 18, 2021),

<https://www.worldatlas.com/articles/incarceration-rates-by-race-ethnicity-and-gender-in-the-u-s.html>.

² U.S. Census Bureau, Quick Facts, St. Louis City, Missouri (2021), <https://www.census.gov/quickfacts/stlouiscitymissouri>.

³ In 2018, a City of St. Louis report found that 82% of the people incarcerated in St. Louis were Black men. See <https://www.stlouismo.gov/government/departments/mayor/initiatives/resilience/equity/documents/upload/Equity-Indicators-Baseline-2018-Report-Document.pdf>.

⁴ See e.g., G.A. Res. 39/46, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Dec. 10, 1984); G.A. Res. 70/175, United Nations Standard Minimum Rules for the Treatment of Prisoners, Art. 43(d) (Dec. 17, 2015).

through the food hole into the detainees' cells. The use of chemical munitions occurs regularly at the CJC even when detainees are asleep in their cells at night or otherwise pose no threat or security risk.

CJC staff also regularly shut off the water to detainees' cells after using chemical munitions spray and leave detainees to "marinate".⁵ When the water is shut off to detainees' cells, there is no way for detainees to rinse their eyes out or wash their face let alone access drinking water. The use of chemical munitions, combined with water shutoffs, have been documented on a regular basis for at least a year at the CJC and often last several hours to several days at a time.

The undersigned have obtained Use of Force reports from the City of St. Louis regarding the use of chemical munitions by CJC staff against detainees showing a total of 146 incidents, dating from December 2020 through April 2021. It is clear that these records are incomplete, and still at least 124 of the 146 of the detainees involved in the recorded incidents were Black.

These reports demonstrate that CJC staff are using more than excessive force against Black detainees. In December 2020, there were a total of 28 incidents of chemical munitions spray recorded. Of these 28 incidents, at least 22 of the detainees involved were Black and three were white. Each of the black detainees involved in the December 2020 incidents were sprayed with pepper spray, while only two of the three white detainees were sprayed. Moreover, on December 21, 2020, a Black detainee was pepper sprayed a total of four times, while in a chokehold. The use of chemical munitions against Black detainees at the CJC is excessive and unjustifiable.

This Committee has previously made recommendations to the U.S. regarding eliminating racial disparities at all stages of the criminal justice system. The undersigned believe the racial disparities in the criminal justice system in St. Louis have continued to worsen, since those recommendations were made, and our focus on treatment and conditions in pretrial detention are cruel and inhumane examples of the worsening disparate treatment.

We encourage the Committee to ask the U.S. the following questions:

Please provide detailed information on measures adopted by the State Party to regulate the discriminatory use of chemical munitions in pretrial detention centers against Black persons.

Please provide detailed information on measures adopted by the State party to ensure equal access to water for Black persons being held in pretrial detention centers.

We urge this Committee to recommend that the City of St. Louis to end the following practices:

End the practice of solitary confinement for the purposes of punishment or discipline;

⁵ Doyle Murphy, *St. Louis Jail Guards Locked Detainees in Mace-Filled Rooms to 'Marinate' Suit Says*, RIVERFRONT TIMES (May 25, 2021), <https://www.riverfronttimes.com/newsblog/2021/05/25/st-louis-jail-guards-locked-detainees-in-mace-filled-rooms-to-marinate-suit-says>.

End the use of chemical munitions when physical harm is not imminent to correctional staff or other detainees; and

End the use of water shutoffs for punishment or discipline.

Sincerely,

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