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Eric Schmitt, Attorney General
e/o Megan.Werdehausen@ago.mo.gov

Missouri Attorney General's Office
207 West High Street
Jefferson City, MO 65101

Dear Attorney General Eric Schmitt:

I am in receipt of your letter regarding prisoner releases during the COVID-19 pandemic, a communication that you shared with the media instead of waiting for my response and the facts related to your inquiries and purported concerns. As the Attorney General, you undoubtedly know the importance of sharing accurate information with the public. During this time, it is essential for public leaders to work together, be completely transparent, and provide the people of our City and State accurate information about matters of public safety. These are essential duties that all law enforcement officers, and we as leaders, swear to when taking office. As leaders we also agree to place the needs and will of the people of the City and our State above our own personal biases and political agendas. With these guiding principles in mind, I am deeply disappointed in the inaccuracy of your correspondence and your obvious effort to politicize matters of public safety during this time of crisis in our City and State.

As the elected Circuit Attorney and the chief law enforcement officer for the City of St. Louis, your mischaracterizations of my actions to prevent the spread of COVID-19 are inappropriate and concerning. Although I am unable to address every inaccuracy raised by your correspondence, I will note that it is inaccurate and contains the same factual misinformation shared by several media outlets.

As a life-long resident of the City of St. Louis, I have witnessed first-hand the devastating effects of violent crime, its impact on the citizenry, and the horrendous impact it can have on crime victims and their families. Any suggestion or assertion that I am not concerned about victims of crime and public safety is inappropriate and appalling.

Again, I would like to reiterate that this is a time for us to come together to help reduce the spread of the COVID-19 virus and share with the public fair, accurate, and honest information about efforts to reduce jail “churn” that could accelerate the spread of the virus. For this reason, other jurisdictions in our state are conducting similar release efforts. I trust that you have sent similar correspondence to the other 114 elected prosecutors who are faced with stopping the spread of COVID-19 in their respective jails and shared that correspondence with various media outlets.

The COVID-19 virus has required all parties to employ emergency protocols, and to continue operating at near full capacity. As a trained Registered Nurse, I have worked for weeks to prepare my office for what medical professionals predicted – a critical Stay at Home order for the City of St. Louis, ordered by Mayor Lyda Krewson along with other key regional leaders. As a result, we have successfully transitioned our office to be fully remote and operational. In conjunction with the police, we have moved the warrant office to remote operations and assisted the Court in setting up remote hearings to continue their essential duties.

As the reality of the COVID-19 virus set in, the dangers associated with confined non-violent prisoners became a major concern in preventing the spread of the virus to inmates, jail staff and staff family. Immediately, our office, in conjunction with the Public Defender’s Office, reviewed candidates for immediate release to reduce the spread of the virus. Our office, in conjunction with the Public Defender’s Office, immediately eliminated persons being held for crimes with victims, crimes of violence, and persons with violence in their criminal history from this review. Consistent with my long-standing assertions and practices, I will not, and did not, consent to the release of violent criminals or any person that would knowingly make our city less safe or expose a victim to danger.

Shortly after completing the review described above, the Public Defender’s Office filed motions in the City’s Criminal court Divisions seeking the release of their entire client base, despite the severity of the crimes for which they are being held. Judges immediately began hearing the Public Defenders’ Motions for Release. In most cases, the Courts allowed enough time for victims to be properly notified. On a few occasions, however, Judges cited the dangers of the pandemic, and over the State’s objections, heard and granted the release of prisoners allowing little or no time for crime victims to be properly notified.

Despite these challenges, the CAO’s Victim Services Unit is working tirelessly to ensure crime victims are being notified of hearings, submitting statements on their behalf, and following up with information about the Court’s decisions. Thus far, in every case involving a violent offender, the CAO has objected on the record to their release. In every case, the CAO has objected to any infringement on the rights of the victim; rights granted by law in the Victims’ Rights Statute, a statute passed by the Missouri State Legislature.

My office has guarded and enforced the rights of victims in an unprecedented way. I welcome you to learn about our operations, talk to our team to understand firsthand the efforts that we make daily to protect victims of crime.

Your correspondence also notes your obligation as Attorney General to enforce the State’s Sunshine Law, and my office’s alleged refusal to “provide the public with such basic information as the identities of the persons released, their current charges, or their criminal histories”. Am I to assume from this that an allegation has been made that my office has somehow violated the

Sunshine Act? If so, in accordance with customary procedure, please provide the complaint and my office will respond accordingly.

Again, this is a time for us to all to work together. We have to communicate the facts and not speculative criticism that plays on the real fear of the residents of the City of St. Louis. Regardless of our political differences, we must work together for the people of the City of St. Louis.

Please do not hesitate to reach out to me if you have any questions on my COVID-19 mitigation efforts.

Respectfully,

A handwritten signature in black ink, appearing to read "Kimberly M. Gardner". The signature is fluid and cursive, with the first name "Kimberly" being more prominent than the last name "Gardner".

Kimberly M. Gardner
Circuit Attorney