



January 7, 2020

Re: Marquette Park Pool Fencing and Removal of Barbed Wire

City of St. Louis Parks & Recreation
5600 Clayton Ave
St. Louis, MO 63110

St. Louis City Parks and Recreation,

Thanks for inquiring about Dutchtown's request to have the barbed wire removed at Marquette Park Pool. The community feels very strongly about this and I have done my best to outline the case for removal below. Feel free to reach out to me for further clarification or discussion.

Continuing to include barbed wire as an anti-climbing/anti-trespassing measure around a public pool is not a best practice from a municipal perspective, likely increases the city's overall liability risk, and unfortunately perpetuates a perception of structural racism within St. Louis that directly harms Dutchtown's youth.

Barbed wire's ability to injure and maim is the reason that, generally, an exemption is required to use it in municipal areas. For instance, St. Louis City Code 20.38.010 states, "It shall be unlawful for any person to erect, construct or to hereafter maintain or use any fence heretofore erected or constructed composed in whole or in part of barbed wire upon any street or any public or private alley or passage or way or other public thoroughfare which is fifteen feet or less in width within the limits of the City." Further, even when anti-climbing measures are warranted for various structures, some municipalities still forbid the use of barbed wire. Chicago's municipal fencing code requiring anti-climbing measures for various structures includes the limitation that, "The anti-climbing device may not include barbed wire, razor wire, or similar sharp barrier."

While I have been told by various City staff that the barbed wire is in place to protect the city from liability and property damage, I find these claims problematic. The primary purpose of a fence around an outdoor pool is to prevent the drowning death of young children. Children 1-3 years old represent 67 percent of reported fatalities in pools and spas.¹ Missouri law provides that a swimming pool shall be protected by an enclosure that is at least four feet in height, durable, afford no external footholds or opening large enough to pass a four inch diameter sphere through.² This language addresses the most likely risk related to outdoor pools, that being young children drowning

¹(<https://www.cpsc.gov/s3fs-public/362%20Safety%20Barrier%20Guidelines%20for%20Pools.pdf>)

² <https://www.sos.mo.gov/cmsimages/adrules/csr/current/19csr/19c20-3a.pdf>)

Since a simple fence of sufficient height and construction successfully prevents small children from finding their way from outside the pool and into the pool's water, the use of barbed wire can only be understood as an attempt to deter older children, teens, or young adults from climbing the fence after hours. The problem with such a measure is that barbed wire was never meant to be a complete barrier to human scaling, but simply a mechanism to slow or maim anyone moving through it. As an example, barbed wire entanglements in war are used to slow the progress toward a trench position to allow more time to engage an approaching enemy. It certainly wasn't used with the intention that it would actually keep out someone determined to breach the barbed wire entanglement.

It is known by the City that blankets and other means of getting over the barbed wire have successfully been utilized to trespass at the pool and that any person committed to breaching the barbed wire can in fact do so. Despite the known lack of effectiveness in deterring trespassing, the barbed wire remains up. This becomes problematic when the City is also on notice, based on previous instances, that some younger children will in fact climb the fence during pool hours and have injured themselves on the barbed wire doing so. As a result, we can see that the barbed wire does not function as intended and instead creates a new and unnecessary liability and concern for pool staff.

Perhaps the most damning evidence against the City's continued use of barbed wire around the pool is a simple review of other public outdoor parks situated in similar urban neighborhoods. A google image search of the following public outdoor pools shows a fence that would appear to be in compliance with Missouri's laws, but that does not have barbed wire at the top of it.

- Swope Park Pool - Kansas City, MO
- Budd Park Pool - Kansas City, MO
- Grove Park Pool - Kansas City, MO
- Martin Luther King Pool - Indianapolis, IN
- Pulaski Park Pool - Chicago, IL
- Hamilton Park Pool - Chicago, IL

Importantly, the greater concern is the City's seeming resistance to address such an obvious aesthetic design entangled with the symbolism of structural racism. Barbed wire is used in our nation's troubled criminal justice system which has been statistically demonstrated to be racist and destructive to Black communities. Barbed wire is rolled out at our borders to harm refugees fleeing from desperate circumstances and seeking a better life in our county. It has been used in numerous lynchings and hate crimes as a weapon to invoke fear.

There is no compelling argument for continuing to use barbed wire to surround a public pool in a predominantly Black neighborhood in St. Louis. Its continual use is cheap, ugly, unwelcoming and demonstrates a lack of respect between City officials and residents. Most importantly, the continued use of the barbed wire fails to put the mental and physical well-being of our city's youth at the forefront of decision-making. The threat of property damage should not outweigh the health of the children utilizing the pool.

Downtown Dutchtown and Allies of Marquette Park are excited to partner with the City to improve the pool facilities for the upcoming year. Downtown Dutchtown has raised over \$7,000

for pool equipment and will be seeking further grant money and fundraising for community driven art projects to brighten up the pool and park. Barbed wire has no place in this type of community effort and we would request the City assist us in realizing the potential of Marquette Park, the pool, and Dutchtown by removing those symbols which divide us instead of uplift us.

Sincerely,

Nate Lindsey

President of Downtown Dutchtown
Allies of Marquette Park