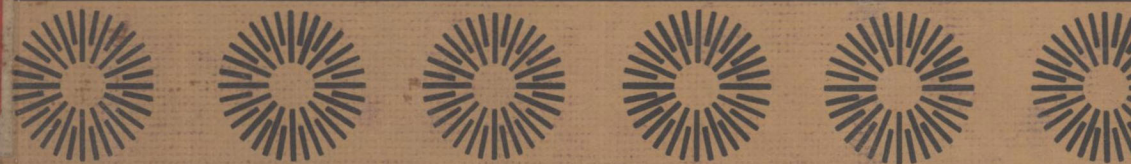


Jail Management

E. Eugene Miller



Lexington Books

Jail Management

**Problems, Programs,
and Perspectives**

E. Eugene Miller

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This book is dedicated with enduring appreciation to the following five eminent penologists, whose patient tutoring, advice, and friendship have given me more knowledge of jails, the people incarcerated in them, and the people who run them than I could ever possibly absorb: John D. Case, Howard B. Gill, Kenneth L. Hardy, M. Robert Montilla, and James E. Murphy.

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Introduction

The warden of one of America's few truly progressive and effective jails once whimsically described his jail as a "shaggy dog." A more ingenious and accurate description of the contemporary jail in relation to other correctional institutions has not yet been devised. Architecturally foreboding and often inhumane, jails constitute the most forgotten and woebegone component of the criminal justice system.

Understandably, nobody seems to like jails—not the public that sends people to them and pays the bill, not the people who work in them, and definitely not the people confined in them. These local institutions stand as symbolic sentinels, attesting by their very existence to the human ills of a community. While statutorily established to hold people awaiting trial and, in many instances, to serve also as places of sentence for convicted people doing terms of less than one year, in human terms jails often function as dumping grounds for the unsightly and unwanted members of a community as well as detention facilities for the dangerous. In addition to actual or accused criminals, many such facilities are crammed with skid-row alcoholics, narcotics addicts, the mentally ill, and others whose "crimes" may be more unpleasant than threatening and who well may be more destructive of themselves than of others. Although jails are thus compelled to cater to a societal philosophy of "out of sight, out of mind," few people consider the fact that with an extreme paucity of exceptions, the inmates of these modern day asylums will eventually return to the community either less able or better prepared to cope with the realities and pressures of life in a dynamic environment.

The jail problem today is an unseemly tangle of unpedigreed components, i.e., public apathy, political and fiscal neglect, underqualified and untrained staff, among others, that simply will not disappear. Operating within such an unencouraging framework, almost miraculously there are some jails that through intelligent and innovative management, dedicated staffs, and the maximum utilization of community resources perform a valuable service to the communities they serve. While few in number, these local facilities evidence what can be accomplished even when far from ideal support is provided by government. Regrettably, the general picture of jails that emerges nationally is that of the most backward and neglected social institution in contemporary society.

The results of long-standing neglect are not difficult to imagine, even if they are somewhat unpalatable to admit. If Winston Churchill was right when he observed that "the sophistication of a society may be judged by the way in which it treats its prisoners," then the United States has not progressed very much in two centuries, despite landing men on the moon,

achieving hitherto unimagined heights of affluence, and bequeathing the fast-food concept and cola beverages to the rest of the world.

In our country, there is a jail in which mentally disturbed people (*not* charged with any criminal offense) are kept in a totally dark room, shackled to a huge iron ring imbedded in the floor, pending transfer to a mental health facility—a process that may well take weeks to accomplish. There is a jail in which prisoners are kept in a subterranean unit, thus ensuring that they will never see natural light during their entire confinement. There are jails in which neglected and dependent children whose only “crimes” may be having parents who inflicted hideous physical abuse upon them are locked in cells with hardened criminals for playmates. What happens to women in some jails would shock and outrage even the more dedicated devotees of sadomasochism. No one will even hazard a guess as to the number of assaults and homosexual gang rapes that occurs in these facilities annually.

What makes the preceding picture even more disturbing is that most of the more than 1 million people who will pass through the nation’s jails this year are being detained prior to trial. Many will eventually have their charges dismissed or be found innocent by a judge or jury. In many jurisdictions, the sole practical denominator between being locked up in a medieval, monkey-cage monstrosity or being free pending trial is the ability to pay a bondsman’s fee.

Because of such deplorable conditions, the number of jails nationally (approximately 3921), the diversity of responsible governmental jurisdictions, the lack of sustained public interest in and commitment to remedial action, and myriad other problems, a growing number of penologists have abandoned the idea of jail reform, believing that an acceptable level of improvement cannot feasibly be attained. They propose as an alternative strategy the increased use of diversion, e.g., release on personal recognizance, third-party custody arrangements, participation in a variety of community-based helping programs as a mandatory condition of pretrial release. The advocates of diversion believe that many people now confined do not need to be incarcerated to ensure public safety and that diversion is both cheaper and more cost-effective than institutionalization. Consequently, some might argue that any serious attempt to improve jails is self-defeating in that it would channel off resources and energies that could better be used to create a significant system of alternatives to incarceration.

Diversion is certainly worthy of intensive and immediate exploration and initiatives. Similarly, the whole issue of meaningful bail reform, which would alleviate the injustices of the present system while providing for public safety, should be the subject of significant consideration and action. However, the public’s lack of recognition and/or understanding of these problems and its deep-seated antipathy to any measure that even remotely appears to be a softening of legal strictures militate against the creation of a

political climate in the foreseeable future that would be receptive to these laudatory and overdue improvements. Meanwhile, more than 1 million people annually are exposed to the current system of jail incarceration in which the only rational individual goal is sheer survival. Given the demonstrable potential of jails to harm such a substantial number of people, prudent, relevant steps must be taken to improve jails at least to the point at which they would no longer be institutions of debilitation. However desirable diversion may be, the local jail will remain a primary mode of dealing with pretrial and short-term offenders for many years.

It is not the purpose of this book to chronicle the many documentable horror stories emanating from municipal and county jails. Occasional media exposes and a variety of first-person and investigative reportage books have sufficiently covered that topic, with little lasting impact upon day-to-day operations. Instead, the objectives of this book are to provide the college student who is interested in a career in criminal justice with an introduction to and understanding of the jail problem in the United States and to give the worker in the field and interested citizens some pragmatic suggestions for effecting immediate improvements.

Ironically, the resources necessary to accomplish the task of jail reform exist in virtually every community in the country and frequently lie within the potentials of the institution's existing staff, *if* they are properly organized, trained, and directed. Identification and appropriate utilization of available community services and the adoption of modern managerial techniques are far more vital to the achievement of the goal than is a massive infusion of new funds, except in the more extreme cases. While increased budgetary support is, of course, highly desirable, jail managers and citizens can still affect marked improvements in the system, for the ultimate determinant of a good jail is the human dimension, i.e., management, staff dedication, number and quality of inmate interactions with staff and community, and other similar factors. The physical structure of a particular institution may help or hinder such efforts, but certainly does not in any instance prevent or prohibit them.

Currently, a matrix of forces is combining to assert pressure to affect at least some measure of reform. Perhaps foremost among these is the substantial amount of civil litigation questioning certain jail practices and procedures. Increasingly, inmates are successfully suing jails and responsible units of local government for negligence resulting in personal injury from assaults, homosexual rapes, and similar untoward occurrences. Several public interest legal groups have brought sweeping class action suits, seeking, and in some instances obtaining, major changes in intolerable conditions. The U.S. Department of Justice recently has also taken an activist role and has recently initiated legal action to alleviate cruel and unusual conditions of confinement and to eliminate racial segregation in several major

jails in various regions of the country. While temporary political pressures can be stonewalled and the best intentions of citizen reform groups can be dissipated in a maze of bureaucracy, court orders and substantial monetary awards for damages cannot be ignored.

Several states have established commissions to consider the formulation of mandatory minimum qualifications for local law enforcement and correctional personnel—a necessary, long overdue, first step in the upgrading of the criminal justice process. An increasing number of state legislatures are establishing minimum standards for the operation of local jails. The Commission on Accreditation for Corrections, a private organization originally sired by the American Correctional Association, is about to launch a national self-evaluation effort for all types of correctional agencies, including jails. The National Institute of Corrections, an agency within the U.S. Department of Justice, adopted the improvement of local facilities as a major thrust of its training efforts for fiscal year 1977. The National Sheriffs' Association has also made several attempts in recent years to improve facility management by expanding the knowledge base of its membership, which administers approximately 85 percent of all jails nationally.

In addition, a growing number of citizens' groups are being formed with the avowed purpose of improving local institutions. Inmates themselves have become significantly more aware of their rights. Several ex-offender groups around the nation are making a substantial contribution to jail reform both through public education efforts and by providing needed post release services to former clients of the system.

Fragmented and, in some instances, token as many of these efforts may be, they nonetheless represent positive action on many fronts toward the attainment of the reform objective. It is essential now to increase, mobilize, and sustain the interest of these diverse parties and to educate the public and correctional workers alike concerning both the urgent need for improvement and the pragmatic means by which to achieve it.

The end goal of such efforts is not to turn jails into resort hotels, as some reactionaries have not so subtly suggested. Rather it is to ensure that the men and women confined in local correctional institutions are treated fairly and humanely in an atmosphere that is conducive to fostering meaningful rehabilitative activities while providing for public safety. Ultimately, progressive jail management is primarily victim oriented by recognizing that successful intervention at an early stage of a criminal career prevents future crimes. Currently prevailing conditions merely serve to embitter, not correct—to foster criminal activity, not prevent it. In the cases of people who are in fact innocent detained and awaiting trial, it is an abominable indictment of the system that they are likely to emerge from the jail experience far worse off than when they entered. Hence, a well managed jail has the potential of being a positive asset to a community by having an impact upon both the local crime problem and the quality of justice.

This book provides an overview of the contemporary American jail and addresses the major aspects of jail operation with a view to their improvement. It is well to remember that there is no single answer to the jail problem, just as there is no single answer to the correction of those forms of deviant behavior which are defined by society as criminal. However, there are approaches that, when modified to meet local conditions and needs, can lead to vast improvement. Since crime is the result of a combination of disparate elements embedded deeply in the interactions of a particular individual with a given community, no jail can perform its task effectively unless it is perceived as being an integral part of the locality it serves. This concept makes it imperative to convert the traditional lockup into a community correctional center, if the jail is to have a valid and valued role in a modern criminal justice system.

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1

Overview of American Jails

We shouldn't treat cattle the way we have to house our inmates.

Anna M. Kross

The jail is old, dirty, and poorly run. The inmates are surly and show no respect or even fear of jail personnel. Supervision of inmate activity is of the most minimal kind as is the staffing of the jail. Inmates were dirty and smelly as were their cells. . . . Inmate abuse of other inmates probably runs pretty much unchecked since at no time during the tour did I encounter any guards supervising or checking an area.

Hans W. Mattick and Ronald P. Sweet

One prison official, ashamed and offended, referred to the dormitories as "the Black Hole of Calcutta."

Ronald Goldfarb

Welcome to the typical American jail—decrepit; underfunded; with too few and untrained, underqualified employees; temporary home to over 1 million people a year (many of them legally innocent); and key element in the criminal justice process. Exaggerated? Unfortunately not, although there are some notably positive exceptions. The sad truth is that too few people seem to know or care about what really happens in jails, unless they are unlucky enough to be in one. If, as Philadelphia's Mayor Frank Rizzo is fond of saying, "a conservative is a liberal who was mugged the night before," then surely a jail reformer is virtually anyone who has ever spent a night behind bars.

Within a given state, the quality and conditions of jails can vary greatly from county to county, for with few exceptions, jails are a wholly local responsibility and reflect the attitudes, philosophy, revenue base, and similar social, economic, and political factors found in a given community. Hence, it is quite possible to visit a jail that is a paragon of progressive correctional practice, only to drive a few minutes, cross a jurisdictional line, and encounter a hellhole in the next town or county. Most frequently, however, such personal forays into the correctional landscape result in the discovery of uniformly atrocious facilities that differ only in the specifics of the inhuman conditions and degree of poor management therein.

Neither this chapter nor this book as a whole are intended to present a sensationalistic view of the jail problem. The recitation of horror stories concerning local correctional facilities has been accomplished on many occasions and in many locales by the media and by various first-person articles and books. The difficulty with such approaches to reform is that their impact upon the reader is transitory and no solutions that recognize the real underlying causes of problems within the system are presented. The so-called first television generation, which grew up in the 1950s, was constantly exposed to Sergeant Friday's clarion call for "The facts, M'am, just the facts" on "Dragnet." Hence, this chapter, as an overview, will present a purely factual depiction of American jails.

Definition

As used in this book, a *jail* is an institution administered by a local unit of government that has the authority to detain adults for a period of 48 hours or longer.¹ In various locales, these facilities may also be known as detention centers, county prisons, workhouses, or houses of correction. This definition specifically excludes overnight lockups, which are frequently found in city police stations or precinct houses. The latter are not considered herein, since their only function is to hold people for a very brief period prior to an initial court appearance, at which time the individuals will either be released on bail or personal recognizance or remanded to a jail for purposes of further detention or incarceration.

Functions

Within the criminal justice system, jails serve three primary functions. First, they detain people awaiting trial who have not been able to post bail or secure release either on personal recognizance or by some sort of court approved third-party custody arrangement. In medium-sized or small municipalities and counties, jails may also perform the overnight detention function, which is usually performed by the police in the large, urban jurisdictions. Second, jails are the institutions in which convicted people sentenced to a term of less than one year (misdemeanants) serve their time. In several states, under certain specified conditions, jails may also be the place of sentence for long-term offenders (felons), but this practice is not common. Third, jails also hold individuals who have been convicted but not yet sentenced by the courts. Similarly, newly convicted felons are frequently confined in jails pending transfer to a state prison. One additional function, which, because of its nature, is not performed very often, is the holding of

material witnesses to ensure their appearance in court or their personal safety prior to testifying.

Contemporary social philosophy, sound correctional practice, and common sense mandate that juveniles who require detention prior to the disposition of their cases by the juvenile court be kept in appropriate, separate facilities established specifically for this purpose. Even if jails could guarantee total separation of juvenile from adult prisoners, the unique needs of youngsters and the exigencies of the juvenile justice system (a totally different and separate system than that for adults, with its own governing statutes, rules, and procedures) call for an entirely different type of facility in virtually every way. While in some areas jails do serve in fact as detention centers for juveniles, the practice is considered somewhat barbaric and not an appropriate function for a jail to assume.

Many small and medium-sized communities also use jails as de facto dumping grounds for any type of deviant or problem individual. For example, it is not unusual for a mentally disturbed person who is either manifesting or threatening disruptive behavior (which is not necessarily criminal) to be confined in jail pending some other disposition, which may take days, weeks, or, in some instances, months to finalize. Similarly, until relatively recent court decisions and enlightened legislation in some states prohibited the practice, chronic alcoholics, usually having been charged with public drunkenness, crowded jails throughout the nation in astronomical numbers. These people did not pose a danger to public safety, but were unwanted eyesores. Still today, in many areas, detention facilities serve as massive "drunk tanks."

Such practices are evidence of the failure of some local governments to provide appropriate, alternative resources and facilities for these types of people either through deliberate neglect or, in the case of many rural jurisdictions, because of a tax base too inadequate to support a full spectrum of services. Yet jails are neither equipped nor properly staffed to meet the special needs of people whose primary problems or "offenses" are of a physical or mental health nature. Nevertheless, jails cannot legally refuse to accept these people if they are committed under proper procedure. This dumping-ground function exists in practice, if not in theory, and constitutes a unique problem for conscientious jail managers. In reality, all these managers can do is to call public attention to the problem and hope that the local government will make an attempt to live up to its responsibility in this area, while simultaneously utilizing whatever resources they can develop in an effort to cope with the very real human problem at hand.

Objectives

Jails exist to *enhance public safety* by keeping in secure custody those people who are deemed a criminal threat to other people or property and to en-

sure that people awaiting court action appear for trial. In everyday operation, this translates into the prevention of escapes and the maintenance of order within the institution. That segment of operational policies and procedures designed to achieve this objective is referred to as “security.”

Jails are also expected to effect some measure of positive behavioral and/or attitudinal change on the part of the offender, i.e., to *rehabilitate* him or her. As a practical matter, a large number of jail administrators view this objective as either inappropriate or decidedly secondary in nature to that of public safety. Yet professional organizations such as the American Correctional Association, the National Sheriffs’ Association, and the National Jail Association, as well as such recently established bodies as the National Advisory Commission on Criminal Justice Standards and Goals and the President’s (Johnson) Commission on Law Enforcement and the Administration of Justice, view rehabilitation as a proper and major concern of jails.

If a criminal offender were merely confined for a given period of time, then ultimately public safety would not be served, since the individual in all likelihood would revert to unlawful conduct upon release because of a lack of attempted intervention into his or her behavioral patterns. In a very real sense, jails can contribute to a short-term achievement of public safety by the very act of incarceration; but a long-term contribution to the reduction of crime mandates the successful accomplishment of the rehabilitation objective.

Punishment is another very real objective of a jail. For a time, this concept fell out of fashion in polite conversation; but recently, it has returned in the form of a criminological “insight.” Short of the death penalty, deprivation of liberty is the most serious punishment that a democracy can impose. Forced separation from society in combination with the isolation and hyperregimentation that are facts of life in any institution constitute punishment by any rational definition.

Therefore, incarceration in and of itself is a major form of punishment. Odious conditions within an institution and such “programs” as having inmates wash floors with toothbrushes or dig ditches only to refill and redig them (an activity seriously recommended to me by a then member of Congress in open committee sessions) serve no valid purposes other than to embitter offenders and are thus wholly counterproductive to the attainment of the rehabilitation objective. The sage observation that “an individual is in prison as punishment, not for punishment” places this objective in its proper perspective.²

Types of Jails

There are three basic types of jails. The first is the *detention* jail, which is used solely to confine people awaiting trial. There is also the *sentenced* jail,