

Institutional Corrections

PART [3]

Part Three examines jail, prison, and parole. These three correctional components account for 3.2 million offenders daily.

How much have jail inmates, facilities, and staff changed since the country's first jail officially opened in Philadelphia in 1773? As you will learn, many of today's jails are large and some are quickly adapting high technology to their purposes. Even though only 6 percent of the nation's 3,283

locally operated jails are "mega" jails (having 1,000 or more cells), they hold 50 percent of the jail population. And why is it that with only 84 percent of all jail capacity occupied nationwide, jail staff perceive that jails are overcrowded? Staffing has not kept up with the increase in the jail population. Are privatization and accreditation solutions? You will decide.

Prisons also first developed in Pennsylvania. In 1790, a wing of the Walnut Street Jail was devoted to long-term incarceration and served as a model for the world's first prison, the Eastern State Penitentiary, in 1829. The architecture of jails and prisons changed over the years from linear to podular. Prisoner supervision

approaches also changed from indirect to direct. Regardless of all the changes, overcrowding remains a problem.

Each day, almost 2,000 people will leave prison. How prepared are they to reenter society? Did they receive the educational and vocational preparation and drug treatment they need to minimize their likelihood of reoffending? Unfortunately, probably not. Prisons simply do not have the resources to rehabilitate all inmates under their care. The federal Second Chance Act, passed by Congress in 2008, now hopes to help offenders make successful transitions from prison or jail back to the community by providing employment assistance, substance abuse treatment, housing, family programming, mentoring, victim support, and other services to reduce reoffending and violating probation and parole.





JAILS

Way Stations Along the Justice Highway

CHAPTER OBJECTIVES

After completing this chapter you should be able to do the following:

- 1 Understand how jail populations are different from prison populations.
- 2 List the purposes of jails.
- 3 Trace briefly the development of jails in history.
- 4 Explain how first-, second-, and third-generation jails differ in design and method of inmate management.
- 5 Outline the characteristics of jail inmates, facilities, and staff.
- 6 Outline the arguments for and against privatization.
- 7 Describe how jail vocational and educational programs affect inmate reentry.
- 8 Discuss how faith-based organizations and a jail chaplain can influence jail inmates and help jail staff.
- 9 Discuss why jail standards, inspection, and accreditation are important.
- 10 Discuss what is known about using evidence-based practices to treat substance abuse in jail.
- 11 Explain California's realignment act.

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Usually only one factor determines whether a defendant stays in jail before he comes to trial. That factor is not guilt or innocence. It is not the nature of the crime. It is not the character of the defendant. That factor is, simply, money. How much money does the defendant have?

—U.S. Attorney General Robert F. Kennedy, 1964

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Perhaps one of the most watched bail hearings of the decade was that of the “blade runner,” Paralympian Oscar Pistorius. On February 22, 2013, at the conclusion of the four-day hearing, Chief Magistrate Desmond Nair spent almost two hours detailing the charges against Pistorius and the origins of bail in the 13th century.

Nair confirmed that Pistorius would be charged with the premeditated murder of his girlfriend Reeva Steenkamp but said that the state had not convinced him that Pistorius was a flight risk or a threat to the community and fixed **bail** at \$113,000 (one million South African rand) with \$11,300 in cash up front and proof that the rest is available. The 26-year-old track star was also ordered to hand over his passport, turn in any guns he owned and stay away from his upscale home, which is now a crime scene. Pistorius was ordered not to leave his home district without his probation officer’s permission and is not allowed to consume drugs or alcohol.

The magistrate questioned whether Pistorius would be a flight risk because he stood to lose a fortune in cash, cars, property, and other assets. He also said that although it had been shown that Pistorius had aggressive tendencies, he did not have a prior record of offenses for violent acts. Therefore, he was not a threat to the community and granted bail for these reasons.

A month later, however, Pistorius’s lawyers succeeded in convincing the court to ease the bail restrictions. He is now permitted to leave South Africa to compete in international track meets if he provides an itinerary of his travel plans at least a week before he is due to leave. He must also hand his travel documents back to the court within 24 hours of returning home. He no longer has to be regularly supervised by a probation officer and is allowed to return to his home where he shot Steenkamp. In addition, the condition that he not be allowed to consume alcohol and could be tested at any time for alcohol and “prohibited substances” was also lifted.¹

Pistorius’s story isn’t much different from the thousands of men and women who enter our nation’s jails each day. Most are not as celebrated or as economically fortunate, but the offense similarities are surprising. As you’ll read in this chapter, jails are often disparaged in corrections, but in many places, that image is changing. Today’s jails have opportunities that were unheard of just a decade ago. Citizen advocates, community linkages, judicial oversight, and jail professionalism are changing the ways jails are operating. These windows of opportunity can leverage jails to successfully perform their functions.



On February 22, 2013, at the conclusion of a four-day bail hearing, Chief Magistrate Desmond Nair fixed Paralympian Oscar Pistorius’s bail at \$113,000 (one million South African rand) with \$11,300 in cash up front for the premeditated murder of his girlfriend Reeva Steenkamp. What are the alternatives to money bail if one does not have Pistorius’s wealth?

bail

A written obligation with or without collateral security, given to a court to guarantee appearance before the court.

BAIL AND PRETRIAL RELEASE IN THE UNITED STATES

The Eighth Amendment of the United States Constitution provides that bail not be excessive for people accused of offenses:

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Bail is “excessive” when it is set at a figure higher than an amount reasonably likely to ensure the defendant’s presence at the trial. You learned in Chapter 1 that a person’s bail can be decided at several stages of the pretrial process (arrest, initial appearance, preliminary hearing, and arraignment). The pretrial process a person goes through and the type of bail available depends on the state and jurisdiction in which she or he is arrested.

A person may be released after their arrest in several ways as they await their court date. The release options that require money to get out of jail pretrial are:

- **Cash bond.** Pay the full bail amount.
- **Deposit bond.** Pay a percentage of the bail amount, usually 10 percent.
- **Property bond.** Submit a deed that allows the court to place a lien on a property.
- **Bail bond.** Pay a nonrefundable fee, usually 10 percent of the bail amount, to a for-profit bail bonding company that enters into an agreement with the court that, in the event the person misses a court appearance, the company would owe the court the full amount of the monetary bail.

The release options that do not involve money up front to get out of jail pretrial are:

- **Release on recognizance.** A promise to return to court.
- **Conditional release.** Release under specific conditions.
- **Release to pretrial services.** Conditions set by a supervising pretrial service agency.
- **Unsecured bond.** The person will be liable for a fee if he or she misses the court hearing.

Concerns over Money for Bail

Until the 1990s, release on recognizance was the most common type of pretrial release. By 2006, however, its use had declined by one-third and the use of financial pretrial release through commercial bail bonding companies increased proportionally.²

The judicial system predominantly depends on monetary bail under the assumption that it protects public safety and ensures that the released individual returns to court. However, jurisdictions differ on how they determine what types of bail to set, how much monetary bail is set, and the methods of allowable payments to secure one’s release from jail. California alone has 58 different bail schedules to determine monetary amounts as they relate to the alleged offense.³ When a jurisdiction such as California has so many different bail schedules, the amounts of monetary bail for a charge will vary considerably.

A snapshot of the Baltimore City Jail in Maryland, one of the 20 largest jails in the United States and a detention center that tracks monetary bail amounts, showed that 1 of every 14 people in pretrial detention were held on a total monetary bail of \$5,000 or less on February 12, 2012. This means persons are detained because they cannot pay the full monetary bail or the bail bond of \$500.⁴

On the next day, February 13, 2012, 62 persons were detained for monetary bail amounts of \$1,000 or less and 19 people were held for monetary bail amounts of anywhere between \$100 to \$250. Too dangerous to be released? Probably not. These individuals were charged with nonviolent offenses such as trespassing, theft, driving on a suspended license, prostitution, failure to pay child support, minor drug charges, and technical violations of supervised release. Considering that keeping someone in jail for a day costs on average \$60 (\$100 in California and \$107 in Florida), the \$9 billion financial burden of detaining someone in jail suggests that in cases with low monetary bail amounts, another release option would better use public money.

The practice of paying money for bail is under considerable scrutiny. Research shows that people held in jail pretrial end up with more restrictive sentencing outcomes than people who are free pending trial. People held in jail pretrial are more likely to be convicted of a felony, receive a sentence of incarceration, and be sentenced longer than those released pretrial. Others have found that the interaction between race and other factors such as age, gender, and socioeconomic status can also affect the decision to be released pretrial. Because of a person's race, she or he may have difficulty finding a job and will therefore be seen as a flight risk because of an unstable source of income. Blacks are less likely to be released on their own recognizance than white defendants, and blacks ages 18 to 20 receive significantly higher monetary bail amounts than all other types of defendants.⁵

Persons who are able to post monetary bail may deplete the funds of their family and friends that are needed for rent, food, and bills. If a person is unable to post monetary bail, she or he may lose her or his job, default on financial obligations, and lose property. The American Bar Association's standard relating to pretrial release offered this analysis: "The requirement that virtually every defendant post [monetary] bail . . . imposes personal hardship on them, their families, and on the public which must bear the cost of their detention and frequently support their dependents on welfare."⁶ U.S. Attorney General Eric Holder said that the jail system costs 9 billion taxpayer dollars annually, much of which could be saved by using recognized tools to measure the risks that a defendant will not return for required court appearances if released.⁷

Other consequences of being held in jail pretrial aren't always so visible, but researchers and others have noticed them.⁸ A person who is in pretrial detention cannot dress as well as someone who comes to trial from home. Jurors who see defendants in shackles and jail uniforms may equate those outward features as signs of dangerousness. Pretrial detention limits a person's ability to work with his or her attorney to prepare a defense, contact witnesses, and help with other activities due to limited telephone use. Pretrial detention may disrupt a medical routine. Children whose parents are held in jail pretrial may have to move and disrupt their education. For these and other reasons, many argue today that the ability to maintain one's job, housing, caregiver responsibilities, and other matters should be available to all people awaiting their court date within the parameters of safety but not requiring they have financial resources to do so.



Visit <http://www.npr.org/templates/story/story.php?storyId=122725849> or scan this code with the QR app on your smartphone or digital device and listen to the podcast of the problems of the American money bail system and how the powerful commercial bail bonding lobby blocks pretrial services programs. How does this information relate to ideas discussed in this chapter?

Whether monetary bail increases community safety is also an issue. Some have said that there is no empirical evidence to support this idea.⁹ They argue that although a judge may have reason to detain a person out of concern for community safety and thus set a high monetary bail amount, some defendants, such as Bernie Madoff, can post a \$10 million bail and remain free until trial and sentencing. The thinking also goes that a for-profit bonding company may recognize that a 10 percent fee from a high bail amount will result in a hefty profit and decide to post the bond to make a profit. On the other hand, bail bondspersons almost never write bail bonds for \$1,000 or less because there is only a small profit to be made. They are far more likely to underwrite high bail amounts, which means that defendants charged with serious offenses are more likely to obtain bail than those accused of minor crimes.¹⁰ This also means that bail bondspersons, not prosecutors or judges, are making critical decisions affecting the freedom of those accused of crime.

Commercial bail bonding companies wield considerable financial and political power. They have a strong interest in preserving the practice of monetary bail because it is the source of their income. They oppose release alternatives that do not involve money up front to get out of jail pretrial because it would lower their profits. In Maryland, for example, the for-profit bail bonding industry has been successful in stopping legislation that would more closely regulate the industry. However, four states (Illinois, Kentucky, Oregon, and Washington) have banned the involvement of for-profit bail bonding companies in the judicial process. Other jurisdictions, such as Broward County, Texas, and Philadelphia, Pennsylvania, have also chosen to ban the industry even if their state has not.

Effective Alternatives to Monetary Bail

Researchers estimate that at least 25 percent of the 744,524 inmates confined in local jails could be released pretrial without increasing offenses or failure to appear if effective alternatives to monetary bail are put in place.¹¹ Other research shows that the American public believes that effective alternatives are better than relying on incarceration for people convicted of low-level, nonviolent offenses. In one study, 60 percent supported the idea of releasing people to pretrial services instead of requiring monetary bail.¹²

Pretrial service agencies typically assist judicial officers in making appropriate release decisions by formulating release recommendations and providing supervision and services to defendants awaiting trial whom the agency can reasonably assure their return to court and no engagement in criminal activity. The U.S. Probation and Pretrial Services System and about one-third of the counties in the United States provide pretrial service functions for their respective courts. They administer evidence-based risk assessment tools to determine a defendant's risk of failing to appear at court and engaging in illegal activity while awaiting trial. They then make recommendations to judicial officers regarding the best release option for the person accused of the offense. If the defendant is released under a condition of pretrial service supervision, the pretrial officer will monitor the services in accordance with the risk assessment and the court's order. Pretrial service or probation and pretrial career opportunities with federal courts are available in 93 of the 94 U.S. district courts. Exhibit 6–1 presents the Code of Ethics of the National Association of Pretrial Services Agencies.

Researchers at Florida State University analyzed data from the Broward County (Florida) Department of Community Control from 2005 through 2010. They found that the use of pretrial release had doubled (1,013 to almost 3,000) during that period. The program decreased the



jail population by 1,000 inmates, reduced the average jail stay to 26 days (the lowest in five years), tripled savings from \$30 million in 2005 to \$104 million in 2010, and reduced the per day client cost from \$107.71 in 2005 to only \$1.48 in 2010. The researchers suggest that when pretrial release is used with evidence-based practices, significant cost savings are realized.¹³

In addition to the use of pretrial service supervision, a number of other effective alternatives to monetary bail are effective. The use of evidence-based risk assessment can provide insight into the need to detain persons who may pose a risk to public safety or not appear for court. These tools usually classify persons as low risk, moderate risk, or high risk based on a review of their criminal history, education, employment, substance abuse, social networks, cognitions (thinking patterns), housing, finances, and recreation. The level of risk can then set into action the appropriate release option and match the offender with services (responsivity) that increase his or her appearance at court and reduce the threat to public safety. The use of valid risk assessment tools is still in its infancy across the United States, but more jurisdictions are beginning to implement them.

Another effective alternative to monetary bail is the increased use of citations instead of arrest and booking. Maryland, North Carolina and Wisconsin are part of a growing number of states that have passed laws to expand the use of citation releases by law enforcement in lieu of custodial arrests for non-violent offenses. Custodial arrests are enormously expensive and too often result in the unnecessary detention of low-risk individuals. There is public support for citations in lieu of arrest and booking for possession of small amounts of marijuana, driving with no operator's license, reckless driving, driving while license is revoked, and disorderly conduct.¹⁴

Another option to monetary bail is the use of release on recognizance for low-risk defendants. Low-risk defendants generally appear in court and are not rearrested because they are generally responsible in other areas of their lives.

Technology in the form of automated phone calls, text messages, and e-mails can remind individuals of court dates and reduce failure to appear rates, thereby decreasing reliance on monetary bail after individuals fail to appear in court. These notification programs are used in the Miami County (Ohio) Municipal Court, Los Angeles County Traffic Court, and Multnomah County (Oregon) Circuit Court. All three jurisdictions have seen a reduction in failure to appear rates: 83 percent reduction in Miami County, 20 percent in Los Angeles County, and almost 45 percent in Multnomah County. Multnomah County launched its court notification program in 2005. In 2007, it reported a saving of \$1.6 million for the county. Other counties are reaching out more aggressively to pretrial defendants with mailed post cards and personal telephone calls answering defendants' questions.

A final release option is to implement a deposit bond with the court and eliminate the need for commercial bail bonding. Illinois adopted this approach in 1963. Although it still uses monetary bail, the defendant pays 10 percent of her or his bond directly to the court. If she or he appears for all court dates and is not rearrested during the pretrial and trial process, all but a 3 percent administrative fee is returned. Failure to appear results in rearrest and liability for the full bond amount.



PURPOSE OF JAILS

Except for six states that run combined jail/prison systems (Alaska, Connecticut, Delaware, Hawaii, Rhode Island, and Vermont), **jails** are locally operated correctional facilities that confine people before or after

jails

Locally operated correctional facilities that confine people before or after conviction.

EXHIBIT 6-1 National Association of Pretrial Services Agencies (NAPSA) Code of Ethics

As a pretrial services professional I will:

- Assist the criminal justice system in its dealings with pretrial defendants to the best of my ability and will conduct myself as a professional at all times;
- Respect the dignity of the individual, be they defendants, victims, or fellow criminal justice professionals;
- Respect the dignity and integrity of the court;
- Respect the presumption of innocence of all defendants, until proven guilty beyond a reasonable doubt, and to uphold the fundamental right of every accused person who has been arrested and is facing prosecution under the U.S. criminal justice system;
- Pledge that the information I provide to the court and the decisions I make are as accurate and objective as possible;
- Treat all people equally regardless of race, national origin, disability, age, gender, sexual orientation or religion;
- Protect the confidentiality of all information obtained, except when necessary to prevent serious, foreseeable, and/or imminent harm to a defendant or other identifiable person(s);
- Avoid impropriety or the appearance of impropriety;
- Avoid any conflicts of interest and will not evaluate, supervise and/or provide services to anyone I have an existing relationship with, nor enter into a personal or business relationship with anyone I evaluate, supervise or provide services to;
- Continue to pursue my own professional development and education to further my expertise in the field;
- Promote the growth of pretrial services, as well as encourage and cooperate with research and development in advancing the field;
- Respect and promote the fundamental principles and professional standards which guide pretrial services and will implement these best practices to the extent I am able;
- Refrain from providing legal advice to any pretrial defendants; and lastly,
- Promise to conduct myself as an individual of good character who will act in good faith in making reliable ethical judgments.

conviction. Jails are different from prisons (the subject of Chapter 7) in a number of ways that you will learn about as you read. The fundamental difference between jail and prison is the nature of their populations.¹⁵

Total admission is the total number of persons admitted to jail each year, which falls between 10 million and 13 million. That translates into about 34,000 people released from jails each day and about 238,000 released each week.

The **average daily population (ADP)**, on the other hand, is the sum of the number of inmates in a jail or prison each day for a year divided by the total number of days in the year. Jail ADP at midyear 2012 was 744,524. Prison total admission is estimated at 665,000 a year, and prison ADP at year-end 2012, was 1,571,013 adults (see Chapter 7). The *daily* population of jails is lower than that of prisons, but the *annual* total of people incarcerated in jails is higher. Put another way, it takes almost two years for the nation's state and federal prison population to turn over once; the jail population turns over almost 17 times each year. The jail population is, thus, dynamic, and the prison population is static. The changing nature of jail populations raises significant issues and problems that form the core of this chapter.

total admission

The total number of people admitted to jail each year.

CO6-1

average daily population (ADP)

Sum of the number of inmates in a jail or prison each day for a year, divided by the total number of days in the year.

At midyear 2012, local jail authorities held or supervised 808,622 offenders.¹⁶ Jail authorities supervised almost 8.0 percent of these offenders (64,098) in alternative programs outside jail facilities (see Exhibit 6–7 later in the chapter). A total of 744,524 were housed in local jails.

Inmates sentenced to jail usually have a sentence of 1 year or less. Seventy percent are released within 3 days; however, an estimated 20 percent will spend at least 1 month, 12 percent at least 2 months, and 4 percent will spend more than 6 months.¹⁷

At midyear 2012 the majority of the nation’s jail population (60 percent) were pretrial detainees.

Jails also incarcerate persons in a wide variety of other categories. Jails are used to do the following:

- Receive persons awaiting court action on their current charge.
- Readmit probation and parole violators and bail-bond absconders.
- Detain juveniles until custody is transferred to juvenile authorities.
- Hold persons with mental illness until they are moved to appropriate health facilities.
- Hold individuals for the military.
- Provide protective custody.
- Confine persons found in contempt.
- Hold witnesses for the courts.
- Hold inmates about to be released after completing a prison sentence.
- Transfer inmates to federal, state, or other authorities.
- House inmates for federal, state, or other authorities because of crowding of their facilities.
- Operate some community-based programs as alternatives to incarceration.
- Hold inmates sentenced to short terms (generally under one year) of incarceration.
- Hold persons for U.S. Immigration and Customs Enforcement.

For all their important roles and responsibilities, jails have been a disgrace to every generation.¹⁸ Many of the nation’s 3,283 locally operated jails are old, overcrowded, poorly funded, scantily staffed by underpaid and poorly trained employees, and given low priority in local budgets. Yet a strong groundswell of support is rising for the nation’s jails. Tomorrow’s jail professionals have tremendous opportunities to continue that momentum. Progress is being made because of new emphases on incorporating evidence-based practices, jail education, staff selection and training, professional associations, standards, technology, accountability, and laws, among other things. Groups such as the American Jail Association (AJA) are advancing jail professionalism through training, information exchange, technical assistance, publications, and conferences. Members of the AJA include sheriffs, jail administrators, judges, attorneys, educators,

CO6-2



Visit <http://channel.nationalgeographic.com/channel/videos/county-jail-booking-center/?videoDetect=t%252Cf> or scan this code with the QR app on your smartphone or digital device and watch this podcast of jail booking at the Multnomah County (Oregon) detention center. How does this information relate to ideas discussed in this chapter?



Almost 40 percent of the nation’s jails like the one pictured are small (less than 50 cells), holding only 3 percent of the jail population. Most small jails were built in the early part of the 20th century. What management style does this jail suggest?

EXHIBIT 6–2 American Jail Association**Mission Statement**

To band together all those concerned with or interested in the custody and care of persons awaiting trial, serving sentences, or otherwise locally confined; to improve the conditions and systems under which such persons are detained.

To advance professionalism through training, information exchange, technical assistance, publications, and conferences.

To provide leadership in the development of professional standards, pertinent legislation, management practices, programs, and services.

To present and advance the interests, needs, concerns, and proficiency of the profession as deemed appropriate by the membership and their representatives.

Source: Copyright © American Jail Association. Reprinted with permission.

correctional staff, jail inspection officials, health care providers, and clergy. The AJA mission statement is shown in Exhibit 6–2. This chapter will explore the problems of jails of the past and present and discuss direction for the 21st century.

CO6-3**JAILS IN HISTORY**

It is believed that King Henry II of England ordered the first jail built in 1166. The purpose of that jail was to detain offenders until they could be brought before a court, tried, and sentenced. From that beginning, jails spread throughout Europe but changed in scope and size over time.

With the development of workhouses and poorhouses in the 15th and 16th centuries in England, sheriffs took on the added responsibility of supervising vagrants, the poor, and the mentally ill. These institutions, despite their distinct names, were indistinguishable from jails. Their squalid, unhealthy conditions and the sheriffs' practice of demanding money from persons under their charge caught the attention of 18th-century Enlightenment reformers. One such reformer was the English sheriff John Howard (see Chapter 2 for a discussion of Howard as a correctional reformer). In 1779, England's Parliament passed the four jail reforms that Howard proposed: secure and sanitary structures, jail inspections, elimination of fees, and an emphasis on reforming prisoners. To this day, the John Howard Association and *Howard Journal* carry Howard's ideas forward.

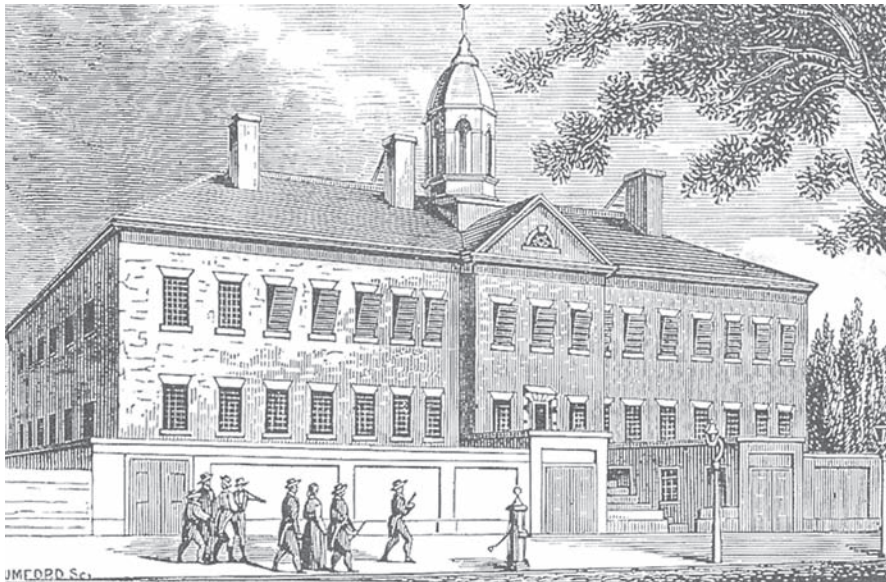
The Staff Speaks

Visit www.mhhe.com/schmallegger7e to see this feature.

First Jail in the United States

The first jail in the United States was the Walnut Street Jail in Philadelphia, built in 1773. The jail housed offenders without regard to sex, age, or offense. Following the jail's opening, conditions quickly deteriorated. According to some, the jail became a "promiscuous scene of unrestricted intercourse, universal riot, and debauchery."¹⁹ The Philadelphia Quakers had wanted the Walnut Street Jail to be a place where inmates reformed themselves through reflection and remorse.

In 1790 the Philadelphia Society for Alleviating the Miseries of Public Prisons and the General Assembly of Pennsylvania designated a wing of the Walnut Street Jail a penitentiary. Implementing Quaker beliefs, the penitentiary emphasized prisoner reform through reflection and penitence



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The Walnut Street Jail, started in Philadelphia in 1773, originally housed offenders without regard to sex, age, or offense. Following its redesignation as a penitentiary in 1790, it housed only convicted felons. Which religious group's principles influenced correctional institutions in Pennsylvania?

and rehabilitation through good conduct. Sixteen solitary cells were added to the facility and workshops were built. Alcohol and prostitution were prohibited; prisoners were segregated by sex, age, and offense; diets were monitored; guardians were appointed to care for minors; and religious, health care, and educational services were provided. Debtors were housed separately from the general inmate population and had no such privileges. Their prison conditions were pitiful, and many debtors starved.²⁰

In 1798 a fire destroyed the workshops at Walnut Street. The destruction brought about disillusionment and idleness. Rising costs crippled the jail's budget. Disciplinary problems rose with overcrowding, and escape and violence increased. The number of inmates who were destitute vagrants or debtors soared as did the incidence of disease. There were political conflicts between the religious Quakers and the non-Quaker prison board members. Prisoners rioted on March 27, 1820, and on October 5, 1835, the Walnut Street Jail closed. State prisoners were transferred to the new Eastern State Penitentiary in Philadelphia, the first institution of its kind in the world (see Chapter 7). County inmates and those awaiting trial were transferred to a new county jail.

By the close of the 19th century, most cities across the United States had jails to hold persons awaiting trial and to punish convicted felons. The sheriff became the person in charge of the jail. As crime increased and urban centers expanded, jails grew in importance, as did the sheriffs' control over jails.

United States Jails in the 20th Century

On any given day, America's jails serve a variety of functions. They detain people awaiting arraignment or trial, 60 percent at midyear 2012. They confine offenders serving short sentences for less serious offenses. Jails also serve as surrogate mental hospitals, a topic we return to later in this chapter and in Chapter 12. They frequently detain people with drug or alcohol dependency. They are the first stop on the social services highway for the homeless, street people, and some with extremely poor physical health, especially those with HIV, AIDS, and tuberculosis (TB). We expand on the characteristics of today's jail population later in this chapter.

CO6-4

Architecture and Inmate Management

In an attempt to better manage and control inmate behavior, jails have progressed through three phases of architectural design. Each design is based on a particular philosophy of inmate management and control.

First-Generation Jails First-generation jails were built in a linear design that dates back to the 18th century, when prison and jail design was shifting from single-cell and religious emphasis to congregate housing and secular administration (more on the history of correctional architecture is presented in Chapter 7).

In a typical **first-generation jail**, inmates live in multiple-occupancy cells or dormitories. The cells line corridors that are arranged like spokes. Inmate supervision is sporadic or intermittent; staff must patrol the corridors to observe inmates in their cells. Contact between jailers and inmates is minimal unless there is an incident to which jailers must react (see Exhibit 6–3).

The design of such linear jails reflects the assumption that inmates are violent and destructive and will assault staff, destroy jail property, and try to escape. The facility is designed to prevent these behaviors. Heavy metal bars separate staff from inmates. Reinforced metal beds, sinks, and toilets are bolted to the ground or wall. Reinforced concrete and razor wire surround the facility.

The biggest problem with first-generation jails is the inability of an officer to see what is going on in more than one or two cells at a time. That limitation gave rise to the second-generation jails of the 1960s.

Second-Generation Jails Second-generation jails emerged in the 1960s to replace old, run-down linear jails and provide officers the opportunity to observe as much of the housing area as possible from a single vantage point.

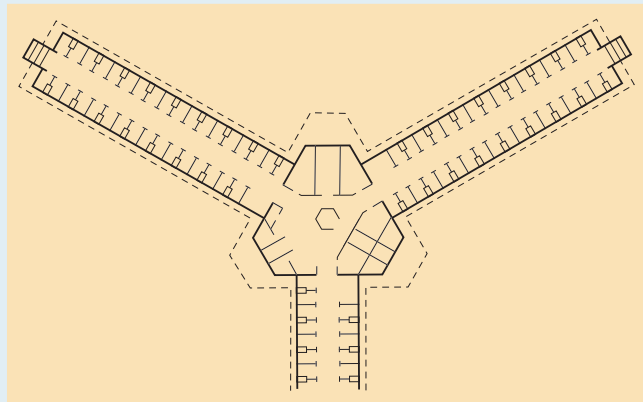
Second-generation jails adopted a different philosophical approach to construction and inmate management. In a **second-generation jail**, staff remain in a secure control booth overlooking inmate housing areas, called *pods* (see Exhibit 6–4). Although visual surveillance increases in such jails, surveillance is remote, and verbal interaction with inmates is even less

first-generation jail

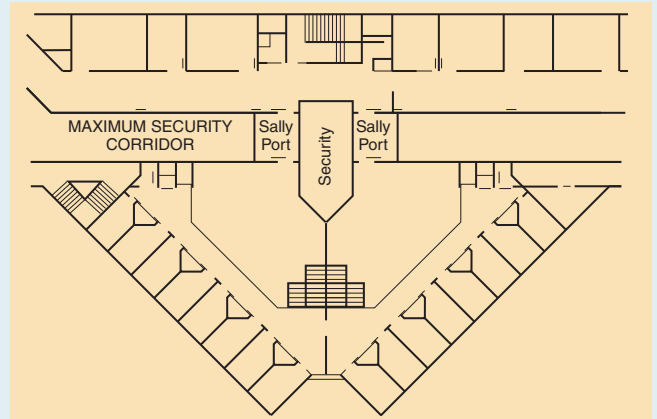
Jail with multiple-occupancy cells or dormitories that line corridors arranged like spokes. Inmate supervision is intermittent; staff must patrol the corridors to observe inmates in their cells.

second-generation jail

Jail where staff remain in a secure control booth surrounded by inmate housing areas called *pods* and surveillance is remote.

EXHIBIT 6–3 First-Generation Jail—Intermittent Surveillance

Cells line corridors in first-generation jails. Unable to observe all inmate housing areas from one location, prison and jail staff must patrol inmates' living areas to provide surveillance. What are the consequences of first-generation jails?

EXHIBIT 6-4 Second-Generation Jail—Remote Surveillance

Inmate living areas are divided into pods, or modules, in which cells are clustered around dayrooms that are under remote observation by staff in a secure control room. What are the consequences of second-generation jails?

frequent than in first-generation jails. Property destruction is minimized because steel and cement continue to define the living areas. Outside, fences and razor wire continue to discourage escapes as well as unauthorized entry. Second-generation jails have been termed *podular remote-supervision facilities*.

Although staff can observe activity in common areas, or *dayrooms*, they are unable to respond quickly to problems or even to interact effectively with inmates because of the intervening security control booth. In both the first- and second-generation jails, the biggest problem is that staff and inmates are separated. As David Parrish, former detention commander for the Hillsborough County Sheriff's Department (Tampa, Florida) put it, "Staff managed the hallways and control rooms, generally about 10 percent of the facility, while inmates ran the housing areas, roughly 90 percent."²¹

Third-Generation Jails Third-generation jails, also known as *direct-supervision jails*, emerged in 1974 when the Federal Bureau of Prisons opened three Metropolitan Correctional Centers (MCCs) in three cities: New York, Chicago, and San Diego. These three federal facilities were the first jails planned and designed to be operated under the principles of unit management, which later became known as *direct supervision* (see Exhibit 6-5 for a list of the nine principles of direct supervision). The housing unit design of such jails is podular. Inmates' cells are arranged around a common area, or dayroom. There is no secure control booth for the supervising officer, and there are no physical barriers between the officer and the inmates. Direct supervision places a single deputy directly in a "housing pod" with between 32 and 64 inmates. The officer may have a desk or table for paperwork, but it is in the open dayroom area.

In a third-generation jail, the inmate management style is direct supervision. An officer is stationed in the pod with the inmates, much like a teacher in a classroom. The officer moves about the pod and interacts with the inmates to manage their behavior. Advocates of direct supervision tell us that when correctional officers are in constant and direct contact with inmates, they get to know them and can recognize and respond to trouble before it escalates into violence.

third-generation jail (also direct-supervision jail)

A jail where inmates are housed in small groups, or pods, staffed 24 hours a day by specially trained officers. Officers interact with inmates to help change behavior. Bars and metal doors are absent, reducing noise and dehumanization.

EXHIBIT 6-5 Nine Principles of Direct Supervision

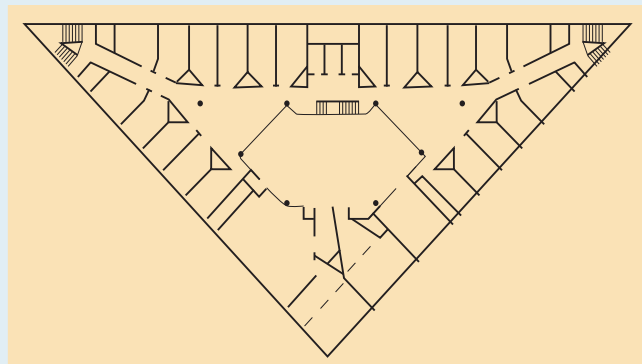
1. **Effective control.** The unit officer is the secure perimeter.
2. **Effective supervision.** Continuous supervision is maintained by the unit officers.
3. **Competent staff.** Correctional standards guide recruitment.
4. **Staff and inmate safety.** Performance-based data are collected.
5. **Manageable and cost-effective operations.** There are more architectural choices, commercial-grade furnishings, and equipment options.
6. **Effective communication.** Direct communication exists between inmates and officers, officers and supervisors.
7. **Classification and orientation.** Know with whom you are dealing; intense supervision is maintained for the first 12 to 72 hours.
8. **Justice and fairness.** Unit officers exercise primary informal discipline.
9. **Ownership of operations.** Inmate policy decisions are guided by a team approach.



Visit <http://www.youtube.com/watch?v=f44GSsIWbJw> or scan this code with the QR app on your smartphone or digital device and watch a podcast on the philosophy of direct supervision. How does this information relate to ideas discussed in this chapter?

The pod contains sleeping areas, dayroom space, all necessary personal hygiene fixtures, and sufficient tables and seats to accommodate unit capacity. Officers are not separated from inmates by a physical barrier. Officers provide frequent, nonscheduled observation of and personal interaction with inmates (see Exhibit 6-6). Due to the close contact, officers are expected to detect signs of tension between inmates and defuse the situation by either talking with inmates or by restricting privileges. They do this by using their communication skills training to maintain a nonviolent environment. Furnishings are used to reduce inmate stress caused by crowding, excessive noise, lack of privacy, and isolation from the outside world. Bars and metal doors are absent, reducing noise and the dehumanization common in first- and second-generation jails.

Direct-supervision jails facilitate staff movement, interaction with inmates, and control and leadership over pods. By supervising inmate activities directly, the staff can help change inmate behavior patterns rather than simply react to them. Staff control inmate behavior through the enforcement of boundaries of acceptable behavior and the administration

EXHIBIT 6-6 Third-Generation Jail – Direct Supervision

Cells are grouped in housing units, or pods. Each pod has a central dayroom. Prison staff are stationed inside the housing unit to encourage direct interaction between inmates and staff. What are the consequences of direct-supervision jails?

of consequences for violating the boundaries. Observing unacceptable behavior and administering consequences is less likely to occur in first- and second-generation jails where staff supervision is sporadic and remote.

Some researchers tell us that pods and direct supervision provide a safer and more positive environment for inmates and staff than do first- and second-generation jails.²² But other researchers have found few differences between the perceptions of officers in new generation versus traditional facilities.²³ In one study, new generation officers were no more satisfied with their jobs, did not feel more connected to their coworkers, did not believe communication was improved, did not feel any greater sense of personal involvement in their work, and were just as likely to see their jobs as monotonous and routine as officers working in the more traditional facility. Possible reasons for the lack of difference include the short history of direct supervision, little supporting data, and the belief among sheriffs and jail administrators that direct-supervision facilities are not as “safe” or “strong” as remote-supervision facilities because of distance and physical separation from inmates.²⁴ Simply put, many agencies are not comfortable removing the “barriers” between “us and them.”

The first direct-supervision county jail in the United States was the Martinez Detention Facility in Contra Costa, California. It opened in January 1981. Today, an estimated 349 of the 3,283 local jails use direct supervision, but as one researcher has asked, “Are they really direct-supervision jails?”²⁵ After receiving surveys from half of the direct-supervision jails, Christine Tartaro, professor of criminal justice at the Richard Stockton College of New Jersey, found that although many jails are being called direct supervision, few of them truly are. Only 40 percent said their facilities operate under a unit management structure, and few offered any inmate services other than recreation on the pod. The majority operated under traditional centralized management and a few used elements of both. Tartaro also found that half of the direct-supervision jails offered correctional officers no more than two days of communication skills training even though the training requirements for learning to communicate with a diverse group of inmates are difficult and need more than one or two days of instruction. The majority of Professor Tartaro’s sample (70 percent) also identified their jail’s furnishings and fixtures as vandalism resistant and half bolted their furniture to the floor, conveying the message that inmates are expected to misbehave. (The first MCCs outfitted inmate living areas with normalized commercial fixtures, furnishings, and finishes.) Furthermore, because of jail crowding, the majority of the inmates in direct-supervision facilities are no longer housed in single cells. Tartaro believes that jails that are only partially implementing the direct-supervision model are not secure or well-run facilities. This may explain why there are few differences between the perceptions of officers in new generation versus traditional facilities. This risks giving a bad reputation to those that are truly operating under the nine principles of direct supervision as escapes, riots, violence, or no change in the officers’ perceptions of their work environments occurs in the partially implemented third-generation jails.

CHARACTERISTICS OF JAIL INMATES, FACILITIES, AND STAFF

CO6-5

Who is in jail? Why are they there? How many jails are there? How many people work in jails? What do we know about the operation and administration of jail facilities? To these and related questions we now turn our attention.

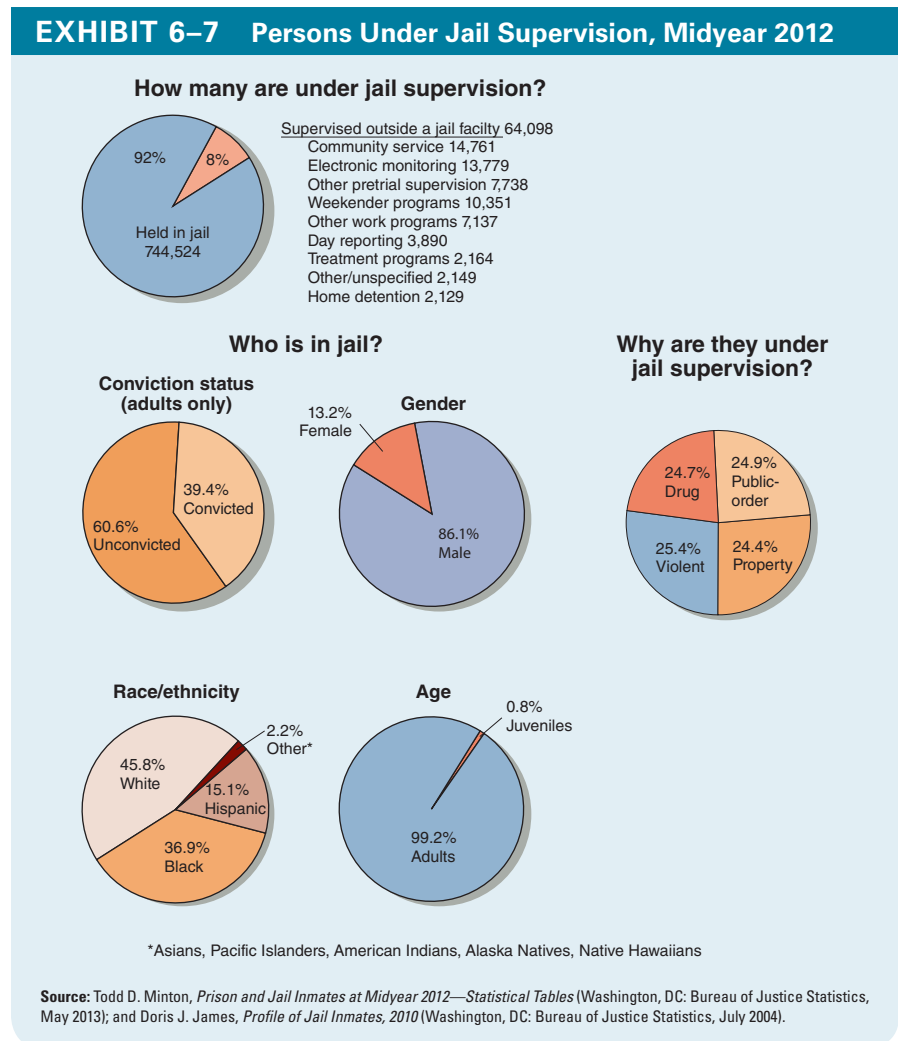
Jail Inmates

The characteristics of jail inmates have changed little over the past decade. Since 2000, almost 9 of 10 jail inmates have been male; 4 of 10 have been white; 4 of 10 have been black; and 1 percent or less have been juveniles.

In June 2012, local jail authorities held or supervised 808,622 offenders. After three consecutive years of decline in the nation’s jail population, the number of persons confined in local jails increased by 1.2 percent (or 8,923 inmates) between midyear 2011 and 2012. The majority of the increase occurred in California as a result of public safety realignment, a court-ordered public policy to reduce the number of inmates housed in state prisons starting October 1, 2011, and discussed at the end of this Chapter. Excluding the increase in California’s jail population, the nationwide jail population would have remained relatively stable during the period.

In 2012, almost 8.0 percent of these offenders (64,098) were supervised outside jail facilities (see Exhibit 6–7). A total of 744,524 were housed in local jails. Jails also held almost 23,000 immigrants (asylum-seekers, people suspected of being in the United States illegally, and legal immigrants convicted of crimes) for the U.S. Immigration and Customs Enforcement, nearly double the number held in 2000.

EXHIBIT 6–7 Persons Under Jail Supervision, Midyear 2012



One not-so-promising statistic is the steady percentage in the number of jail inmates who are pretrial detainees (60.6 percent in 2012, up from 56 percent in 2000), leading one of the country's most respected voices in jail issues, Dr. Ken Kerle, to write that "this is another unhappy sign that inmate processing is slowing down."²⁶ If more jail inmates are not being tried, convicted, or sentenced, jail resources become overburdened, crowding results, and the conditions of confinement worsen.

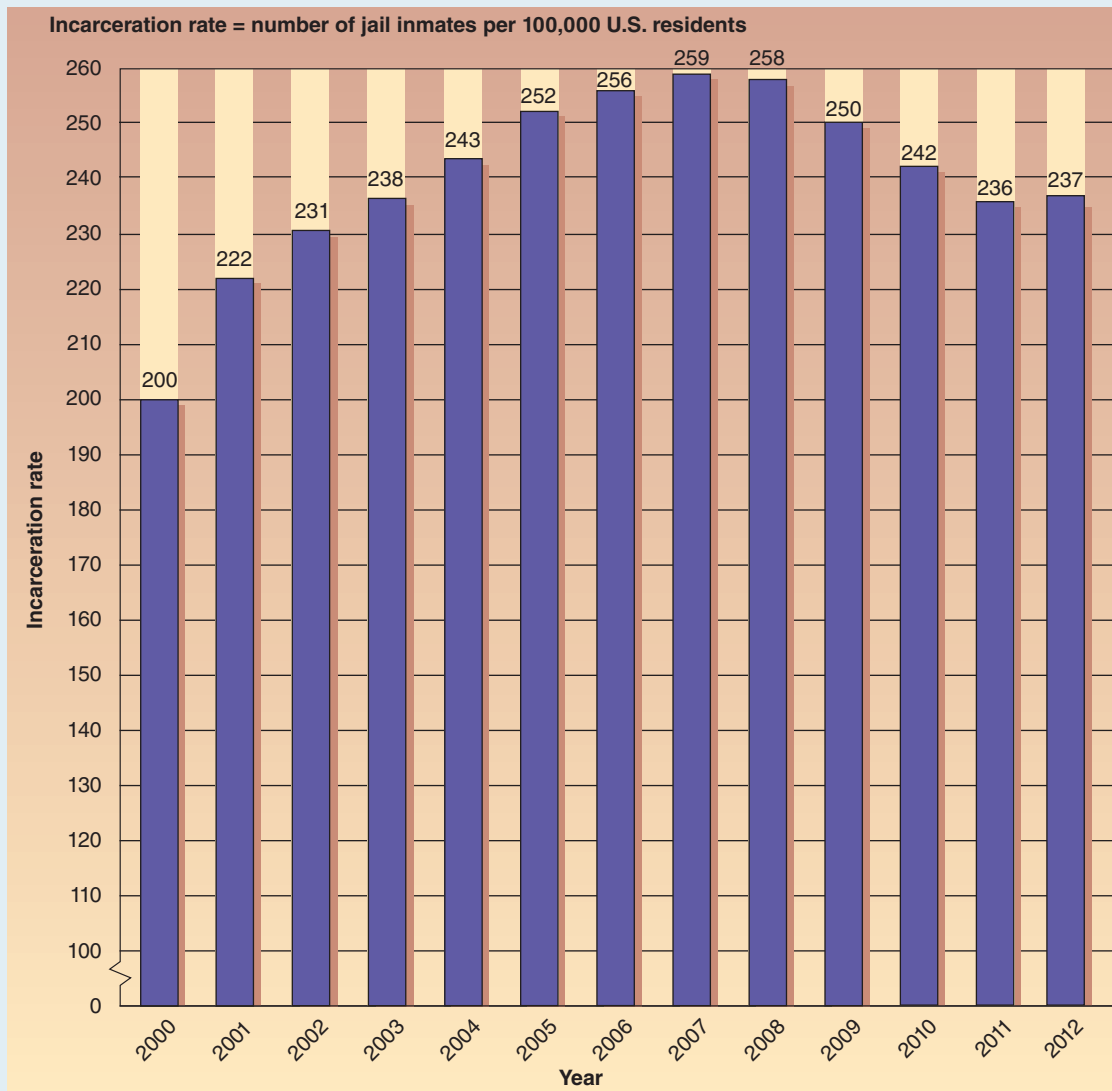
The Bureau of Justice Statistics and others have compiled a profile of inmates in local jails. At the time of arrest:

- 80 percent earned less than \$2,000 a month before they were locked up.
- 75 percent who had mental health problems also had co-occurring substance abuse or dependency issues;
- 68 percent had not seen a health care provider since incarceration;
- 64 percent suffered from some form of mental illness;
- 55 percent of females had been sexually or physically abused;
- 50 percent grew up in homes without both parents;
- 46 percent were not taking their medication at the time of arrest;
- 44 percent had less than a high school education;
- 40 percent had a criminal history;
- 39 percent had a chronic medical condition;
- 33 percent were on probation;
- 33 percent were unemployed at the time of arrest;
- 25 to 87 percent had traumatic brain injury;
- 25 percent had dental problems;
- 14 percent were homeless at the time of arrest;
- 13 percent of males had been sexually or physically abused;
- 12 percent were on parole;
- 5 percent of women were pregnant at the time of arrest; and
- 1.3 percent were HIV positive.

Despite this gloomy picture, jails are in a unique position to help persons leaving jail and resuming life in the community. Today more and more policymakers are recognizing that because jail inmates usually have shorter lengths of stay than state or federal inmates, the community location of most jail facilities means less time away from family, friends, treatment providers, faith institutions, and other social supports. They also realize that jails have opportunities to develop strategies to reduce the criminalization of persons with mental illness and combat this list of problems with interventions and reentry programs prior to release.

Another way to look at the nation's jail population is to consider the rate of incarceration. Confined jail populations give us a count of the total number held in jail (e.g., 744,524 offenders confined in local jails at midyear 2012). Because of differences in total population, however, such counts do not allow for accurate comparison of jurisdictions. Rates of jail incarceration, expressed as the number of jail inmates per 100,000 residents age 18 and older, provide for a more meaningful and useful analysis of trends in incarceration. With rate data, we can compare changes over time. Exhibit 6–8 shows changes in the jail incarceration rate from 2000 through 2012. Note that the incarceration rate increased from 220 jail inmates per 100,000 adults in 2000 to 259 jail inmates per 100,000 adults in 2007, and then declined to 237 in 2012.

EXHIBIT 6–8 Jail Incarceration Rate, 2000–2012



Source: Adapted from Todd D. Minton, *Prison and Jail Inmates at Midyear 2012—Statistical Tables* (Washington, DC: Bureau of Justice Statistics, May 2013).

Gender and Jail Populations There has been an upsurge in the number of women incarcerated in the United States, explained, in part, by guideline sentencing under which gender is not regarded as an appropriate consideration. Although females have historically been treated more leniently than men at sentencing, guideline sentencing has tended to limit or end this practice.

The number of women in jail has more than quintupled over the past 25 years, from 19,000 in 1985 to a peak of 100,520 in 2007. Since then the number has declined to 98,600 in 2012. The absolute number of women in jail is much smaller than the absolute number of men. However, their impact on jail operations is significant, raising concerns about the adequacy of jail facilities and the services provided.

The typical female jail inmate is poor, is a high school dropout with low skills, has held mainly low-wage jobs, is young (25 to 29), is unmarried with one to three children, and belongs to a racial minority.

Almost one-half of women and one-third of men in jail are first-time offenders (49 versus 37 percent).²⁷ Almost half of the women and men in jail were under the influence of alcohol or drugs at the time of the offense. Forty-six percent had members of their immediate families sentenced to prison. Two of every 10 grew up in a home where one or both parents abused drugs, alcohol, or both. And more than one-half of the women (55 percent) and 13 percent of the men had been physically or sexually abused before age 18. Women in jail need targeted interventions that address these issues.

This profile also raises troubling concerns about the children of jailed mothers. Two-thirds of women in jail are mothers with children under age 18 who were living with them prior to detention. When mothers go to jail, children become silent victims. The children may already have been victims if their mothers used drugs during pregnancy. Young children, not yet capable of understanding why their mother is gone, where she has gone, and if or when she will return, may develop depression and feelings of abandonment. Even children who are fortunate enough to be placed with emotionally supportive caregivers must cope with seeing their mother only through a glass barrier and hearing her voice only over the phone. Studies have shown that children of incarcerated mothers have more behavioral problems at home and in school and are four times as likely to become juvenile delinquents as children from similar socioeconomic backgrounds with parents at home. Maintaining bonding with children and family is the most difficult female inmate experience.²⁸ Recognizing that children should not be made to suffer for the poor choices of their parents and recognizing that support for family maintenance is a societal value, some jails are establishing visitation and parenting programs that accommodate this need. Through such programs, jail administrators have the opportunity to become leaders in preserving families and reducing crime.

Some scholars believe that many women in jail do not pose a threat to public safety but are jailed because they do not have the financial resources to make bail, which makes our discussion of the problems with monetary bail at the beginning of this chapter even more salient for this group of offenders. Seventeen percent are charged with violent offenses.²⁹ Most are charged with property offenses (32 percent), drug offenses (29 percent), and public-order offenses (21 percent). This suggests some differences are needed in women's facility bed space and program space from men's facility space (for example, there may need to be less high-security bed space and more substance abuse programming space).

The increase in the number of women in jail has required that local officials identify and try to meet the needs of female inmates, yet severe limitations in resources often impede the provision of programs and services for women in jail. Jails are not prepared to house and treat rapidly rising female populations. They have difficulty providing appropriate housing, bed space, programs, jobs, mental health care, and other services. Women in jail have high needs for education, job training, health care, mental health care, alcohol and drug abuse counseling, and parenting skills development. Properly classifying women according to their risks and needs is beyond the scope of most jails in the United States.³⁰ The National Institute of Justice surveyed 54 jails and found that the same classification instrument was used for both male and female inmates in 50 jails. The survey found no effort to gauge women inmates' different needs, circumstances, and risk profiles.³¹

Ignoring problems relating to women in jail increases a jail's exposure to litigation and liability. The National Institute of Corrections argues

against doing nothing: “The ‘get tough on inmates’ mood, combined with decreasing levels of accountability for maintaining some level of minimum standards, raises the specter of decreased funding for jails, corresponding cutbacks in staff and training, and the rebirth of the sorts of very brutal, barbaric, and often dangerous conditions that led to the initial wave of court intervention in the early 1970s.”³²

Women are normally housed in a “women’s unit,” often an afterthought built inside facilities designed for men or simply a replica of the men’s facility design. Such design fails to take into account the different needs of women. For example, the traditional jail bunks and fixed-seating arrangements in the jail’s dayroom or at dining room tables may present safety and comfort issues for women who are pregnant in jail. In Pennsylvania alone, 6 percent of the women who enter jail are pregnant, but the availability of pregnancy tests varies; only 29 of Pennsylvania’s 57 county jails that hold women provide the test to every woman admitted. Cost is cited as a reason. A related issue is whether women in jail should be allowed to use contraceptives. Interruptions in birth control use could increase the possibility that they might have unintended pregnancies shortly after release.³³

Another deficiency affecting women in jail is staffing. Either there are no female correctional officers or there are too few to ensure around-the-clock supervision of women in jail. The result too often is that women inmates are exploited and abused by male staff. Ken Kerle, former managing editor of *American Jails*, argues that the best defense for a jail against female inmates’ allegations of sexual harassment by male staff is to have a female officer present at all times.³⁴

Recently the National Institute of Corrections released a report to help jail and prison administrators more effectively manage the women in their care.³⁵ According to the researchers, four factors influence women offenders’ behavior. Understanding these factors in combination with each other will help jail administrators consider how to adjust policies and procedures and how to assess and improve services to women in their care. They are:

1. **Pathways perspective.** Women in jail often have histories of sexual and/or physical abuse and substance abuse and are clients of mental health services. These women typically are unskilled, earn low incomes, have sporadic work histories, and are single parents. Thus, understanding how women enter the criminal justice system helps jails improve their responses.
2. **Relational theory and female development.** Relational theory describes the different ways women and men develop. An important difference suggested by the research is that women develop a sense of self and self-worth when their actions arise out of, and lead back into, connections with others even if this means establishing dysfunctional relationships. Many women offenders are drawn into criminal activity because of their relationships with others. Knowing this explains why jail staff often perceive that communicating with female offenders is more difficult and time-consuming than communicating with male inmates.
3. **Trauma theory.** Trauma is the injury done by violence and abuse and it is largely unrecognized by the women offenders themselves. Mental health services that understand past trauma and its effect on current behavior are needed to respond to trauma.
4. **Addiction theory.** When substance abuse treatment programs for women are combined with additional pathway factors (mental illness, trauma, abuse), jail-based treatment is successful.



Minorities comprise approximately 28 percent of the U.S. population but they make up more than 54 percent of the jail population. What are the explanations for the overrepresentation of minorities in jail?

Ethnicity and Jail Populations Whites comprise nearly 70 percent of the U.S. population but only 45.8 percent of the jail population. In the general population, Hispanics make up almost 16 percent, and blacks make up 12.7 percent, but in jail, their populations are 15.1 percent and 36.9 percent, respectively.

Explanations for the overrepresentation of minorities in jail abound. One explanation has to do with the function of jails as pretrial detention centers. The jail population is heavily influenced by bail decisions as we pointed out at the beginning of this chapter. A number of researchers have found that judges impose higher bail—or are more likely to deny bail altogether—if the defendant is a racial minority.³⁶ Still another reason is the impact of the war on drugs and on law enforcement strategies of racial profiling. Other researchers have argued that the war on drugs has had a particularly detrimental effect on black males.³⁷ Across the past two decades, more black males than white males have been detained for drug offenses. Researchers at the University of Nebraska argue that police are *reactive* in responding to crimes against persons and property but are *proactive* in dealing with drug offenses. “There is evidence,” they write, “to suggest that they [police] target minority communities—where drug dealing is more visible and where it is thus easier to make an arrest—and tend to give less attention to drug activities in other neighborhoods.”³⁸

Mental Illness and Jail Populations How jails became the institution of choice to manage increasing numbers of people with mental illness and what can be done about it is discussed in more depth in Chapter 12. Here we point out that incarceration—especially jail—has become the nation’s default mental health treatment provider and the problems associated with that approach.

Almost two-thirds (64 percent) of all jail inmates have a mental health problem compared to about 11 percent of the general adult population.³⁹ When researchers investigated the prevalence of “serious” mental illnesses defined as major depressive disorders, bipolar disorders, schizophrenia, and delusional disorders using structured clinical interviews with 20,000 adults entering five jails, they found that almost 15 percent of the men and 31 percent of the women had a serious mental illness.⁴⁰ As we will show in



Sixty-four percent of jail inmates have mental health problems compared to about 11 percent of the general population. Why are these individuals not fit subjects for retribution or punishment?

Chapter 12, persons living with mental illness are swept into the criminal justice system because of the failures of the public mental health system and the lack of adequate treatment in most poor communities. Today there may be as many as eight times more people with mental illness in the nation's jails (over 478,000) than there are in mental health hospitals (60,000).⁴¹ The Los Angeles County Jail is the largest psychiatric inpatient facility in the United States with more than 3,400 prisoners suffering with mental health problems.⁴² New York's Rikers Island is second with 3,000, and Chicago's Cook County Jail is third with more than 1,500. In six states, jails actually function as quasi-mental health centers. State statutes in Alaska, Kentucky, Mississippi, Montana, New Mexico, and Wyoming authorize jails to hold individuals awaiting transfer to a mental health facility.⁴³

Despite the large number of jail inmates with mental illness, these individuals are not often fit subjects for retribution or punishment. James Gondles, executive director of the American Correctional Association, said, "The notion that the prospect of incarceration will deter an individual with a mental illness from committing a crime does not apply to a population that cannot fully comprehend the consequences of its actions, especially in cases where crime is a direct result of illness."⁴⁴

Other experts tell us that the criminal justice system is ill-equipped to meet the special needs of persons with mental illness who are incarcerated or on supervised release in the community. They wind up in jail as a result of behavior linked to their illnesses. And once in jail, mentally ill inmates are more prone to act out in a way that could lead jail officers to use force. In fact, the Los Angeles County Sheriff's Office published a report showing that mentally ill inmates are involved in about one-third of use-of-force incidents by jail officers.⁴⁵ LA Sheriff Lee Baca responded to the report by adding more deputies trained in resolving tensions with mentally ill inmates to shifts where specially trained staff were not available.⁴⁶

Over the years, the nation's sheriffs have also said that jails are not equipped to meet the complex needs of persons living with mental illness and asked county and general hospitals to accept them as patients. The sheriffs spelled out six factors as to why jails should not be used for such people:

1. The mentally ill person has usually committed no crime.
2. County jails are overcrowded.
3. Small county sheriffs' officers are not specially trained for the proper handling and care of a mental patient.
4. Many jails do not have proper or adequate detention rooms for the mentally ill.
5. Detention in the county jail is unfair to the patient as well as to the corrections officers.
6. Psychiatrists agree that a patient originally detained in a jail is much more difficult to treat and readjust, and incarceration can contribute to the further decompensation of many people with mental illness.⁴⁷

The nation's sheriffs and others promote the diversion of individuals with mental illness from the nation's jails, collaboration between the justice system and the mental health communities, and treatment and training. Since 2004, 13 states have passed legislation creating or expanding mental health courts to provide alternative sentencing for nonviolent offenders with mental health problems.⁴⁸ We complete our discussion of the incarceration of persons who are mentally ill in Chapter 12.

Suicide, Homicide, Sexual Victimization, and Jail Populations

The problems of suicide, homicide, and sexual victimization are challenging ones for jail administrators. In 2011 (the last year for which data are available), 885 persons died in jail, down from 1,100 in 2007.⁴⁹ Death from illnesses such as heart disease, AIDs and related conditions, cancer, liver disease, and respiratory disease are the leading causes of deaths in jail (422 in 2010, down from 477 in 2010).

Suicide is the leading cause of jail inmate deaths. Since 2000, an average of 300 jail inmates commit suicide each year. The jail suicide rate is 43 per 100,000 inmates, almost four times what it is for the general U.S. population (11 per 100,000).

The situation for small jails is even worse. The suicide rate for jails with 50 or fewer beds was 169 per 100,000; in the largest jails (those with an ADP of 1,000 or more inmates), the suicide rate was 27 per 100,000 inmates.⁵⁰ The reasons are that smaller jails tend to be older and poorly staffed, are less able to provide sight and sound separation for inmates of different ages or genders, are less likely to use volunteers to deliver religious or rehabilitative programs, typically pay lower wages, find it difficult to comply with standards for physical or mental health care, use fewer classifications, and offer less inmate supervision.

Kentucky is one state that successfully reduced its jail suicides from 17 to 4 per year by cross-training jail personnel and mental health providers, developing new screening instruments for arresting and booking officers, establishing a telephonic service that allows jail staff to call a licensed mental health professional for risk management consultation 24 hours a day, and establishing a statewide data collection and analysis system.⁵¹

The majority of jail inmate suicides typically occur within the first week of incarceration with nearly a quarter occurring within the first two days of admission (time of day is not a factor), are mostly violent offenders (violent offenders who commit suicide outnumber nonviolent offenders by a margin of 3 to 1), and are typically committed by hanging. The majority of inmates who commit suicide have a high school education, are unmarried, white, male, and between the ages of 25 and 44. More than one-third have a history of serious mental illness of the type described earlier, and 8 of 10 had not yet been convicted but were awaiting trial.

The consequences of inmate suicide are lost lives, devastation to families, short- and long-term psychological effects on other inmates and correctional staff, expensive investigations and litigation, and medical care costs.



Suicide, homicide, and sexual victimization are challenging problems for jail administrators. Describe the problem and what jail leadership can do about it.

Homicide in jail is another concern of jail administrators, and here the news is not good. In 2000, 17 jail inmates were murdered. In 2006, the number increased to 36 and decreased to 21 in 2011. The literature on jail homicides offers very few insights other than revealing that kidnapping offenders are the most likely victims of jail homicides, followed by violent offenders, property offenders, and then public-order offenders. Drug offenders have the lowest homicide victimization rate. The majority of jail homicide victims are male, mostly between the ages of 18 and 54, and evenly split between white and black.

In 2003, Congress passed and President Bush signed the Prison Rape Elimination Act. It requires the U.S. Department of Justice to report on the incidence of rape and other forms of sexual victimization in correctional facilities. The Justice Department defines **sexual victimization** as all types of sexual activity, for example, oral, anal, or vaginal penetration; hand-jobs; touching of the inmate's buttocks, thighs, penis, breasts, or vagina in a sexual way; abusive sexual contacts (unwanted contacts with another inmate or any contacts with staff that involved touching of the inmate's buttocks, thigh, penis, breasts, or vagina, in a sexual way); and both willing and unwilling sexual contact. The Justice Department reported that 3.1 percent, approximately 24,000 of all jail inmates nationwide, experienced one or more incidents of sexual victimization in 2008–2009.⁵² Most jail inmates reported that the incident involved jail staff. Some said the incident involved another inmate, and some said both other inmates and staff had victimized them. The majority (6,900) who reported that the incident involved jail staff said the sex or sexual contact was unwilling as a result of physical force, pressure, or offers of special favors or privileges. An equally large number of jail inmates (8,400) said they willingly had sex or sexual contact with staff. The Justice Department is clear to note, however, "Regardless of whether an inmate reported being willing or unwilling, any sexual contact between jail inmates and staff is illegal."⁵³

In 2012, after conducting a series of public hearings, reviewing the data, conducting site visits, and speaking with correctional staff and inmates, the Prison Rape Elimination Act's review panel concluded that sexual assaults can be reduced by changing attitudes toward potentially vulnerable populations, including female, lesbian, gay, bisexual, transgender, queer (LGBTQ), and physically frail inmates; paying close attention to institutional design and surveillance; providing offender education and staff training; improving operational policies and post orders; and monitoring adherence to established policies. In addition, a reliable inmate-classification system; improved efforts on the part of first responders, investigators, and prosecutors; and timely victim assistance and health care services can help an agency reduce, if not eliminate, inmate sexual victimization.⁵⁴

Juveniles and Jail Populations Over the past 25 years, there has been a dramatic reversal in the theory and practice of punishing juveniles, as Chapter 16 will explain. In the mid-1970s, juvenile offenders were deemed to have special needs, so Congress passed the Juvenile Justice and Delinquency Prevention Act of 1974. It contains four core requirements that participating states must address to receive federal juvenile justice grants:

1. Status offenders may not be held in secure confinement.
2. Juveniles generally may not be held in jails and lockups in which adults are confined.

3. When juveniles are temporarily detained in the same facilities as adults, they must have no “sight or sound” contact with adult inmates.
4. States are required to demonstrate efforts to reduce the disproportionate number of minority youth who come into contact with the juvenile justice system.

By 1996, however, in the face of pressure to increase punishment for juvenile offenders, new legislation allowed cities and states to detain juvenile offenders for up to 12 hours in an adult jail before a court appearance and made it easier to house juveniles in separate wings of adult jails. That shift in philosophy and policy has kept the percentage of juveniles held as adults at about 80 to 85 percent for the past decade even though the number of juveniles in adult jails today is lower today than it was a decade ago (5,400 at midyear 2012 compared to 7,615 at midyear 2000).

The incarceration of juveniles in adult jails is criticized for a number of reasons. Holding juveniles in adult jails places young people at greater risk of being physically, sexually, and mentally abused by adult offenders. Juvenile girls are especially vulnerable to sexual assault. Juveniles in adult jail are almost eight times more likely to commit suicide than are those in juvenile detention centers. One explanation is that juveniles are held in isolated parts of adult jails where they receive less staff support and supervision. Another is that jail staff are not trained to recognize depression in juveniles.

As late as midyear 2008, the U.S. Congress discussed bills that would bar most juveniles charged as adults from being detained in adult jails unless a court finds, after a hearing, that it is in the interest of justice to do so. However, to date the Congress has not acted on any of the proposals.

Jail Facilities

Occupancy **Rated capacity** is the maximum number of beds allocated to each jail facility by a state or local rating official. The rated capacity for the nation’s jails was 866,947 beds at midyear 2012, an increase of 7,225 beds from midyear 2011. However only 84 percent of the jail beds were occupied at midyear 2012, the lowest since 1984 when it was 86 percent. (The other ways to measure capacity are discussed in Chapter 7.)

rated capacity

The maximum number of beds allocated to each jail facility by a state or local rating official.

Public Versus Private Of the nation’s 3,283 jails, 37 are privately operating under contract to local governments.⁵⁵ Seven states account for most of the contract jail operations: Texas (8), California (5), Pennsylvania (4), and Florida, Missouri, New Mexico, and Tennessee (3 each). Across the country, 254 jails were under one or more court orders either to limit population or to provide specific conditions of confinement. Court orders required about 204 jails to limit population and about 165 to correct specific conditions related to crowding, medical facilities, procedures and policies, programming, inmate classification, exercise, staffing, food service, and religious practices.

Size, Location, and Budget Almost 40 percent of the nation’s jails have an average daily population of fewer than 50 inmates and hold less than 3 percent of the jail population.⁵⁶ Of all jail jurisdictions holding inmates, the percentage holding 99 or fewer inmates is nearly 59 percent, about 20 percent hold 100 to 249, 10 percent hold 250 to 499, and

Economic Realities and Corrections: Jails

Amid the national budget crises, falling tax revenue, and national unemployment, jails face cutbacks despite the harsh sentencing guidelines passed in the 1980s and 1990s that glutted jail cells. In 1980, about 200,000 persons were confined in the nation's jails. Today that number has soared to more than 735,000.

This chapter establishes the fact that today the United States spends \$9 billion a year on the nation's 3,283 jails. At midyear 2011, local jails admitted almost 11.8 million persons, half of whom were admitted to the nation's 50 largest jails.

Five of the nation's 50 largest jails—Los Angeles County; New York City; Harris County, Texas; Cook County, Illinois; and Philadelphia, Pennsylvania—have an average daily population of almost 10,000 or more inmates.

Since 2006 when the Bureau of Justice Statistics began reporting the average daily population and rated the capacity of each of the nation's 50 largest jails, only Harris County (Houston), Texas, has been consistently overcrowded, meaning that it detains anywhere from 2 to 21 percent more inmates than it is rated to have.* Not included in

Harris County jail overcrowding are the inmates who are bused to and from northern Louisiana.

In 2008, John Dyess, chief administrative officer for the Harris County Sheriff's Office, which oversees the jail, said, "This really wasn't built for this. I don't know if we can build our way out of where we are today."[†] Five years later, the jail remains the most overcrowded large jail in the United States.

The Harris County jail spends more than \$1 million a day on its inmates. A shortage of jail corrections officers means the jail spends more than \$35 million a year on officer overtime. Doctors write \$1 million in prescriptions a month and dentists pull 330 teeth. Washers and dryers handle 170 pounds of laundry a load. Inmates prepare 35,000 meals a day for an average of 88 cents each. Recently, Harris County failed several jail standards tests and was cited for excessive use of force, inmate deaths, and poor medical and mental care. The jail is the biggest mental health facility in Texas.

Instead of letting the economic crisis create jail problems, two jurisdictions larger than Harris County have addressed

the problem and are not using all of their jail bed space. Los Angeles County has the largest daily jail population, almost 19,000 inmates, but uses only 93 percent of its beds. New York City with almost 14,000 persons in jail uses only 66 percent of its beds. These and other jails are investing in pretrial services that are less expensive and protect the community such as the ones discussed in this chapter so that people charged with nonviolent offenses who don't need to be confined can be quickly vetted for community programs and mentally ill persons can receive health care services or, if needed, be placed in a secure health facility.

As we show in this chapter, many people are in jail because they are too poor to post bail. Communities with pretrial programs are in a better position to save money in hard times because they can carefully analyze the individual and figure out better what needs to be done.

* See Bureau of Justice Statistics publications *Jail Inmate Midyear 2007 through 2011*.

[†] Jesse Bogan, "America's Jail Crisis," *Forbes*, July 13, 2009, www.forbes.com (accessed March 13, 2013).

6 percent hold 500 to 999 inmates. Those housing 1,000 or more (referred to as megajails) inmates account for 5 percent. Typically these large facilities are located in major metropolitan and urban areas. Taxpayers spend \$9 billion annually to support the nations' jails. Jail operating budgets are highest in New York (almost \$1.1 billion) and lowest in North Dakota (\$3.5 million).⁵⁷ The average annual cost to incarcerate one jail inmate is approximately \$24,000.⁵⁸

Today a number of local jails charge inmates housing fees and medical co-pay fees. It is not known how common this is across the United States, but several states have adopted the practice. Jails in Arkansas, Illinois, Kansas, Kentucky, New Jersey, and Texas now charge inmates an average of \$10 for medical services. Dallas County Sheriff Lupe Valdez whose photograph is shown on page 190 said the reason to charge jail inmates for medical services is to cut the cost of transporting inmates to receive medical care. Officials in states that implemented jail medical co-pays as far back as the 1990s reported that such measures cut back on the number of inmates who fake illnesses to get out of their cells.⁵⁹

Some jails are also charging inmates a housing fee. For example, more than half of the 95 jails currently operating in the state of Kansas charge a housing fee ranging from \$10 to \$70 a day. The most ambitious

jurisdiction to charge inmates for their jail stay is Riverside, California, which is facing an \$80 million budget shortfall. County Supervisor Jeff Stone believes that about 25 percent of the jail inmates could pay as much as \$142.42 housing fee per day.⁶⁰ According to the researchers, the overriding reasons that jails assess housing fees are the economic recession, jail crowding, and the need to cover operating costs (e.g., medical, food, utilities, staff, and transportation).⁶¹ However, out of concern for gender-responsive services for females, some are asking what impact medical co-pays will have on female offenders who statistically enter correctional facilities with more medical problems than do males and who will have to pay extra for something that is a result of being female.⁶² Others believe that jail medical co-pays and housing fees are a tax on inmates' families, who are responsible for putting money into inmate commissary accounts to pay for such services.⁶³

Will policies charging inmates close budget gaps, or is it more symbolic? We pointed out earlier in this Chapter that 80 percent of jail inmates earned less than \$2,000 a month before they were locked up, 44 percent had less than a high school diploma, and, at the time of their arrest, 33 percent were unemployed and 14 percent were homeless. So it is very unlikely that counties are going to collect any money from them. Jail fees, along with assessed court costs and possibly child support and restitution, can create more debt for inmates after they are released and make successful reentry more difficult.

Almost 80 jails in the United States are also generating new revenue by allowing well-behaved inmates a chance to receive meatball subs, cheeseburgers, pizza, and wings complete with celery, blue cheese, and a Pepsi ordered through companies like Aramark's "iCare" and Sendapackage. Aramark tailors its menus to each jail's rules. Prices generally run from \$7 to \$14 for a hot meal and \$20 to \$100 for a junk-food box. Jails receive revenue on every dollar. For example, the Bexar County Jail in San Antonio, Texas, makes 45 cents on every dollar in sales.

Sendapackage operates only in New York. It sells only items that corrections regulations will allow including soft drinks, cigarettes, canned ravioli, cotton hoodies, baseball caps, cans of Beefaroni, watches, gummi



Nicole Brockett, a 22-year-old bartender in Los Angeles, served 21 days for DUI at the Santa Ana City Jail, one of a dozen pay-to-stay jails in California, instead of incarceration at the nearby county jail. Brockett paid \$82 per day for living conditions that the jail says are "a world away from cement and steel bars." What are the advantages and disadvantages of pay-to-stay jail?

bears, stereo headphones, and music on cassettes since CDs are not allowed because they can be broken into sharp objects. Sendapackage sends about 40 orders to inmates every day. Each order averages about \$110. Inmates and their relatives and friends place orders online or by telephone or mail. Will programs like this create envy, violence, and extortion among inmates? Will overindulgence in junk food lead to health problems and potentially raise taxpayer costs for inmate health care? It's too early to tell what impact Aramark's "iCare" food service for jails will have. Jail staff including Captain Richard Fisher of the Rock Island County Jail, Illinois, say, "Jails are always run better when your inmates are happy." But others cringe. Sheriff Joe Arpaio of Maricopa County, Arizona, who serves his jail inmates only "nutraloaf," a brick-hard concoction made from blending together dry milk, vegetables and bread dough, says pepperoni pizza is not his idea of jail food. "Instead of calling it a jail, let's call it the Hilton," he said.⁶⁴

**pay-to-stay jail
(also self-pay jails)**

An alternative to serving time in a county jail. Offenders convicted of minor offenses are offered privileges for a fee from \$75 to \$127 per day.

Pay-to-Stay Jail In addition to charging inmates housing, food, and medical co-pay fees as a way to offset jail operations, some jurisdictions have added **pay-to-stay jails**, also referred to as *self-pay jails*. The concept of pay-to-stay is surging after actors such as Keifer Sutherland, star of *24*, and Gary Collins, star of countless TV shows, served their sentences for DUI at the Glendale, California, city jail. The Beverly Hills Police Department, California, opened its pay-to-stay jail in late 2009.

Pay-to-stay jails are an alternative to serving time in a county jail and offer privileges to offenders (sometimes called *clients*) convicted of minor offenses such as DUI and non-drug-related offenses who pay \$75 to \$127 per day. Estimates are that there are approximately 13 pay-to-stay jails in California.⁶⁵ Exhibit 6–9 compares six pay-to-stay jails in southern California in terms of cost per day, number of beds available, amenities, what inmates are allowed to bring in, and eligibility criteria. For example, persons convicted of DUI and sentenced to 21 days in the Santa Ana City Jail will pay more than \$1,700 for extra privileges. Recently, an assistant sheriff of Orange County (California) was convicted of perjury and misuse of public funds. He served his sentence of 243 days at the Fullerton City Jail and paid \$18,000 for a private cell, bathroom, and shower stall; use of his cell phone; and food brought by his visitors and even pizza delivery.

Offenders normally petition the court at their sentencing proceedings to serve their sentence at a pay-to-stay jail. If the court agrees and the city accepts the offender's application, he or she is housed separately from other inmates but may have minimal contact with the general inmate population during meal service. Most pay-to-stay jail inmates are required to work several hours a day outside their cells in food preparation, laundry, facility sanitation, vehicle washing, and so on, even if they work elsewhere in the community or attend school. The accommodations are usually cleaner and safer.

Supporters of the self-pay model argue that pay-to-stay jails benefit everyone: Paying inmates generate cash for the community (the Pasadena, California, city jail collected \$234,000 from pay-to-stay clients at the rate of \$127 a night in 2008, and the Burbank, California, city jail collected \$109,000 at the rate of \$85 a night⁶⁶); taxpayers pay less to house offenders in city rather than county jails; offenders can serve their time in a smaller, nonviolent facility; and paying inmates are generally easier to deal with.

On the other hand, critics charge that pay-to-stay jails create inherent injustices, offering cleaner, safer alternatives to those who can afford

EXHIBIT 6–9 Comparison of Six Pay-to-Stay Jails



Source: Information for Santa Ana, Seal Beach, Montebello, Pasadena and Fullerton adapted from "Hard Time Made Easier," April 29, 2007. © The New York Times.

it. The concept of offering a cleaner, safer jail is valid, they say, but the criterion of inmates paying for it is not. To date, there is no research to support the claims of self-pay jails or whether offenders who pay for their own jail stay are less likely to recidivate.

Jail Staff and Workforce Development

Twenty years ago, staffing was cited as the number-one concern in a survey of 2,452 jails.⁶⁷ Dr. Ken Kerle says this is still a major problem.⁶⁸ Today, an estimated 234,000 people work in the nation's jails.⁶⁹ Women comprise one-third of all jail employees (one-fourth of all corrections officers). Sixty-six percent of all jail corrections officers are white, 24 percent are black, 8 percent are Hispanic, and 2 percent are of other races. Minority employees are underrepresented relative to their proportion among inmates. Consult the Appendix: Careers in Corrections at the Online Learning Center Web site for the steps involved in career planning, developing employability and job readiness, and finding the right job.





Lupe Valdez is sheriff of Dallas County, Texas. She is the only female sheriff in Texas, the only Hispanic female sheriff in the United States, and she is openly gay. Her department has an operating budget of \$132 million, employs 2,250 personnel, and operates the seventh largest jail in the United States. Why are staffing issues a major concern of most jails today?



Visit http://www.youtube.com/watch?v=yKvjW06MF_k or scan this code with the QR app on your smartphone or digital device and watch this podcast of the recruiting video for County Sheriff's Office (Kansas). How does this information relate to ideas discussed in this chapter?

In spite of the fact that there are more beds than inmates, as noted earlier, jail staff perceive that jails are overcrowded because there are not enough staff on shifts to handle the workload properly. Jail staff think of a jail as overcrowded if, due to staff shortages, inmate counts, bed checks, and cell searches are not performed and inmate programs such as visitation and outdoor recreation are postponed.⁷⁰ Because most jails are locally funded, local politics determines how much staff a county government allocates to operate the county jail. How much is the county willing to spend on the jail compared to other county agencies such as roads, police, and fire?

Most jails spend 75 to 90 percent of their budgets on salaries. One jail post operating 24 hours a day, seven days a week requires five officers when sick time, vacation, and other leaves are factored in. This partially explains why county officials are reluctant to increase staffing to correspond with an increase in inmate population. Yet understaffing poses a threat to inmate and staff security and safety. Too often inadequate staffing leads to inmate lockdowns to prevent escape and ease the handling of prisoners. Furthermore, without appropriate staff supervision, little can be done to protect inmates from one another in multiple-occupancy cells.

Other problems of jail staff include substandard pay compared to that of other employees in the criminal justice system, low job prestige, high turnover, and inadequate systems for recruitment, selection, and training. The National Sheriff's Association (NSA) believes that too often "warm bodies are taken off the street, put into uniform, given a set of keys, and told to go to work."⁷¹ Concerning salaries, the NSA wrote, "Jail officer careers will never achieve the status they deserve so long as counties continue to pay jail officers less money than the officers assigned to law enforcement. . . . No person wants to make a career where the reward is lousy wages. You can't attract the people who have the potential to be the best officers by paying them wages in the poverty range."⁷²

Although the Palm Beach County Florida Sheriff's Department starts certified jail corrections officers at \$47,220, not all jails can do this. Nevertheless, most jails can help officers find satisfaction in their work by setting clearly defined goals, identifying the officer's job obligations and performance expectations, and providing jail officers adequate organizational resources to perform their jobs. Attracting and retaining jail employees depends on engaging in effective recruitment, providing meaningful preservice and inservice training and career development, and developing responsive management and leadership.

Jail human resource specialists argue that to recruit exceptional candidates to work as jail corrections officers, jails should do more than outline only the minimum qualifications for an officer position. Instead of listing menial and basic job descriptions of feeding inmates, logging information, and so on, a different approach is to create catchy job descriptions. Examples are writing criminal and internal jail reports, qualifying for advancement in classification and transport, monitoring, evaluating, making recommendations on technology equipment, joining special response teams, becoming instructors in firearms, conducting energy devices (CEDs), using OC (oleoresin capsicum) spray, investigating the introduction of contraband into the facility, and becoming a security threat group specialist (STGs), the latter only for jails in very large jurisdictions such as Chicago, Los Angeles, Miami, and New York (see Chapter 13 for description of STGs).⁷³

Those same jail human resource specialists also tell us that agencies can easily promote career opportunities to the public by revamping the jail's website and other marketing materials; creating a presence on Facebook, Twitter, and other social media; creating a job-shadowing program such as a "ride-along" offering open house tours; and emphasizing, promoting, and supporting professional development.

In 1999, the American Correctional Association (ACA) embarked on a major effort to support professional development in corrections by developing a national Commission on Correctional Certification (CCC) and an online corrections academy. Just as accreditation provides an opportunity for facilities to be recognized, certification is an opportunity for jail staff to be recognized as qualified correctional practitioners. The ACA certification process requires applicants to meet the educational requirements of the category within which they seek certification (for example, the correctional executive position requires a college degree, correctional managers and supervisors require an associate degree, and correctional officers require a high school diploma). Then applicants must pass a national examination developed by the National Institute of Corrections pertaining to the job tasks and related competencies associated with the job category. Finally, applicants enter into "candidacy status," a two-year period during which they must pass a certification examination. Those who pass the certification exam become Certified Corrections Professionals for three years. Maintaining that status involves becoming recertified and obtaining a specified number of continuing education credits. Through the efforts of the ACA's Commission on Correctional Certification, jail personnel are in the process of upgrading their public image and professional stature and achieving the status of other professions that rely on universal compliance with a self-imposed credentialing process. The American Jail Association's Code of Ethics for Jail Officers is shown in the Ethics and Professionalism box.



JAIL ISSUES

In May and June 2007, 45 sheriffs and jail administrators from across the United States met to discuss the most important issues facing jails today and make recommendations to the Justice Department.⁷⁴ The jail managers cited inmate medical and mental health as their top concern and recommended that the government give jails more support in that area. (We discuss the impact of the Affordable Care Act on corrections in Chapter 7.)

Five years later, jail leaders who attended the National Jail Leadership Command Academy at Sam Houston State University in Huntsville, Texas, said that inmate medical and mental health services was a continuing acute problem and argued that local governments should collaborate more with jails to provide an inpatient mental health program, help manage medical costs, assist with housing for inmates who are acutely mentally ill/suicidal, and develop more community diversion programs.⁷⁵

All jail managers agreed that inmates are arriving in jail with more serious and costly mental health problems that they (the jail managers) are responsible for treating. They said they need other agencies and resources in the community to help share the burden of the treatment. Jails may be able to do a relatively good job of stabilizing a mentally ill person while he or she is in jail but are incapable of dealing with long-term needs. As a result, once released, the inmates reoffend and come back to jail.

We conclude this chapter by elaborating on other concerns of jail managers: privatization, reentry, accreditation, and evidence-based practices.

CO6-6

Privatization**privatization**

A contract process that shifts public functions, responsibilities, and capital assets, in whole or in part, from the public sector to the private sector.

Privatization is defined as a contract process that shifts public functions, responsibilities, and capital assets, in whole or in part, from the public sector to the private sector.

Jails can be privatized in one of three ways: through private management, private sector development, or private services provision. With private management, private firms have total responsibility for the operation of a facility. This is the most common application of the term *privatization* and the most controversial aspect of the private sector's involvement in corrections.

With private sector development, the private sector develops, designs, and finances or arranges for the financing of jails. This often involves owning the jail and leasing it back to the jurisdiction through a lease/purchase contract, which serves as an alternative to a public bond issue or tax increase.

For private services provision, jails contract with private vendors to run services such as health and dental care, alcohol and drug treatment, mental health services, food service, training, and programming. This is the most familiar privatization model and the least controversial.

The debate between proponents and opponents of jail privatization surfaced early and continues today. Pressures for privatization come from escalating costs and crowded jails as well as from general dissatisfaction with county government. Jail privatization is sometimes seen as a practical option when a jurisdiction needs to update facilities quickly in response to a court order for additional capacity. Advocates of privatization claim that private organizations can operate facilities more efficiently and cost-effectively.

Opponents of jail privatization dispute cost comparisons or dismiss them altogether. Some insist that the fundamental point is that it is the responsibility of local governments to operate jails, not to delegate power and liability. Opponents believe that the administration of justice is a basic function of government and a symbol of state authority and should not be delegated. From this perspective, jails are, as John J. DiIulio Jr., University of Pennsylvania professor of politics, religion, and civil society, put it, “a public trust to be administered on behalf of the community and in the name of civility and justice.”⁷⁶

Opponents also fear that if we privatize jails, we risk enabling private corporations to use their political influence to continue programs not in the public interest. For example, would private contractors keep jail occupancy rates high to maintain profit? Might private contractors accept only the best inmates, leaving the most troublesome for public facilities to handle?

Turning a jail over to a private corporation also raises questions about accountability. Who is responsible for monitoring the performance of the private contractor? Who will see that local laws and regulations are followed? As jail incarceration rates continue to rise, the debate over privatizing jails and the competition for new contracts will continue.

Professional associations have addressed jail privatization through policy statements that range from cautious (American Correctional Association) to negative (American Jail Association and the National Sheriff's Association). The American Federation of State, County and Municipal Employees has been opposed from the beginning, and the American Bar Association has urged a moratorium until more information is available.

Jail Reentry (Begins at Entry)

Another solution to jail crowding is jail **reentry**, the process of transition that offenders make from prison or jail to the community. (We return to a discussion of reentry in Chapter 8.) It seems only natural to add jail reentry to the list of strategies so that fewer people, once released, return to jail.

reentry

The transition offenders make from prison or jail to the community.



Bradley Lord, Psy.D.

Director of Mental Health, Escambia County Sheriff's Office, Pensacola, Florida



Dr. Lord is the director of Mental Health for the Escambia County Sheriff's Office (ECSCO) in Pensacola, Florida. He operates a mental health department for the Escambia County Jail, which includes supervising case managers, licensed therapists, and psychiatrists. He is second in command of the Health Services Section of the ECSCO and supervises 70 employees. He also completes mental health evaluations for ECSCO for newly hired patrol and canine deputies. Over the past 15 years, he has worked in drug rehabilitation settings, inpatient psychiatric settings, outpatient settings, and private practice.

Lord received his B.A. degree in psychology from the University of West Florida, his master of science degree in counseling and psychology from Troy University, and his Psy.D. in clinical psychology from California Southern University. His doctoral project focused on leadership development within the adolescent population. He is a licensed therapist and a certified addictions professional in the state of Florida. He attributes his leadership style to his military experiences, diverse professional experiences, and course curriculum provided by his varied academic experiences.

Lord avidly enjoys teaching as an adjunct instructor at the University of West Florida. He encourages students and colleagues to further their education and become lifelong learners because new information, not only in the psychology field but also the forensics field, is always available. Being current with data and trends when working within the professional fields of forensics and psychology is necessary to provide the best care and guidance for clients and employees. It is simply not enough to earn a degree and work in forensics or psychology because of their dynamic and ever-changing fields. Individuals who do not keep up with the new information and trends associated with these professions simply become antiquated and fail their clients and organizations they represent.

"It is simply not enough to earn a degree and work in forensics or psychology because of their dynamic and ever-changing fields. Individuals who do not keep up with the new information and trends associated with these professions simply become antiquated and fail their clients and organizations they represent."

Evidence suggests that improving inmate job skills, helping inmates find jobs upon release, and increasing inmate wage potential all have a significant impact on recidivism.⁷⁷ We find success stories in small rural jails and in large urban jails. Jim Parsons, director of the Vera Institute of Justice Substance Use and Mental Health Programs, describes three promising approaches to reentry that are particularly well suited to jail settings: (1) the use of administrative records as a way to target scarce resources to frequent service users (FSU), those who are likely to benefit the most from receiving reentry services, (2) the APIC model, and (3) strengths-based approaches to jail reentry programming and family-based service models.⁷⁸

Targeting Frequent Service Users and Using Jail Data to Assess the Risk of Recidivism The Frequent Users Service Enhancement (FUSE) initiative uses cross-system data to provide housing services for chronic users of both jail and shelter systems. FUSE providers in New York City conduct a quarterly data match between the city's jail and shelter records to identify people who meet the program's criteria of at least four jail and four shelter stays during the preceding five-year period. Preliminary results from an evaluation of the FUSE model in Connecticut found that the first 30 recruits to the program had incurred an estimated \$12 million in lifetime jail and shelter system costs.

Once the list of the names has been produced, service providers match them against jail and shelter rosters to identify those who are eligible for FUSE's targeted housing supports.



Visit www.youtube.com/watch?v=jBkz0X3s6pl or scan this code with the QR app on your smartphone or digital device and watch this 2013 podcast of New York City Mayor Bloomberg announcing the New Jail-Based Community Re-Entry Program, Part of State of the City Promise to Further Reduce Recidivism. How does this information relate to ideas discussed in this chapter?

Another approach to targeting reentry services uses assessments to determine the risk of recidivism as a way to identify those who are repeatedly cycling through jails. Two of the most commonly used offender assessment tools developed to assess an offender's level of risk are the Level of Services Inventory—Revised and the Correctional Offender Management Profiling for Alternative Sanctions. However, the training requirements to administer these tools, their high licensing costs, and the need for a private environment in which to conduct assessment interviews act as obstacles to the use of these tools by jails. Competing each assessment can take up to an hour. In the country's largest jails, assessing every person entering the jail would require a dedicated, trained staff of dozens.

An alternative to these assessments is the Vera Institute of Justice's Service Priority Indicator (SPI). It uses four pieces of data that significantly predict readmission to department of corrections (DOC) custody within one year of release: people who (1) were younger than 20 at admission, (2) had a current charge for either a property or drug offense, (3) had a specified number of prior DOC admissions, and (4) had a DOC admission within the previous eight weeks.

Based on these factors, the SPI classifies people as having "low," "medium," "high," or "very high" risk of recidivism. The SPI significantly differentiates between the four groups and has found that 24 percent of the "low"-risk group readmitted to DOC custody within one year of release compared with 84 percent of the "very high"-risk group.

The SPI addresses the limited resources available to conduct lengthy risk assessment interviews by providing an instrument for recidivism risk that can be automatically generated for every person as part of the standard jail intake system. Although the SPI is not designed to replace more detailed, in-person risk and needs assessments, it provides a method for directing available resources to individuals with an elevated risk of recidivism who may benefit from a more in-depth assessment.

APIC The APIC acronym summarizes the four essential stages of reentry service provision: *assessing* risks and needs, *planning* for treatment based on the assessment, *identifying* appropriate providers in the jail and in the community to address the inmate's needs, and *coordinating* the transition back to the community and ensuring continuity of care. The APIC model also identifies a variety of commonly occurring reentry service needs, including housing, inpatient and outpatient treatment for mental health and substance abuse disorders, medication, counseling and other behavioral health services, medical care, income support and benefits, food and clothing, child care, and transportation.

Building upon Family and Peer Networks Families are often the primary source of financial and emotional support when people return from jail or prison. In addition, family contacts can be instrumental in helping former inmates identify employment opportunities and find housing. Helping people maintain contact with their families and intimate partners while they are incarcerated has been shown to improve both short- and long-term outcomes, buffering returning inmates from the damaging effects of incarceration.

Reentry strategies that support families are also important for the children and partners of people who were formerly incarcerated. The Bureau of Justice Statistics estimates that approximately 1.7 million children under the age of 18 in the United States have at least one parent in state or federal prison. An equivalent national figure is not available for jails, but a survey

of 311 people interviewed while they were held in jail in Maryland and Wisconsin found that 67 percent of respondents were parents. Estimates based on prison parenthood data suggest that there are between 700,000 and 800,000 children with at least one parent in jail on any given day.

Services that build on peer and family support networks are particularly suited to jails where families often live close by and tend to have relatively easy access to their incarcerated relatives. The Family Justice Program of the Vera Institute of Justice develops correctional interventions designed to capitalize on the existing strengths and supports found within families. One such program is the Children of Incarcerated Parents Program (CHIPP), a partnership between the New York City Administration for Children's Service (ACS) and the jail. The program's goal is to maintain and strengthen bonds between children in foster care and their incarcerated parents. One component of CHIPP, the Riker's Island Family Visitation Program, provides dedicated visiting days when children who are in foster care custody can visit their incarcerated parents. On these designated days, ACS transports children to the jail for extended two-hour visits, provides children's toys and games in the jail visiting area, and relaxes the usual rules limiting physical contact between inmates and their visiting relatives.

Exhibit 6–10 shows what some of the jails across the United States are doing in jail reentry.

EXHIBIT 6–10 Jail Reentry

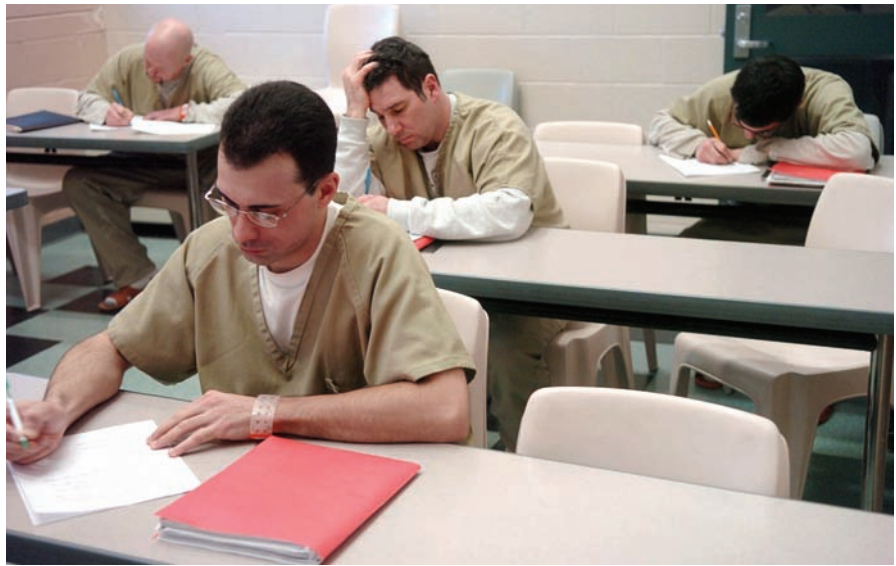
To date, reentry policies and programs have primarily targeted people released from state and federal prisons. However, jail reentry has at least as much of an impact on public safety, if not more. Although the nation's jail capacity is lower than its prison capacity—there are approximately 691,000 jail beds, compared to 1.4 million prison beds—admissions and releases from jails far exceed those from prisons. According to the Bureau of Justice Statistics 2004 Survey of Large Jails, 20 percent of jail inmates serve at least one month, and only 4 percent serve more than six months. As a result, the jail population is continuously turning over, resulting in approximately 12 million admissions and releases per year.

The short sentences served in jail and the proximity of jails to inmates' home communities have important implications—both positive and negative—for the role of local jails in addressing the challenges of prisoner reentry, highlighted as follows:

- **Mental illness.** Sixteen percent of both jail inmates and state prisoners report a mental condition or overnight stay in a mental hospital. However, only 41 percent of jail inmates with mental illness receive mental health services compared to 61 percent of state prisoners with mental illness.
- **Substance abuse and dependence.** More than two-thirds (68 percent) of jail inmates are dependent on or abuse drugs or alcohol, but only 18 percent receive treatment or participate in other substance abuse programs after entering jail. Sixty-nine percent of jail inmates are regular drug users, and 29 percent of convicted jail inmates report drug use at the time of their offense.
- **Limited employability.** Fifty-seven percent of jail inmates were working full-time the month prior to their arrest. Thirty percent of all jail inmates reported personal earnings totaling less than \$300 per month.
- **Extensive criminal histories.** Three-fourths of jail inmates have served a prior probation or incarceration sentence, and nearly a quarter (24 percent) have served three or more prior sentences to incarceration. More than half of all jail inmates have a current criminal justice status at the time of arrest.

Source: Adapted from Nancy G. La Vigne, Amy L. Solomon, Karen A. Beckman, and Kelly Dedel, *Prisoner Reentry and Community Policing: Strategies for Enhancing Public Safety* (Washington, DC: U.S. Department of Justice, Office of Community Oriented Policing Services, March 2006).

Jail inmates at the Onondaga County Justice Center (Syracuse, New York) take a test at their small-engine repair class. The class is divided between work, tests, and hands-on engine work. What do you believe will happen if educational and vocational programs are not available for jail inmates?



CO6-7

Educational, Vocational, and Inmate Work Programs

Many jail inmates have poor reading skills. National studies show that more than 40 percent of all jail inmates have less than a ninth-grade education.⁷⁹ They also have substance abuse problems and few job skills. They frequently cannot find jobs after they are released or can find only low-paid or temporary work. As a result, in part, they often return to a life of crime.

Too many jails simply warehouse inmates and care little about education or job skills. It costs taxpayers money to provide educational services to jail inmates—the same people who already have financially and psychologically burdened society through their crimes. Education does not guarantee that an offender will remain free of crime upon release. However, consider the alternative: More than 40 percent of defendants on pretrial release have one or more prior convictions. The cost of keeping one inmate in jail for one year ranges from \$20,000 to \$40,000. Studies also show that inmates who earn their GEDs while incarcerated are far less likely to return to crime. Educational and vocational programs help offenders help themselves, they boost self-esteem, and they encourage legitimate occupations upon release. Overall, it costs less to educate offenders and teach them job skills than to do nothing to change their attitudes, abilities, and outlooks. Ignoring an offender's educational and vocational deficiencies leaves the offender with fewer marketable skills or qualifications when released, increasing the chance of a return to crime.

On an average day, nearly 20 percent of all jail inmates work at least six hours a day. Some jails go further, creating opportunities for inmates to learn work habits and skills that are in demand in the community, earn wages that apply to their fines, court costs, and family obligations, provide quality goods to consumers, and reduce inmate idleness. Jail industries making headlines include:⁸⁰

- **Lewis County Jail, Chehalis, Washington.** Inmates who meet certain criteria are able to obtain certification in commercial baking and basic kitchen safety for employment in restaurants, cafes, hotels, cafeterias, delis, catering, and institutional operations. The program is sponsored by the Consolidated Food Management.

The Offender Speaks

Visit www.mhhe.com/schmallegger7e to see this feature.



A faith-based organization encourages jail inmates to form a circle and ask their victims for forgiveness. Major life events such as incarceration are linked to a greater tendency to turn to spirituality or religion. What do you think is the role of jail ministry?

- **Lafayette Parish, Louisiana.** Inmates manufacture and deliver can liners for trash and garbage use to government or nonprofit agencies in the state of Louisiana. In 2009, total sales reached over \$200,000.
- **Two Bridges Regional Jail, Maine.** Inmates in one of the newest jail industries programs in the country design and fabricate wood items.
- **Franklin County Jail, Pennsylvania.** Inmates produce the newsletter for the Council for the Arts and wash, dry, and deliver uniforms for the Chambersburg Cardinals, a minor league football team.
- **Los Angeles Sheriff's Department Jail Enterprise Unit, California.** Inmates produce lunch and trash bags for the sheriff's food service unit, saving the sheriff's office over \$100,000 annually instead of purchasing the bags. The Unit is expanding to market the bags to other government agencies within Los Angeles County.
- **Arapahoe County, Colorado.** Inmates are involved in a wide array of recycling initiatives. In 2007, the program earned almost \$300,000, and about one-fourth of the revenues were paid to inmates as wages.
- **Hampden County Jail, Massachusetts.** Inmates enroll in a Culinary Arts Program at Springfield Technical Community College and operate the Olde Armory Grille. They gain experience in food preparation and delivery.

Elsewhere across the country, jail inmates are involved in animal grooming, auto repair, body work and detailing, events setup and breakdown, computer data entry, digital imaging, furniture assembly and repair, graphics, laundry, silk-screening, telephone marketing, and welding.

Jail Ministry

Very little is written about the use and effects of jail ministry and faith-based programming in jail. Too often the topic is looked at skeptically by outsiders who believe that inmates pretend to “find God” as a convenient way to obtain release or forgiveness. However, getting into trouble and then turning to religion is supported by the “coping” literature, which

links major life events to a greater tendency to turn to spirituality or religion. What we will explore here, however, is not the research supporting the veracity of inmates' claims of conversion but the partnership between government and faith-based organizations to meet the nation's corrections needs. We will also consider the experiences of those who minister to jail inmates.

Religious belief can make a difference in people's lives and can assist in tackling social problems. Much crime is the result of people making the wrong moral choices. Churches and religious organizations can provide the moral and spiritual aspects to correctional programs. There are not enough correctional officers, probation or parole officers, or police to prevent every ex-offender from committing another crime, so help from other partners is needed. Pat Nolan, vice president of Prison Fellowship Ministries writes, "The way society will be able to reduce crime is if during their time of incarceration, offenders have been transformed and internalized a moral code that allows them to exercise self-restraint and be good citizens after they are released. . . . It will be helpful to look upon local churches as partners to help teach inmates these important lessons during their incarceration and to act as mentors as they re-enter their communities."⁸¹

Recently, researchers conducted a study to investigate the impact of religious programs on two matched groups of adult male prisoners in New York.⁸² They found that inmates most actively involved in Bible studies (meaning they attended 10 or more classes over the course of one year) were less likely than inmates who attended fewer classes (or none) to commit institutional infractions or, if they did, the infractions were not as serious as the infractions of those who attended fewer classes (or none); and inmates most actively involved in Bible studies were less likely than inmates who attended fewer classes (or none) to be arrested during a one-year follow-up. Subsequent research found that differences in rearrest peaked at two and three years after release. The average time to rearrest for the inmates who were most actively involved in Bible studies was 3.8 years versus 2.3 years for inmates who attended fewer classes (or none). However, differences between the two groups diminished after that and were not statistically significant in years four through eight. Over time, the effects of Bible study attendance are diminished in importance. Risk for arrest in years four through eight was explained by other factors such as prior record, race, and age.

Those who minister to jail inmates tell us there are at least five benefits of jail chaplaincy. First, most jail chaplains believe that the cycle of crime can be broken only one life at a time. Jail inmates must experience an inner conversion before they change their behavior. Jail chaplains can assist in that conversion. Second, jail chaplains can help jail staff with their emotional and family problems. An on-site chaplain can help staff deal with problems daily as they develop. Third, jail chaplains are in a unique position to mediate and moderate tensions and conflicts between inmates and staff before they get serious. Pleading for nonviolence is a chaplain's strong tool. Inmates usually see a jail chaplain as being neutral. The chaplain has the unique opportunity to speak his or her mind and be seen as someone who cares enough to confront and comfort. Fourth, the public perceives ministering to the disadvantaged as legitimate, so such ministry helps the community remember those they would just as soon forget. In the role as community liaisons, chaplains help raise the awareness about and sensitivity to jail issues and interests. The ability of chaplains to involve the public as jail volunteers is an added benefit. And fifth,

jail chaplains can help inmates confront the truth about themselves and reverse the “everything is relative” attitude that offenders develop to justify their crimes.

In the following excerpt, a chaplain shares some thoughts about his two years on the job:⁸³

A chaplain occupies a unique place in an inmate’s thinking. She or he is not seen as “one of them”; we are not associated so much with the institution or judicial system. That gives us unique opportunities to speak openly and be viewed not as someone who has a sinister hidden agenda, but as someone who cares enough to confront.

Jail Standards, Inspection, and Accreditation

CO6-9

Dr. Ken Kerle, probably the most known advocate today for improving our nation’s jails, wrote recently, “. . . jail inspection is about as popular in many places as a skunk in the living room and many county officials, including sheriffs, would just as soon avoid it altogether. It is no accident that 12 states today have no jail inspections and 8 states with inspection standards have no enforcement agency to compel compliance.”⁸⁴ Florida is one example. According to the *Orlando Sentinel*, “When it comes to grading Central Florida’s jails, no bell curve exists. Every facility generates near-perfect grades and glowing reviews.”⁸⁵ Florida’s Model Jail Standards inspection is a voluntary, peer-accreditation system of part-time inspectors, people usually employed as corrections managers, law enforcement officers, or fire inspectors somewhere else in Florida. Many Florida jails are also inspected through another peer-based system administered by the Florida Corrections Accreditation Commission, but accreditation is optional. Such oversight raises questions about the state’s ability to oversee its jails. Members from the Florida Corrections Accreditation Commission and inspectors measuring the Florida Model Jail Standards recently each gave the Osceola County Jail nothing but praise just before two inmates escaped, another incident in which an inmate was accidentally released, and failure to note that razor wire had been incorrectly installed—issues that led to the disciplining of 30 officers, demotions of two captains, resignation of the jail director, and firing of the county manager. “If almost every jail is reaccredited by meeting 100 percent of the standards reviewed and if every facility meets an overwhelming majority of the Florida Model Jail Standards, then are these detention facilities truly being tested?” asked the *Orlando Sentinel*.

On the other hand, other populous states such as Illinois, New York, Pennsylvania, Ohio, and Texas mandate state oversight of county jails. Texas, for example, has the Commission on Jail Standards, an independent state agency with the authority to develop standards, conduct inspections, and fine or close jails if they fail to comply. New York state statute allows the Commission of Corrections’ jail investigators to visit any of the state’s prisons or county jails at any time and may view any records they deem necessary to complete their duties. The Commission has a \$3 million budget and a full-time nine-member board appointed by the governor. They may close any correctional facility if it is unsafe, unsanitary, or inadequate. Any person who does not obey its orders is guilty of a misdemeanor. The American Bar Association agrees with independent oversight and authority to act. It recommends that all federal, state, tribal, and territorial governments create independent bodies with broad authority and access to corrections facilities.⁸⁶

Ethics and Professionalism

Code of Ethics for Jail Officers

As an officer employed in a detention/correctional capacity, I swear (or affirm) to be a good citizen and a credit to my community, state, and nation at all times. I will abstain from questionable behavior which might bring disrepute to the agency for which I work, my family, my community, and my associates. My lifestyle will be above and beyond reproach, and I will constantly strive to set an example of a professional who performs his/her duties according to the laws of our country, state, and community and the policies, procedures, written and verbal orders, and regulations of the agency for which I work.

On the job I promise to

KEEP the institution secure so as to safeguard my community and the lives of the staff, inmates, and visitors on the premises.

WORK with each individual firmly and fairly without regard to rank, status, or condition.

MAINTAIN a positive demeanor when confronted with stressful situations of scorn, ridicule, danger, and/or chaos.

REPORT either in writing or by word of mouth to the proper authorities those things which should be reported and keep silent about matters which are to remain confidential according to the laws and rules of the agency and government.

MANAGE and supervise the inmates in an evenhanded and courteous manner.

REFRAIN at all times from becoming personally involved in the lives of the inmates and their families.

TREAT all visitors to the jail with politeness and respect and do my utmost to ensure that they observe the jail regulations.

TAKE advantage of all education and training opportunities designed to assist me to become a more competent officer.

COMMUNICATE with people in or outside of the jail, whether by phone, written word, or word of mouth, in such a way so as not to reflect in a negative manner upon my agency.

CONTRIBUTE to a jail environment which will keep the inmate involved in activities designed to improve his/her attitude and character.

SUPPORT all activities of a professional nature through membership and participation that will continue to elevate the status of those who operate our nation's jails. Do my best through word and deed to present an image to the public at large of a jail professional, committed to progress for an improved and enlightened criminal justice system.

Adopted by the American Jail Association Board of Directors on November 10, 1991, Revised May 19, 1993.

Ethical Dilemma 6-1: Female offenders have an average of 2.5 children. Increasing numbers of incarcerated, pregnant, and/or parenting women being sentenced to jail have resulted in many more children being separated from their mothers. Should jail administrators concern themselves with providing services for families of jail inmates? For more information, go to Ethical Dilemma 6-1 at www.justicestudies.com/ethics06.

Ethical Dilemma 6-2: Sometimes administrators must make hard decisions when faced with budget cuts. As a jail administrator, you must cut one position, either a correctional officer or a teacher. Which position will you cut? Why? For more information, go to Ethical Dilemma 6-2 at www.justicestudies.com/ethics06.

Ethical Dilemmas for every chapter are available online.

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Jail standards now govern inmate health care; the use of force; protection of inmates from violence; provision of services including food, clothing, shelter, protection from fires, and exercise; searches of all types; access to mail and reading materials; practice of one's faith; and inmate discipline. The task for jail managers is to translate jail standards into understandable and objective guidelines. For example, a court ruling that lighting in an inmate's cell may not be so low as to present an unreasonable risk of serious harm to inmates may leave a jail manager guessing as to how much light to have in the jail. However, a standard stating that lighting in inmate cells must be "at least 20 foot-candles at desk level" turns the vague statement into a measurable objective.

Today, jail compliance with standards set forth by the American Correctional Association (ACA) has become the best defense to ensure that jails are operating properly and highlight where improvements are needed. Two ACA publications, *Standards for Adult Local Detention Facilities* and *Standards for Small Jail Facilities*, cover the standards for the services, programs, and operations they consider essential to good jail management. Jails that comply with 100 percent of the mandatory standards and 90 percent of the nonmandatory ones are awarded accreditation.

Jail accreditation is a process through which correctional facilities and agencies can measure themselves against nationally adopted standards and through which they can receive formal recognition and accredited status. We will expand on the issue of correctional accreditation in Chapter 13.

Although jails were slow to respond to the standards movement, their response has increased in recent years. Approximately 131 adult local detention facilities were ACA accredited. ACA acts on agency requests for accreditation at its annual Winter Conference and Summer Congress of Correction.⁸⁷

There are several reasons jails have been slow to adopt national standards or seek national accreditation. First, accreditation is expensive and time-consuming. Many jails do not have the resources to commit to it. This is especially true of small jails that are already overburdened. Second, jails hold relatively few long-term inmates. Few inmates are in a jail long enough to file a successful legal action regarding poor conditions in the jail. Knowing this, some jail administrators may not be willing to undergo the expense and burden of seeking accreditation. Third, some states have their own standards that jails must meet.

There are, however, at least five reasons for jails to have national accreditation:

1. Accreditation by the ACA indicates that a jail adheres to strict standards to protect the health and safety of staff and inmates.
2. Being accredited may help a jail defend itself against lawsuits over conditions of incarceration.
3. In preparing for the accreditation review, the sheriff's office may evaluate all operations, procedures, and policies, leading to better management practices.
4. With accreditation come professional recognition and status, greater appreciation by the community, and a sense of pride in the achievement and in the hard work that went into it.
5. And recently, ACA in conjunction with the American Jail Association, National Sheriff's Association, National Institute of Corrections, and the Federal Bureau of Prisons developed a set of core jail standards to establish minimum practices for small- and medium-size facilities. This new option makes certification easier now for small- and medium-size jails.

Evidence-Based Practices

The final priority identified by the group of sheriffs and jail administrators in 2007 and reiterated in 2012 at the National Jail Leadership Command Academy in Hunstville, Texas, relates to evidence-based practices. The body of jail-related research is very small compared to what is known about prisons, yet the sheriffs and jail administrators agreed that if more was known about what works in jails, they would be able to improve everything from efficiency and cost-effectiveness to public safety, agency accountability, and proactive planning.

jail accreditation

Process through which correctional facilities and agencies can measure themselves against nationally adopted standards and through which they can receive formal recognition and accredited status.

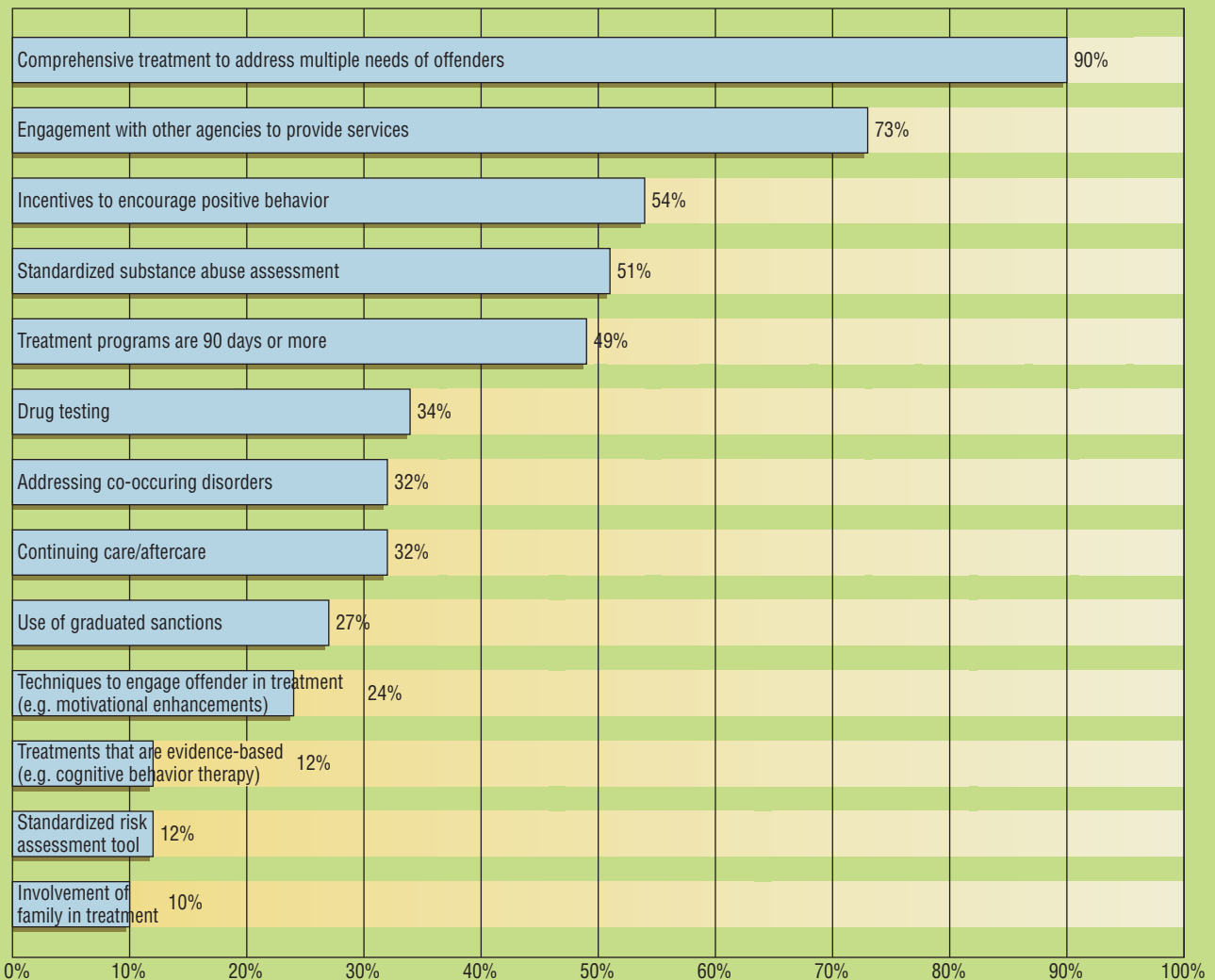


CO6-10

Also in 2007, researchers reported on what evidence-based practices are used in the nation's jails to treat substance abuse. Of 13 key evidence-based practices recommended by the National Institute on Drug Abuse, the researchers found that jail administrators reported implementing an average of only 1.6 (see Exhibit 6–11).⁸⁸ Only four best practices are used in more than half of all jails: (1) comprehensive treatment methods to address offenders' multiple needs, (2) engagement with community agencies to provide services for drug-involved offenders, (3) use of positive incentives to encourage inmate behavior, and (4) use of standardized substance abuse assessment tools to understand the extent and impact of drug usage.

In spite of the fact that half of the jails use these four evidence-based practices, however, the jails have not conducted the rigorous evaluations that are necessary to show the impact the practices have on reduced criminal activity.

EXHIBIT 6–11 Percentage of Jails That Use Evidence-Based Practices to Treat Substance Abuse



Source: Adapted from Peter D. Friedman, Faye S. Taxman, and Craig E. Henderson, "Evidence-Based Treatment Practices for Drug-Involved Adults in the Criminal Justice System," *Journal of Substance Abuse Treatment*, vol. 32, no. 3 (2007), pp. 267–277.

PRISONERS CONFINED IN JAIL AND CALIFORNIA'S REALIGNMENT

CO6-11

If a judge sentences an offender to a state or federal prison and the prison is overcrowded, the inmate is held in a local jail until prison space becomes available. A decade ago, almost 70,000 state and federal prisoners were held in local jails because prisons were overcrowded. Today, the number is more than 82,000 even though the number of persons sentenced to prison declined for the second consecutive year.

Today California is experiencing a seismic shift in corrections policy that is likely to change the national landscape in the number of persons sentenced to prison and to jail. In November 2006, plaintiffs in two class action lawsuits, *Plata v. Brown* (involving inmate medical care) and *Coleman v. Brown* (involving inmate mental health care), argued that persistent overcrowding in the state's prison system was preventing the California Department of Corrections and Rehabilitation (CDCR) from delivering constitutionally adequate health care to inmates.

In August 2009, a three-judge panel declared that overcrowding in the state's 33 prisons was the primary reason that CDCR was unable to provide inmates with constitutionally adequate health care. The court ruled that in order for CDCR to provide such care, it would have to reduce the prisoner population by 33,000 in the state's 33 prisons within two years.

On May 23, 2011, the U.S. Supreme Court upheld the ruling by the lower three-judge panel and ordered the state of California to reduce its prison population by 33,000 within two years to alleviate overcrowding. In response, the California State Legislature and governor enacted a series of bills, most notably Assembly Bill 109—the 2011 Public Safety Realignment. The most significant policy change created by the 2011 realignment is the shift of responsibility for adult offenders and parolees from the state to the counties. The new law took effect on October 1, 2011. It mandates that individuals sentenced for nonserious, nonviolent, or nonsex offenses serve their sentences in county jails instead of state prison and jails be supervised by county probation departments rather than state parole officers. The bill is funded through vehicle license fees and a portion of the state sales tax. Counties can use the new funding to create more jail beds or fund intermediate sanctions like those discussed in Chapter 5. Supporters of realignment are hoping that although the U.S. Supreme Court However, the original bill did not include funds for data collection. Only now are legislators and policymakers pushing for funding for data that can provide an assessment of realignment and guide the state in building safer communities and better systems for aiding reentering offenders.⁸⁹

The shift in responsibilities can be divided into three parts: the shift of lower-level offenders, the shift of parolees, and the shift of parole violators.

Lower-Level Offenders

The 2011 realignment limited which felons can be sent to state prison, thereby requiring that counties manage more felons. Sentences to state prison are now limited to registered sex offenders, individuals with a current or prior serious or violent offense, and individuals that commit certain other specified offenses. Thus, counties are now responsible for housing and supervising all felons who do not meet those criteria. The shift occurred on a prospective basis effective October 1, 2011, meaning that no inmates under state jurisdiction prior to that date were transferred to the counties. Only lower-level offenders convicted after that date came under county jurisdiction.

design capacity

The number of inmates that planners or architects intend for the facility

Parolees

Before realignment, state parole agents supervised individuals released from state prison in the community. Following realignment, however, state parole agents supervise only individuals released from prison whose current offense is serious or violent as well as certain other individuals including those assessed to be mentally disordered or high-risk sex offenders. The remaining individuals—those whose current offense is nonserious and nonviolent, and who otherwise are not required to be on state parole—are released from prison to community supervision under county jurisdiction. This shift was also done on a prospective basis, so that only individuals released from state prison after October 1, 2011 became a county responsibility. County supervision of offenders released from state prison is referred to as Post-Release Community Supervision and will generally be conducted by county probation departments.

Parole Violators

Prior to realignment, individuals released from prison could be returned to state prison for violating a term of their supervision. Following realignment, however, those offenders released from prison—whether supervised by the state or counties—must generally serve their revocation term in county jail. In addition, individuals realigned to county supervision will not appear before the Board of Parole Hearings (BPH) for revocation hearings, and will instead have these proceedings in a trial court. These changes were also made effective on a prospective basis, effective October 1, 2011.

By 2016–2017, the CDCR estimates that the prison population will be lower by nearly 40,000 inmates, or 24 percent, than it otherwise would have been absent the 2011 realignment. However, even assuming no increase in the California offender population, the reduction in the state prison population means an increase in the county jail population.

REVIEW AND APPLICATIONS

SUMMARY

- 1 There are 3,283 locally operated jails in the United States. Besides incarcerating people who have sentences of a year or less, jails serve a number of purposes. They hold people awaiting trial, probation and parole violators, adults and juveniles awaiting transfer, and prison inmates about to be released. Sometimes they operate community-based programs. The jail population is different from the prison population in terms of total admissions and average daily population.
- 2 The *daily* population of jails is lower than that of prisons, but the *annual* total of people incarcerated in jails is higher.
- 3 Jails emerged in Europe in the 12th century to detain offenders for trial. In the 15th and 16th centuries, the poor and unemployed were detained alongside criminals. The first jail in America was the Walnut Street Jail. Quakers designed it according to their principles of religious reflection and penance. It fell short of reaching its goals and closed in 1835.
- 4 American jails have progressed through three phases of architecture and inmate management: first-generation jails (linear design and sporadic supervision), second-generation jails (pod design and remote supervision), and third-generation jails (pod design and direct supervision).

- 5 By mid-2011, jails held or supervised 808,622 offenders. An estimated 39 percent of jail inmates are convicted offenders. Women represent 13.2 percent of the jail population; nonwhites, 54.2 percent; and juveniles, 0.7 percent. Almost two-thirds of all jail inmates have a mental health problem, and there are more people with mental illness in jail than there are in mental health hospitals. Jail suicide is almost four times what it is for the general U.S. population, jail homicides are up, and 3.1 percent of all jail inmates experienced one or more incidents of sexual victimization involving another inmate or staff. By mid-2012, 84 percent of jail capacity was occupied. Thirty-seven jails are privatized. The most (eight) are in Texas. Approximately 234,000 people work in jails. The increase in the jail population is outpacing the growth in jail staff. The problems of jail staff include low pay and prestige, high turnover, and inadequate systems for recruitment, selection, and training.
- 6 Advocates of privatization claim they can build and operate jails more efficiently than can government. Opponents argue they cannot, or they dismiss the cost issues altogether. For them, operating a jail is a basic function of government and a symbol of state authority and should not be delegated.
- 7 Jail vocational and educational programs are important avenues for managing inmates, reducing recidivism, and successful reentry. They keep inmates occupied, boost self-esteem, and help inmates find jobs after release.
- 8 Jails are partnering with faith-based organizations to meet the needs of jail inmates. Jail chaplaincy can influence jail inmates in five ways. First, chaplains can help inmates with the inner conversion needed to break the cycle of crime. Second, a jail chaplain can help staff deal with day-to-day problems. Third, a jail chaplain can mediate and moderate tensions and conflicts between inmates and staff. Fourth, jail chaplaincy can involve the public as jail volunteers and remind people that inmates exist. And fifth, chaplains can help inmates confront the truth about themselves.
- 9 Jail standards, inspection, and accreditation are important for five reasons. First, inspection and accreditation indicate that a jail adheres to strict standards. Second, accreditation may help a jail defend itself against lawsuits over conditions of incarceration. Third, through inspection and accreditation, the sheriff's office may evaluate all jail operations, procedures, and policies, leading to better management practices. Fourth, accreditation generates professional recognition and status, greater appreciation by the community, and a sense of pride. And fifth, the ACA in conjunction with the American Jail Association, National Sheriff's Association, National Institute of Corrections, and the Federal Bureau of Prisons now has a set of core jail standards to establish minimum practices for small- and medium-size facilities. This new option makes certification easier for small- and medium-size jails.
- 10 The National Institute on Drug Abuse recommends 13 key evidence-based practices to treat substance abuse. Jails implement an average of only 1.6. Four evidence-based practices are used in more than one-half of all jails. However, jails have not conducted scientific evaluations to show the impact the practices have on reduced criminal activity.
- 11 California's realignment act is the shift of responsibility for adult offenders and parolees from the state to the counties. The new law mandates that individuals sentenced for nonserious, nonviolent, or nonsex offenses will serve their sentences in county jails instead of state prison and will be supervised by county probation departments rather than state parole officers.

KEY TERMS

bail, p. 163

jails, p. 167

total admission, p. 168

average daily population (ADP), p. 168

first-generation jail, p. 172

second-generation jail, p. 172

third-generation jail, p. 173

direct-supervision jail, p. 173

rated capacity, p. 185

pay-to-stay jail, p. 188

self-pay jails, p. 188

privatization, p. 192

reentry, p. 192

jail accreditation, p. 201

design capacity, p. 203

QUESTIONS FOR REVIEW

- 1 Jails serve a number of purposes. Which do you believe is the most important and why?
- 2 Describe how jail populations are different from prison populations.
- 3 Summarize the history of jails.
- 4 Explain how first-, second-, and third-generation jails differ.
- 5 What can you infer from the characteristics of jail inmates, facilities, and staff?
- 6 What ideas can you add to the arguments for and against jail privatization?
- 7 How do jail vocational and educational programs affect inmate behavior, recidivism, and reentry?
- 8 What criteria would you use to assess the impact that faith-based organizations and jail chaplains have on jail inmates and staff?
- 9 What ideas can you add to the arguments for and against jail standards, inspection, and accreditation?
- 10 Explain how jails could do more to implement evidence-based practices to treat substance abuse and demonstrate their impact on reduced criminal activity.
- 11 Explain the impact of California's realignment act on local jails and probation departments.

THINKING CRITICALLY ABOUT CORRECTIONS

Mentally Ill Inmates

Explain why mentally ill jail inmates should not be subjects for incarceration as some suggest, and why jails are ill-equipped to meet their needs.

Evidence-Based Practices

Why are evidence-based practices necessary for jails?

ON-THE-JOB DECISION MAKING

Promoting Direct Supervision

You are the administrator of a new county jail with the architecture and philosophy of direct supervision. The new jail replaced a jail built in 1912. Some of the senior staff have begun complaining to you about direct supervision. They say they don't like to interact with inmates. They talk about "the good old days" when inmates were "on the other side" of the reinforced glass and steel bars. There's even been a letter to the editor in the local newspaper complaining that the new jail doesn't "look like a jail."

1. What could you tell the senior staff about direct-supervision philosophy that might ease their concerns?

2. What strategies might you use to educate the public about the benefits of direct supervision?

Jail Standards, Inspection, and Accreditation

Imagine that you have just been elected as the first college-educated sheriff of a large county with a megajail (more than 1,000 beds). Your state has jail standards but inspection is done by a jail committee from another county and there is no enforcement agency to compel compliance. At the annual state sheriffs' meeting, you give a talk on the issues you see with neighboring counties inspecting each other's jails and the lack of enforcement to compel compliance. What will you say?

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