

# Federal Probation



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of Being "MADD" ..... *Patrick Kinkade*  
*Matthew C. Leone*  
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Following the Penological Pendulum: The  
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# Federal Probation

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## This Issue in Brief

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ACQUISITIONS

**Tough Boyz & Trouble.**—In an article subtitled "Those Girls Waiting Outside the D.C. Jail Remind Me of Myself," *Washington Post* reporter Patrice Gaines-Carter writes about the young women who love incarcerated men—the women who find a certain strength and power in men who operate outside the law. In a candid reminiscence of her own youthful attraction to "young black men who toted guns," the author describes how she "had to spend a summer in jail to discover the truths that serve me now."

**Probation and the Drunk Driver: A Cost of Being "MADD."**—In 1982, California instituted laws designed to severely sanction persons convicted of drunk driving. Prior research has indicated that these laws have had a negative impact on California's courts and jails. Authors Patrick Kinkade, Matthew C. Leone, and Thomas Wacker report on research into the effects the tough DUI laws have had on probation in California and the differing experiences of specific counties.

**Co-dependency and Probation.**—Chemical dependency, the dependence on drugs and/or alcohol, destroys many lives: not only the life of the chemical user, but the lives of persons connected to the user as well. Author Mickie C. Walker describes how chemical dependency affects the family system, causing rules, behaviors, roles, attitudes, and defense mechanisms to change so that family members can cope with the stress of chemical dependency. How family members might adversely affect probation work is discussed.

**Following the Penological Pendulum: The Survival of Rehabilitation.**—Author David Shichor reviews the changes in penological thinking and control policies that have occurred in the last two decades. This article focuses on the analysis of rehabilitation as a leading punishment principle that declined during that period of time and argues that there are several factors which contribute to its survival and its sustained importance in Western and American penology. These factors include an enduring public support and an acceptance by social scientists.

**Understanding and Sanctioning the White Collar Offender.**—Recent revelations of insider training and savings and loan defaults have focused public attention on white collar crime. Controversy surrounds this type of crime and the elite offenders who commit it. Author Stephen J. Rackmill defines white collar crime, discusses elements common to such crimes, and explains who the victims are and how

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# The State of Jails in America

BY MICHAEL T. CHARLES, SESHA KETHINENI, AND  
JEFFREY L. THOMPSON\*

## Introduction

THE JAIL has been called the most important part of the American correctional system (Mattick, 1974). It is the element of the correctional process that touches more lives than any other single correctional system or program. In fact, it is estimated that over 20 million admissions and releases occurred during the 12-month period ending June 1, 1990 (Bureau of Justice Statistics, 1990). In addition, to holding adults, many jails are used as a detention facility for juveniles (Rush, 1986).

Interestingly, while jails may be the most important part of our correctional system, they have suffered greatly from neglect, insufficient funding, and poor management over the years. Since the opening of this country's first jail, the Walnut Street Jail in Philadelphia in 1773, America has been struggling with the problems of jail design, overcrowding, security issues, poor living conditions, and other management concerns. As Goldfarb (1975, p. 11) has stated, "it is a system with . . . no coherent architectural history or social planning . . ." Our jails have been called the "ultimate ghetto" of the criminal justice system, "human warehouses," "brutal," "filthy," "cesspools of crime," and any number of other shocking and disgraceful terms depicting the worst of humanity (McGee, 1975, pp. 5-6).

Although there have been many attempts in recent years to improve the condition of jails, many jails are still old and plagued with inadequate security, space, and environmental problems. In order to address the issues facing jails today, it is necessary that we maintain an updated data set which can be used to facilitate improvements in jail conditions and help counties avoid costly litigations.

The purpose of this exploratory research project was to determine the state of jail facilities in counties with a population of over 50,000 in 1991. To achieve this objective, a survey was developed that included questions related to such issues as facility age and rated capacity; problems concerning space, jail population, renovation, security, environmental conditions, pending litigations, court orders, and juvenile detention facilities; and the importance of having experts in the planning and design of jail facilities. The results of the

survey provide insight into the condition of jails today and provide an important resource of information for officials to consider as they plan "next generation" jails.

## Literature Review

As early as 1870, jails in the United States were operated under unfit conditions. For example, referring to the Adams County Jail in Illinois, built in 1837, the Board of State Commissioners stated, "[i]t is difficult to imagine any place more unfit to confine human beings than this jail, dark, damp, and extremely filthy" (Reports Made to the General Assembly of Illinois, 1871, p. 117). Changes in jail conditions since that time have been slow in coming. In fact, in 1970, 56.2 percent of 3,319 jail facilities surveyed were over 25 years old (Friel, 1972). Some of the Nation's jails currently in use were built more than 100 years ago (Lucas, 1978).

### Overcrowding

In 1970, the jail census figures indicated that the populations of 205 of the Nation's jails had exceeded the design capacity of the facility (Friel, 1972). This problem was noted to be more serious in metropolitan jails than in their rural counterparts (Caldwell, 1986). The jail population figures in some instances showed overcrowding by as much as 88 percent over capacity in 1970 (Friel, 1972). In Cook County Jail in Illinois in 1975, 5,000 inmates were housed in facilities designed for 3,500. Dade County Jail in Florida housed 900 prisoners though it was designed to hold only 600. In 1975, the Cuyahoga County Jail in Cleveland, built for 350 people, housed 550 inmates (America's Jails, 1975).

From 1983 to 1989, there was a 76.9 percent increase in the Nation's total jail population. The average daily population in 1990 was 408,075, an increase of 5.5 percent from 1989. Although the overcrowding in jails in 1990 was slightly lower than in 1989, overall, jails were still beyond their rated capacity by an average of 104 percent (Bureau of Justice Statistics, 1990). Not only were jails overcrowded, but they were also found to be understaffed, to have environments conducive to suicide and homosexual attacks, and to be breeding grounds for riots (America's Jails, 1975).

### Jail Facilities

There were fewer jails in 1978 (N=3,493) than in 1972 (N=3,921) (LEAA Survey, 1979). Between 1976 and 1986, the total number of jails again decreased, by 583. However, most of these losses occurred with small

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jails. During the same period, there was an 8 percent increase in the construction of medium-size jails and a 4 percent increase in large jails, representing a total of approximately 500 new jails. In spite of this increase in construction, crowding has continued to be a problem in jails of all sizes (Caldwell, 1986). There are different explanations for overcrowding (Marsh & Marsh, 1990), but little is actually understood regarding this phenomenon at present. According to Marsh and Marsh (1990, p. 168)

... jail overcrowding is the result of indiscriminate, uncontrolled entry of persons into local facilities, not an increased crime rate, tougher laws and sentences, better law enforcement, or economic hard times.

### *Jail Standards*

Although the need for facilities to meet established standards was emphasized as early as 1870, in 1976, enforcement of standards for jails was still almost nonexistent in all of the 50 states. The Illinois Department of Corrections reported in 1975 that fully one-third of its city and county jails were either substandard, or in minimal compliance with the state's regulations. Of the 268 city lockups surveyed in Illinois in 1975, only 37 were found to be in satisfactory condition. It was also noted in the report that many jails in Illinois had to be closed because of their deteriorating condition. In Washington State, 90 percent of the jails were considered below minimum standard in 1975, and in Mississippi, most jails were reported to be in a state of deterioration during the same period. In Georgia, it was reported that many jails were not following state standards; likewise, in Texas, only 10 out of all jails in the state met the state standards (America's Jails, 1975).

As a result of these problems, many jails were shut down from 1973 through 1975. For example, in California, 50 local jails that did not meet the minimum established standards were closed. Twenty local jails in South Carolina were also closed, and North Carolina closed four jails after failure to meet the standards during the same period (America's Jails, 1975).

In 1979, the American Correctional Association, the American Bar Association, the American Public Health Association, and the American Medical Association jointly prepared and published the principle set of detention and corrections standards that are used today in the United States. In addition to these standards, the U.S. Department of Justice issued a draft containing Federal correctional standards. In part, this draft of Federal standards was based on case law. The Federal standards seek to fulfill three primary goals in local detention facilities: (1) protection of the public by incarcerating those individuals that present a danger to the community; (2) effective and humane management of inmates; and (3) provision of

the services necessary to maintain the social, physical, and emotional health of inmates (Folse, 1979, p. 21).

By 1985, 32 states had adopted standards, and 25 of those states had incorporated enforcement legislation with these standards. During the same period, the Commission on Accreditation of Corrections was created. The Commission put in place written national jail standards and also implemented an accreditation process. In addition, other factors began to play an important role in the operation of jails. They included the establishment of the National Institute of Corrections (NIC), the opening of the NIC Information Center and the jail center in Boulder, Colorado, the Academy of Corrections, improved jail training for correctional staff, and an increased number of publications on jails (Caldwell, 1986). Each of these efforts was designed to improve the condition of jails throughout the country.

### *Litigation*

The number of litigations by inmates against prison administrators has increased over the years as part of an effort to combat substandard jail conditions. Many lawsuits have been filed by inmates under the Civil Rights Act of 1964, alleging violations of the eighth amendment prohibition against cruel and unusual punishment. The U.S. Department of Justice, in monitoring jail conditions around the country, frequently initiated legal proceedings on its own. In some instances, the Department joined as a plaintiff on suits brought by other parties. In one case, the State of Alabama was accused of operating 232 substandard jails (America's Jails, 1975). In another case, community and civil rights groups filed 12 lawsuits against Cook County officials in Illinois for poor jail conditions. In Houston, legal action was taken by the American Civil Liberties Union to improve understaffed and overcrowded local jails (America's Jails, 1975).

In 1977, 361 local jails around the country were involved in some form of litigation (Caldwell, 1986). In 1982, Kerle and Ford surveyed 2,664 jails in the country. Of those 2,664 surveyed, 529 said that they were parties to pending lawsuits, and 285 indicated that they were currently under court order for overcrowding, poor sanitation conditions, fire hazards, medical or other violations. In a state-wide study in Alabama, officials found that

[t]hese facilities, characterized by atrophying and unsanitary structures . . . are a sad commentary on our treatment not only of those persons convicted of crimes, but also of those presumed to be innocent while awaiting trial (America's Jails, 1975, p. 58).

### *The Jail Crisis*

In 1977, the National Association of Counties (NACO) recognized the problem encountered in jails throughout the United States. The executive director

of NACO found that courts throughout the country were ordering jails to be upgraded or closed (Solutions to Jails, 1977). The NACO Research Foundation, in cooperation with 30 other organizations, sponsored the first National Assembly on the Jail Crisis. It invited more than 450 criminal justice experts to examine problems of overcrowded jails. It was the first time that a conference on the growing jail crisis was organized. One of the conference participants, Milton G. Rector, said "[t]he jail crisis is an integral part of the total crisis in the criminal justice system" (The Bureau of National Affairs, 1977, p. 21). He further stated that jails do not receive the attention or funding needed to function properly, yet they deal with the greatest number of people in the criminal justice system, second only to the police.

### *Juvenile Detention*

In 1974, the Juvenile Justice and Delinquency Prevention Act (JJDPA) was passed by Congress in an effort to persuade state and local governments to keep juveniles out of adult jails. The Act, however, only provided for sight and sound separation of juveniles from adults in adult facilities. It became clear shortly after the enactment of the JJDPA that separation of juveniles from adults in the same institution was not working. This has been evidenced by the fact that law enforcement officers and local and state officials have been successfully sued for such tragic incidents as juvenile rape, suicides, assaults, and abuse of youths in adult jails (Dale, 1991).

Responsible agencies such as the National Association of Counties, the National Sheriffs Association, and the American Correctional Association urge states to keep juveniles out of adult jails (Huskey, 1990). In 1980, Congress amended the JJDPA to prohibit the confinement of juveniles in adult jails in those states receiving funds under this Act. Ten years later, we still find many juveniles in adult county detention facilities. Numerous exceptions contained within the Act have allowed states to continue the incarceration of juveniles in adult facilities (Dale, 1991). In 1988, there were 1,676 juveniles incarcerated in adult jails throughout the United States (U.S. Department of Justice, 1990). While states such as Kentucky, Kansas, and Illinois have implemented programs to remove juveniles from their adult jails, this problem remains a major concern. Much more needs to be done to address this concern.

### *Methodology*

In an effort to determine the state of jails in the United States today, researchers at Illinois State University conducted a national jail facilities survey in early 1991. The surveys were mailed to all jails in

counties with a population of 50,000 or more. The sample of 623 jail facilities was selected from the American Correctional Association's *National Jail and Adult Detention Directory* (1990). Selected findings from the study are reported below.

Two separate mailings were sent out in an effort to maximize the response rate. The followup mailing was delivered approximately 4 weeks after the first survey was mailed. The procedure resulted in 308 (49.4 percent) completed surveys. Thus, the findings represent only 308 jail facilities. It must also be remembered that the survey included only those jails in counties having a population of 50,000 or more. The state of jail facilities in smaller counties was not addressed in the study. The condition of these jail facilities will be reviewed in a future research endeavor.

### *Study Findings*

The jail facilities surveyed were built from 1817 to 1991. Of the 308 respondents, 86 reported that their facility was between 25 and 100 years old. Twelve reported that their jail was over 100 years old. In those counties responding to the survey, 207 jail facilities had been built since 1967. Of the 207 facilities built in that 25-year period, 127 (61.4 percent) had been constructed since 1980. The remaining three did not answer this question. In addition, of the 308 respondents, 153 (49.7 percent) reported that their facility had been renovated in the past 25 years. This trend in increased construction appears to be the result of the aging of our Nation's jails and of continued overcrowding in these facilities.

Evidence indicating the need for changes in architectural design can be seen when looking at renovations that have taken place in the last 25 years. As previously stated, of the 308 jails surveyed, 153 were renovated since 1966. Over 130 (80 percent) of those facilities were renovated since 1980. In the last 11 years, because of overcrowding, deterioration, and court orders, many counties have been forced to renovate their detention facilities. Findings indicate that this trend will continue into the future. It is of interest to note that 294 (95.5 percent) of 302 respondents reported that it was important to have experts in jail facilities planning and design, so that costly architectural design errors could be avoided. Respondents were asked if they anticipated the need for a new or expanded facility in the next 5 years. Of those 292 responding, 237 (81.1 percent) indicated that a new or expanded facility would be needed within the next 5 years.

### *Rated Capacity*

The rated capacity of the 308 surveyed jails ranged from 15 to 2,831 inmates. The results showed that 94

out of 198 respondents reported overcrowding. One county in North Carolina and one in Maine reported the lowest rate of overcrowding, with each reporting two inmates over their rated capacity. Within the following states, at least one county reported overcrowding in excess of 200 inmates in its local facility: Arizona, California, Florida, Georgia, New Jersey, Ohio, Pennsylvania, Wisconsin, and Texas. One county facility in Texas reported overcrowding in excess of 1,600 inmates.

*Jail Facility Concerns*

Concerns voiced by respondents regarding their current facility fell into five separate categories: space inadequacies (personnel work space, shared departmental space, cell space, and recreational space); inadequate security (separation of inmates from the general public, restrictive and secure circulation systems, and security equipment and personnel); poor environmental conditions (lighting, acoustics, heating, and cooling); trouble transporting people and material (elevators, escalators, dumbwaiters, and pneumatic tube systems); and difficulty in expanding the size of the facility. It was found that 265 (90.1 percent) of 294 respondents thought space inadequacies were either most serious, serious, or somewhat serious within their institutions (see table 1).

Almost half (N=134, or 46.6 percent) of 288 respondents reported that they had either most serious, serious, or somewhat serious concerns for inadequate

security in their jail (see table 2). The remaining 154 (53.5 percent) of these respondents indicated that security was of little or no serious concern.

Regarding the environmental issues question, 148 of 288 respondents (51.4 percent) indicated that environmental conditions were either most serious, serious, or somewhat of a serious concern for the facility (see table 3). The remaining 140 respondents (48.6 percent) indicated that environmental conditions were not serious or were their least serious concern.

Regarding the transportation of people and materials, 127 (44.1 percent) reported it was either most serious, serious, or a somewhat serious concern (see table 4), while 161 (55.9 percent) respondents indicated that transporting people and materials was of little or no concern in their facility.

Finally, 165 (57.3 percent) reported that expansion of their facility was either a most serious, serious, or somewhat serious concern (see table 5). Expansion was of little or no concern for the remaining 123 (42.7 percent) respondents.

*Jail Litigations*

When asked to report if their facilities were under pending litigation, 62 (20.6 percent) of 301 respondents reported that they were under litigation. Seventy (23.1 percent) of 303 respondents indicated that they were under court order. For those facilities built from 1970 to 1991 (N=198), 79 (40.7 percent) respondents reported that they were either dissatisfied or

TABLE 1. SPACE INADEQUACIES

	Value	Frequency	Percent	Valid Percent	Cum. Percent
Most serious concern	1	190	61.7	64.6	64.6
Serious concern	2	45	14.6	15.3	79.9
Somewhat serious	3	30	9.7	10.2	90.1
Not serious	4	14	4.5	4.8	94.9
Least serious	5	15	4.9	5.1	100.0
No response	9	14	4.5	Missing	
TOTAL		308	100.0	100.0	
Valid Cases 294	Missing Cases 14				

TABLE 2. INADEQUATE SECURITY

	Value	Frequency	Percent	Valid Percent	Cum. Percent
Most serious concern	1	40	13.0	13.9	13.9
Serious concern	2	48	15.6	16.7	30.6
Somewhat serious	3	46	14.9	16.0	46.5
Not serious	4	65	21.1	22.6	69.1
Least serious	5	89	28.9	30.9	100.0
No response	9	20	6.5	Missing	
TOTAL		308	100.0	100.0	
Valid Cases 288	Missing Cases 20				

TABLE 3. POOR ENVIRONMENTAL CONDITIONS

	Value	Frequency	Percent	Valid Percent	Cum. Percent
Most serious concern	1	29	9.4	10.1	10.1
Serious concern	2	43	14.0	14.9	25.0
Somewhat serious	3	76	24.7	26.4	51.4
Not serious	4	63	20.5	21.9	73.3
Least serious	5	77	25.0	26.7	100.0
No response	9	20	6.5	Missing	
TOTAL		308	100.0	100.0	

Valid Cases 288    Missing Cases 20

TABLE 4. TRANSPORTING PEOPLE AND MATERIALS

	Value	Frequency	Percent	Valid Percent	Cum. Percent
Most serious concern	1	15	4.9	5.2	5.2
Serious concern	2	36	11.7	12.5	17.7
Somewhat serious	3	76	24.7	26.4	44.1
Not serious	4	69	22.4	24.0	68.1
Least serious	5	92	29.9	31.9	100.0
No response	9	20	6.5	Missing	
TOTAL		308	100.0	100.0	

Valid Cases 288    Missing Cases 20

TABLE 5. DIFFICULTY WITH EXPANSION

	Value	Frequency	Percent	Valid Percent	Cum. Percent
Most serious concern	1	70	22.7	24.3	24.3
Serious concern	2	61	19.8	21.2	45.5
Somewhat serious	3	34	11.0	11.8	57.3
Not serious	4	40	13.0	13.9	71.2
Least serious	5	83	26.9	28.8	100.0
No response	9	20	6.5	Missing	
TOTAL		308	100.0	100.0	

Valid Cases 288    Missing Cases 20

very dissatisfied with their jail. Fifteen (19.2 percent) of the 79 respondents reporting dissatisfaction with their facility also indicated that they were under pending litigation.

It is of interest to note that of the 62 facilities reporting that they were under pending litigation, 51 (82.2 percent) reported that space was either a serious or most serious concern. Of the 70 respondents reporting that they were under court order, 2 did not answer the question on concerns, and 56 (80 percent) indicated that space was a serious or most serious concern. These findings indicate that court intervention is a concern for a number of adult jail facilities in the United States and that space is a plaguing issue for many jail facilities throughout the country.

#### *Juvenile Facilities*

In our study, 122 (40.9 percent) respondents indicated that there was no separate building for juvenile detention, 176 (57.1) reported having a separate juvenile facility. The remaining 10 respondents did not answer the question. Cross-tabulations were conducted for questions regarding separate detention facilities and employee satisfaction. Fifty-one respondents did not answer the questions on employee satisfaction and having a separate juvenile facility. Of those responding (N=71), 15 (21.1 percent) respondents did not have a separate juvenile facility, but indicated that they were either very satisfied or satisfied with their juvenile facility. Forty-six respondents did not answer the questions on having a separate juvenile facility

and employee satisfaction. Interestingly, 44 (33.8 percent) of 130 respondents who reported having a separate juvenile detention facility indicated that they were dissatisfied with their facility. The reasons for satisfaction or dissatisfaction with their juvenile facility go beyond the scope of our research. Certainly, studies concentrating, at least in part, on the architectural design and management of those juvenile facilities found to be satisfactory and those found to be unsatisfactory would provide invaluable information that could be incorporated in the design of future facilities.

### Conclusions and Recommendations

The findings demonstrate that many of our jails in counties with a population of 50,000 or more in the United States are in need of improvement. Many of our facilities are old and overcrowded. Nine states in the study had counties reporting jail facilities with populations in excess of 200 over their rated capacity. Texas had one county facility that had 1,600 inmates over its designed capacity. Many states reported that their facilities were in need of renovation or razing.

Jail personnel reported concern over space inadequacies in personnel work space, inmate cell space, and recreational areas. Inadequate security, including that regarding security personnel, equipment, and restrictive and secure circulation systems, was seen as a problem in many jails. Poor environmental conditions such as lighting, acoustics, and heating and cooling were a problem for some. There were problems with the transporting of people and materials in terms of elevators, escalators, and dumbwaiters. Finally, some institutions found themselves in a position where it was difficult for them to expand in size as needed. Certainly, these areas of concern should be better evaluated by local leaders and architects during the planning and design phases of jail construction. Additional studies to determine the reasons for such design flaws would be helpful to both facility users and designers as they proceed through the design, planning, and building stages of new facilities. These data, collected from facilities of various sizes, could help avoid costly design mistakes. While local governments are finding it necessary to build new jails or renovate existing jail facilities, a few find positive results. As planning and design begin, the jail administrators should assess what management style would best complement the architectural design of the facility in question.

Court orders and litigation are a common problem faced by jail administrators, and it is fair to say that lawsuits have played an important role in the improvement of jail facilities in this country. Certainly,

there are many limitations and problems to be faced by government officials and jail personnel, but many jurisdictions have taken or are taking the appropriate steps to address the issues at hand. It is, however, critical that these agencies have appropriate design and management research as well as qualified facility planners and architects available to them. It is only through informed decision-making that many potential future problems can be avoided. Renovation of existing jails and new construction are major expenses to a jurisdiction, and it is important that the present and future use of jail facilities is planned for adequately.

Equally important is the choice of an architectural firm that is experienced in the building of jail facilities and willing to work with the jail staff in the design stages (Kimme et al., 1986). Our respondents pointed out the need for knowledgeable assistance in both the planning and design stages of a jail facility. There is little doubt that bad experiences influenced at least some of our respondents to make this recommendation.

It is the combination of management problems and inadequate facility design that dominates the "problem" equation in America's jails. Additional research addressing facility design and management styles, and their relationship to one another, is crucial in the increasingly costly field of corrections.

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