

fully while slightly over 5 percent have been legitimately released. Slightly less than 19 percent have been returned: 3.6 percent for rule violations; 4.5 percent for new cases which have been typically minor and nonviolent; another 4.5 percent attempted or did escape; and 6 percent for miscellaneous administrative reasons. Since most inmates that do escape are in their home environment, AWOL is more descriptive, yet the law defines this act as an escape. None of the SIR locations has reported any increases in the crime rate or risks to the communities.

Employment rates for salaried inmates range anywhere from 70 to 80 percent. Approximately 14 percent of the program participants have a court ordered restitutional requirement and have reimbursed victims in excess of \$10,000, while community services of 70,346 hours at minimum wage represents \$235,659 of restitution to the various communities.

The program also gave relief to the overcrowding of state inmates in local county jails. Coordinated with the opening of a 1,080-bed facility, a 1,500-inmate backlog was virtually eliminated for the first time since 1975. With construction continuing on two additional facilities for another 1,200 beds, it appears that Alabama may be able to forge temporarily ahead of the escalating inmate population.

**Received State Commendation**

A Senate Joint Resolution enacted in SJR 26 commended "... the development, by the Department of Corrections, of the Supervised Intensive Restitution (SIR) program to eliminate overcrowded conditions in county jails, reduce victim loss through restitution, and overall cost to Alabama taxpayers for maintaining inmates as well as providing volunteer community service..." Both houses concurred in commending the Department of Corrections for initiating an innovative and courageous program which is providing the means for meeting Federal mandates and moving toward removal of Federal supervision.

As George Bernard Shaw so aptly phrased, "You cannot expect to train people for freedom in conditions of confinement." When considering the fact that 95 percent of all offenders will eventually return to the community and that resocialization or reintegration cannot be done in isolation, SIR provides a choice of dealing with offenders under conditions of restricted freedom or that of prison confinement. SIR brings the realization that communities have a responsibility for dealing with problems (or opportunities when preferred) which, in the last analysis, are created in it. SIR points the way to an approaching time when society can cope with the problems which arise when people live together.

93998

# The Future Jail

## A Professionally Managed Corrections Center That Controls Its Population

BY NICHOLAS L. DEMOS

*Office of Justice Assistance, Research, and Statistics, U.S. Department of Justice*

**T**HERE IS a modern way to operate city and county jails in the 1980's, and there is no more reason to cherish antiquated and outworn concepts in jail administration than to cherish poor administration in fields such as health care or police services. If I were a state legislator, a county executive, a jail administrator, or a county supervisor in a metropolitan county today, I would emphasize five elements of jail administration that should be considered crucial. These elements are:

- (1) Basic conformance to current jail facility and operations standards;
- (2) Professional staffing, starting with the jail manager;

(3) Round-the-clock screening and release alternatives;

(4) Adequate management information, including prisoner accounting;

(5) Good coordination with the courts and other criminal justice agencies, and good public relations including use of volunteers in the jail.

### Basic Principles

The first principle that must be understood is that the county jail is a public institution with a finite capacity to house and care for persons being held for trial or to serve court-ordered sentences. Jail beds are

expensive commodities that must be rationed to best serve the public need. Public policy about the purposes and uses of county or city jails should come from a jail policy board or advisory board that represents both elected and appointed officials in the county. *These jail policies may have to change over time, recognizing that the jail policies of the 1960's might be completely inappropriate for the 1980's.*

A corollary principle is that police, sheriffs', and corrections' staffs are legally and morally responsible for the well-being of inmates held in jails and lockups. Operating severely overcrowded jails these days is a little like playing financial and professional roulette; you may get by with it this year, but next year may spell disaster.

#### Standards

As an objective basis determining jail standards, the jail policy board should review the *Manual of Standards for Adult Local Detention Facilities*,<sup>1</sup> as well as pretrial procedures recommended by the American Bar Association and National Association of Pretrial Service Agencies. Positive steps should be taken to implement as many of these standards as possible. Health care should be measured against the AMA standards for jail medical services.<sup>2</sup> Adequate programs for alcohol detoxification and drug treatment should be available. Most important, a classification system of some sophistication should be in place, separating violent/aggressive inmates, homosexuals, pretrial detainees, young offenders, etc., as necessary.

#### Jail Staff

The second most important element is the jail staff, starting with a professional jail manager. The jail manager sets the overall tone for the operation of the jail, and he should have adequate training and experience in modern correctional concepts to handle the job. All supervisory staff should attend courses at the National Corrections Academy in Boulder, Colorado, or at regional seminars. An intensive pre-service orientation program should be completed by the jail staff prior to jail assignment, and continuous on-the-job training should be conducted. Personnel who show signs of insufficient maturity or balance or have a history of inmate abuse should be weeded out. With proper training and supervision most jail staffs

<sup>1</sup>Under sponsorship of the American Correctional Association, the Commission on Accreditation for Corrections was organized and developed standards for jails. The Commission is currently certifying local corrections facilities that meet the standards. See the *Manual of Standards for Adult Local Detention Facilities*, Commission on Accreditation for Correction, Rockville, Maryland, (December 1977). The activities were funded under projects of the former Law Enforcement Assistance Administration.

<sup>2</sup>*Standards for Health Services in Jails*, American Medical Association (July 1979). Part of the Program to Improve Medical Care and Health Services in Correctional Institutions, LEAA Grant No. 78-ED-AX-0023. Contact the AMA or the National Criminal Justice Reference Service.

can and will perform at higher levels of competence and service. Incentives for superior performance and recognition should be built in at all levels to upgrade what often appears as a thankless task.

#### Screening

The third element involves the strict screening of those booked into and held in jail awaiting court action, including the maximum use of pretrial release options consistent with public safety and appearance at trial.

The "central intake" concept that forces early decisionmaking by all criminal justice agencies is the ideal. An experienced police officer would screen for proper arrest procedures and maximum use of citations in lieu of arrest. Pretrial services staff should screen for diversion or recognizance release. It should have the delegated authority to release in some cases or to make recommendations on release conditions to a magistrate or judge. Jail intake staff should book defendants and start the classification process for the custodial staff. A prosecutor should screen for sufficiency of evidence and charges, and a representative of the public defender's office should screen for indigency and early representation. There should also be early screening for emergency medical services and for drug and alcohol treatment. The pretrial staff should make an initial assessment of related social service needs.

All of these screening/intake services should take place within the first 24 to 48 hours of arrest except in unusual circumstances. The benefits of early screening are obvious: The maximum number of arrestees who would be released within a few days are released almost immediately. The whole system becomes more efficient as the prosecutor, judges, and defenders make early decisions about case processing.

Uniform countywide use of citations and summonses in lieu of arrest for violations of ordinances or misdemeanors should be pursued by the criminal justice council or jail policy board. This one measure alone could save thousands of man-hours of police patrol time and intake staff time.

#### Management Information

The fourth element of jail administration is solid management information, e.g., arrest data by misdemeanor and felony; citations; jail bookings; pretrial interviews; pretrial release, by type; average daily jail population by classification; average length of stay for pretrial and sentenced; court processing times for pretrial detainees; failure-to-appear and rearrest rates for those released. This information can be collected manually or in a combination of manual and automated information systems, possibly using low-

cost mini-computers. The Jail Information System model developed by the Institute for Law and Social Research (INSLAW) under LEAA's *Jail Overcrowding Program* may be useful to many jurisdictions.<sup>3</sup> Such a system provides on-line booking and prisoner release/tracking. Smaller jails might explore the JAMS II system developed by Search, Inc. (Sacramento), or even manual card tracking systems and periodic sampling techniques to achieve the same level of management oversight of jail intake and jail populations.

#### Coordination and Public Relations

The fifth element of an improved jail that our ideal manager should pursue involves coordination and good public relations. The sheriff or jail manager should invite local judges to periodically visit the jail and to discuss emerging problems, such as overcrowding, lack of adequate staff, or facility limitations. Jail issues can be fully discussed with other criminal justice managers at meetings of the jail policy board and the local criminal justice council, if one exists. There must be an open line of communication to the chiefs of police, judges, prosecutors, public defender, probation director, and, of course, the county board.

Public relations should be viewed in a wide context to incorporate the idea of community outreach. Many jail officials now use community volunteers to assist with counseling, education and other services that they could not afford to purchase.<sup>4</sup> There are a surprising number of citizens who, with the proper approach, are willing to devote portions of their time to assist sentenced or pretrial inmates with little loss in security measures at the jail.

After everything possible is said about coordination and public relations in relation to the jail, however, recent experience highlights the critical role of one public official in controlling the jail population and overall jail conditions—the local judge.

<sup>3</sup>See *The Jail Information System: An Automated Booking, Inmate Accounting, and Jail Population Management Information System*, System Description Document, March 1982. LEAA, U.S. Department of Justice. Loan copies of the Manual and 1981 software tape are available from the National Criminal Justice Reference Service (Attn. Susan Dunn). (Telephone 301/251-6500).

<sup>4</sup>The Court Volunteer Center in Tucson, Arizona, for example, operates the pretrial services program with a professional staff of 23 persons and a volunteer cadre of 60. It is estimated that volunteers provide the equivalent of 7-8 additional staff persons daily. Volunteers assist with such activities as investigation assistance, intake interviews, jail interviews, supervised release, job development, taxi service, and the court information booth. As local budgets get tighter the Center is placing even greater reliance on use of volunteers. There are, however, distinct limitations on the extent to which volunteers can replace professional staff. Interested persons can contact George Cornoveaux, Director, CVC, Tucson (Tel. (602) 791-3314).

<sup>5</sup>Offender Aid and Restoration (OAR) is a national organization dedicated to the use of volunteers to assist jails and provide inmate counseling. It coordinates a network of independent projects with a central office staff in Charlottesville, Virginia. Contact Fahy "Skip" Mullaney, Director, OAR/USA, Charlottesville, Virginia (Tel. (804) 295-6196).

<sup>6</sup>Washington Post, Oct. 3, 1982.

#### A Positive Role for the Local Judge

In some states... the trial judges have established a committee that makes unannounced visits to county jails and houses of corrections to observe conditions first hand.\*\*\* Isn't it only logical that a person ordering the confinement of another human being at least know in what kind of facility the prisoner will be serving his sentence?\*\*\* A responsible State trial judge will find that, like a turtle, he will only make progress if he sticks his neck out of his shell.\*\*\* If judges will take the initiative to work with local and county officials and to visit their facilities, all parties can constructively begin to work together to improve our criminal justice system.

Address by Hon. Charles Douglass III, New Hampshire Supreme Court, before, the National Association of Counties Conference, Minneapolis, Minn. Fall, 1978.

Judges often come face to face with jail problems only reluctantly and from a negative point of view, ex., when a local scandal about jail conditions hits the front pages, or when the county jail is sued for unconstitutional conditions. In a suburb of Washington, D.C., a judge recently felt compelled to write an apology for conditions in the overcrowded local jail—"How Can a Judge Sentence a Man to Rape?"<sup>5</sup>

But must a local judge wait for a justifiable issue to come before his court before he can influence conditions in the local jail? Stated squarely, should local judges be passive observers of the local jail scene, or should they be actively involved in determining proper pretrial screening and jail intake policies that interact with court functions?

Many rationalizations can be developed for judges to stay out of local jails: the separation of powers doctrine ("It's an executive function"); judges are "too busy" to tour corrections facilities; judges should "remain neutral."

As Justice Douglass stated in his speech, "Personal (judicial) contact can create understanding, rapport and ability to cooperate to solve common court-jail problems. Edicts or decrees are unnecessary in such a situation." Even though there are three branches of government, each with specialized responsibilities, *jail policies particularly must be coordinated to serve the public interest.* Judges necessarily play a key role in that coordination.

#### Humanistic and Pragmatic Reasons

Basic humanistic values should direct the local judges to inspect jail conditions on a regular basis. It takes very little sophistication to know that when humans are packed into jail cells like cooped chickens, evil consequences occur, ranging from suicides and deaths to homosexual rapes, brutalizing, and mistreatment. When such deplorable conditions are allowed to exist, judges as well as local corrections staffs and elected officials must feel a direct moral responsibility, if not a legal one.

There is also a purely pragmatic argument favoring judicial oversight of jail conditions. Local coffers these days barely contain enough tax funds to pay necessary criminal justice and court expenses. It is "penny wise and pound foolish" to ignore incipient jail problems that might involve modest funding and coordination activities, only to later face multimillion dollar damage suits that play havoc with fiscal planning.

#### Systemic Nature of Jail Policies

Problems related to jail overcrowding are *inherently systemic* and are not solvable by any one agency such as the sheriff or department of corrections alone. That means that some type of coordinating body, such as jail policy board or advisory board, ought to be created to define logical jail policies. What is the jail's functional capacity? Which pretrial detainees should be detained in a maximum security institution? What conditions of release need to be created for others? How can jail cases be expedited on the court calendar?

Experience shows that it makes sense for a local judge to head up the jail advisory board or policy board that reviews current jail practices. The *court* is the key to any comprehensive solution to jail overcrowding. Only the court can effectuate and encourage release alternatives, expedite the flow of criminal cases, and employ sentencing alternatives. That means a *proactive role* for the local judge, something like the old fashioned notion of judge as community leader and moral arbiter in a complex criminal justice system.

#### The State Role: Washington State Model

It is the policy of this state that all city and county jails provide a humane and safe environment. It is the purpose of this chapter (1) to require classification of county and city jails on the basis of their purpose and function in order to provide for (a) the setting of state-wide mandatory custodial care standards. . . (b) advisory custodial care minimum standards, and (c) physical plant minimum standards. . .

Excerpt from the Washington City and County Jails Act, 1977. Chapter 70.48 RCW.

No state has moved so comprehensively over the past few years to insure modern, well managed jails as the State of Washington. The Washington effort is a joint State-local government response to antiquated, overcrowded local jails that failed to meet current correctional standards.

The Washington effort managed to cut through the usual red tape, turf wars, and political infighting with a minimum of complications. The basic elements include:

- Basic legislation — City & County Jails Act.
- Standards for facilities and staffs.

- Fixed definitions for jail capacity and crowding.
- Accountability reporting (Population Accounting Form).
- Training and education.
- Inspections and followup.

The Washington Legislature played a crucial role in the jail reform efforts, and showed considerable courage in enacting basic legislation.

The success of the Washington strategy can be summarized briefly: *No major new jail lawsuits were filed against cities or counties in 1982 or 1983*, and the only ongoing cases were settled in a manner consistent with State Jail Commission standards. Over the past 3 years, jail populations have stabilized. Compare this tranquil scene with the data from the 1982 National Sheriffs' Association report—for larger jails across the Nation 34 percent were involved in Federal litigation, 9 percent in state litigation, and 6 percent were under the supervision of court-appointed special masters.

#### The Motor: The Corrections Standards Board

The Washington Corrections Standards Board, which came into existence on July 1, 1983, is a State corrections policy group representing State executive and legislative branches, and local elected and appointed criminal justice officials. Currently headed by a local sheriff, the Board includes the State Attorney General, state legislators, local elected officials, prosecutors, State department heads, and the Director of Corrections as an *ad hoc* member.

The Current Standards Board is an outgrowth of the Washington State Jail Commission, which systematically set about implementing the legislation over the past 5 years. One of the Commission's critical functions was to collect jail management data on a monthly basis from all correctional and detention facilities and a majority of the longer-term holding facilities. This information is a valuable source for the Legislature, State agencies, units of local government, and Federal agencies. Three years of trend data are now available for planning and management purposes. Another important element has been the preparation of custodial care standards for jails.

#### Custodial Care Standards

The Washington Legislature approved the first set of standards in June 1979. The standards formed the basis for annual State inspections, which led to revisions of the standards in early 1981. The standards were not developed in a vacuum, but evolved over a period of time after 28 public meetings, and the full participation of the Washington Association of Counties, the Association of Sheriffs and Police Chiefs, not to mention other associations representing cities, prosecutors, and legal services.

As of the end of 1982, 60 percent of Washington jails were considered in full compliance with all standards, 37 percent were in substantial compliance, and only

one jail was found in noncompliance with critical standards.<sup>6</sup>

#### The Lubricant: State Financial Support

Recognizing that counties have the primary responsibility for safe and humane jails, but not necessarily the finances, the State Association of Counties insisted that both State and counties share the costs. That meant State funds to help meet new State standards, and county willingness to pick up additional operating costs for jails. The State Legislature accepted this *quid pro quo*.

#### Jail Construction Program/Design Criteria

Like the mark put upon Cain for his sin, the Washington Legislature accepted the penalty for its sins of past neglect of the State's jails. Two hundred fifty million dollars has been allocated under the State's bonding authority for a major, "once-in-a-lifetime" construction and renovation program. State financing smoothed the way for early county acceptance of the new custodial care standards.

The construction program has been effective in meeting critical jail needs. Of 37 earmarked facilities, 7 have already been completed, 22 are under construction, and 8 are in various planning stages. The Jail Commission drafted and modified standardized jail design criteria to insure a safe and constitutional environment for inmates and a good work environment for jail staff. The design criteria also tried to minimize both construction and staffing costs.

Sixty percent of all new cells will be single occupancy providing 72 square feet per inmate. The remaining 40 percent of new cell space will be dormitories providing 60 square feet per prisoner. (New facilities with a capacity of less than 25 inmates can design 100 percent single cells.) All inmates would have access to separate dayrooms. Program spaces include counseling and interview rooms, multipurpose rooms, classrooms, and indoor and outdoor exercise spaces. Nearly all new jails being built will offer

<sup>6</sup>Annual Report, 1982, Washington State Jail Commission. For additional information on Washington contact Robert Cote, Executive Secretary, Corrections Standards Board, Olympia, Washington, 98504 (Tel. (206) 753-5790).

<sup>7</sup>The Sentencing Reform Act of 1981 (Chapter 9.94A RCW). The Act created the Sentencing Guidelines Commission, instructing the Commission to develop recommended sentencing standards for adult felons. After July, 1984, trial court judges will sentence adult felony offenders within standard sentence ranges unless special circumstances exist. The 1983 Legislature will approve or modify the Commission's recommendations.

A summary of the Commission's work is presented in *Sentencing Guidelines Commission: Report to the Legislature*, January 1983. The Commission concluded that its recommendations are within correctional system capacity.

prisoners work release opportunities, and larger facilities will offer space for a jail library.

#### Sentencing Guidelines

Washington has not been immune to the national trends shaping sentencing practices, namely the trends toward determinant sentencing and sentencing guidelines. These trends have a significant long-term impact on use of local jails. Legislation was recently passed encompassing determinant sentencing and a sentencing grid along the lines of the Minnesota model (i.e., the guidelines took into account the fixed capacities of jails and prisons).<sup>7</sup> Mandatory sentences for certain felonies will tend to increase jail populations, and maybe even lead to requests for double bunking in some jails. The sentencing guidelines should tend to not only make sentencing practices more uniform, but to reduce unnecessary jailing for minor offenses. The sentenced felony population should tend to rise, and the pretrial misdemeanor population should continue to drop. The pressure for sophisticated pretrial services and alternative sentences should also accelerate.

#### Summary

Washington presents an interesting case history and some useful procedures for a statewide approach to jail reform. Not every state may be ready for such an approach, but together with the basic principles discussed and a more proactive role for local judges, every county and every state can tailor a specific reform model for its jails. In the alternative, officials can wait for the wave of court suits to engulf them and to develop constitutional jails reluctantly and under outside pressures.

Jails have for too long been relatively closed institutions in many states. Closed institutions tend to fall into practices not necessarily constitutional. Rather than a grand jury investigation or a legislative inquiry every 5 years, state and local legislators, county officials, judges, bar associations, and other community groups would do well to monitor jail conditions on a regular basis, and to press for comprehensive reform.

Independent audits and technical assistance can be secured from such organizations as the National Sheriffs' Association and the Jails Division of the National Institution of Corrections. There already exists a wide array of publications, standards, professional training, technical assistance, and model jail sites to help resolve local jail problems. It behoves every state and local official to use these resources to the maximum.

**END**