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# Coordinated California Corrections: INSTITUTIONS



Correctional System Study



BOARD OF CORRECTIONS  
HUMAN RELATIONS AGENCY

July, 1971

CALIFORNIA CORRECTIONAL SYSTEM STUDY

JAIL TASK FORCE REPORT

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## SUMMARY OF RECOMMENDATIONS

1. The State of California should expand its major responsibility for the accumulation, dissemination, and interpretation of data reflecting the movement of the offender through each sub-unit of the criminal justice system and should provide follow-up data which would describe the outcome of critical decisions made by each component of the criminal justice system.
2. The State should provide interpretative services and training for the correctional decision-makers in the use of the data collected. This effort should be directed at generating greater confidence in the use of data on crime and developing the skills necessary to apply data to decisions.
3. Counties (or, if several counties wish to group themselves, regions) should establish Criminal Justice Commissions composed of representatives from the sub-units of the criminal justice system in the area, members of the community, and members of local governing bodies.
4. The State should subsidize operational costs of local correctional facilities as specified in the System Task Force Report. Basically, this plan prescribes subsidization at the following ratios:

60/40--"Open" institutions. The State would pay 60% of actual costs of those facilities that provide for regular access of inmates to the community, e.g. work furlough units or Youth Correctional Centers.

40/60--"Closed" institutions which are community-based (i.e. they are within or adjacent to community they serve and provide a high degree of interaction with the community) and short-term (i.e. no inmate can be committed for more than 6 months).

25/75--Other "closed" institutions (this would apply to most current jails).

Any subsidization by the State, however, depends on adherence to State standards.

5. The primary proposal of the Committee to Study Inspection of Local Detention Facilities should be immediately implemented by the Board of Corrections.
6. This Task Force joins with the 1969 Committee in recommending:  
"That an appropriately constituted committee be established to explore and recommend changes to the present "Minimum Jail Standards", including specific attention to the following:

## *Summary of Recommendations*

- a. *Training of line personnel.*
  - b. *Numbers of personnel.*
  - c. *Security of facilities.*
  - d. *Inclusion of all pertinent health and fire regulations.*
  - e. *Creation of more mandatory standards.*
  - f. *Provision for meaningful enforcement."*
7. *Local communities should begin immediately to develop alternatives to incarceration for females. Such alternatives should include supervised group homes and special probation supervision programs.*

*In addition, local communities should begin immediately to expand programs for incarcerated females. Among such programs which might be considered are community centered education, work furlough, and contractual agreements with other counties.*
8. *Counties should establish Institutional Services Units either as a joint responsibility of the Sheriff and Probation Officer or in a manner prescribed by the local Criminal Justice Commission. The responsibilities of these Units would be essentially to screen and arrange for the release of inmates as soon as possible and to provide or coordinate efforts at rehabilitation and reintegration.*
9. *The State should establish additional taxes on alcoholic beverages which would be used solely for research into alcoholism and for the establishment of detoxification centers where needed with treatment services provided by the appropriate mental health or health departments.*
10. *Staff and resources at the community level should be allocated to the recruitment, training, and employment of community volunteers in local correctional institution programs.*
11. *Those counties expressing an interest in establishing a County Department of Corrections should be encouraged to do so through Law Enforcement Assistance Act funds and consultation from the State.*
12. *Counties should embark upon cooperative arrangements to provide for the reciprocal transfer of inmates from counties of commitment to counties of residence.*
13. *Counties should immediately begin planning and establishing Youth Correctional Centers or similar facilities and programs as an alternative to jails wherever appropriate.*
14. *To maximize improvements in staff morale, effective programming, and efficient operations, department heads should demonstrate a greater*

## *Summary of Recommendations*

*interest in and support for those staff who are involved in the corrections functions.*

- 15. Sheriffs and correctional facility administrators should establish a policy of public relations in which the public, through the appropriate news media, is allowed free access to facility programs, problems, and incidents.*
- 16. A county electing to establish a "correctional officer" classification to staff corrections facilities should ensure that such personnel are paid and trained at least on a level equal to that of the "deputy sheriff" and that there are provisions for a career ladder to supervisorial and administrative positions.*
- 17. Correctional administrators should make provisions for at least supervisory and administrative corrections staff to visit other correctional operations at both the State and county level for the purpose of staff and program development.*
- 18. Counties should develop and expand programs aimed at minimizing confinement in jails, such as O.R. (i.e. release of persons upon their own recognizance), use of citations, sentence modification, county parole, and work furlough. They should also implement non-criminal processing of alcoholics and other types of persons who do not pose a serious threat to the community.*

"...most offenders have at some point encountered the worst correctional evil: county jails and similar local lockups....Jail conditions frequently breed hardened criminals who then go on to the prisons themselves, (another) anomaly in a pattern that stands as a monument to irrationality."

Time Magazine

## CHAPTER I

### INTRODUCTION

The county jail has become a focal point of concern among those interested in problems of criminal justice and corrections. Until recently, no one knew how many jails existed in the United States. In January, 1971, the Law Enforcement Assistance Administration published the results of the first national jail census; there are at present 4,037 jails in the United States.<sup>1</sup> The survey also found that 52% of all persons in jail had not been convicted of any crime, and of this group, four out of five were eligible for bail, but could not raise the funds. While the Jail Task Force Report will deal only with the sentenced jail population, it nevertheless recognizes the importance for jail management of having at least one-half of the prisoners unsentenced and awaiting court proceedings. As will be evident in the chapters to follow, jail resources are limited; the incarceration of large numbers of unsentenced prisoners results in consuming many of the resources which would otherwise be utilized by those persons who have been convicted of a crime and sentenced to jail by the courts.

The jail has long been considered as a breeding place for crime, and many have been outraged by the filth and squalor that exist in them. As long ago as 1923, Joseph Fishman, a jail inspector for the Federal government, described the jail as:

"An unbelievably filthy institution in which are confined men and women serving sentences for misdemeanors and crimes, and men and women not under sentence who are simply awaiting trial. With few exceptions, having no segregation of the unconvicted from the convicted, the well from the diseased, the youngest and most impressionable from the most degraded and hardened. Usually swarming with bedbugs, roaches, lice and other vermin; has an odor of disinfectant and filth which is appalling; supports in complete idleness countless thousands of able bodied men and women, and generally affords ample time and opportunity to assure inmates a complete course in every kind of viciousness and crime. A melting-pot in which the worst elements of raw material in the criminal world are brought forth blended and turned out in absolute perfection."<sup>2</sup>



The conditions described by Fishman have not appreciably changed. The jail in one of the Bay Area counties in California was constructed in 1901 to house 50 inmates. In 1944, it was enlarged to house 125 persons. However, in 1968, the average daily population in this jail was 140 and on some days it swelled to 180 persons. The time is spent in idleness, and as many as 60 inmates spend each day in a room that measures 24 feet by 21 feet. There are only two showers and toilets in the room. The jail has no exercise area.<sup>3</sup> Sanitation conditions in this jail are sub-standard; in March, 1971, the superior court ordered the sheriff of this county to raise the health standards to a minimal level by "provision of soap, toothbrushes and toothpaste for indigent inmates, the issuance of clean blankets to prisoners at least once every 90 days and disinfection of mattresses before distribution."<sup>4</sup> The court also ordered careful screening of incoming inmates for open sores, skin fungus, venereal disease and athlete's foot. However, the section of the court's order which most clearly revealed conditions in this jail was in reference to staff treatment of inmates. The order required the sheriff to reinstruct his deputies that "assault or abuse, physical or verbal, of inmates is not tolerated."<sup>5</sup>

By way of background to the above situation, a bond issue calling for the construction of a new jail was soundly defeated in 1967.<sup>6</sup> In 1970, the county sheriff submitted, in his annual budget, a request for approximately 3.5 million dollars for jail and prison farm new facilities or improvements. The county administrator, who reviews all county budgets, recommended reduction of the requested 3.5 million to \$17,675!<sup>7</sup> In light of the lack of financial support, the court order should not come as any surprise.

It should not be assumed that the above situation is an isolated instance in California. In another large county, a study of its jails revealed equally squalid and sub-standard conditions. In their "Introduction", the study staff expressed their surprise over the jail by noting:

"...our study of the jails revealed that they are a much more important subject in considering the total problem of crime than we had realized. We saw how youthful offenders and alcoholics are tossed in with the most degraded and corrupt, how they are abused and contaminated, and how they are likely to emerge not only un-rehabilitated, but perhaps more incorrigible than before. We saw how slight is the security that protects the community from criminals with a proven capacity for maximum violence."<sup>8</sup>

The report also noted that the physical condition of many inmates was very poor, indeed to the point where some should have been hospitalized but were not. One evening, a staff of the study team visited one of the jails, and observed that:



"...one inmate was passing blood in his urine; another prisoner's blood pressure was recorded by a trustee-medic at 220 over 110 (160 over 90 is on the high side of normal for a middle aged man). By telephone, the doctor told the jailor he could not come over to see them and not to hospitalize either of the prisoners; he would see them the following day."<sup>9</sup>

It is no wonder that jails and lockups are considered to be among the State's worst correctional evils. Conditions, such as those described above, can do nothing but increase the bitterness of those who are exposed to them. The treatment that jail prisoners receive without any doubt influence their ideas of fairness and justice as well as their attitudes toward the law. Thus, the importance of jails in the correctional process needs hardly to be justified as a crucial area of study.

## I. STUDY OBJECTIVES

The study objectives for the Jail Task Force were as follows:

1. To describe the county jail system in California as it presently exists, from the point of sentencing to point of release.
2. To develop the most efficient, and reasonably attainable "model" of a community correctional facility and program.
3. To prescribe and evaluate methods for transition from the present system to the "model".

## II. RESEARCH METHODOLOGY

### Sources of Data

The basic plan and design of the study conducted by the Jail Task Force was based on a review of the existing literature on jails and also on contributions made by jail authorities who served as consultants to the Task Force. Their ideas were built into the interview schedules and questionnaires that were used.

Two methods of data collection were utilized in obtaining staff views and opinions. Administrative officials in each of the 15 counties that were selected for the study were interviewed. Staff members who were directly involved in the delivery of services to sentenced prisoners completed an anonymous questionnaire that had been prepared specifically for them. Initial plans of the Task Force also included conducting panel interviews with cross sections of these staff. Unfortunately this proved impossible, and as a result, staff interviews were conducted as opportunities arose.

Questionnaires were also designed and administered to obtain the views and perceptions of inmates serving time in the facilities falling within the scope of the study. In addition, group interviews were conducted with inmates in order to obtain their views of what a model correctional system should look like.

### Study Sample and Procedure

The prisoners incarcerated in facilities of the 15 study counties comprise approximately 75% of the State's entire jail population, and 80% of the State's entire jail and camp staff.<sup>10</sup> In securing the data from each county, respondents were assured that every possible precaution would be taken to protect the confidentiality of the information supplied. Therefore, names of counties are not identified.

Because of its massive population, Los Angeles County was sub-sampled so that at least 25% of its staff and 25% of its inmates would be included in the study population.

One hundred percent of the sheriffs and administrators of the 15 counties were interviewed. In addition, the same questions were asked by mailed questionnaires of all sheriffs in the remaining 43 counties and eight chiefs of police operating major city jails in the State. In addition to the 15 sheriffs in the study counties, 17 other sheriffs and 6 chiefs of police returned completed questionnaires. Of the staff questionnaires distributed, approximately 60% were completed and returned.

In order to obtain a representative number of inmates, the following sampling criteria was applied to rosters maintained by alphabet or bed location:

<u>Available Population</u>	<u>Sample</u>
1 - 50	100%
51 - 250	50%
251 - 999	25%
1000 or more	10%

Stratified sampling was used wherever appropriate, so that, if for example a county had 50% of its population in maximum security, then 50% of the sample came from maximum security. After the completion of each questionnaire, a sub-sample of the inmates was interviewed in a group using a minimally structured interview technique.

The Jail Task Force made 31 on-site visits to facilities in the 15 counties, ranging from traditional maximum and minimum security facilities to specialized units housing only work furlough program participants. The Task Force staff did not seek to make formal evaluations as those made in the Adams-Burdman jail study<sup>11</sup>. Rather, data were gathered on both positive and negative aspects of construction and program design. For a more detailed

discussion of the methodology, the reader is referred to the Systems Task Force Report.

### III. ORGANIZATION OF JAIL TASK FORCE REPORT

The material in this section of the institutions volume will be organized and presented as follows:

Chapter II includes a discussion of the history of jails and a description of the present county jail system in California. Special emphasis is placed on the functions, goals and philosophy of the county jail system.

Chapter III presents data that were collected through interviews and questionnaires. Both staff and inmate views of jails are included in the discussion. The highlights of available programs are described, and the chapter concludes by pointing to the notable lack of research in county correctional facilities.

Chapter IV presents the elements of a model correctional community, both facilities and programs. The discussion is based on the model elements that were recommended by jail administrators, staff, and inmates in the counties studied.

Chapter V, the concluding chapter in this Report, sets forth a set of specific recommendations and the justification for each.

FOOTNOTES

<sup>1</sup>Cited in Time Magazine, January 18, 1971, p. 48.

<sup>2</sup>Joseph Fulling Fishman, Crucibles of Crime, (New York: Cosmopolis Press, 1923), pp. 13-14, cited in Harry Elmer Barnes and Negley K. Teeters, New Horizons in Criminology, (New York: Prentice-Hall, Inc., 1951), p. 459.

<sup>3</sup>San Francisco Examiner, March 31, 1969.

<sup>4</sup>Oakland Tribune, March 18, 1971.

<sup>5</sup>Ibid.

<sup>6</sup>San Francisco Examiner, op. cit.

<sup>7</sup>Richmond Independent, June 29, 1970.

<sup>8</sup>San Francisco Committee on Crime, A Report on the San Francisco County Jails and City Prison, (San Francisco, 1970) p. 1.

<sup>9</sup>Ibid.

<sup>10</sup>Ventura County was substituted for Sacramento County in the jail study because local problems precluded adequate study of the latter county facility within the time available.

## CHAPTER II

### AN OVERVIEW OF CALIFORNIA COUNTY JAILS

A requisite to understanding the function, goals, and philosophy of the county jails as they exist today in the criminal justice system is a knowledge of their history, the codes which define their purposes, and the philosophy held by the persons who staff and operate them. This chapter will briefly trace the historical function of the jail, explore the statutes bearing on the jails' function, and summarize characteristics of the system of jails in the State.

#### I. A BRIEF HISTORICAL ACCOUNT OF THE JAIL<sup>1</sup>

In recorded history, the first jail (from Gaol, literally meaning cage) was established in 1166 for the purpose of assuring that offenders would be present for adjudication and punishment. At that time, a person was punished by a variety of methods ranging from dunking or public ridicule in the stock to partial incapacitation and death. The jail was not intended as a place for punishment.

In the mid 18th century in Western Europe, the spirit of humanitarianism led to the replacement of corporal punishment with imprisonment. Imprisonment retained society's idea of the efficacy of punitive sanctions to law breaking and greatly simplified the degree to which a person could be punished for a specific act, by simply varying the length of imprisonment to fit the crime. In the late 18th and early 19th centuries, jails had two clear functions: to assure the presence of the offender in court and to provide a means for punishing the offender.

As populations grew and the numbers of offenders requiring punishment also grew, the state established prisons or penitentiaries, thereby greatly limiting the punishment function of the local jail to the minor offender who required shorter periods of incarceration. Many of the early penitentiaries were constructed on the basis of rudimentary ideas for reforming offenders and, although these ideas have undergone drastic change, reformation or rehabilitation continues to be a more salient goal for state prisons than for county jails. In comparison to local communities, the states, with their penitentiaries, were far richer in terms of money and the resources upon which they could draw. Activities designed to reform gathered greater momentum in state institutions and rehabilitation gained greater importance. Jails were not expected to reform. If a community identified an offender who was in need of "rehabilitation", he was committed to one of the state facilities which ostensibly had the resources, the structure, and the expertise necessary to perform the necessary transformations.

It is within the last generation that rehabilitation programs have been superimposed upon the initial goals of the jail, viz. assuring a person's presence for court and punishment. Although jails have always had work programs - even the first jail had to be mopped, meals cooked, and

the facility kept in good repair - it is only recently that they have been referred to as "rehabilitation programs". The forces behind this trend were gradual recognition that jail punishment was an ineffective means of preventing recidivism, and the development of humanitarianism. Even today, the rehabilitation programs found in jails are not as extensive as those found in prisons. Most, if not all, of the early jail rehabilitation programs were provided by the community's volunteer efforts rather than by the efforts of the jail administrator. In large measure, rehabilitative functions in today's jails continue to be performed by community volunteers. It is only in the large counties that the necessary finances are provided to underwrite these programs.

The function of the county jail is presently in a period of transition from the relatively simple task of "keeping" people to the more complex and difficult task of "changing" people. The "jail" philosophy is also undergoing a period of transition.

A stated goal and philosophy provide a framework for action and create a common direction. By law the sheriff is mandated to operate a jail facility and receive prisoners. Section 4015 of the Penal Code states:

"The sheriff must receive all persons committed to jail by competent authority. The board of supervisors shall provide the sheriff with necessary food, clothing and bedding, for such prisoners, which shall be of a quality and quantity at least equal to the minimum standards and requirements prescribed by the Board of Corrections for the feeding, clothing, and care of prisoners in all county, city, and other local jails and detention facilities."

There are other laws directing the sheriff to maintain humane conditions in the jail and to assure prisoner safety. In addition, there are permissive statutes which give the counties the latitude to operate correctional type programs of their choosing, such as work and educational furlough (1208 P.C.) and vocational and academic instruction (4018.5 P.C.). In short, the sheriff is not required to do any more than house inmates. But, in the event that he has the support of the board of supervisors, he may provide correctional programs. In fact, without that support there is very little that he can do beyond "warehousing" the persons serving jail sentences.

It may be assumed that some "good" is provided for the community by housing inmates in the county jail or that some "good" is provided the inmates by permitting them to work or to attend school. However, while these functions are required or permitted in the law, nowhere does the law clearly delineate correctional objectives for jails.



## II. THE FUNCTIONS OF JAILS

For simplicity, the county jail is best thought of as being two facilities: (1) a detention unit which houses prisoners who are somewhere in the process of adjudication from arrest to the finding of guilt or innocence and (2) a correctional facility which houses only those who have been found guilty and sentenced to a term in jail.

When viewed from a framework of operational efficiency, county jails process hundreds of thousands of persons each year with relative speed and efficiency. Considering the massive number of offenders processed, relatively few serious problems have arisen. In essence, the sheer "warehousing" and processing of bodies is being accomplished with a comparatively high level of efficiency. But beyond this, one might ask the purpose of such a system. County jails originally were used for detention of persons charged with crimes and awaiting sentence. They have evolved to their present range of functions rather recently.

### As A Temporary Holding Facility

A few persons view the county jail as a temporary holding facility -- somewhat as a compromise between release from custody and lengthy confinement in a prison. In this instance, the expectation is not for the jail to provide a correctional service. Examples of those who view jails in this way might be judges who sentence offenders to very brief terms and probation officers or parole agents who place their clients in custody for brief stays "to get their attention".

### As A Criminal Sanction

Most people seem to see the jail as the first level of a series of sanctions which utilize incarceration as a controlling device. The jail is viewed as a junior prison with less security, less harsh conditions, and a shorter time of banishment from the community. When viewed in this context, incarceration is expected to punish and to deter future criminal behavior.

### As A Behavior Modifier

During this century there has been a trend to change an offender's behavior by methods other than punishment. These methods are generally referred to as reformation, rehabilitation, or treatment. "Reformation" carries the connotation of an evil disposition; "rehabilitation" implies that the individual should be brought back to, or up to, a satisfactory level; i.e., that his incapacity is due to a previous disadvantaged position; and "treatment" alludes to a service supplied because of an illness. The use of one of the three terms depends primarily on the correctional agent's

frame of reference, i.e., how he evaluates inmates and the process of changing their illegal behavior.

### III. THE SYSTEM OF JAILS IN CALIFORNIA

#### Administrative Organization

There are basically two types of administrative organization for county jail and detention facilities in California. In the first type, correctional facilities such as jails and camps fall directly under the supervision and control of the sheriff. This is by far the most common pattern, and exists in 52 counties throughout the State. In the second pattern, which is found in the remaining 6 counties, minimum security facilities for sentenced prisoners are administered by agencies other than the sheriff's office. However, in all 58 counties, maximum security facilities fall under the direct authority of the sheriff's office. While there are historical reasons as to why the sheriff administers the county jails and camps, in recent years there has been growing concern over the wisdom of placing correctional services under the direct authority of an agency whose aim is law enforcement.

In 1969, there were 203 city-operated jails, and 2 city-operated camps in the State.<sup>2</sup> In addition, the counties of the State operated a total of 58 main county jails, 46 adult county camps and farms, and 62 other facilities including branch jails, work furlough facilities, medical detention wards, and substation jails.<sup>3</sup> All of these facilities are operated by city and county law enforcement officials. Because of the tremendous variation that exists in the number and type of facility, the number of employees, and the number of persons incarcerated in them, in reality these correctional facilities cannot be said to comprise a "system".

#### Characteristics of Jails

County jails show tremendous variation in size, structure, number and quality of staff, average daily population, and quality of management. Until 1966, there was little in the way of reliable information on the number of jails and employees throughout the nation. During that year, the President's Commission on Law Enforcement and Administration of Justice conducted a survey of local jails and lockups detaining persons for more than 30 days.<sup>4</sup> Based on a probability sample of 250 counties, it was estimated that there were 3,473 city and county jails, camps, workhouses, etc., in the United States. Of the 19,000 employees estimated to be working in these facilities, only 500 (about 3%) performed rehabilitation duties. Only 24% of the structures surveyed were 10 years old or less, while 35% of them were found to be over 50 years old.

The characteristics of jails in the State of California are not significantly different from those found in the national survey. For



example, in a recent survey of local detention facilities throughout the State, it was determined that 31% of the jails surveyed were more than 20 years old.<sup>5</sup> A number of the structures were over 50 years old, and one county jail was actually built in 1901.<sup>6</sup>

The number of facilities to be found in individual counties also varies greatly. In some counties there is only one detention facility--the jail. In other counties, there are as many as 28 different facilities. The former facilities process only 1 or 2 inmates a day, while the latter process as many as 3,000 a day.<sup>7</sup> However, because the distribution of jails is according to county boundaries rather than the distribution of population, many jails are extremely overcrowded while others remain almost totally unused. Jails that are located in sparsely populated counties of the State are very expensive to operate on a 24 hour-per-day basis. In the study cited above, fully 58% of the detention facilities surveyed were located in areas with populations less than 100,000 persons, while 25% were located in areas with 500,000 or more persons.<sup>8</sup>

As a result of 1957 enabling legislation (Sec. 4115.5 P.C.), 21 of the State's 58 counties have established formal inter-county agreements whereby facilities and services are shared. Eight of the counties act in a receiving capacity, holding prisoners from 13 other counties whose detention and correctional facilities are limited.<sup>9</sup> In light of limited services and facilities, especially in the sparsely populated counties, coupled with shrinking local financial resources, inter-county cooperation is a trend that should be encouraged.

However, the above development should not obscure the fact that there is a tremendous variation in local detention facilities throughout the State. The number and quality of staff, the number and type of facility, and the maintenance of minimal health and safety standards vary greatly from county to county and from jail to jail. A recent study of California jails has concluded that:

"The county-by-county pattern of organization allows tremendous variation in management. It was found that even everyday operations such as menu planning, maintenance procedures, booking, and similar matters differed from county to county, with those less-well-off counties often encountering difficulties in meeting normal operational demands. The independence of counties, however, tends to isolate one county from another and limits significantly inter-county communications. Thus, aside from contiguous jurisdictions occasionally trading an idea or two, there is little exchange of essential information.<sup>10</sup>"

### Inspection of Jails

Officials charged with the administration of local detention facilities are required by law to maintain minimal standards of health and safety in their jails. The task of determining whether minimal standards are maintained has been assigned to a wide variety of agencies and officials on the Federal, State, and local levels. For example, the Federal Bureau of Prisons, while not expressly authorized by statute to inspect local detention facilities, possesses the "implied authority" to inspect detention facilities that have engaged in contractual agreements with the Bureau.<sup>11</sup> On the State level, the Attorney General, Board of Corrections, Department of Public Health, Fire Marshall, Youth Authority, State Division of Industrial Safety, and other agencies have statutory authority to inspect jails. On the county level, the Grand Jury, County Health Officer, County Building Inspector, County Director of Public Works, and others have statutory authority to inspect jails. Finally, on the municipal level, the City Health Officer, Building Inspector, and Safety Committee have the authority to inspect jails.

Some of the above agencies and departments are required to inspect jails in order to determine whether minimal health and safety standards are being maintained. Others are authorized to inspect jails if they wish to do so. A recent study of the inspection of local detention facilities found that mandatory inspections were generally made, while permissive inspections were generally not made.<sup>12</sup> However, the study also found that required inspections were not always made by the agencies charged with the responsibility.<sup>13</sup>

A review of the statutory provisions authorizing the inspection of jails, lockups, and workhouses revealed that virtually none of the authorized agencies or officials possessed enforcement powers. Thus while inspection of jails is required by law, there are no provisions for bringing about needed changes that might be discovered in the course of an inspection.<sup>14</sup> To illustrate the impotence of jail inspection laws of California, one city jail in Central California has been receiving highly critical inspection reports since 1949. Yet this city has refused to make any of the needed changes, and has housed thousands of prisoners for the past twenty years. Detention facilities of several counties in the State have been the object of special study by both the State and private groups, and yet no observable change has been made.<sup>15</sup>

It is paradoxical that city or county health, safety, or fire officials possess the power to enforce minimal standards in almost all areas with the exception of jails and other local detention facilities. The Committee to Study Inspection of Local Detention Facilities has aptly observed that:

"Citizens are generally free to enter and leave facilities such as restaurants and hospitals as they choose, and their health and safety are constantly protected by various enforceable statutes. Yet if these same citizens are incarcerated in a local detention facility and their freedoms of choice and movement taken away, their protection under these

same laws is also substantially reduced. This inconsistency seems ethically incompatible with society's responsibilities to guard the health, safety, and welfare of all its citizens.<sup>16</sup> (Emphasis added.)

### Jail Staff

In the fiscal year 1968-69, the 58 sheriff's departments employed 9,959 sworn personnel.<sup>17</sup> Of this number, 2,460 or 25%, were assigned to jails and camps. Thus, one out of every four deputy sheriffs in the State serve in detention and correctional facilities, and are likely to serve in a strict custodial capacity. During the same fiscal year, there was a total of 3,478 non-sworn personnel employed by the 58 sheriff's departments. Of this number 1,422, or 41%, were employed in county jails and camps. The break-down of civilian personnel included 860 (25%) clerks, maintenance personnel, and cooks; 291 (8%) were non-sworn custodial officers; 223 (6%) were medical personnel; and 48 (1%) were rehabilitative personnel such as teachers, counselors, and social workers. In addition, there were 124 part-time/on-call medical personnel, and 43 part-time/on-call rehabilitative personnel.<sup>18</sup>

Of the 223 full-time medical personnel, 179 (79%) were employed by the Los Angeles County Sheriff's Department. Of the remaining 44 medical staff, 35 were found to be employed by the next seven largest counties in the State. Thus, in effect the remaining 50 counties had only 9 full-time medical personnel employed in its jails. It was found that of the full-time medical personnel outside of Los Angeles County, 12 were physicians, 31 were nurses and/or medical attendants, and one was a dentist. Of the 124 medical persons employed part-time or on a will-call basis, 50 were physicians, 24 were nurses, and 50 were dentists. All were employed outside of Los Angeles County.<sup>19</sup> Additional information on staff characteristics, obtained through the Jail Task Force survey, will be presented in Chapter III.

### Jail Population

The county jail population consists of many different categories of persons. Some are detained in jail as a result of police arrest and custody. These persons have not been convicted of any crime, but are awaiting court proceedings. As seen below, this group has been steadily increasing in recent years, so that in 1969 the unsentenced prisoners constituted 48% of California's jail population.<sup>20</sup> Others have been convicted and are serving a jail sentence, usually no longer than a year. The jail population consists of adults as well as juveniles, males as well as females. The crimes for which they have been incarcerated are extremely varied, ranging from minor offenses such as intoxication in a public place and disturbing the peace, to serious crimes of violence such as assault, robbery, and rape. In short, persons incarcerated in county jails may have been convicted of

felonies or misdemeanors, and consequently could have been sentenced by either a superior, municipal or justice court.

In some cases, once the jail sentence has been served, the individual has paid his "debt" to society and is no longer under the jurisdiction of the court. Commonly, however, jail is used as a condition of probation. That is, the convicted person is required to serve a brief term in jail before being released under the supervision of a probation officer, or on summary (court) probation. In still other cases jail is used in lieu of a fine, especially in those cases where the convicted person has been unable to pay the amount of the fine that has been set by the court. Finally, jail terms may be imposed in addition to a fine.

The Bureau of Criminal Statistics conducts a census of the population in city and county jails on a given day each year. Table I shows the jail population figures from 1960 through 1969. Several points are worth noting about these data. First, the population in city and county jails throughout the State has increased steadily since 1960. On September 29th of that year, there were 24,035 unsentenced and sentenced persons in jail. This number had increased to 27,918 on September 25, 1969, representing the largest jail population in the United States.<sup>21</sup> Based on current arrest rates, jail administrators project that approximately 1,000,000 persons will be processed through California's jails in 1971. A second point worth noting is that the observed increase in the jail population is due entirely to the increase in the number of persons who have not been sentenced, i.e., who have not been convicted of a crime. In 1960 there were 6,572 unsentenced persons in city and county jails, and in 1969 this number had almost doubled to 12,929. At the same time, the number of sentenced persons has exhibited a steady decline. Third, the declining sentenced jail population is due almost entirely to the dramatic decreases that have taken place in the number of sentenced persons serving time in the city jails. In 1960 there were 3,767 persons serving their sentences in city jails. By 1969 this number had declined to 518. At the same time, the number of sentenced persons in county jails has remained fairly constant throughout the years.

Table II divides the data collected in 1969 according to type of custody and sex. It can be seen that, of the 12,929 sentenced prisoners, the great majority are adult males. Juveniles, while represented, constitute a very small portion of the jail population. Females constitute approximately 10% of the adult sentenced jail population, with most of them serving their time in county jails. Additional information on jail inmate characteristics, gathered through the Task Force survey, will be presented in Chapter III.

#### IV. COSTS AND EFFECTIVENESS

The costs of operating and maintaining jails have been difficult to ascertain. However, a recent survey of California jails obtained budget figures which made possible the computation of per capita inmate costs.<sup>22</sup> This study indicated that, even without significant expenditures for re-

TABLE I

## COUNTY AND CITY JAIL POPULATION REPORTED ON A SPECIFIED DAY OF YEAR, 1960-69

By Unsentenced and Sentenced Defendants

Year and day of survey	All jails			County jails			City jails			Percent of total sentenced to city jails
	Total	Unsen- tenced	Sen- tenced	Total	Unsen- tenced	Sen- tenced	Total	Unsen- tenced	Sen- tenced	
1960 Sept. 29 . .	24,035	6,572	17,463	18,829	5,133	13,696	5,206	1,439	3,767	21.6
1961 Sept. 28 . .	25,170	7,535	17,633	20,284	5,968	14,316	4,886	1,569	3,317	18.8
1962 Sept. 27 . .	24,215	6,747	17,468	20,705	5,413	15,292	3,510	1,334	2,037	11.7
1963 Sept. 26 . .	24,446	8,221	16,225	21,286	6,734	14,552	3,160	1,487	1,673	10.3
1964 Sept. 24 . .	23,586	6,484	17,102	20,896	5,639	15,527	2,690	1,115	1,575	9.2
1965 Sept. 23 . .	25,996	9,099	16,897	24,091	7,890	16,201	1,905	1,209	696	4.1
1966 Sept. 22 . .	23,638	8,504	15,134	21,794	7,460	14,334	1,844	1,044	800	5.3
1967 Sept. 21 . .	24,165	9,659	14,506	21,785	7,875	13,910	2,380	1,784	596	4.1
1968 Sept. 26 . .	27,325	11,438	15,887	24,974	9,617	15,357	2,351	1,821	530	3.3
1969 Sept. 25 . .	27,918	12,929	14,989	25,471	11,000	14,471	2,447	1,929	518	3.5

Source: Bureau of Criminal Statistics, Crime and Delinquency in California: 1969, State of California (Sacramento, 1970), p. 41.



TABLE II  
STATUS OF JAIL AND CAMP INMATES

September 25, 1969  
By Type of Custody and Sex

Type of Custody	Total	Adult		Juvenile	
		Male	Female	Male	Female
Total. . . . .	27,918	25,830	1,839	203	46
Sentenced. . . . .	14,989	14,274	684	29	2
Unsentenced. . . . .	12,929	11,556	1,155	174	44
County jails . . . . .	18,148	16,347	1,674	111	16
Sentenced. . . . .	7,148	6,447	678	23	-
Unsentenced. . . . .	11,000	9,900	996	88	16
County camps . . . . .	7,323	7,323	-	-	-
Sentenced. . . . .	7,323	7,323	-	-	-
Unsentenced. . . . .	-	-	-	-	-
City jails . . . . .	2,368	2,081	165	92	30
Sentenced. . . . .	439	425	6	6	2
Unsentenced. . . . .	1,929	1,656	159	86	28
City camps . . . . .	79	79	-	-	-
Sentenced. . . . .	79	79	-	-	-
Unsentenced. . . . .	-	-	-	-	-

Source: Bureau of Criminal Statistics, Crime and Delinquency in California: 1969, State of California (Sacramento, 1970), p. 137.

habilitation, the daily cost is very high. Based on fiscal 1968-69 data, the study found that for county jails the average cost per inmate per day for the State was \$6.44 (\$4.64 for salaries and \$1.80 for operations). For county camps and farms, the cost was \$6.87 (\$4.11 for salaries and \$2.76 for operations).

From a cost/benefit analysis framework, it may be unnecessarily costly to pay approximately \$6.50 a day per inmate in order to keep certain individuals isolated without effecting lasting behavioral modification. For example, it is not uncommon for a young, male, first-offender to receive a sentence of six months in the county jail as a condition of probation for a second degree burglary charge. Assuming that this person earned the full amount of good time and work time credits, he would serve approximately one hundred and thirty days at a cost to the county of \$835.

For \$835 the community buys the following "services" with varying levels of benefits:

<u>Dispositional Response To Burglary</u>	<u>Level of Benefits</u>
1. Isolation from community	High level of certainty.
2. Vengeance	Subjective - dependent upon the victim's evaluation.
3. Deterrence (prevention of future criminality by offender)	Undetermined - highly questionable.
4. Deterrence (prevention of others from committing similar acts)	Undetermined - may have some effect.
5. Correction	Undetermined.

With the exception of isolation, all other benefits remain highly questionable or weigh on the negative side. Some of the side effects seem to outweigh possible benefits. There is evidence that lengthy sentences may fail to deter.<sup>23</sup> Isolation may interfere with the offender's integration in the community to the extent that he may feel compelled to attack the community symbolically. Incarceration may hasten an offender's identity with a criminal subculture.<sup>24</sup>

Inmates feel there is some level of retribution in serving time - they say they are "paying for the crime committed". It seems doubtful that others share this concept, in view of the stigma that the ex-offender carries after he is released. There are no clear rites de passage back to first class citizenship - no formalized process to indicate that the "debt" has been satisfied.

Simple incarceration provides no opportunity for restitution. If restitution is to be made, it must be accomplished following release. Another probable side effect of incarceration is that of the offender's losing his job, if he was employed when arrested. As a result, restitution may be slow, difficult or even impossible.

Projections, based on the present level of operation and criminal statistics, indicate a need for immediate capital outlays running into tens of millions of dollars for new or modified facilities. At the time of this writing, one large county has committed itself to the construction of a 2,200 bed maximum security jail which will cost over \$25 million. Another county is considering the construction of a similar facility for \$24 million.<sup>25</sup> It is apparent that the return for the correctional expense is less than satisfactory. If this trend is to be halted, or even slowed, a radical restructuring of correctional services must be achieved.

Clearly, the county jail is not an isolate, either within the criminal justice system or within the community. There has been an increasing trend toward shifting the responsibility of providing correctional services to the local level. The jail is perhaps the most important local correctional facility. It processes the greatest number of offenders and therefore can play a central role. Yet in large part the jail's role in reintegrating offenders back into the community has remained undeveloped. This has been due to the short-sightedness and neglect of county boards of supervisors as well as members of local communities. Until these persons are willing to develop its central role in community corrections, the jail will continue to stand as one of man's greatest monuments to irrationality.



FOOTNOTES

<sup>1</sup>This section is based on a discussion of the history of jails by Paul W. Tappan, Crime, Justice, and Correction, (New York: McGraw Hill Book Company, 1960), pp. 585-589.

<sup>2</sup>Board of Corrections, A Study of California County Jails, State of California (Sacramento, April, 1970), p. 11.

<sup>3</sup>Ibid., p. 11.

<sup>4</sup>President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Corrections, (Washington: U. S. Government Printing Office, 1967), pp. 162-168.

<sup>5</sup>Board of Corrections, Report of the Committee to Study Inspection of Local Detention Facilities, State of California (Sacramento, February, 1969), p. 10.

<sup>6</sup>Ibid., p. 10.

<sup>7</sup>Board of Corrections files, State of California (Los Angeles County Central Jail).

<sup>8</sup>Board of Corrections, Report of the Committee to Study Inspection of Local Detention Facilities, op. cit., p. 10.

<sup>9</sup>Board of Corrections, A Study of California County Jails, op. cit., pp. 29-31.

<sup>10</sup>Ibid., pp. 26-27.

<sup>11</sup>Board of Corrections, Report of the Committee to Study Inspection of Local Detention Facilities, op. cit., p. 13.

<sup>12</sup>Ibid., p. 73.

<sup>13</sup>Ibid.

<sup>14</sup>Ibid., pp. 73-77.

<sup>15</sup>Ibid., p. 76.

<sup>16</sup>Ibid.

<sup>17</sup>Board of Corrections, A Study of California County Jails, op. cit., pp. 102-112.

<sup>18</sup>Ibid., pp. 102-105.

<sup>19</sup>Ibid., pp. 79-80.

<sup>20</sup>Bureau of Criminal Statistics, Crime and Delinquency in California 1969, State of California (Sacramento, 1970), p. 10.

<sup>21</sup>Corrections Digest, February 24, 1971, p. 2.

<sup>22</sup>Board of Corrections, A Study of California County Jails, op. cit., p. 20.

<sup>23</sup>California Assembly, Committee on Criminal Procedure, Crime and Penalties In California, prepared by Robin Lamson, State of California (Sacramento, 1968), summary.

<sup>24</sup>Edwin M. Lemert, Human Deviance, Social Problems and Social Control, (New Jersey: Prentice-Hall Inc., 1957), pp. 40-64.

<sup>25</sup>Board of Corrections files, State of California; Los Angeles and Alameda Counties are in the process of constructing new county jails at a total cost of \$49,000,000.

## CHAPTER III

### THE PRESENT JAIL SYSTEM: SURVEY FINDINGS

The nature and quality of the services provided by the county jail depend on the degree of support the jail receives by the county's board of supervisors and the community that it serves. The effectiveness of jail is also dependent on the staff, inmates, and physical structures. This chapter presents data obtained from the Jail Task Force survey that bear on these considerations. The data were obtained by interviews with the jail administrators in each of the 15 study counties, and by questionnaires that were completed by staff and inmates in these same counties. A variety of topics were covered by the survey and are discussed in this chapter. The chapter begins with a discussion of staff and inmate views regarding the goals of jails, followed by sections presenting additional data on staff and inmate characteristics. This is followed by a discussion of programs aimed at minimizing confinement in jails. The next section deals with program highlights, and is followed by a discussion of the need for financial support of jails. The chapter concludes with a discussion of program evaluation.

#### I. PERCEPTIONS AND EVALUATIONS OF GOALS

The major goal of county jails is the protection of society by reducing the probability that an offender will commit another crime. In fact, this is the major goal for all corrections. Secondary goals include rehabilitation and reintegration, while tertiary goals are deterrence and incapacitation.

##### Staff Views

Staff members employed in county jails in the 15 study counties were asked two questions: (1) "What is the main purpose of your jail for sentenced prisoners?" and (2) "What is the most important purpose of jail, as you see it?" After tabulating the questionnaire responses to these items, it was found that there was tremendous variation from county to county in the perceptions and evaluations of goals. For example, in some counties virtually none of the staff members felt that the actual main purpose of their respective jails was to protect the community. In other counties, larger percentages of staff felt that the actual main goal of their respective jails was to protect the community. However, in no case did the proportion reach even one-half. In counties where there was a sufficiently large number of respondents to permit the computation of meaningful percentages, the figures varied from 15% to 47%. Even a greater lack of agreement existed with respect to the secondary goal of rehabilitation. When the respondents were asked what they personally saw as the second most important goal of jails, the figures for counties selecting rehabilitation ranged from less than 10% to only 25%. For the tertiary goals of deterrence and incapacitation there was again a lack of agreement. In some counties, only about 5% of the staff personally

felt that the third most important goal was incapacitation or deterrence while in other counties the figure rose to about 18%.

The type of facility in which the staff member was employed (maximum security vs. minimum security) made little difference. Only 22% of those employed in maximum security facilities and 21% of those employed in minimum security facilities felt that the actual main goal of their respective jails was the protection of the community. These percentages did not increase significantly when staff were asked what they personally saw the goal to be. Thirty percent of the maximum security staff and 24% of the minimum security staff members personally defined the goal of their respective jails to be the protection of the community. Lack of agreement also existed with respect to the secondary goal of rehabilitation.

When the formal position of the line staff member was taken into account, the variations in definition and evaluation of goals continued to exist. Eighteen percent of the correctional officers and 24% of the deputy sheriffs felt that the major goal was actually the protection of the community. When these two groups were asked what was the major goal as they saw it, 22% of the correctional officers and 30% of the deputies defined the most appropriate goal to be the protection of the community. It is evident that neither the correctional officers nor the deputies agree that the major goal of the jail is actually to protect the community.

Perhaps the most significant finding of all was the administrators' definitions and evaluations of goals for their respective jails. In answer to the question, "In your opinion, what should be the purpose of the county jail for sentenced prisoners?", the sheriffs' answers were as follows:

To protect society	3	To house prisoners	3
To punish	6	To deter	2
To rehabilitate	16		

And to the question, "What is the purpose of the county jail for sentenced prisoners (assuming that it differs from the preceding question)?" they answered:

To protect society	3	To house prisoners	5
To punish	12	To deter	4
To rehabilitate	5	A dumping ground for society's misfits	1

Even the top administrators in the 15 study counties who were interviewed did not view either the actual goal or the ideal goal to be the protection of the community. The administrators tend to think in terms of either punishment or treatment. Twelve of them saw the actual goal to be punishment, while on the other hand 16 of them asserted that rehabilitation is the ideal goal. There appears to be little doubt that widespread confusion exists with respect to correctional goals. Some of this confusion is reflected in the remarks made by several of the administrators:

"The county jail should be a place where we can incarcerate and satisfy the public for the crime committed, keep the man working and his family off welfare, teach him the folly of his ways so he doesn't become a repeater, teach him a trade if he doesn't have one, get some work out of him for the county where possible."

"The screening and placement of sentenced prisoners in an acceptable development program which should include prisoners with short sentences, to develop confidence and purpose in the inmate for the return to the community. It should also provide a security area for those inmates not amenable to rehabilitative programs."

"To carry out the mandate of the laws and the courts by maintaining lawful custody of the sentenced offender, and, hopefully, bring about a degree of rehabilitation and sense of responsibility in the individual inmate."

In respect to the secondary goal of rehabilitation, there is considerable doubt that the county jail can be effective. Thirty-seven sheriffs and chiefs of police responded to the following question:

"Are you satisfied that jails and correctional facilities are meeting their responsibility with regard to what is commonly referred to as 'rehabilitation'? If not, how can this responsibility be met? If so, what seems to be the most effective in bringing about 'rehabilitation'?"

Twenty-nine responded that jails and correctional facilities were not meeting rehabilitation goals. However, only 9 offered specific suggestions on how rehabilitation could be accomplished. Eight suggested establishing better educational and vocational training programs and one suggested committing those in need of "rehabilitation" to State prison. Of the 29 responding negatively, a number stated that the jail was not a place for rehabilitation:

"County jails are unique in the corrections system in that they operate only as a way stop in the criminal justice system. The primary effort should be temporary and to direct the released inmate to proper facilities in the community."

"There does not appear to be any agreement or factual information as to the best way of accomplishing rehabilitation."

Six responded that jails do rehabilitate and 1 of these 6 respondents pointed out that punishment, which the jails do well, is rehabilitation if it

prevents an offender from returning to another crime.

In short, it may be concluded that, while correctional authorities throughout the country suggest that the major goal of corrections, including the county jail, is to protect the community by reducing the likelihood of recidivism, staff members employed in the various local jails, especially the administrators, did not share their view. In fact, several of the administrators indicated during the course of the interviews that the county jail is ill-equipped to provide correctional services. Some of their beliefs in this regard were as follows:

"The county jail is not set up to handle any more than the minor offender. The others should be sent to the state prison where they're set up to handle vocational training and that sort of thing."

"Jails are taking more problems than are appropriately theirs. They are catch-alls. The original purpose was to hold people for trial, then they became a punishment arm of the court but they've lost their purpose today."

"How can you rehabilitate a man in 22 days? Five years ago the average time served was 61 days; now it's down to 22 days in this county. It's due to the leniency of the court."

#### Client Views

While the inmates were not asked specific questions regarding the goals of the county jail, they were asked, "In your own terms, what does rehabilitation mean to you?" Many of the answers reflected the view that rehabilitation, while desirable, did not or could not take place in the county jail. Some of the responses to the question are listed below:

"To assist a person in helping themselves and others."

"It means to help a person realize his own problems and what he can do to help himself."

"Helping a person find himself. And not turning him into something he is not. In other words, not to what people think he ought to be but what he wants to be."

"It should take place outside."

"Frankly, nothing. One must be formally habilitated (i.e., have things 'going' for him propitiously in the 'free world') before he can be rehabilitated."

"To live by the laws and standards set by society."



"To have a genuine respect for the law and realize you can live comfortably within it."

"I fully understand the word (rehabilitation) but -- don't think it applies to any of your county correctional units."

"Pay for the crime I did."

"Go forward and stop drinking. Get peace of mind without drinking -- new friends."

"Helping a person find what he really wants out of life. A trade center would be more help than just sitting or doing county work which doesn't teach you anything."

"Becoming a square, instead of a hip person. To carry a lunch pail and punch a time clock instead of selling dope. Just living a normal healthy life with fellowship, with person or persons sharing same ideas."

"Whatever it means I haven't found it yet. I am still looking for something to help me with my problems."

"Preparing an individual to return to society as an asset instead of a liability."

From the above quotes, it is evident that there is as much confusion over the meaning of rehabilitation among the clients, as there is regarding agency goals among jail staff. Additional information on the types of rehabilitation programs made available to jail inmates will be presented in a subsequent section of this chapter.

## II. THE STAFF OF THE JAIL SYSTEM

As mentioned in Chapter II, the jails and correctional facilities of the 58 counties are staffed by 2,460 deputy sheriffs and 1,422 non-sworn personnel. Of the latter, 860 are cooks, clerks, and maintenance staff; 291 are correctional officers; 223 are medical personnel; and 48 are rehabilitation staff, composed of counselors, teachers, and social workers.<sup>1</sup> A total of 1,627 employees from all categories staffed the 31 facilities in the 15 study counties.

Questionnaire responses were received from 489 deputies (representing almost 20% of the State's entire deputy sheriff jail staff), 207 correctional officers (representing more than 70% of the county level correctional officers in the State), and 148 support, medical, and rehabilitation staff, (13% of the support personnel throughout the State). In terms of the 15 study counties, the responses from staff, totalling 1,627, represented a 60% sample.

### Staff Characteristics

Table III presents tabulated questionnaire data regarding the age, race, education, training, and experience of the staff members employed in the jails and correctional facilities located in the 15 study counties. The data clearly suggest several generalizations. First, the deputy sheriffs are the youngest group, followed by the correctional officers, supervisors, and administrators in that order. All of the administrators are over 35 years of age. Minority groups are under-represented on the staffs when compared to the State's ethnic composition and even more so when compared to the ethnic composition of the inmate population. The jail staff is relatively inexperienced in corrections, due primarily to the fact that most sheriffs' departments use the jail as a training ground for incoming peace officers. The educational level of the staff is relatively high with 35% having completed two years of college and 31% being presently involved in education. With regard to participation in P.O.S.T. (the Commission on Peace Officers' Standards and Training) or institutes dealing with training for the corrections task, over half had not participated. Significant differences occurred in virtually every category between the deputy sheriffs and the correctional officers. The correctional officer is typically older than the deputy, but has more experience in corrections. His formal education is less than that of the deputy and fewer are enrolled in education courses. A comparison of these two classifications is made in Table IV. A discussion of the significant differences between these two classifications will appear later in this section where additional differences have been covered.

### Staff Roles

The deputy sheriff. Typically, the deputy assigned to the county jail has been employed for only a few months. He does not view himself as a correctional officer, nor does he view corrections as a long-term career. He tends to resign himself to the fact that the jail assignment is a "necessary evil" before he can be re-assigned to patrol or to some other more "glamorous" role. In contrast to their administrators, the deputy sheriffs frequently expressed disagreement with the idea that "corrections is a part of law enforcement". They preferred to transfer corrections to another agency or at least to the correctional officers within the sheriff's department.

The correctional officer. This job classification was established originally to save money by staffing jails with personnel paid less than the law enforcement officer. The correctional officer (or correction officer) is paid approximately \$100 per month less than the deputy. In all counties presently using this classification, it is a "dead-end" position. There are no promotions because supervisors are persons drawn from the ranks of sergeants and lieutenants who are deputy sheriffs.



TABLE III  
CHARACTERISTICS OF COUNTY JAIL STAFF  
IN THE 15 STUDY COUNTIES  
(Percentage Distribution of Employees<sup>1)</sup>)

Characteristic	Deputy (N=492)	Correctional Officer (N=208)	Supervisor (N=67)	Administrator (N=29)
Age				
Under 25	31	15	0	0
25 - 35	48	27	36	0
36 - 50	18	40	57	86
Over 50	3	18	7	14
Race				
Caucasian	87	82	94	100
Negro	10	14	2	0
Mexican-American	4	3	5	0
Oriental	2	1	0	0
American-Indian	4	0	0	0
Education Completed				
High School Diploma	58	67	43	14
2 Year College Degree	37	29	42	52
4 Year College Degree	4	3	12	35
Graduate Study	1	1	3	0
College Major <sup>2</sup>				
Police Science	39	30	51	61
Public Administration	9	17	13	18
Education	9	9	9	0
Criminology	5	3	11	0
Psychology/Sociology	10	13	0	7

<sup>1</sup>Columns may not total 100% because of rounding.

<sup>2</sup>Only the most frequently stated college majors are listed.

TABLE IV  
COMPARISON OF  
DEPUTY SHERIFF AND CORRECTIONAL OFFICER  
IN THE 15 STUDY COUNTIES

D E P U T Y  S H E R I F F	31-----	Average age-----	38	C O R R E C T I O N A L  O F F I C E R
	42%-----	College Education -----	33%	
	37%-----	Attending College -----	24%	
	31%-----	6 Months or Less Experience in Jails-----	3%	
	Open-----	Promotional Opportunities*-----	None	
	2,460-----	Approximate Number* In County Corrections-----	291	
	\$100 More Per Month-----	Salaries Approximately-----	\$100 Less Per Month	
	31%-----	Plan A Career In Corrections-----	57%	

\*Statewide

There is no clear indication as to the future of this classification. Some counties are considering expanded use of the correctional officer, and some are about to discontinue the classification. At least one county has terminated all hiring of correctional officers. One of the largest counties in the study, however, is planning to establish supervisory levels in the series to provide a career ladder. In the opinion of the Jail Task Force, if the classification of correctional officer is retained, then salary scales and promotional opportunities should be made available to this group.

The female deputy. In most counties, the female deputy is a distinct minority, frequently working in more austere surroundings than her male counterpart. In some counties, she is paid less than males for comparable duties. The Task Force found that of 940 persons responding to the questionnaire, 212 (23%) were females, and 728 (77%) were males. Of the 212 females, 155 (32%) were employed as deputy sheriffs; only 2 (1%) were employed as correctional officers; 19 (28%) were supervisors; and 7 (24%) were administrative staff. In general, the females were found to be younger, and to have less employment experience in local jails and correctional facilities. However, they had about the same amount of education as their male counterparts. Interestingly, the females were more likely, than were the males, to recommend corrections as a career to a young person (64% vs. 44%). They were also more likely to be planning a career in corrections (45% vs. 39%), although a significantly greater proportion of them were also uncertain about a future in corrections (39% vs. 26%).

### Factors in Job Satisfaction

A section of the Task Force survey dealt with factors related to the job satisfaction of the various categories of staff members employed in the jails of the 15 study counties. Table V presents the results of this section of the questionnaire. When asked if they were planning a career in corrections, none of the staff responded overwhelmingly in the affirmative. The most positive group was the correctional officers. Fifty-six percent asserted that they were planning to make a career in corrections. But this certainly is no clear-cut majority. In fact, 69% of the deputies, 61% of the supervisors, and 55% of the administrators either stated that they were not planning to make a career in corrections or they were not sure. Even though advancement opportunities might be made more readily available, the staff continued to express reluctance about a career in corrections. The clearest majority was seen in the lowest status group--the correctional officers. Seventy-eight percent of them asserted that corrections would be a career if advancement opportunities were made available; even though only 19% expressed satisfaction with the promotion system as it is currently structured in the county jails.

When asked if officers should be allowed to be transferred to other correctional agencies at the same rank and salary, and without an examination, it is clear that the lower echelon staff would favor such a policy, while the supervisors and administrators were considerably more conservative on

TABLE V

JOB SATISFACTION AMONG COUNTY JAIL STAFF  
IN THE 15 STUDY COUNTIES  
(Percentage distribution)

Characteristic	Deputy (N=492)	Correctional Officer (N=208)	Supervisor (N=67)	Administrator (N=29)
Plan to make a career in corrections?				
Yes	31	56	39	45
No	40	23	34	24
Not Sure	29	21	27	31
If advancement opportunities were available, would you stay in corrections?				
Yes	44	78	51	63
No	56	22	49	37
Satisfied with promotion system in your agency?				
Yes	72	19	67	65
No	28	81	33	35
Should officers be allowed to transfer without exams?				
Yes	60	66	33	45
No	40	34	62	55
Should there be a series of ranks for line workers that are parallel to supervisors?				
Yes	61	76	57	45
No	16	11	33	41
Not sure	23	13	10	14
Is your work load manageable?				
Completely	36	58	27	38
More or less	60	40	72	62
Unmanageable	4	2	1	--
Is your salary:				
Good	62	52	54	87
Fair	34	44	39	10
Poor	4	4	7	3
Generally, how are your working conditions?				
Good	55	66	63	83
Fair	36	29	31	17
Poor	9	4	6	--

the matter. The same trend is apparent when the staff was asked whether they would favor the creation of a new series of ranks, comparable to those that now exist among supervisors, for line personnel. Sixty-one percent of the deputies and 76% of the correctional officers answered in the affirmative, while 43% of the supervisors and 55% of the administrators stated that they would be opposed to such a change, or were not sure of the wisdom of the change. Thus, on matters of transferring and promotion, the upper echelon jail staff were clearly more conservative.

Finally Table V shows that, when they were asked about the adequacy of their salaries and working conditions, the administrative staff were almost in complete accord among themselves. Eighty-six percent of the administrators felt that their salaries were good, and 83% felt that their working conditions were good. However, the data clearly suggest that the other categories of staff were not nearly as satisfied with either their salaries or their working conditions.

The overall trend in Table V is clear. None of the jail staff, from administrators to correctional officers, expressed unequivocal enthusiasm for the field of corrections. The only instances where clear majorities existed were in regards to salary and working conditions. But the majority was not among those staff who come into daily contact with clients, but rather from the sheriff's and jail managers who are somewhat removed from the day-to-day operations of their correctional facilities. The situation is very likely to be exacerbated by the fact that both supervisors and administrators were not entirely in favor of providing additional promotional opportunities by restructuring ranks and salaries for staff in subordinate positions. It is clear that the situation for the correctional officer employed in the county jail is considerably less than adequate. As stated earlier, his position is a "dead-end" and he knows it.

#### Staff Evaluation of Quality of Management

The hallmark of any effective organization is the existence of clear and accurate communication. If the communication of policies is incomplete or inaccurate, staff performance operates at a less-than-optimal level. A number of items in the Jail Task Force staff questionnaire dealt with the communication, decision-making, and general "climate" of the agency as perceived by the staff. Responses to these items were tabulated, and the results are presented in Table VI.

The first thing to note is that none of the different categories of staff overwhelmingly felt that the philosophy and policies of their respective agencies were clearly stated. This finding is consistent with the general lack of consensus among staff in defining agency goals that was found in the first section of this chapter. While about two-thirds of the supervisors and administrators felt that philosophy and policies were clearly stated, they are by no means in complete agreement on this item. In addition, only 42% of the correctional officers, and 51% of the deputy sheriffs asserted that their agency philosophy and policies were clear. Responses

TABLE VI (Continued)  
STAFF EVALUATION OF JAIL MANAGEMENT  
IN THE 15 STUDY COUNTIES  
(Percentage distribution)

Characteristic	Deputy	Correctional Officer	Supervisor	Administrator
Do you have a voice in decision- making in your agency?				
Strong voice	7	6	29	57
Moderate voice	28	21	32	25
No voice	65	73	39	18
How progressive and "risk- taking" is your agency?				
Progressive	26	26	39	43
Fairly progressive	39	38	39	39
Conservative	45	46	22	12
Does your agency encourage flexibility and creativity?				
Encourages	31	29	34	50
Encourages moderately	43	38	46	36
Discourages	26	33	20	14
How high is the morale in your agency?				
High	40	32	42	46
Fair	35	39	48	38
Low	25	29	10	17



to this item strongly suggest that the various county jails are not doing as good a job as they might in the realm of specifying agency philosophy, policies, and goals.

Additional strength for this view is gained when specific items, dealing with the quality of inter-rank and intra-rank communication, were answered by the staff. No matter what the level of staff rank, there was virtually no clear agreement that the quality of communication was "good". For example, the highest percentage of staff evaluating the quality of "downward" communication, as "good" was found among the supervisors (55%); the highest percentage claiming that "upward" communication was "good" was found among the supervisors (46%); and the highest percentage claiming that "lateral" communication was "good" was found among the deputy sheriffs (66%). But these percentages cannot be considered to reflect overwhelming agreement among jail staff that the quality of communication in their respective jails is good.

In general, the data do suggest that the staff evaluated "lateral" communication as being the "best", followed by "downward" communication. "Upward" communication was evaluated as being "poor". The data also suggest that the lower echelon personnel generally evaluated the quality of communication, especially inter-rank communication, as being "poorer" than did the supervisory and administrative staff. For example, 22% of the correctional officers, compared to 17% of the administrators, asserted that the quality of "downward" communication was "bad". However, while the data suggest that staff in the lower ranks were less happy with the quality of communication than their superiors, the overall conclusion should not be obscured: the quality of communication, either inter-rank or intra-rank, was not evaluated very high.

The above conclusion takes on added significance when it is seen that only 7% of the deputies, 6% of the correctional officers, and 29% of the supervisors asserted that they had a strong voice in decision-making. In fact, only 57% of the administrators--the sheriffs and jail managers--felt that they had a strong voice in decision-making. Administrators must contend with their respective boards of supervisors and county managers if they wish to establish and implement new programs and policies. The data strongly suggest that the boards of supervisors and county managers do not encourage their various administrative jail officials to have sufficient latitude and decision-making authority. Additional evidence for this conclusion is seen in the administrators' responses to questions dealing with "how progressive and risk-taking is your agency?", and "does your agency encourage flexibility and creativity?" Only 43% of the jail administrators asserted that their respective agencies were "progressive" and "risk-taking", and only 50% claimed that their agencies encouraged flexibility and creativity. Thus, the data leave the strong overall impression that the "hands of the administrators are tied" by their superiors--the county boards of supervisors and county managers, and ultimately by the local communities. The restrictive and generally conservative "climate" found in county jails spills down to the correctional officers where only 26% of this group saw their respective agencies as being "progressive", and only 29% felt that "flexibility

and creativity" were encouraged.

The net result of being employed in agencies where philosophy and policies are not clearly stated, where the quality of communication is poor, where there is little or no voice in decision-making, and where a generally conservative attitude prevails, is to have a staff that is demoralized. Table VI shows that this is indeed the case. No matter what the rank of the staff member, only a minority of each group claimed the morale in its agency to be high.

Thus, the Jail Task Force must conclude that staff members employed in county jails, from administrators to correctional officers, evaluated the quality of management of the jails and correctional facilities in the 15 counties surveyed as poor and in need of definite improvement. It is unlikely that the quality of management of the jails in the counties not surveyed is significantly different.

#### The Jail and the Community

It is the position of the Jail Task Force, and indeed all of the corrections Task Forces, that society is normally best protected by rehabilitating and reintegrating the sentenced offender back into the community. Correctional facilities must immediately begin processes of reintegrating as soon as possible after the person is sentenced. As stated in Chapter III of the Juvenile Institution Task Force Report, the offender must, in a sense, never leave the community. The community must permeate the functioning of the county jail to which the convicted person has been sentenced. Basic to processes of reintegration are community involvement and support. Without community support, any correctional program or objective is ultimately destined to fail. If processes of reintegration fail, then the jail must examine its relationships with the community and do whatever it can to strengthen them.

The Task Force survey obtained information on staff attitudes toward community involvement, as well as staff perception of community support of corrections. The appropriate data are presented in Table VII.

Use of para-professionals. The use of indigenous workers, including ex-offenders, in providing correctional services has received widespread endorsement not only by groups such as the President's Commission on Law Enforcement and Administration of Justice, but also by State and local officials in California. As pointed out in the Juvenile Institution Task Force Report, para-professionals enrich correctional services, not as replacements but as supplements for the regular line workers. Para-professionals, especially "New Careerists", have been utilized by the correctional field services more than by the institutional facilities. However, it should not be concluded that the "New Careerist" cannot perform meaningful correctional services to offenders who have been sentenced to institutions, including county jails. While the Task Force did not obtain specific information on whether or not the agencies surveyed actually employed any

TABLE VII

COUNTY JAIL STAFF PERCEPTIONS OF THE COMMUNITY  
IN THE 15 STUDY COUNTIES  
(Percentage distribution)

Characteristic	Deputy	Correctional Officer	Supervisor	Administrator
Could you use aides (New Careerists, etc.) to help you in your normal work?				
Yes	44	31	40	31
No	56	69	60	69
Could you use volunteers to help you in your normal work?				
Yes	32	13	37	43
No	68	87	63	57
Assuming arrangements could be made, is there a community agency or group that could be helpful to you?				
Yes	38	28	41	64
No	62	71	58	36
What use does your agency make of community resources?				
Good use	29	31	27	31
Fair use	60	53	61	65
Poor use	11	16	11	3
How well do you think the general public understands corrections?				
Well	2	2	--	--
Fair	13	16	24	10
Doesn't	85	82	76	90
How strongly do you think the general public supports corrections?				
Strongly	7	7	3	--
Moderately	30	29	30	21
Doesn't	63	64	67	79

para-professionals, especially ex-offenders, employed in jails throughout the counties of California. However, the Task Force staff did ask the following question: "Could you use aides who do not currently meet the qualifications of your line officers (e.g., "New Careerists" or other sub-professionals) to help you in your normal work?" The results, which are shown in Table VII, are clear. None of the staff, irrespective of rank, was very enthusiastic over the idea of employing para-professionals. This is in sharp contrast to the staff of local and State juvenile institutions where approximately two-thirds of those queried endorsed the idea of employing para-professionals. Thus, in spite of the fact that para-professionals have been utilized with a fair degree of success elsewhere in the correctional spectrum, staff members in the county jails are quite clearly opposed to the idea.

The use of volunteers and other community resources. A significant link between the community and the county jail, as well as for other correctional facilities, is the volunteer worker providing services to the offender.<sup>2</sup> At times the volunteer can play a crucial role in reintegrating the offender back into the community. Yet, the use of volunteers has been slow in gaining acceptance by those employed in various correctional agencies. Their reluctance generally has been based on the assumption that "outsiders really do not know anything about corrections". However, in recent years the use of volunteers has increased, so that at the present time, many correctional agencies have volunteer programs.

When the county jail staff was asked whether they could use volunteers to help them in their normal work, the results are again clear. Only 13% of the correctional officers, 32% of the deputies, 37% of the supervisors, and 43% of the administrators favored the use of volunteers in their respective jails.

Correlatively, when asked if there was a community agency or group that could be helpful, assuming that financial arrangements could be worked out, the response was again substantially the same. Only a few of the correctional officers (28%), deputies (38%), and supervisors (41%) felt that there was an agency or group in their respective communities that could be of help to them. Sixty-four percent of the administrators felt that such an agency or group could be useful, which, perhaps, indicates that these top officials have a greater knowledge of the types of resources available in the community.

Yet it is important to note that, at the same time, county jail staff felt that their agencies were not making good use of the various resources that were available in their respective communities. Thus, a significant paradox emerges: on the one hand, staff in county jails feel that their respective facilities are not making full use of community resource; yet on the other hand, they do not believe that para-professionals, volunteers, or community agencies would be particularly helpful in their work. This paradox takes on added significance by inspecting the staffs' perceptions of the public's understanding and support of corrections.

Perception of the public's view of corrections. Table VII also presents information on how staff views the public's position vis-a-vis corrections. The findings are extremely revealing. When asked whether the public knows anything about corrections or is willing to support it, almost none of the county jail staff responded affirmatively. The data show unequivocally that the staff viewed the public as lacking in both understanding and support. It is thus clear that the staff of county jails have adopted a somewhat exclusionary attitude toward the use of community resources such as para-professionals, volunteers, and various agencies. At the same time, they believe that the public lacks any real understanding of corrections and is unwilling to support it. The ironic fact is that the public is obviously not going to understand or support corrections as long as it is excluded from involvement.

#### Major Concerns of the Jail Staff

The staff role. A prime concern had to do with the role of the jail staff in corrections. The staff often expressed a sense of futility and asked, "Does anything really correct?" Some indicated that they could do a better job if inmates were sentenced to longer terms. Others observed that jailing would never really correct as long as it isolated the inmate from his real problems on the streets. Involved in this concern over their role was the definite impression that law enforcement, the courts, and corrections were working toward opposing goals and that they (the jail staff) were caught in the middle.

Inadequate training. Another concern expressed was the inadequate or virtually non-existent training for the corrections task. An extreme example of inadequate training in detention and corrections was provided during a visit to one minimum security facility in which two officers were in charge on the four-to-midnight shift. One officer had four months of experience and had trained the second officer, who had one month's experience. Both officers indicated that their training was virtually non-existent and that questions posed by inmates humiliated them because they knew none of the answers.

Overcrowded facilities. A third concern expressed by the staff was overcrowded conditions that existed in their respective jails. In one county the cell blocks were so overcrowded that at times in the past some staff members were afraid to venture in them to provide supervision. Much of the overcrowded conditions, as stated elsewhere in this Report, has been due to the vast numbers of unsentenced persons incarcerated while awaiting trial. It should also be pointed out that fully 43% of the sentenced inmates in the 15 study counties were serving a jail term as a condition of probation. Thus, while the probation subsidy program has generally had the effect of diverting persons from the State's prisons, the courts are now sentencing these persons to periods of confinement in the county jails prior to their period of probation in the "streets".



Not suited for corrections. A fourth concern expressed by the staff was the fact that they had obtained employment in the sheriff's office and trained to become peace officers, not jail guards. Most of these persons were very anxious to be assigned to patrol or other duties directly related to law enforcement.

Troublesome offenders. Also of concern was the observation that increasing numbers of troublesome offenders were being committed to county jails rather than to the State's prison facilities (e.g. aggressive offenders, and those with mental disorders).

Salaries. While the subject of salaries was not a particular concern in many counties, it nevertheless is significant to note that in one small county the chief jailer had to "moonlight" as a truck driver. The deputies in this county also qualified for food stamps.

Jail facilities. Although it is apparent that there has been a general upgrading of jails in the State since the Adams-Burdman study of 1957, there remain a number of antiquated, overcrowded, and unsafe maximum security jails in both large and small counties. However, the Jail Task Force recommends against construction of maximum security central jails until an assessment has been made of all available jail space within a county (and within a reasonable distance thereof), and until a county is certain that the people in jail actually require confinement for the protection of the community. The questions a county should ask itself are: How many existing jail beds are available and is optimum use being made of them? Are alcoholics being diverted to a more appropriate setting? Are any prisoners who do not pose a threat to the community being held pending trial, simply because they are unable to raise bail? Could adequate facilities and services be better made available on a regional basis, or by contract with adjoining counties?

### III. THE INMATE IN THE JAIL SYSTEM

A stratified sample of inmates were administered a questionnaire and a sampling of those completing the questionnaire were later interviewed in group sessions.

One thousand six hundred and sixty-four (1,664) inmates responded to the questionnaire. This sample constitutes 27% of the sentenced inmates in the 15 study counties, and represents 11% of the sentenced inmates in county jails throughout the State. Approximately 400 inmates were interviewed in group sessions.



### Summary of Inmate Characteristics

Salient inmate characteristics are summarized in Table VIII. The following generalizations can be made about the 15 study counties.

Sentenced inmates in county facilities were young (43% are 25 or younger). Over 50% were Black, Mexican-American, or American-Indian. The racial and ethnic distribution takes on added significance when it is recalled that only 13% of the staff were drawn from these same groups. Eighteen percent did not consider the county in which they had been confined to be their county of residence, and almost half of the inmates, when released, claimed they would be living with family members. With regard to sex differences, females were younger than males, all were housed in maximum security facilities, and a greater percentage of females were drawn from ethnic minority groups. The average inmate had spent three to four months in custody, typically serving a sentence of less than 90 days. One out of four was serving his first term in jail. Twenty-two out of every 100 inmates had served at least one term in State prison.

The survey also found that females typically served shorter sentences and they were more likely, than the males, to be serving their first jail sentence.

### Jail Activities and Plans for the Future

Efforts were made by the Task Force to determine the inmates' perception of jail programs. The Task Force found that 23% of the inmates were idle (this figure climbed to 34% for inmates housed in maximum security facilities). One of the reasons for maximum security housing is the number of detainees pending from other agencies. Fifteen percent of the sample had such "holds"; and of these inmates, 41% had detainees for misdemeanors.

Eighty-one percent of the inmates stated they were not participating in a rehabilitation program (again, this figure rose to 87% for those housed in maximum security units). Only 3 out of 10 inmates could identify an activity which had been particularly helpful while incarcerated. Very few of these activities were sponsored by the jail administration itself. Seventy-five percent felt that they could be helped through some sort of counseling program, especially individual and group counseling. In respect to prior employment and plans for employment on release, 54% indicated that they were working when charged with the crime for which they were confined. Of these, only 40% claimed they could return to their previous employment, while 60% stated that they could not return or did not know.

Forty-three percent would be leaving jail under probation supervision; 53% would be leaving without any post-institution assistance; and 4% stated that they did not know whether jail was a condition of probation. Of those who would be on probation when released from the county jail, 61% had not seen the probation officer since they had started their sentence.

TABLE VIII

CHARACTERISTICS OF SENTENCED INMATES  
IN THE 15 STUDY COUNTIES  
(Percentage distribution)

Characteristics	Total (N=1,664)	Male (N=1,477)	Female (N=187)
Age			
18 to 20	14	13	15
21 to 25	30	29	37
26 to 30	15	15	19
31 to 50	31	32	27
Over 50	10	11	3
Race			
Caucasian	49	49	47
Negro	22	21	31
Mexican American	20	22	11
Oriental	1	1	0
American Indian	6	6	7
Other	3	2	5
Prior Jail Term			
None	25	23	40
One	18	18	17
Two or three	24	24	24
Four or more	33	35	19
Length of Sentence			
5 days or less	1	1	2
6 to 30 days	12	11	15
31 to 60 days	11	11	15
61 to 90 days	15	15	16
4 to 6 months	29	29	32
Over 6 months	32	33	20

TABLE VIII (Continued)

CHARACTERISTICS OF SENTENCED INMATES  
IN THE 15 STUDY COUNTIES  
(Percentage distribution)

Characteristics	Total	Male	Female
With whom will you be living when released?			
Close Family (Parents, Spouse, etc.)	48	48	49
Friends	7	6	11
Alone	22	23	16
Don't Know	23	23	23
Is this County your normal place of residence?			
Yes	82	83	79
No	18	17	21
Were you employed when arrested?			
Yes	54	56	38
No	46	44	62
Are you serving this jail term as a condition of probation?			
Yes	43	43	42
No	53	52	54
Don't Know	4	4	3

Seventy-eight percent indicated that they had not been receiving services from any agency or group such as Mental Health, Social Welfare, Human Resources Development Agency, or the Salvation Army. Of those indicating that they had been receiving services, most were females. The agency most frequently mentioned as a source of aid was the county welfare department.

When asked to specify how they would like their lives to be in the future, virtually all of the respondents described a life built around a traditional middle class value system which included a home, job, and family. Reflecting a somewhat optimistic view, 6 out of 10 inmates felt that they would achieve this, while 4 were not sure or felt that they would not see their "dreams" come about.

#### Significant Differences

From a racial viewpoint, jail populations generally have a considerably higher proportion of minorities than the general county population. In two of the 15 study counties, Blacks represented a majority of the jail population. In two other counties Mexican-Americans represented a majority. American Indians represented a majority in a fifth county. The remaining 10 counties had a Caucasian majority in their jails.

Maximum security facilities held a slightly younger population than the minimum security facilities. This is due to the large numbers of "revolving door" alcoholics, who typically are over 35 years of age, and are usually assigned to minimum security farms and road camps. Black inmates comprised 25% of the population of maximum units and only 19% of the minimum security population.

Twenty-six percent of maximum security inmates had "holds" on them or were wanted by other law enforcement agencies. However, 41% of those with such detainers were wanted for misdemeanors. This compared with 6% of inmates in minimum security facilities having "holds", probably most or all of which were for misdemeanors.

#### IV. MINIMIZING CONFINEMENT IN THE COUNTY JAIL

In recent years the trend toward establishing alternatives to incarceration has become increasingly apparent. This trend has been spurred by the belief among experts that the offender must remain in the community if his ties with it are to be established and strengthened. As already stated in the Juvenile Institution Task Force Report, correctional institutions, including the county jail, are unnatural, dehumanizing "dumping grounds" where persons are incarcerated on an involuntary basis. Other than postponing crime, institutions have done little to "cure" the crime problem. Relatively unsophisticated offenders, incarcerated in jail settings, have emerged as bitter persons who have learned more effective crime-committing

techniques. For these and other reasons, efforts are being made either to completely divert offenders from the county jail, or to minimize their contact with it. This section deals with a number of attempts currently being made in California in this regard.

#### Release On Own Recognizance

Although this Task Force was charged with studying only the sentenced jail prisoner, and making recommendations which are related to the effectiveness of correctional efforts aimed at him, O.R. (release on own recognizance) and citation are discussed in this Report because both are programs that can effectively divert persons from the county jail. This is especially crucial in light of the fact that the increasing jail population has been due almost entirely to the increase in the number of unsentenced prisoners. Given the extremely limited resources that are available in county jails, the Jail Task Force believes that they should be provided primarily to prisoners who have been sentenced. If greater numbers of unsentenced persons were O.R.'d or given citations, the serious strain on facilities and resources would be alleviated.

The idea of O.R. projects received its major impetus in 1961 with the establishment of the Manhattan Bail Project in New York City.<sup>3</sup> In this project law students from New York University interviewed persons who had been arrested and gathered information on their residential stability, employment history, family contacts, and prior criminal record. If the person in custody scored a sufficient number of points, based on the data collected, the staff of the project recommended to the court that the person be granted a pre-trial release without having to post a cash bond. With the Manhattan Bail Project, the Vera Foundation, now the Vera Institute of Justice, clearly demonstrated the feasibility of releasing a person from custody simply on his word that he would appear in court on his scheduled date. O.R. projects have rapidly spread throughout most jurisdictions in the United States.

All of the 15 counties surveyed by the Jail Task Force had established O.R. programs, although some counties were using it more extensively than others. One of the major counties in the Bay Area recently published a report on its O.R. project, and the results showed that it is possible, with appropriate screening procedures, to release persons on their own recognizance and that they will appear in court on the scheduled date.<sup>4</sup> Between August, 1964, and October, 1970, a total of 11,876 persons were O.R.'d in this county. Of this number, only 372 or 3% failed to appear in court.<sup>5</sup> In 1969, the non-appearance rate for felony defendants was even lower with a rate of only 2%. The significance of these figures is heightened when they are compared with the non-appearance rate of persons who posted bail during 1969. For this group the non-appearance rate was higher (5%) than for the group that had been O.R.'d.<sup>6</sup>

Releasing a person on his own recognizance not only minimizes the negative contacts and influences of the county jail, but it also results in substantial savings. In the study cited above, during 1969 there was an average of 429 defendants out on O.R. release. The sheriff's office deter-

mined that on the average it cost \$4.29 a day to keep a prisoner in the county jail. Even with this very conservative figure, the O.R. project resulted in a savings of over \$330,000 for the year.<sup>7</sup>

O.R. projects have been relatively inexpensive to operate because they have often used VISTA volunteers as well as community volunteers to interview O.R. candidates. In light of the success of O.R. programs, their use should be greatly expanded by all of the counties in the State.

Organizationally, some O.R. programs have had their own directors and have been separate entities. In other cases, O.R. programs have been a part of the probation department. For example, one of the counties in the study group had assigned a probation officer to the jail to review cases for O.R. Whatever the organizational pattern of O.R. programs, it is very clear that their use should be greatly expanded by all of the counties in the State.

#### Misdemeanor Citations

Prior to 1967, if a person was arrested for an alleged misdemeanor, he was booked into jail, and if he was unable to post bail, he awaited court disposition in a cell. In 1967, the Legislature authorized counties to issue citations in the case of those suspected of committing a misdemeanor. However, the Jail Task Force found that only a few counties in the study group were using citations as a means of diverting misdemeanants from jail. It was also not possible to determine how extensively law enforcement officers were issuing citations in those counties that had established the policy.

In one of the study counties, arrests and bookings had grown to such proportions in 1968 and 1969 that the jail was dangerously overcrowded, and, in fact, there had been a number of sexual assaults upon prisoners by other prisoners. The county had already approved the expansion of the jail, but the sheriff could not wait until its construction to alleviate the problem. Therefore, the administration decided that a concerted effort would be made to cite all possible misdemeanants and to encourage the courts to make better use of O.R. programs.

The sheriff requested that all county law enforcement agencies use misdemeanor citations as frequently as possible. However, because of resistance to change, citations were being issued only infrequently. At the same time that law enforcement officers were asked to use citations, the county jail instituted the same program. In discussing the problems involved, an administrator asserted that during the initial period his staff found very few inmates eligible for release by citation. However, upon review of the jail bookings each morning, it was apparent that there were far more eligible persons in jail than his staff had identified. The administrator came to the conclusion that his staff was extremely hesitant to cite a prisoner who had already been booked, because it feared the consequences that might result should the released person commit another crime. A training program was established which aimed at dispelling such fears. This was accomplished, in



part, by illustrating that with less than \$25 to pay bail fees, any one of those persons held would be released.

Gradually, the number of citations issued increased, but a conservative attitude continued to prevail among the staff regarding their use. The administrator then instituted a new policy. Instead of the staff justifying the release of a person on the citation, they were now asked to justify keeping him. For every prisoner eligible, but not released by citation, the administrator expected the staff to specify the justification. At the time of the Task Force survey, the number of citations issued in this county was increasing and fewer persons accused of a misdemeanor were being held in jail. According to the clerk of this county's municipal court, cited misdemeanants were appearing at their scheduled court hearing at a satisfactory rate. Unfortunately, the number of persons released from jail by citation was not available, but there is little doubt that the program is a success. At the same time, there has been substantial savings in tax dollars, and the program has relieved the overcrowded condition that had previously existed in the jail.

#### Diverting the Alcoholic from the County Jail

Almost one-third of all arrests made in the United States are for drunkenness in public places.<sup>8</sup> It is not unusual to find the person taken into custody for drunkenness to have been arrested for the same offense 20, 30, or 50 times before. The situation in the State of California is not very different from those elsewhere in the nation. For example, in one of the Bay Area counties, the police made 59,104 arrests in 1969. Of this number, 16,112 of the arrests (27%) were for drunkenness.<sup>9</sup> The sheriff in this county reported that 41% of the inmates incarcerated in the jail were there as a result of drunk arrests.

In recent years, serious question has been raised about the continued criminalization of conduct that is essentially "victimless" and non-violent. The President's Commission on Law Enforcement and Administration of Justice has recommended that:

"Drunkenness should not in itself be a criminal offense. Disorderly and other criminal conduct accompanied by drunkenness should remain punishable as separate crimes. The implementation of this recommendation requires the development of adequate civil detoxification procedures."<sup>10</sup>

Likewise, in the county mentioned above, a committee to study problems of crime and criminal justice in the local community recently concluded that:

"...opinion has generally come around to recognizing that drunkenness must not be handled as it traditionally has been, although the method of handling it is still in a state of transition. Many people would deal with it as a public health problem, and the Crime

Committee approves that concept. ...'Drunkenness' should be taken out of the criminal process entirely."<sup>11</sup>

Between September-December 1970, Task Force staff interviewed presiding superior court judges, county supervisors (normally the Board chairman), and county administrative officers in each of the 15 counties under study. Eighty-nine percent of these local officials urged that the "common drunk" be removed from criminal justice, including removal from the local jail. Seventy-one percent of these officials urged that responsibility for the care of "common drunks" be transferred to the health department or a mental health unit.

However, despite this widespread support for removing drunks from the criminal justice system, the Jail Task Force by no means found unanimity of opinion among the 36 jail administrators interviewed regarding the possibility of "de-criminalizing" public drunkenness and diverting the drunk from the county jail. While 21 of the administrators favored the idea of diverting him from jail, 13 expressed opposition to the idea, and 2 were not sure. Some of the jail administrators opposed the idea because they felt that jail was the most economical way of processing the common drunk. Others were opposed because they felt that the drunks provided a labor pool for jail work assignments which would otherwise be difficult to fill.

However, it is the position of the Jail Task Force that economic considerations alone cannot justify the continued criminal processing of persons who could be more effectively (and economically) handled in other ways. There can be little justification for consuming only 7% of a county jail budget for 41% of those who are incarcerated in it.<sup>12</sup> Nor is the fact that drunks constitute a large labor pool sufficient justification for their continued incarceration. The Jail Task Force has found that the work assigned to those who have been sentenced to jail as a result of drunkenness is not of the type that will substantially contribute to their rehabilitation, or help them in the labor market in the free community. In the large county jails, the drunk typically is assigned only the menial work tasks. In a recent study of the skid row alcoholic in a Bay Area city, a captain in the county jail stated that:

"The alcoholics do excellent work in culinary work. They do well in janitorial work. They will do the dirty work others won't handle.

Do you know what would happen if the alcoholics no longer came here? They are 90% of the farm labor. If we lost them, we'd have to close this place down. Once in a while, I think what would we do without them? I don't know. It would take a complete re-organization."<sup>13</sup>

This study also found that the jailed alcoholics were similarly denied whatever rehabilitation and correctional services existed. The study concluded

that even though the alcoholic is committed for what is possibly the least serious crime, he is reduced or degraded to the lowest of the jail inmates.<sup>14</sup>

In 1969 the Bay Area Social Planning Council conducted a study of the alcoholic in one of the 15 study counties. This study recommended transferring the responsibility for care and treatment of chronic drunk offenders from the criminal justice system to the county health officials.<sup>15</sup> The Jail Task Force urges that all counties explore similar diversionary programs and facilities for the alcoholic.

#### Diverting Other Types of Offenders from Jail

Administrators were also queried regarding the diversion of offenders who were mentally handicapped, and narcotics addicts. The following is a summary of their responses.

Offenders with mental disorders. A number of the administrators pointed out the ambiguity of the term "mentally handicapped", as used during the course of the interview. However, 22 favored diverting this type of offender to other agencies, while 8 expressed opposition to the idea, and 6 were not sure. Two administrators did not answer this question. Most of the sheriffs interviewed mentioned that the problems involved in managing the mentally handicapped are immense because these persons require segregation both for their own protection and for the protection of others. They also require constant medical attention which is not available in most jails. Recent changes in the State's mental health statutes appear to make it increasingly difficult to refer the mentally disturbed to the appropriate county agency.

The narcotic addict. Eighteen out of 36 respondents opposed the diversion of the narcotic addict from jail. Seventeen favored diversion and one was not sure. Four of the administrators opposing diversion indicated they would favor such a plan if some provision were built into the plan to prevent using addiction as an excuse for criminal behavior.

Summary. Almost all respondents favoring the diversion of the above two types of offenders indicated that they would support such a plan only if controls were provided to prevent using alternative treatment resources as a cover for criminal behavior.

As with alcoholics, local correctional agencies should make greater use of available medical and mental health resources both to supplement their correctional programs and to divert, when possible, those offenders who appear to need only medical or mental health types of services.

### Sentence Modification

Although county parole is, in fact, a modification of sentence, the court also has the authority to modify a sentence once it has been imposed. A court may retain jurisdiction simply by suspending a portion of the jail term imposed. This strategy allows the court to review the case and to modify the original sentence. The number of sentenced prisoners released from county jails in California by sentence modification is far greater than the number released to county parole. According to the Bureau of Criminal Statistics, in the 11 study counties reporting figures, 1,954 (17%) of those offenders released prior to the expiration of their sentence had their terms modified by the courts.<sup>16</sup>

Each of the 15 counties in the Jail Task Force survey were employing sentence modification (although only 11 of them were reporting figures to the Bureau of Criminal Statistics), to release jail prisoners early. However, the procedures that had been established to allow review of a case by the court varied greatly from county to county. In some of the counties, only the court and the inmate are involved in the process. The inmate appeals to the judge in writing and the court makes its decision on the basis of the letter and court records. In other counties, jail prisoners request a modification of sentence through the county jail staff. The staff in turn submits a recommendation to the court for the final decision on the request. In yet other counties, requests are referred to the probation department; in turn, the probation department reviews the prisoner's records, interviews him, and makes its recommendation to the court. If the court grants the request for a modified sentence, the released prisoner is then supervised by the probation department.

In one of the 15 study counties, the welfare department has assigned 2 social workers to the jail complex. The social workers are involved with: (1) identifying inmates in need of services and programs, (2) referral for work furlough, (3) coordination of volunteer services, (4) study and recommendation for sentence modification, (5) referrals to community agencies, and (6) assistance in development of post-release plans.

Over a two and one half year period, since the existence of this program, the social workers in this county have identified, evaluated, and recommended to the court 561 inmates for early release. Of the 532 that were released early, only 92 (17%) have returned to jail on other charges. The social workers did not report the extent of modification or the number of days of incarceration time saved. However, if it is assumed that each prisoner was released 30 days early, and also assumed that the jail saved only the food costs (\$1.00 per day average) for the "successful inmates", then a savings of \$13,200 was realized. Less conservative figures would bring the total costs closer to \$120 per month per inmate, thus yielding a savings of \$52,800. The savings in food alone reimburses the county for two and a half years of the social workers' salaries.