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REPORT TO THE CONGRESS

UNITED STATES
GENERAL ACCOUNTING OFFICE

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APR 6 1976



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Conditions In Local Jails Remain Inadequate Despite Federal Funding For Improvements

Law Enforcement Assistance Administration
Department of Justice

Standards for the adequacy of physical conditions and services to be provided in local jails are needed in the United States. The standards should be developed jointly by the States and the Law Enforcement Assistance Administration.

This is shown by GAO's findings that Law Enforcement Assistance Administration funds did not result in adequate improvements of overall jail conditions and by recent Federal court decisions mandating that some localities improve their local jails or close them.

This report raises questions concerning whether Law Enforcement Assistance Administration funds should be spent to improve local jails that remain inadequate-even after Federal funds are spent.

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APRIL 5, 1976



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-171019

To the President of the Senate and the
Speaker of the House of Representatives

CWS 4/6/71

This report discusses the less than satisfactory results achieved when Law Enforcement Assistance Administration (LEAA) funds were applied to the renovation or construction of local jails. In 1972 there were over 3,900 local jails in this country holding about 142,000 inmates. Many of these jails were built before 1900 and were in such condition that Federal courts were ruling that individual jails had to be improved or closed.

We did the review to determine how LEAA funds were being applied to the problem and whether the approach was producing acceptable jails. This report discusses steps that LEAA could take to better assure that local jails, when improved with Federal funds, will meet acceptable jail standards.

We made our review pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

We are sending copies of this report to the Director, Office of Management and Budget; the Attorney General; and the Administrator, Law Enforcement Assistance Administration.

James B. Stacks

Comptroller General
of the United States

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ABBREVIATIONS

GAO	General Accounting Office
LEAA	Law Enforcement Assistance Administration
SPA	State planning agency

COMPTROLLER GENERAL'S
REPORT TO THE CONGRESS

CONDITIONS IN LOCAL JAILS REMAIN
INADEQUATE DESPITE FEDERAL FUNDING
FOR IMPROVEMENTS

Law Enforcement Assistance
Administration
Department of Justice

D I G E S T

This report raises questions concerning whether Law Enforcement Assistance Administration funds should be spent to improve local jails that remain inadequate even after Federal funds are spent. ~~This lack of progress in improving local jails is disconcerting.~~ *no more* *vs.*

A GAO review of conditions in 22 local jails in Ohio, Iowa, Louisiana, and Texas showed that overall physical conditions of the jails and the availability of services remained inadequate. The communities are identified in appendix II. *f*

The problem calls for national leadership from the Law Enforcement Assistance Administration when Federal funds are requested. (See pp. 38 and 39.) Direction from the Congress is needed to indicate the extent to which the block grant concept allows the Law Enforcement Assistance Administration and the States to adopt agreed upon minimum national standards when using Federal funds for certain types of projects. (See p. 41.)

To date, there are no nationally acknowledged standards to be applied in determining whether physical conditions are adequate and whether sufficient services are available in local jails. (See p. 10.) In the absence of positive actions at all levels of government, the Federal courts in some localities have mandated standards to be met by individual jails. (See app. I.)

The Attorney General should direct the Administrator of the Law Enforcement Assistance Administration to develop, in

conjunction with the States, standards that must be met if Federal funds are to be used to improve the physical conditions of local jails.

The Attorney General should also direct the Administrator to deny block grant funds for use in improving local jails if an applicant does not submit a plan which will bring the jail up to the minimum standards regarding physical conditions developed with and agreed to by the States. (See p. 39.)

Only 29 to 76 percent of the desirable characteristics for local jails cited by criminal justice experts were present in the 22 local jails GAO visited. (See p. 19.) For example:

- Inmate security and safety did not always exist.
- Nine local jails and one State unit did not have operable emergency exits.
- Five jails and the same State unit did not have fire extinguishers.
- Three had cell doors which did not lock, although doors to cell blocks did.
- All but four jails had multiple occupancy cells.
- Nine did not provide matron service to supervise female inmates 24-hours-a-day.
- Sanitary conditions were inadequate.
- Elementary commodities (toothpaste, razors, and clean bedding) frequently were in short supply or absent.
- Four jails had cells which either did not contain toilets or did not have ones which worked.

--Eating space in 16 of the 22 jails was either in the cells or in the cell block, with sanitary facilities in full view.

--Only 11 jails had visiting space separate from the cells; only 6 provided space where inmates could converse privately with visitors, but generally private space was provided for conferences with attorneys.

--Five jails did not have a private area to search the prisoners. (See ch. 3.)

Services provided inmates in the local jails were inadequate. The low number of offenders incarcerated in the jails for long periods makes it impractical to develop sophisticated service programs; nevertheless, some services should be provided.

Generally, jail administrators had not shown any initiative in trying to use community service agencies or volunteers to provide the inmates some minimal services. Moreover, neither the Law Enforcement Assistance Administration nor the States had developed any guidelines requiring jails receiving Federal moneys to begin such actions.

More services could be provided because, in most localities, community resources were available to provide some services to inmates. Sixty-three percent of the local organizations visited had not been contacted by jail administrators. Yet, many were willing to provide some services.

As a minimum, local jails should consider either hiring a counselor or using a volunteer to discuss inmates' problems with them and refer them to community service agencies for help once they leave the jails. (See ch. 4.)

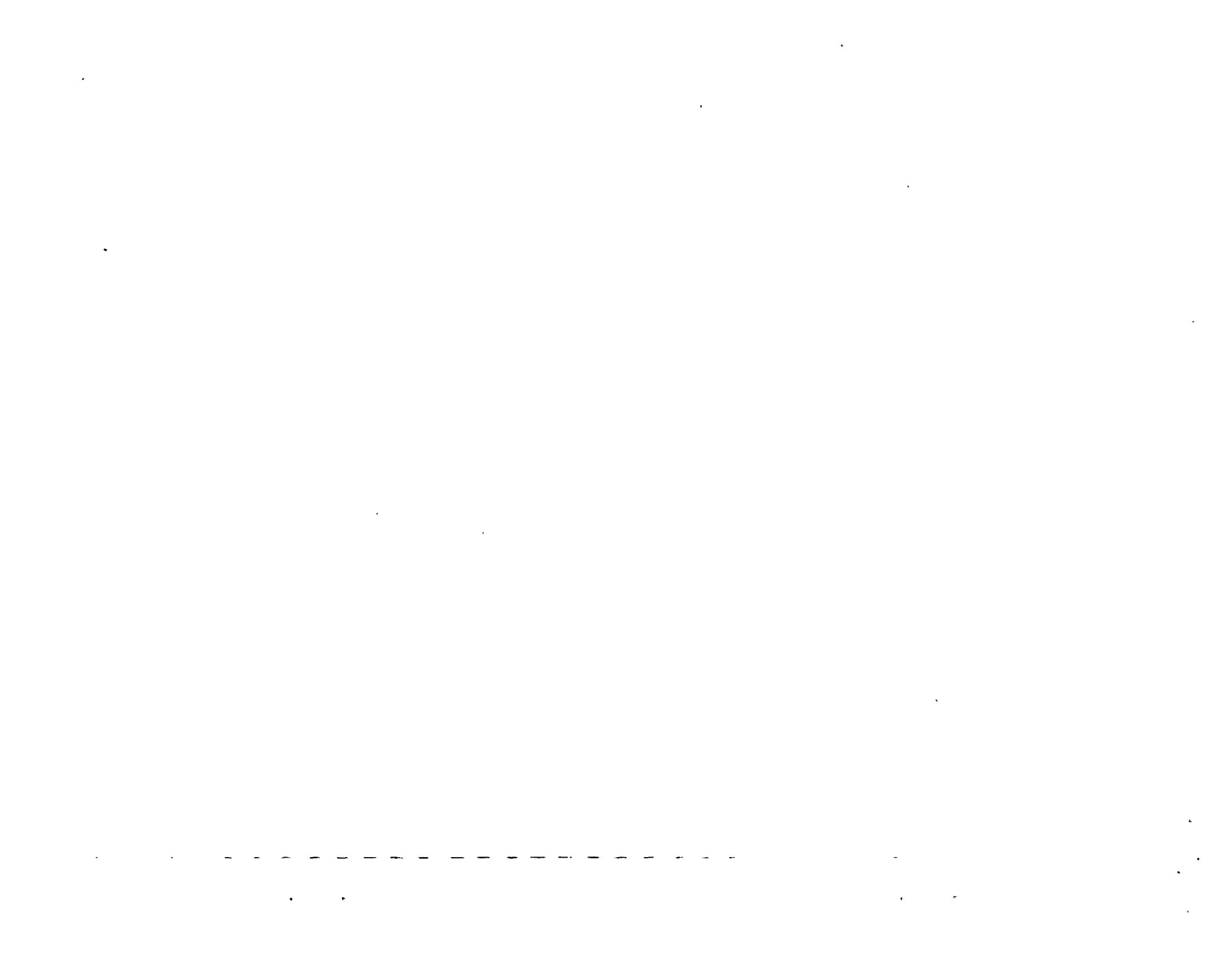
The Attorney General should also direct the Administrator of the Law Enforcement Assistance Administration to

- establish minimum standards in conjunction with the States relating to services that should be provided and the types of community assistance jail administrators should seek and
- use the Administration's regional offices to encourage State and local officials to seek out community resources and to suggest that States require localities seeking funds to improve jails to specify what services are offered and available in the community.

The Department of Justice generally agreed with GAO's conclusions and recommendations and said that the Law Enforcement Assistance Administration recognizes the leadership it must provide and plans to use every resource within the framework of the block grant concept to improve local jail conditions. (See app. VI.) The specific actions contemplated by the Law Enforcement Assistance Administration, including making the upgrading of jails a national priority program, enacting new planning requirements, and enforcing more adequately certain State planning requirements, should help to assure that Federal funds are used to improve local jail conditions.

However, the Department stated that rather than developing agreed upon minimum national standards, it will encourage each State to establish minimum standards. Such a proposal would not adversely affect local jails in progressive States and localities. They would probably establish acceptable standards. But what about those States less willing to change? One way is to place a condition on the use of appropriate Federal funds. Developing agreed upon minimum standards could facilitate positive changes in such localities should they choose to use Law Enforcement Assistance Administration money for local jails.

Thus, GAO recommends that the cognizant congressional legislative committees discuss with the Justice Department whether the block grant concept allows the adoption of agreed upon minimum standards to be applied nationally for federally funded projects or whether additional clarifying legislation is needed. (See p. 41.)



CHAPTER 1

INTRODUCTION

In 1972 there were over 3,900 local jails in the country with about 142,000 inmates. About 75 percent of the jails were small, holding 20 or fewer inmates. National studies have shown that many local jails are in poor physical condition and do not provide adequate facilities and services to rehabilitate the offender.

Local jails (as distinguished from lockups) are authorized to hold persons for longer than 48 hours and, generally, house persons awaiting trial (pretrial) as well as persons sentenced to incarceration for a term of 1 year or less. Local jails are generally operated by local law enforcement agencies and represent the initial contact that persons have with the corrections system.

During the past decade the courts have found that some jail systems constitute "cruel and unusual punishment" in violation of the Constitution. The conditions found unacceptable by the courts have included both the physical conditions of the facilities and the lack of adequate programs or services available to the occupants. Details of several relevant Federal court decisions are summarized in appendix I.

This report discusses the conditions in 22 local jails in Ohio, Iowa, Louisiana, and Texas after Federal funding had been spent for construction and/or renovation and discusses the impact that Federal funding has had on improving the conditions for local jail occupants.

We reviewed jails of varying capacity to determine if some of the problems were solved more easily when handling larger populations. We also reviewed four State-operated institutions--three in Delaware and one in Rhode Island ¹--for comparison purposes. The capacity breakdown of the jails visited was:

1 to	50	14
51 to	150	8
151 and more		4

Chapter 6 discusses in detail the scope of our review.

¹/The four Rhode Island facilities are discussed as one institution in this report because one warden administers all of them. These four facilities are in close proximity to each other even though they are not within one enclosure.

THE FEDERAL GOVERNMENT INVOLVEMENT IN CRIMINAL JUSTICE

The Federal Government helps State and local governments improve their local jails primarily by providing funds through the Law Enforcement Assistance Administration (LEAA). LEAA was established by the Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. 3701). The act provides for State criminal justice planning agencies (SPAs), responsible to the Governors, to manage the funds provided by LEAA. Each SPA must develop a State plan to indicate how it will try to prevent or reduce crime and improve the criminal justice system. The SPA is to be assisted in preparing the State plan by regional planning units composed of representatives from law enforcement and criminal justice agencies, units of general local government, and public agencies. The plan, when approved by the LEAA regional administrator, is the basis for LEAA's grant to the State.

LEAA's Office of Regional Operations develops guidelines the States must follow when developing State plans and establishes the policies and procedures for LEAA regional offices to use when reviewing and approving State plans. Each LEAA regional office has designated a representative for each State in its region to provide assistance in developing and reviewing comprehensive annual plans. The regional office also provides technical assistance to the States when requested.

LEAA's legislation provides funds to be awarded to States and local governments for programs and projects to improve and strengthen law enforcement and criminal justice. These funds are referred to as action grants and are awarded as either block or discretionary grants. Block grants are awarded in total to the SPAs which determine further distribution of the funds. Discretionary grants are awarded to specific groups on the basis of LEAA-approved applications in accordance with LEAA criteria, terms, and conditions.

Action grants are available under two major sections of LEAA's legislation--part C and part E. Part C was established in the original legislation, and part E was added in 1971 to supplement, not supplant, part C funds. The following describes the major features of the two parts of the Omnibus Crime Control and Safe Streets Act as of the 1973 amendments.

	<u>Part C</u>	<u>Part E</u>
Funds available to	All aspects of law enforcement and criminal justice	Correctional institutions, facilities, programs, and practices
Percent available for:		
Block grants	85	50
Discretionary grants	15	50
Minimum matching funds required (percent):		
Construction projects	50	10
Nonconstruction projects	10	10
Matching funds will be	Money appropriated in the aggregate by the State or units of general local government or provided in the aggregate by a private non-profit organization	Money appropriated in the aggregate by the State or units of general local governments

For fiscal years 1969-74, LEAA was appropriated \$2.6 billion, which included \$347.7 million part E funds, to improve the criminal justice system. Block and discretionary grants to the States reviewed through fiscal year 1974 are summarized in the following table.

	<u>Rhode Island</u>	<u>Delaware</u>	<u>Ohio</u>	<u>Iowa</u>	<u>Louisiana</u>	<u>Texas</u>
	(000 omitted)					
Part C:						
Block	\$ 8,793	\$5,143	\$ 99,520	\$26,343	\$34,044	\$104,315
Discretionary	<u>1,638</u>	<u>2,525</u>	<u>21,003</u>	<u>2,070</u>	<u>7,232</u>	<u>19,382</u>
Total	<u>\$10,431</u>	<u>\$7,668</u>	<u>\$120,523</u>	<u>\$28,413</u>	<u>\$41,276</u>	<u>\$123,697</u>
Part E:						
Block	\$ 860	\$ 497	\$ 9,652	\$ 2,216	\$ 3,300	\$ 10,147
Discretionary	<u>696</u>	<u>783</u>	<u>11,010</u>	<u>417</u>	<u>8,892</u>	<u>7,919</u>
Total	<u>\$ 1,556</u>	<u>\$1,280</u>	<u>\$ 20,662</u>	<u>\$ 2,633</u>	<u>\$12,192</u>	<u>\$ 18,066</u>
Parts C and E:						
Block	\$ 9,653	\$5,640	\$109,172	\$28,559	\$37,344	\$114,462
Discretionary	<u>2,334</u>	<u>3,308</u>	<u>32,013</u>	<u>2,487</u>	<u>16,124</u>	<u>27,301</u>
Total	<u>\$11,987</u>	<u>\$8,948</u>	<u>\$141,185</u>	<u>\$31,046</u>	<u>\$53,468</u>	<u>\$141,763</u>

Correction projects, including projects involving construction or renovation of local jails, are reported by the States under various categories. The following unverified data for jail construction or renovation projects from 1971 through 1974 was obtained from SPA records and may not reflect all projects. The projects reviewed were selected from this data. Information for 1969 and 1970 was not readily available at some locations.

Funds Provided for
Construction and/or Renovation of Jails
Fiscal Years 1971-74 (note a)

<u>Funds</u>	<u>Amount</u>				<u>Percent of total funds</u>			
	<u>Ohio</u>	<u>Iowa</u>	<u>Louisiana</u>	<u>Texas</u>	<u>Ohio</u>	<u>Iowa</u>	<u>Louisiana</u>	<u>Texas</u>
	(000 omitted)							
Part C:								
Block	\$1,854	\$ 809	\$2,645	\$1,733	2	3	9	2
Discre-								
tionary	<u>2,921</u>	<u>-</u>	<u>200</u>	<u>-</u>	15	-	3	-
Total	<u>\$4,775</u>	<u>\$ 809</u>	<u>\$2,845</u>	<u>\$1,733</u>	4	3	7	2
Part E:								
Block	\$ 990	\$ 250	\$ 11	\$ 996	10	12	-	10
Discre-								
tionary	<u>550</u>	<u>280</u>	<u>6,100</u>	<u>270</u>	5	67	69	3
Total	<u>\$1,540</u>	<u>530</u>	<u>\$6,111</u>	<u>\$1,266</u>	8	22	50	7
Parts C and E:								
Block	\$2,844	\$1,059	\$2,656	\$2,729	3	4	8	3
Discre-								
tionary	<u>3,471</u>	<u>280</u>	<u>6,300</u>	<u>270</u>	12	12	41	1
Total	<u>\$6,315</u>	<u>\$1,339</u>	<u>\$8,956</u>	<u>\$2,999</u>	5	5	18	2

a/No construction and/or renovation projects were awarded to the State institutions in Delaware or Rhode Island.

CHAPTER 2

LOCAL JAILS: PROBLEMS, PROPOSED

SOLUTIONS, AND DIRECTION OF EFFORT

In the States visited, little has been done to improve overall conditions of local jails that were renovated. Moreover, neither the Law Enforcement Assistance Administration nor the State planning agencies had specific criteria as to what constituted an acceptable facility or minimum standards against which to evaluate a project for funding purposes. New facilities that had received LEAA funds for construction had not incorporated some general standards advocated by corrections experts but overall were in better condition than renovated jails. The States had not developed adequate general plans to overcome some of the pressing problems faced by jail administrators.

The need for jails will not be completely eliminated even if all communities avail themselves of such alternatives as pretrial release, halfway houses, probation, and parole, since there will always be some individuals who either are not willing to accept the constraints in community-based programs or would present too great a risk to public safety if placed in such a program. Therefore, LEAA and the States must develop a workable strategy to provide acceptable jail facilities and services for local communities in a manner that can be economically and humanely justified.

PROBLEMS IN ATTAINING ACCEPTABLE JAILS

The "1970 National Jail Census" ^{1/} stated that, of the 3,319 local jails which served counties or were located in municipalities of 25,000 or more, 86 percent provided no exercise or recreation facilities and almost 90 percent had no educational facilities. A followup survey ^{2/} to the "National Jail Census" indicated that rehabilitative programs were very limited. For example, about 80 percent of the jails provided no inmate counseling, remedial education, vocational training, or job placement. A report by the National Advisory

^{1/}"1970 National Jail Census," Law Enforcement Assistance Administration, Department of Justice, Feb. 1971.

^{2/}"Survey of Inmates of Local Jails 1972: Advance Report," Law Enforcement Assistance Administration.

Commission on Criminal Justice Standards and Goals 1/ also commented on the poor physical conditions of jails and their lack of adequate services to those incarcerated.

These problems are still confronting many administrators throughout the Nation. Many jails need replacing as illustrated in the following comments from selected 1974 and 1975 comprehensive State plans.

--Many local jails are old, deteriorating, and unsafe and are located in areas too small in population and too short in resources to provide adequate correctional services.

--Inspection of facilities indicated a state of general deterioration compounded by other shortcomings, such as lack of fire extinguishers, lack of fire exits, and lack of operative fixtures--toilets, lavatories, lighting, beds, mattresses, heating, windows, painted walls, and showers. A survey of basic services provided to the offender--meals, exercise, and special custody--revealed an alarming absence of these services as well as a lack of ability to segregate offenders by age, sex, type of offense, or other special custody needs.

--For the most part, the local facilities are generally dirty, in need of paint and repair, poorly heated and ventilated, and sometimes fail to provide adequate security. As a whole, the county jails can best be described as "warehouses of human flesh" in which little or no rehabilitation efforts are made except for maintenance work.

--Many county jails and lockups are substandard. These facilities present health and safety hazards for both prisoners and staff, and many do not provide secure custody due to structural or equipment problems. In most county jails, work release is the only treatment program available.

--The majority of (the State's) jails are in such an advanced state of disrepair that the introduction of effective rehabilitation programs is impossible.

1/"Corrections, "National Advisory Commission on Criminal Justice Standards and Goals, 1973.

The length-of-stay for local jail inmates can vary from a few hours to several months, but transiency and rapid turnover characterize the jail population. In 20 locally operated jails visited, more than 70 percent of the inmates were incarcerated less than a week, many for alcohol or traffic related offenses. These offenders generally represent no danger and could be housed in minimum security facilities.

Local jails, however, also house persons awaiting trial or those sentenced for periods exceeding 6 months but generally less than 1 year. Although the number of these persons is low, they represent a much different challenge to the jail administrator. Some probably represent a danger to other inmates as well as to the community. Thus, the availability of maximum security arrangements becomes an issue in providing for the safety of other persons.

Deficiencies in the physical conditions of the jail may not represent a serious hazard to the health of inmates housed for short periods. However, the length-of-stay for some persons can be considerable, and deteriorated physical conditions can be detrimental to the physical well-being of such persons.

Services offered to inmates who will be incarcerated on the average less than a week must be nominal. However, such persons should be informed of services available in the community which may be beneficial to them. Offering assistance programs to persons incarcerated for a longer period would be feasible, but the cost of providing diverse beneficial programs to a few long-term inmates would probably be more than the community would approve.

None of the local jails visited were adequately coping with the needs of the diverse jail populations. The jails offered substantial security to jail personnel and the community but did not necessarily provide security to inmates. The physical conditions were often inadequate, and there were little or no rehabilitation services offered regardless of the length-of-stay or an inmate's need.

The money needed to provide adequate facilities and services to the jail population is probably much greater than local and State governments are willing to provide, especially when the taxpayers must authorize such expenditures. LEAA funding represents a limited source for the amount needed for the entire criminal justice system. In addition, for a grantee to be eligible for LEAA block grant funds, the Federal grant must be matched by State and/or local

funds. Therefore, the use of LEAA funds for any particular aspect of criminal justice is affected by the extent to which the State and local governments desire to or are capable of addressing the problem.

PROPOSED SOLUTIONS

Criminal justice authorities have suggested solutions to the local jail problem, as described in the following sections.

Community-based corrections

Criminal justice authorities, including the 1967 President's Commission on Law Enforcement and Administration of Justice, the National Advisory Commission on Criminal Justice Standards and Goals, and the National Clearinghouse on Criminal Justice Planning and Architecture, believe that many persons incarcerated in local jails are not a danger to society and should not be in jail. According to the National Advisory Commission, offenders are perceived as stereotyped prisoners regardless of the seriousness of the offense. Authorities stress the need to develop a broad range of alternatives to incarceration of the nonviolent offender.

Along these lines, LEAA and States are directing their effort to community-based corrections--alternative measures emphasizing community participation to reduce involvement of offenders with the institutional aspect of corrections. Although this solution may reduce the jail's population, it does not solve the problem of how to provide an adequate facility to those considered ineligible for release.

State-operated local jails

In 1973 the National Advisory Commission on Criminal Justice Standards and Goals reported that the most striking inadequacy of jails is their "abominable" physical condition. Recognizing that few local communities can be expected to have sufficient resources to resolve the problem and provide appropriate services, the Commission recommended that States take over the operation and control of local institutions by 1982.

As of late 1972, only five States operated and controlled all of their correctional facilities--Alaska, Connecticut, Delaware, Rhode Island, and Vermont. Each has only a few facilities. For example, Rhode Island has one location where it incarcerates all offenders, from pretrial to those with life sentences. Delaware has jails in 3 different communities, and Connecticut has 11 correctional facilities.

Regional-operated jails

The regional jail concept has been suggested as a solution to the local jail problem for some time. The 1967 President's Commission on Law Enforcement and Administration of Justice and the 1973 National Advisory Commission of Criminal Justice Standards and Goals referred to this concept under which one jail would serve multicounty or city-county needs. With the consolidation of the jail population from several counties, the size of the operation could justify a better physical plant and some rehabilitation services.

In the four States with locally operated jails visited, SPA officials endorsed the regional concept; however, there does not appear to be widespread acceptance and implementation of this concept. These 4 States have 670 jails, and there are only 3 facilities serving multicounties. One of these facilities is a farm which has been in existence since 1930 and is limited to sentenced minimum security offenders. The other two 1/ have only recently expanded into multiparish facilities, and participation by surrounding parishes has not been fully realized. Moreover, within the geographical area served by these facilities, local jails are still heavily used, which directly conflicts with the concept of regional facilities. Parishes within one of the geographical areas often refuse to send inmates to the regional facility because of the cost of daily prisoner upkeep.

Barriers that are difficult to overcome confront efforts to regionalize jails. With emphasis on community-based corrections, criminal justice authorities believe the offender should be kept in the community into which he will be reintegrated. With a centralized facility serving multiple communities, keeping the individuals involved in their home communities would be difficult.

A second barrier acknowledged by criminal justice experts and referred to continually by law enforcement personnel contacted is a transportation problem. Under a regional system, the offenders would be subject to constant movement, particularly in the pretrial stage. The transporting of inmates would require security guards. Some of the local sheriffs indicated that they were operating with an inadequate staff; thus, because of the security required to transport offenders, a regional jail would further stretch their

1/Although these facilities are under one administrator, we have considered them as two facilities in this report because of their dissimilar characteristics.

limited resources and would reduce the time available for actual enforcement activities.

Various officials contacted also did not consider the regional concept to be politically or economically expedient. The regional concept could remove the local jail from the county along with the jobs it involves. Moreover, under the regional jail concept, the participating counties would have to appropriate funds for capital and/or operating costs to support an operation outside the county.

Because of the limited use of regional jails, we did not attempt to evaluate the barriers to implementing this concept. We believe, however, that it would be appropriate for LEAA to study the concept to determine the validity of cited problems in establishing regional facilities and develop a plan to eliminate or overcome them.

One variation of the regional jail concept that appears to have more promise is the combination city-county jail. If a city and contiguous county determine that the offender population is large enough to justify combining the correctional facilities of only the two jurisdictions, the above-mentioned barriers do not appear to be major problems. LEAA might study the feasibility of encouraging appropriate cities and counties to consolidate their operations.

DIRECTION OF EFFORT

LEAA has stressed the need to improve community-based corrections and, in line with this emphasis, States have also given priority to them. While the priorities followed by the units of government appear consistent with the recommendations of criminal justice authorities, the need to improve unacceptable local jails which house thousands of inmates is not ruled out. Generally, LEAA has provided little guidance concerning the need to improve local jails.

LEAA guidance

No firm standards exist as to what physical conditions and rehabilitative services should be available in a jail after LEAA funds have been spent. In practice, LEAA funds have been used on facilities which continued to have undesirable characteristics, if judged against criteria developed by certain corrections experts.

The 1971 legislation establishing part E funds required LEAA to prescribe basic criteria for part E applicants and grantees. Part C of the authorizing legislation does not contain similar language. In anticipation of the

1971 legislation, LEAA contracted with the University of Illinois for the services of a group in the University's Department of Architecture now called the National Clearinghouse for Criminal Justice Planning and Architecture (Clearinghouse). Under this contract the Clearinghouse developed the publication "Guidelines for the Planning and Design of Regional and Community Correctional Centers for Adults" (Guidelines).

In 1972 LEAA issued a directive that made it mandatory for all construction or renovation projects to be reviewed by the Clearinghouse following the criteria established in the Guidelines before part E funds could be awarded. This directive did not require such review for part C-funded projects.

The Guidelines suggested general methods for housing offenders and offering them services--they did not set minimum conditions to be met. Clearinghouse personnel told us that the Clearinghouse considers the Guidelines to be a flexible planning tool designed to accommodate each unique situation. They do not consider it mandatory for the project to provide all the physical conditions and rehabilitative programs in the Guidelines. If the Clearinghouse is unwilling to favorably recommend the project proposed even after discussions with the prospective grantee, part E funds cannot be awarded unless the proper LEAA regional administrator approves the project.

LEAA has established procedures that require projects funded by part E to be reviewed by the Clearinghouse. However, neither LEAA nor the Clearinghouse have established procedures to insure that the Clearinghouse is advised of the funding status on projects it has reviewed or that recommendations are incorporated into the project.

In November 1974 LEAA's regulations limited the use of its discretionary funds to not more than 5 percent of part C funds and 30 percent of part E funds in any one year for constructing any type of facility. According to LEAA, this policy was adopted because of limited available funds and urgent needs in other areas.

The above restrictions do not apply to block funds. LEAA permits each State to set its own priority for using block funds. However, it has recommended that the States require local areas to contribute a greater percentage of the project's total cost than required by law in order to increase the total funds available to the criminal justice system.

SPA efforts

Under the LEAA concepts, each State determines its own priority needs and allocates its funds accordingly. In approving the State comprehensive plans, LEAA does require that the major segments of the criminal justice system--police, courts, and corrections--receive adequate consideration. However, a State decides the allocation of its funds to the various types of projects within each system. Funds for corrections can be allocated to various programs, such as pretrial release, halfway houses, probation, parole, rehabilitative programs and renovations in large institutions, training of personnel, and local jail projects.

The need for improving local jails may not insure that such projects will receive higher funding priority than other correction projects whose need may be as great. The pattern of funding local jail construction or renovation projects varies among States. The following chart shows the number of jails and the number of improvement projects funded in 1971-74 for the States visited.

	<u>Number of</u>	
	<u>Jails</u>	<u>Projects</u>
	(note a)	
Ohio	160	84
Iowa	92	19
Louisiana	96	11
Texas	322	28

a/Number of jails as reported in the "1970 National Jail Census."

In Ohio, although there were numerous grants for small amounts, multiple small grants were awarded to the same grantee. Therefore, grants were awarded for facilities in only 48 of Ohio's 88 counties. In Louisiana and Texas, large amounts were granted for relatively few projects. Iowa awarded only a few grants--some for new construction for combined city-county detention facilities and some for minor renovation of existing facilities.

The small number of jail projects in these States is not necessarily indicative of the number needing improvements. Officials of LEAA regional offices generally agreed that most local jails in their regions were in unacceptable condition. The following discusses the needs in each State and some reasons why LEAA assistance had not been provided to meet these needs.

Ohio

In referring to county jails, Ohio's 1974 Comprehensive Criminal Justice Plan stated:

"Thus, many of these jails are hopelessly inadequate to provide even reasonable security and sanitation, let alone needed programmatic services."

In 1971 the Ohio Buckeye State Sheriff's Association surveyed the 88 county jails in Ohio. The survey showed that many of the jails were in poor condition and identified the 15 worst jails. Small project grants were awarded in 1972 and 1973 for renovating and repairing inadequate jails disclosed in the survey. Ohio has currently adopted a policy that new construction projects will generally be limited to facilities that serve an area encompassing a population of 150,000 or more and is placing primary emphasis on community-based corrections. The 1974 State plan allocated only \$156,000 for constructing or renovating adult facilities, down from more than \$1.8 million in the 1972 plan.

Iowa

Iowa's 1974 Comprehensive Criminal Justice Plan stated that many local jails were in satisfactory condition based on the Iowa Department of Social Services' inspections. However, the consensus of SPA and other State officials contacted was that local jails were in poor condition. Moreover, Iowa's 1973 plan stated that most county jail time is literally "dead time" with no programs aimed at rehabilitation or reintegration.

The SPA, however, has a policy directed toward community-based corrections rather than constructing and renovating local jails. Construction will, generally, be considered only if it involves a combined city-county law enforcement center. The SPA believes these centers have proven to be politically expedient while being cost effective and providing a "higher level" of services to the inmates. Four of the six projects reviewed were for this purpose. 1/ In each case, the facilities previously serving the locality had been closed or condemned.

1/Although these projects did achieve some consolidation, the ability of these facilities to offer some of the desirable standards--both physical and programmatic--is not practicable because of the small capacity of the new facilities (4, 12, 18, and 31).

The Iowa SPA in commenting on our report cited the following funding problem:

"One other aspect which deserves mention is a requirement in the federal act as amended in 1973 which mandates the state to provide one half (1/2) of the local match. In a construction project such as the report deals with, the state share would therefore be 25% of the total cost. This stipulation has had the effect of curbing financial assistance in regard to this matter and as a consequence has also diminished the chances of continued work in improving available services. Thus, it is difficult to expect realistic objectives to be achieved without realistic support to be available to achieve said objectives."

The SPA director suggested that the Congress eliminate the one-half State share stipulation.

Louisiana

In commenting on local jails in Louisiana's 1974 State plan, the SPA said:

"The majority of these facilities are aged, overcrowded, and constructed without forethought of sound correctional practices."

Before fiscal year 1975, the Louisiana SPA had encouraged local jail improvement. However, two SPA funding policy changes now preclude or discourage using LEAA funds for jail improvements in the State. Currently, the Federal share of a construction project funded under part C of the act cannot exceed 50 percent of the cost, and the State must provide at least one-half of the non-Federal funding. The State government is not willing to spend funds to provide its share for construction. Therefore, the SPA has adopted a policy not to fund construction using part C block funds. Any new local construction would be limited to discretionary or part E funds. Under part E funds, the SPA limits the Federal funds to only 50 percent of the project cost rather than up to 90 percent as authorized by the act. The SPA also requires the local government to provide the entire 50-percent non-Federal share.

In addition, the Louisiana SPA has adopted other funding policies to better insure that regional jails are developed. The SPA believes that regionalization will

- foster greater rehabilitative measures,
- provide adequate security measures to meet modern-day correctional standards, and
- result in economic advantages.

Texas

Texas recognized its local jail needs in its 1975 Criminal Justice Plan when it commented:

"Detention facilities in the State mainly suffer from lacks--lack of repair, lack of acceptable security standards, lack of programs that might minimize the social damage sometimes inflicted on persons detained, lack of financial and service resources, lack of community support, and lack of personnel training."

In Texas, priorities for projects to be funded with LEAA money are determined primarily at the regional planning unit level. At the time of our review, there had been few requests for jail improvement projects in Texas. This was attributed, in part, to the community attitude that jails are places of punishment. However, as a result of recent Federal court orders to improve local jail conditions, more attention might be given to local jails.

In commenting on this report, the Texas SPA stated:

"The Texas Criminal Justice Division (SPA) has been cognizant of the serious problems in the jails, but with limited funds in the area of jail renovation and construction and 254 counties in the State, the agency has been concentrating primarily on assisting the counties in the corrections system planning process. Unfortunately, once the county or counties (consolidation) have reached a decision based on comprehensive planning, in most instances, sufficient funds are not available on the local level to finance a major portion (66 2/3 to 75%) of the renovation and construction phase of the project. Based on these conditions, a significant increase of funds from other sources is desperately needed."

The Texas SPA was concerned that the conditions found in the few jails we visited might not present a true picture of the jail problem in Texas. Accordingly, the SPA

cited a survey of Texas jails completed by the Texas Department of Corrections' Research and Development Division. The survey, done from November 1973 to November 1974, covered 94 percent of the State's counties and found that:

- Approximately 49 percent of the jails have from one to four full-time employees and 50 percent indicate that they use part-time help.
- Approximately 58 percent of the county jails do not provide 24-hour supervision for each cell block.
- Sixteen percent of the jails were built before 1900 and 61 percent were built before 1940.
- Forty-four percent of the counties were in the process of constructing or renovating their jails.
- An estimated 12 percent of the jails added additional bunks during peak periods, while 40 percent reported sleeping prisoners on the floor.
- Sixty-seven percent of the jails indicated that their bed capacity ranged from 3 to 40, and 29 percent indicated their bed capacity ranged from 41 to 1,431.
- The number of cells in each county jail ranged from 1 to 30 for 85 percent of the jails and from 31 to 100 for 6 percent of the jails.
- Approximately 42 percent of the jails reported serving less than three meals per day, and the onsite survey revealed the absence of dietary programs for the jails. In addition, a significant number of jails indicated having inadequate facilities for serving or preparing meals.
- The onsite survey revealed that 10 percent of the jails provided visiting rooms, 58 percent provided religious services, and 70 percent provided commissary services.
- A maximum of 12 percent of the counties indicated the use of rehabilitation programs in their jails.
- Approximately 48 percent of the counties indicated that they were experiencing plumbing and/or electrical malfunction.

In our opinion, the Texas survey shows that the conditions we found in the renovated jails were rather common in the State.

The SPA believed that the "mechanism" needed to upgrade Texas jails may be contained in recently passed State legislation. However, this action does not resolve the problems of financing needed improvements. The SPA described the recent legislation thusly:

"In 1975, the Legislature of the State of Texas passed House Bill No. 272 which established a Commission on Jail Standards. The Commission was created due to increasing pressure from Federal Courts acting on law suits that have so far targeted facilities and treatment of prisoners in twenty (20) Texas jails. Reports show only six (6) of the 254 counties have jails that meet State health department standards on sanitation, health and population.

"Basically, the duties of the Commission are: (1) to promulgate reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance and operation of county jails; custody, care, and treatment of prisoners; the number of jail supervisory personnel and for programs and services to meet the needs of prisoners; and programs of rehabilitation, education, and recreation in county jails; (2) to provide consultation and technical assistance to local government officials with respect to county jails; (3) to review and comment on plans for the construction and major modification or renovation of county jails; and (4) to inspect county jails annually to insure compliance with State law, commission orders and rules and procedures promulgated under the Act. In addition, to the above general duties, the Commission has specific enforcement powers as follows:

"When the Commission finds that a county jail is not in compliance with State law or rules and procedures of the Commission, or fails to meet the minimum standards prescribed by the Commission or by State law, it will report the noncompliance to the county commissioners and sheriff of the county responsible for the jail that is not in compliance.

The Commission will send a copy of the report to the Governor. The Commission will grant the county or sheriff a reasonable time, not to exceed one year after a report of noncompliance, to comply with its rules and procedures and with State law. If the county commissioners or sheriff does not comply within the time granted by the Commission, the Commission may, by order, prohibit the confinement of prisoners in the noncomplying jail and designate another detention facility for their confinement. The county responsible for a noncomplying jail will bear the cost of transportation and maintenance of prisoners transferred from a noncomplying jail by order of the Commission. The Commission, in lieu of closing a county jail, may institute an action in its own name to enforce, or enjoin, the violation of its orders, rules, or procedures, or of Article 5115, Revised Civil Statutes of Texas, 1925, as amended. The Commission will be represented by the Attorney General."

The diverse approach to funding local jail projects is matched by the diverse level of improvement achieved by the various projects as described in the following two chapters. Appendix II contains details on the amounts and purposes of the projects selected for review.

CHAPTER 3

NEED TO IMPROVE OVERALL

PHYSICAL CONDITIONS OF LOCAL JAILS

Only 29 to 76 percent of the desirable characteristics for local jails generally cited by various criminal justice authorities were present in the 22 local jails reviewed. The 22 jails included 6 newly constructed facilities and one renovated facility not previously used as a local jail. The conditions in some of the jails appeared similar to conditions in other jails which had been found unacceptable by the courts.

DESIRABLE CHARACTERISTICS FOR LOCAL JAILS

What are acceptable physical conditions in local jails? There are no nationally acknowledged standards. Although some States have established criteria for inspecting local jail conditions, an American Bar Association report published in August 1974 stated that only 15 States have statutory authority to prescribe and enforce minimum standards and inspect local jails. Other States may have established inspection requirements but have no procedures for insuring corrective action.

Several associations or groups have issued advisory standards or discussed desirable characteristics for local jails. These include:

- "Guidelines for the Planning and Design of Regional and Community Correctional Centers for Adults," National Clearinghouse for Criminal Justice Planning and Architecture.
- "Guidelines for Jail Operations," National Sheriffs' Association.
- "Corrections," National Advisory Commission on Criminal Justice Standards and Goals.
- "A Manual of Correctional Standards," American Correctional Association.

Using these sources, we developed a compendium of desirable characteristics to assess the physical conditions of the local jails visited. We grouped the characteristics into four major categories.

Under the category of inmate security and safety, we assessed whether the jails had (1) populations not exceeding capacity, (2) single occupancy cells only, (3) adequate segregation of offenders by sex, age, and degree of violence, (4) operable emergency exits and fire extinguishers, (5) operable cell doors, (6) matrons present for female offenders, and (7) no drunk tanks.

To assess the sanitary conditions, we considered whether cells had operable toilets and wash basins and whether showers were clean and worked. We also considered the availability of such personal items as soap and toothpaste and the cleanliness of such things as blankets, sheets, and towels. To assess inmate comfort and rehabilitation, we considered whether dining facilities were separate from the cell blocks and whether such things as recreation facilities, ventilation, and lighting were adequate. Regarding privacy, we assessed such things as whether visiting space was separate from the cells and whether there was a private area where the prisoners were searched when first imprisoned.

INADEQUATE CONDITIONS

The absence of a significant number of desirable characteristics in the jails visited, after the jails had spent Law Enforcement Assistance Administration funds, indicates the extent of deficiencies in local jails and the need for a strategy for improving such facilities. To assume that every jail should have all of these characteristics is unrealistic. Inmate comfort, rehabilitation, and privacy characteristics increase in importance proportionately to the length-of-stay. Other characteristics, especially inmate security and safety, are important regardless of the length of incarceration.

In evaluating the conditions at each location, we determined the total number of listed features available at a particular jail and computed it as a percentage of the total items applicable to that particular jail. The following table summarizes by State and by general area the characteristics found in locally operated jails. The detail for each jail is shown in appendix III.

Percentage of
Desirable Features
Found by State

	<u>Ohio</u>	<u>Iowa</u>	<u>Louisiana</u>	<u>Texas</u>
Number of jails visited	5	6	6	5
Desirable features available:				
Inmate security and safety:				
Range	40/60	40/80	40/100	50/80
Average	50	60	58	65
Sanitation:				
Range	43/71	29/79	36/86	36/86
Average	57	63	61	60
Inmate comfort and rehabilitation:				
Range	10/70	10/40	20/80	20/50
Average	28	22	45	34
Privacy:				
Range	25/75	50/100	25/100	25/100
Average	45	71	64	55
Total:				
Range	34/68	29/63	34/76	42/68
Average	46	52	57	54

We also visited some State-operated facilities serving the type of population that is housed in local jails in other States. These States had not used LEAA funds to physically improve their institutions, but we visited them for comparative purposes. Our evaluation of the physical characteristics of these facilities indicated that, generally, they offered a better facility to inmates although they did not meet all desired characteristics, as shown in the following table and illustrations V and IX. The detail for each facility is shown in appendix III.

Percentage of
Desirable Features
Found by State

	<u>Rhode Island</u>	<u>Delaware</u>
Number of jails visited	1	3
Desirable features available:		
Inmate security and safety:		
Range		56/71
Average	79	61
Sanitation:		
Range		64/93
Average	89	81
Inmate comfort and rehabilitation:		
Range		90/100
Average	98	93
Privacy:		
Range		100/100
Average	100	100
Total:		
Range		74/87
Average	92	82

Some of the more common problems in the jails are (1) lack of adequate segregation of classes of inmates, (2) multiple occupancy cells, (3) the presence of guard corridors, 1/ (4) drunk tanks, and (5) lack of dining and recreation facilities and space for rehabilitation programs. Some lack operable toilets in cells and laundry facilities for inmates' personal clothing and do not provide items such as toothpaste, razors, sheets, or pillows. Regular visiting space is frequently not separate from cell areas and does not offer any privacy, even for minimum security offenders. The following sections discuss why some characteristics are deemed desirable and why the facilities visited were or were not acceptable.

1/A guard corridor is a passageway between the exterior wall and the back of the cells. Inmates are generally not permitted in these corridors.

Inmate security and safety

This category includes the features of jails that provide protection to the inmate, such as segregation of various classifications of inmates and female supervision of female inmates.

According to the criteria we used, cells should be designed for single occupancy. In addition, all handling and supervision of female prisoners should be by female employees, and 24-hour matron service should be available. Normally, no male employee should enter the women's quarters unless accompanied by the matron.

Four of the 22 local jails visited had only single occupancy cells. The other 18, including 3 of the new facilities, had multiple occupancy facilities with varying capacities. For example, the McLennan County, Texas, jail had eight single occupancy cells, two 4-man cells, eight 6-man cells, one 8-man cell, and two 16-man dormitories.

Jail administrators usually allowed all males to leave cells and congregate in cell block corridors. In three jails, the cell doors would not lock, although the doors to the cell block did lock. Operable cell block doors are necessary to insure the safety of the public, and operable cell doors are necessary to provide for the safety of all inmates.

Illustrations I and II depict a typical cell in the new facility in Kossuth County, Iowa. This facility has single occupancy cells. However, single occupancy cells were not present in all the Iowa jails which received LEAA funds. As shown in illustration III, the area to house females in Woodbury County, Iowa, was constructed to house at least three in a room. The depressing cell areas in the Hamilton County, Ohio, jail (illustration IV) and the Sussex Correctional Institution in Delaware (illustration V) also show cells in which at least two persons were kept. The Hamilton County jail had 170 double occupancy cells. The jail population on the date of our visit was 235 inmates, and the jail generally housed an average of 270 inmates.

Desirable characteristics for housing female inmates were not always met. Five of the 22 local jails did not provide adequate audio segregation of adult female inmates from male inmates. For example, in Perry County, Ohio, the second floor of the jail was used to house female offenders, if the male population did not exceed the first floor capacity. If the second floor was needed for male inmates,

female inmates were transported to a neighboring county jail. No provision had been made for audio segregation between floors. Eleven facilities failed to provide audio segregation between adults and juveniles.

In regard to fire protection, nine of the local jails and one State facility did not have operable emergency exits and five local jails and the same State facility did not even have fire extinguishers or hoses available. These conditions are probably not even acceptable under local fire and building safety regulations.

Nine of the 20 local jails having accommodations for females did not provide 24-hour-a-day female supervision. Although it might be argued that it is not necessary to have 24-hour matron service, it is considered essential by correctional experts. A recent event demonstrated the reason why a matron should supervise female inmates 24 hours a day.

On August 27, 1974, a female inmate stabbed to death a male jailer whom she alleged was attempting to rape her. She was charged with first degree murder but was subsequently acquitted of the reduced charge of second degree murder. When the incident occurred, the woman had been in jail for 81 days. The jail had no matron on the staff and, according to the Southern Poverty Law Center's "Poverty Law Report,"

"Women * * * had no privacy while bathing, changing clothes, or using toilet facilities. Prior to the jailer's death, they were under 24-hour surveillance by closed circuit television cameras which male personnel, or anyone in the jailer's office, could watch."

Since the incident, attorneys for the woman have filed a Federal court suit asking, among other things, that constitutional standards be set for care of female inmates in this particular county's jail.

Sanitation

This category includes the toilet and shower accommodations available to inmates as well as other hygiene items. A pervasive characteristic of the jails visited was their general low level of sanitation and cleanliness, which affects the health and morale of inmates and staff confined together in the jail. Such elementary commodities as towels, toothpaste, safety razors, 1/ and clean bedding were frequently in short supply or totally absent.

1/Safety razors and blades are accounted for by the jail staff to guard against theft and misuse.

Moreover, since single occupancy cells are more desirable for housing inmates, they should be equipped with necessary plumbing to assure that cells need not be opened at night. The lack of operable toilets in each cell precluded some jails from being able to confine their inmates within the cells. Four of the 22 local jails visited had cells which either did not contain a toilet or did not have an operable toilet at the time of our visit. For instance, the Logan County, Ohio, jail has 3 toilets for the entire 2-tier main cell block with a capacity of 18. One of these is in an isolation cell; the others are for the rest of the inmates.

The depressing physical characteristics of some jails visited are illustrated by the cells in Hamilton and Logan counties in Ohio and in the Sussex Correctional Institution in Delaware. (See illus. IV, V, and VI.) Some of the cells in Hamilton County were improved by the installation of new toilets in front of the in-the-wall facility. However, due to limited local funds, not all the cells were improved. The cell shown was one that was improved under the LEAA-funded project.

The condition of shower facilities also varied greatly as shown in illustrations VII, VIII, and IX. Four of the 22 local jails and 1 of the State-operated facilities we visited had, in our opinion, very unsanitary shower facilities that were extremely rusty and moldy.

Inmate comfort and rehabilitation

This category includes

- the dining area outside the cell and toilet area,
- adequate ventilation and lighting within each cell,
- recreation space, and
- absence of guard corridors.

The principle of human dignity and the purposes of rehabilitation require that offenders be accorded generally accepted standards of decent living. This applies to food, clothing, and shelter, as well as physical and mental health needs including recreation.

According to the criteria we used, inmates should not eat in cells, particularly if the cells contain sanitation facilities. The National Clearinghouse for Criminal Justice Planning and Architecture suggests that the dining setting convey a sense of eating together in an informal environment and recommends individualized seating through moveable furniture and small tables. Straight line eating arrangements should be avoided.

The State-operated jails had separate dining facilities; however, only three of the local jails had such facilities, and two of these involved facilities at the multiparish minimum security farms. The dining facilities at the Hamilton County, Ohio, jail consisted of permanently affixed tables with a bench on one side, as shown in illustration X. Although all inmates must face the same direction, at least the eating area was not in the cell block area. Typically, either a picnic-type combination dining/recreation table was located in a cell block corridor or no dining arrangement was provided, thus forcing inmates to eat in their cells. Illustrations III and XI show the combination dining/recreation table arrangement. In 16 of the local jails visited, inmates must eat in full view of toilet facilities; 9 facilities had either picnic table or table and chair accommodations; and 7 facilities offered no accommodations and inmates ate in their cells.

Recreation should be recognized as a wholesome element of normal life, and numerous criminal justice sources advocate the need for recreation facilities. However, only four of the local jails had indoor recreation facilities and only five had outdoor facilities.

Many facilities are designed generally for maximum security and include guard corridors, areas between the cells and exterior walls. The National Clearinghouse for Criminal Justice Planning and Architecture does not believe guard corridors are needed even with maximum security. They diminish natural lighting and prevent access to an exterior view. Illustration XII shows a typical guard corridor. Seventeen of the local jails had guard corridors which restricted the outside area that an inmate could view from his cell. This situation contributes to the boredom and frustration that offenders in such facilities experience.

Privacy

This category includes the type of space available for (1) visiting families and officials and (2) receiving or admitting procedures.

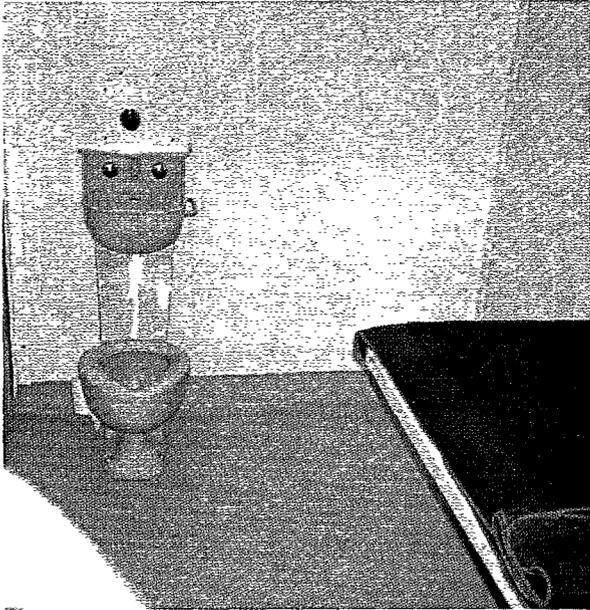
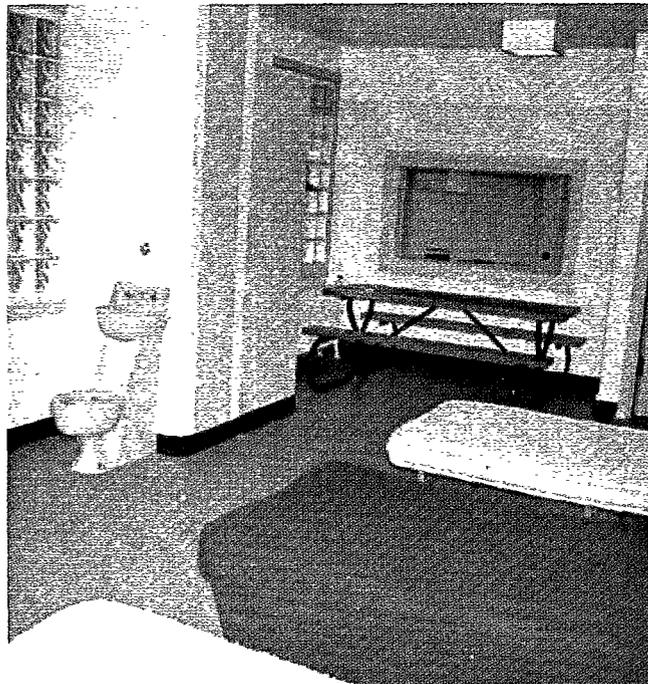


Illustration I



Illustration II

Typical cell
Kossuth County, Iowa



Female adult and juvenile area
Woodbury County, Iowa

Illustration III



Illustration IV

Typical cell
Hamilton County, Ohio
(Note multiple occupancy)



Illustration V

Typical cell, maximum security section,
Sussex Correctional Institution.
State-operated facility at Georgetown,
Delaware.



Typical cell
Logan County, Ohio
(No sanitary facilities in cell)

Illustration VI



Illustration VII

Shower
Shelby County, Ohio



Illustration VIII

Shower
Hamilton County, Ohio



Illustration IX

Shower
Sussex Correctional Institution.
State-operated facility at
Georgetown, Delaware



Illustration X
Dining space
Hamilton County, Ohio

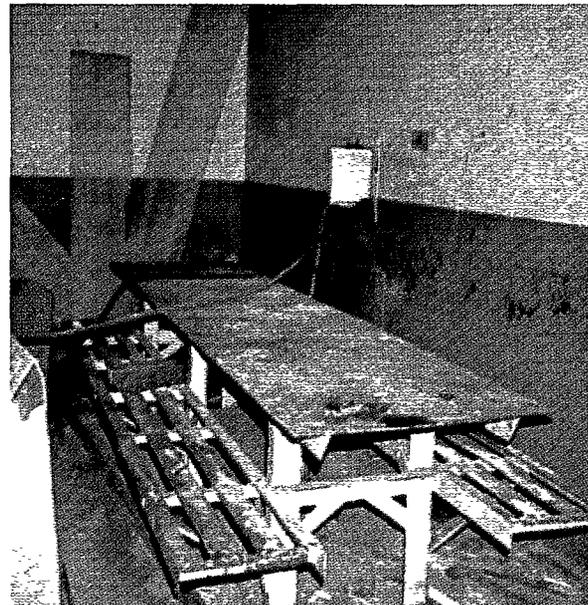


Illustration XI
Dining/recreation space
Logan County, Ohio
(Note opening for food pass-through)



Illustration XII
Guard corridor
Licking County, Ohio
Open rear of cells are to the right;
exterior windows are to the left.

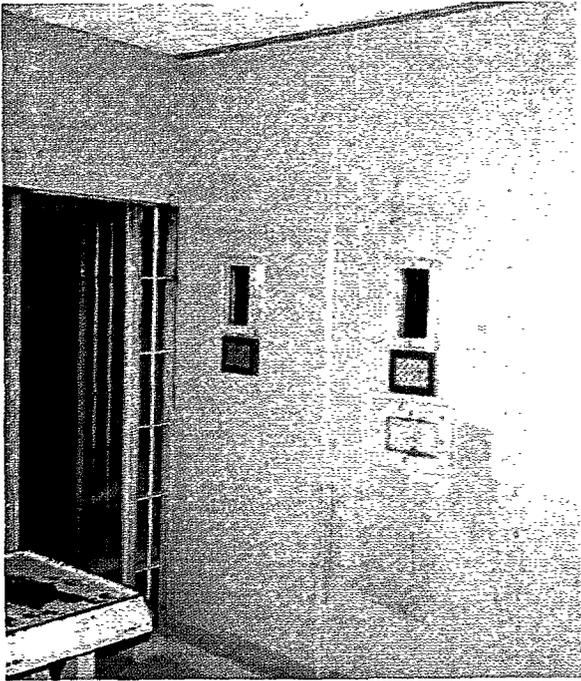


Illustration XIII
Inmate visiting portals
Childress County, Texas

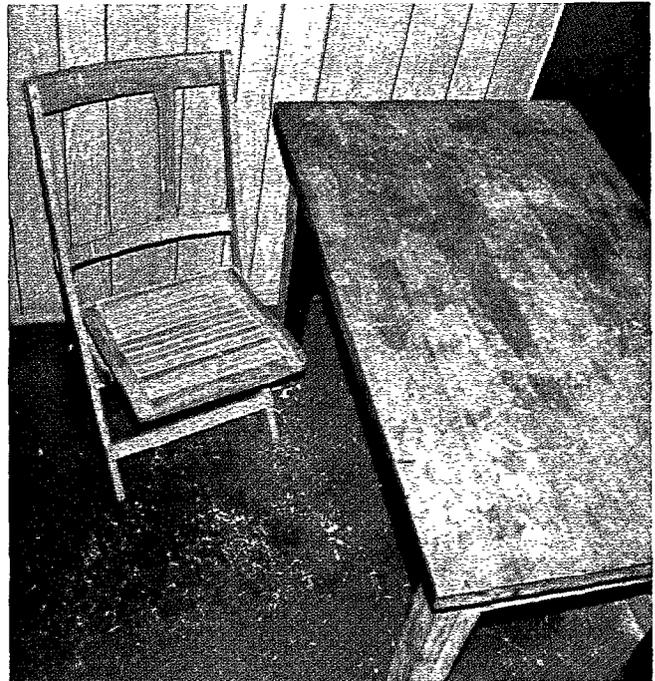


Illustration XIV
Attorney visiting space
Scott County, Iowa

As important as it is to provide a healthy, safe environment to inmates, the ability to have frequent visits in an area that affords privacy is also important. Short length-of-stay inmates who offer little custody risk could be allowed face-to-face visiting in informal settings, and special consultation rooms should be available for visits from law enforcement personnel, attorneys, and clergy. Space should also be available so incoming prisoners can be searched in private.

Illustration XIII shows the visiting facility for the Childress County, Texas, jail. It consists of a small port through which the inmates converse with visitors. Many of the facilities we visited did not have adequate visiting space. Normal visiting space (excluding that provided for meetings with legal counsel) was separate from the cell area in 11 of the local jails we visited. The visiting space afforded privacy for conversations in only six of these facilities. Illustration XIV is an example of private visiting space made available for conferences with attorneys. Most of the jails did provide some type of private area for legal discussions.

Five of the local jails did not have a private area for search. Prior to LEAA-aided renovation, the Hamilton County, Ohio, jail, conducted strip searches in an open corridor between the two main cell blocks. The renovation project provided a private area for strip searches.

CONCLUSION

Overall, the local jails we visited did not appear to be in adequate physical condition even after receiving LEAA funds to improve them. Many of the characteristics considered by criminal justice experts and Federal courts to be necessary to classify the jails as physically adequate were not present.

There will never be unanimous agreement on the standards necessary in jails to make them acceptable for housing offenders. Objections might be taken on the criteria we used to assess the physical adequacy of the jails. It might be argued that offenders do not deserve such facilities. Our purpose in using the criteria we did was not necessarily to endorse all aspects of those criteria, but to assess the improvements to the conditions of jails after expenditure of LEAA funds.

Any public facility should meet certain minimum safety and health standards. Thus, LEAA and the States should address what standards and criteria should be applied to

judge the adequacy of the physical conditions of local jails. The criteria we cited earlier in this chapter could be a starting point for arriving at standards acceptable to both LEAA and the States.

CHAPTER 4

NEED FOR ASSISTANCE TO INMATES IN LOCAL JAILS

Local jails are considered to be the intake point of the criminal justice system and, as such, should provide an opportunity to help inmates at an early stage. Five jails offered no services. Fifteen of the 22 locally operated jails provided only limited services, which were generally religious- or alcoholic-oriented or limited work release. The two farms offered more services. (See app. V.) The four State-operated facilities offered a greater variety of services, but these were not available to all classes of inmates.

The President's Commission on Law Enforcement and Administration of Justice stated in 1967,

"* * * even the short term of most misdemeanor sentencing can be turned to advantage given more adequate resources and better developed processes for referral to community treatment agencies outside the criminal justice system."

The National Advisory Commission in 1973 recommended as one of its standards that local correctional facilities provide activities oriented to the inmates' individual needs, personal problem-solving, socialization, and skill development. The Commission recommended that these activities include:

- Educational programs available to all residents in cooperation with the local school district.
- Vocational programs provided by an appropriate State agency.
- A job placement program operated by State employment agencies and local groups representing employers and local unions.
- Counseling.

Although services are considered desirable, there are no nationally acknowledged standards.

According to jail administrators, one reason why assistance programs had not been provided was the inmates' short length-of-stay. Extensive assistance programs are not practical for this class of inmate. However, considering the

number of inmates incarcerated at the local level and the apparent pattern in their demographic background, such as young age and alcohol-related offenses, minimal counseling should be provided so the offenders could use further services upon release. This counseling could be provided by a jail staff member or a volunteer. For longer term inmates, greater consideration needs to be given to work or assistance release programs.

In most communities, the educational system, church and civic groups, social welfare agencies, and county alcoholics anonymous organizations could provide some assistance. Representatives of the organizations we contacted were willing to provide assistance although, in some instances, financial limitations restricted the extent of help that could be offered. Generally, the organizations had not been contacted by personnel responsible for jails; furthermore, there is no requirement by either the Law Enforcement Assistance Administration or the States that the local jail officials do so.

CHARACTERISTICS OF INMATES IN JAILS VISITED

We developed or obtained demographic data to determine the characteristics of the inmates in the 22 local jails and the 4 State-operated facilities visited.

Local jails

Some of the data for the locally operated jails is shown on the following page. More information is in appendix IV.

The demographic data shows that the inmate population was predominantly under 30 years of age. Traffic- and alcohol-related offenses constituted a significant percentage of the reasons for incarceration--over 50 percent in about half the jails. In all of the locally operated jails, excluding the farm which housed sentenced inmates only, more than 70 percent of the inmates were incarcerated less than a week.

As shown in appendix IV, the local jail population consisted predominantly of male residents of the county in which the jail is located or of neighboring counties. In addition, 60 to 90 percent of the individuals were awaiting trial.

<u>Jail</u>	<u>Percentage of inmates</u>		
	<u>Under 30 years of age</u>	<u>With alcohol- or traffic- related offenses</u>	<u>With length- of-stay less than 7 days</u>
Ohio:			
Licking County	56.9	51.8	84.9
Perry County	45.0	55.0	95.0
Logan County	50.5	59.0	89.4
Shelby County	57.5	59.7	90.3
Hamilton County	77.9	<u>a/4.0</u>	71.3
Iowa:			
Dubuque County	77.3	45.5	88.6
Kossuth County	45.0	52.5	92.5
Woodbury County	79.7	18.9	78.2
Monona County	71.4	33.3	88.1
Appanoose County	85.0	42.5	80.0
Scott County	60.7	39.3	88.8
Louisiana:			
Ouachita Multi- parish prison (note b)	59.5	46.0	78.0
East Carroll Multiparish: Jail	37.5	10.0	87.5
Farm	60.0	22.5	(c)
St. Martin Parish	60.8	22.2	89.9
Leesville City	71.9	37.9	83.7
Texas:			
Bastrop County	43.4	58.7	88.7
Atascosa County	59.3	65.5	92.3
Gillespie County	60.0	61.0	100.0
McLennan County	59.1	39.8	86.5
Childress County	44.5	60.0	88.9

a/Alcohol- and traffic-related offenses are handled at the Cincinnati Workhouse. There is also a program in operation in Cincinnati to handle drunk drivers in lieu of incarceration.

b/Separate records for the jail and farm populations were not maintained.

c/Only sentenced minimum security offenders are housed at the prison farm.

State-operated jails

Demographic data for the four State-operated jails was obtained from recent State studies. The studies show that inmates of State-operated facilities are also predominantly under 30 years of age. The offenses and lengths-of-stay of inmates at these institutions, however, are not comparable to those in local jails. Local jails primarily house persons awaiting trial and offenders sentenced to less than 1 year. State-operated jails also house such persons, as well as those sentenced to longer terms, including life in prison.

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The 1970 and 1972 national studies on local jails have shown that jail inmates are predominantly young males; over half are pretrial detainees or otherwise not convicted. Sentenced inmates are usually associated with misdemeanors, the most common being drunkenness or vagrancy, traffic violations, and drug possession. The 1972 study reported that about 6 in 10 were less than 30 years old. The demographic data we obtained also showed that the percentage of inmates under 30 ranged from 37.5 percent to 85 percent with the median being 59.3 percent.

AVAILABILITY OF SERVICES

We inquired as to the availability of services at the jails, such as those suggested by criminal justice experts and those available from community resources (vocational and educational agencies and alcohol, drug, religious, or social service counseling agencies).

Local jails

A summary of services available to the inmates of the 22 locally operated jails is shown below. More information is in appendix V.

	<u>Ohio</u>	<u>Iowa</u>	<u>Louisiana</u>	<u>Texas</u>	<u>Total</u>
Number of jails visited	5	6	6	5	22
Number of jails offering these services:					
Work release	-	5	2	-	7
Furlough	-	-	2	-	2
Educational release	-	-	-	-	-
Vocational training	-	-	2	-	2
Vocational counseling	-	-	2	-	2
Job placement	-	-	1	-	1
Education	-	-	2	-	2
Alcohol	1	3	1	1	6
Drug abuse	-	-	1	1	2
Religious	4	3	5	2	14
Social service counseling	1	-	1	-	2

The locally operated jails, even those with a larger capacity, offered practically no services. Work release and religious services were the most commonly available, but even the existence of these varied among the States. In almost every instance, local jail administrators attributed the lack of services to inmates' short length-of-stay. They believed services are not practical unless an inmate is confined for at least 90 days, which generally was not the case in the jails visited.

As shown in appendix V, 5 of the 22 jails offered no services and 7 offered only 1. The Hamilton County, Ohio, jail, the largest of the local jails we visited, offered only religious services. The two multiparish farms in Louisiana offered the most services, but these facilities housed only sentenced minimum security inmates.

State-operated jails

The two State-operated systems shown in the following table generally offered a number of programs for inmate assistance. The existence of such programs supports the proposition that larger institutions, with inmates serving longer lengths-of-stay, are more likely to offer services.

	<u>Rhode Island</u>	<u>Delaware</u>	<u>Total</u>
Number of jails visited	1	3	4
Number of jails offering these services:			
Work release	1	3	4
Furlough	-	3	3
Educational release	1	3	4
Vocational training	1	2	3
Vocational counseling	1	2	3
Job placement	1	1	2
Education	1	3	4
Alcohol	1	3	4
Drug abuse	-	3	3
Religious	1	3	4
Social service counseling	1	3	4

Even the services in these State institutions, however, were limited in capacity and had restricted participation. In Rhode Island, where all types of offenders are housed at one location, services were available only to sentenced inmates, even though about 20 percent of the approximately 590 inmates were awaiting trial. Jobs in most shops, such

as the printing, tailoring, publication, and hobby shops, were available only to inmates in the maximum security unit, and about 75 of the 366 inmates in maximum security were employed in those efforts. The work release program had only 25 participants, and only 3 inmates were in study release programs.

In Delaware, educational and vocational programs were available to both sentenced and pretrial inmates but the programs were limited. There was no vocational training or counseling available at the Women's Correctional Institution, and only jobs in a furniture shop or farmwork were available at the Sussex Correctional Institution. In addition, sentenced or pretrial inmates could participate in vocational or educational programs only if it could be shown that the inmate would be incarcerated long enough to complete a course and had the basic intelligence quotient to handle course material. Only sentenced inmates could participate in work release, and the approximate number of participants was 71 of an average daily population of 700.

The services available at the facilities we visited are detailed in appendix V.

AVAILABLE COMMUNITY RESOURCES

In the communities visited, we inquired into the availability of organizations to provide minimal services to local jail inmates. The organizations contacted included school boards, alcoholic programs, employment services, ministerial societies, and public welfare agencies. Since States with State-operated jails do offer various services--even if on a restrictive basis--we limited our effort to communities in the four States operating local jails.

Resources were available in many communities, and organizations were willing to provide some services. However, 63 percent of the organizations visited had not been contacted by jail administrators. Another 23 percent had been contacted infrequently.

As an example, representatives of five organizations we contacted in Childress, Childress County, Texas, commented on services. Representatives of Alcoholics Anonymous and the State employment service indicated they provided limited services and were willing to continue with no additional financial resources. The superintendent of schools and members of the Council of Ministers had not been contacted by the jail administration and did not provide services but would be willing to do so. The superintendent of schools indicated

that additional funding would be needed. A representative of the Department of Public Welfare stated the department could provide assistance only to inmates' families.

We received similar responses from five organizations in Centerville, Appanoose County, Iowa. The five organizations--the Indian Hills Community College, the County Ministerial Association, and the three discussed below--had not been contacted and did not provide services but were willing to do so. However, the Iowa State Department of Social Services and the Iowa employment service indicated a need for additional funds and/or staffing. The superintendent of the district community schools stated that by law, any services provided by the schools had to be limited to persons under 20 years of age.

The following table summarizes by State the results of our inquiries.

	<u>Ohio</u>	<u>Iowa</u>	<u>Louisiana</u>	<u>Texas</u>	<u>Total</u>
Number of communities visited	4	6	5	5	20
Number of organizations contacted	24	35	25	25	109
Contacted by jail officials to provide services:	----- (percentages) -----				
No contact	63	68	48	72	63
Informal and/or infrequent contact	33	6	36	24	23
Currently providing services	4	26	16	4	14
Organization's attitude toward providing services:					
Willing to provide services	62	57	44	56	55
Unable to provide services	13	3	24	28	16
Unwilling to provide services	21	14	16	12	15
Currently providing services	4	26	16	4	14
Restrictions to providing services:					
No restrictions	23	63	60	72	55
Inadequate resources	46	23	36	28	32
Miscellaneous	31	14	4	-	13

Sixty of the 109 organizations contacted (55 percent) were willing to provide services; however, 36 of the 109 organizations (32 percent) stated their present financial or staffing resources would restrict such services.

Therefore, other means should be found to supplement such groups' efforts. One available resource could be community volunteers. Criminal justice experts believe that volunteers are a viable resource for rehabilitative programs. They also point out that volunteers can serve a secondary purpose of communicating to citizens an awareness of the conditions of jails and possibly exert community pressure to improve the jails.

An LEAA-funded study ^{1/} concluded that between 60 to 70 percent of the criminal justice agencies surveyed had volunteer programs. Literature on criminal justice includes examples of successful programs using volunteers, such as:

- In a Royal Oak, Michigan, program volunteers are a major element in an extensive program for misdemeanants which offers individual and group counseling, job placement assistance, and aid with family problems. Partial pay is provided for some participants, but many other citizens serve without pay.
- The objective of a project in Westchester County, New York, was to demonstrate how citizen volunteers could effectively enrich the activities program in a short-term institution. Forty-one volunteers with various professional backgrounds but without any prior experience working with offenders were recruited and trained in the special requirements governing work in a correctional institution. Courses in needlecraft, typing and shorthand, personal grooming, nursing, and arts and crafts were organized. The results showed that citizen volunteers can enrich the activities program in a short-term correctional institution.
- Charlottesville, Virginia, has a program involving about 100 volunteers working with individual inmates at the county jail. A broad range of inmate programs operate in the jail including work release; alcoholism counseling; remedial educational, art, and hobby programs; and limited indoor recreation. All are conducted without cost to the jail.

^{1/}"Guidelines and Standards for the Use of Volunteers in Correctional Programs," National Institute for Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, Aug. 1972.

On the basis of information developed in the LEAA-funded 1972 study and in the three locations just mentioned, jail administrators apparently actively sought and used community resources. However, in the local jails visited, the administrators made little effort to contact the community to obtain any services for the inmates. One reason for their lack of action may have been the pressing needs to attend to other duties. One way to ease the problem would be for each jail to use a county social service worker, a volunteer, or someone hired specifically to act as a resource person and counselor to inmates in the jails to encourage the inmates to use available community resources. Such an approach is a relatively effortless and inexpensive way for small jails to at least begin to address the needs of offenders.

CONCLUSION

Local jails have not provided adequate services to inmates; more needs to be done. However, because of the low number of offenders incarcerated in the jails for long periods, it is apparently impractical and probably cost ineffective to assume that such jails should develop sophisticated service programs. Nevertheless, some actions could be taken.

Local jails could rely much more on community resources already available. More consideration could be given to work release programs. Finally, local jails could employ resource counselors to talk to the inmates about their problems and to act as catalyst to get the inmates to avail themselves of services once they leave the jail. At a minimum, LEAA and the State planning agencies should do a better job of encouraging local jail administrators using LEAA funds to use those community organizations available to assist inmates. LEAA and the SPAs should also work together to develop standards and criteria citing the services needed for different offenders and the types of community assistance that jail administrators should seek.

CHAPTER 5

OVERALL CONCLUSIONS, RECOMMENDATIONS

AND AGENCY COMMENTS

CONCLUSIONS

Inadequate physical conditions and lack of services are still problems in local jails. The lack of action in some communities to correct these problems has led the courts to order communities to either improve the conditions in local jails or close them. Such court action indicates the general lack of priority given the problem by executive agencies at all levels of government.

Both the Law Enforcement Assistance Administration and the States have emphasized community-based correction programs as alternatives to incarceration. This emphasis appears consistent with congressional interest in community-based correction efforts. But even recognizing that emphasis should be given to improving other aspects of the corrections system, the lack of progress in improving local jails is disconcerting, as is the fact that in many cases LEAA funds have been used for minor improvements and repair of jails. Such actions have undoubtedly improved the jails, but from an overall standpoint the impact on their condition has been insignificant.

The problem calls for some national leadership from LEAA. LEAA should consider what long-term role local jails should have in our correctional system based on research and evaluation and then adopt funding strategies to move the Nation toward that end.

One issue that could be addressed is whether LEAA should continue to allow its funds to be used to correct minor problems in local jails--especially small ones that house mainly nonviolent offenders for periods usually less than 1 week--when improvements will not result in the jails' meeting certain minimum standards. Even if LEAA decides to continue funding local jail improvements to prevent court-ordered closure, how long should such a policy continue? Such efforts, at best, overcome only immediate needs.

We believe that LEAA and the States should insure that block grant funds are used to bring local jails up to certain minimum standards for physical conditions and programs to assist inmates. The Federal Government has some obligation to try to bring about improvements when its funds are spent.

States or localities should use their own funds if they want to make minor improvements in jails which will not meet minimally acceptable physical standards. Also, LEAA should require States and grantees to justify the use of funds for specific local jails if it appears that regional jails might be more efficient and effective.

LEAA could be a positive force in improving the jail situation through its plan approval process and its ability to persuade the States to move in certain directions. This would be in line with the response of the Department of Justice to our May 28, 1975, report entitled, "Federal Guidance Needed if Halfway Houses Are To Be a Viable Alternative To Prison" (GGD-75-70). In that response, the Department acknowledged the need for minimum standards for facilities and that LEAA had leverage through block grant funds to encourage following standards.

RECOMMENDATIONS TO THE ATTORNEY GENERAL

We recommend that the Attorney General direct the LEAA Administrator to:

- [-Analyze LEAA's position regarding the way local jails should be used in the entire correctional effort, including a study of the barriers to establishing regional facilities and the means to overcome these barriers. One possible action LEAA could take would be to require justification for funding local jail improvements if it appears that regional jails might be more efficient and effective.
- [-Establish, in conjunction with the States, minimum standards for physical conditions of local jails that must eventually be met if LEAA moneys are provided to improve such jails and require, as a condition of awarding any such funds, that the communities seeking such awards submit a plan detailing what actions, over a specified period, would be taken to bring the jail up to the established standards. (The plan would serve as a basis for allowing LEAA to seek recovery of Federal funds spent on the jails if the community does not adhere to the actions and timetable detailed in it.)
- [-Establish, in conjunction with the States, minimum standards as to the services needed for different types of offenders in local jails and the types of community assistance that jail administrators should seek.]

└--Institute procedures using resources within LEAA regional offices to act as catalysts to encourage State and local officials to seek out community resources for services for inmates in local jails. 7

To help accomplish the above, we recommend that LEAA suggest to State planning agencies that they require localities seeking funds to improve jails to specify in their grant applications (1) what type of services are operated by the jail to assist offenders, (2) what services are available within the community, and (3) what plans the jail administrator has to use available community resources to improve services provided offenders.

AGENCY COMMENTS

The Department of Justice, by letter dated February 9, 1976, generally agreed with our conclusions and recommendations. (See app. VI.) The Department stated that:

- LEAA intends to make upgrading jails and minimizing their use one of its national priority program thrusts.
- LEAA will attempt to develop a funding policy to achieve a more effective correctional system at the local or regional level. LEAA's objective will be to insure that a methodology is developed (by the State or locality) and implemented to accomplish the desired objectives.
- In LEAA's judgment, efforts by the National Clearinghouse for Criminal Justice Planning and Architecture and the National Advisory Commission on Criminal Justice Standards and Goals have provided the cornerstone for the States to develop jail standards. LEAA will fund State efforts to develop such standards.
- In addition, LEAA will try to better assure that steps are taken to upgrade State and local jail conditions by requiring more detailed information from the communities on their plans to achieve established physical standards and desirable services for the inmates.

The Department also pointed out certain limitations that preclude LEAA from directly being able to improve local jail conditions. The Department stated that while LEAA recognizes the leadership role it must play and plans to use every resource at its disposal, the block grant concept places primary responsibility on the States for formulating and enforcing standards for local jails. The Department also noted that the program's matching fund requirements

reflect the extent to which local governments desire to or are capable of addressing the local jail problem. The Department stated that if local governments are not committed to improving jail conditions, they simply will not "buy-in" to an LEAA program, particularly if strict standard-setting requirements are conditioned with the grant.

If effectively implemented, the Department's proposed actions should better assure that Federal funds are used to improve local jail conditions as opposed to perpetuating unacceptable situations. However, we continue to believe that LEAA and the States should determine the extent to which certain standards should apply to all States. Progressive States and localities will, by definition, probably establish acceptable standards. The more difficult question to answer is how to develop acceptable standards and conditions in those States less willing to change. One way is to place a condition on the use of appropriate Federal funds. Developing agreed upon minimum standards could facilitate positive changes in such localities should they choose to use LEAA funds for local jails.

RECOMMENDATION TO THE CONGRESS

While the Department of Justice agreed with our recommendations that minimum standards are desirable when spending Federal moneys to improve local jails, it stated that it did not believe the block grant concept gives the agency sufficient power to mandate agreed upon national minimum standards to be applied if Federal funds are used in constructing or renovating local jails.

We believe that LEAA, in cooperation with the States, does have the flexibility to develop agreed upon minimum standards. In addition, the issue of whether LEAA, in conjunction with the States, can develop minimum standards has also been addressed in several of our previous reports to the Congress on the LEAA program. ^{1/} We, therefore, recommend that the cognizant legislative committees discuss with LEAA whether the block grant concept does contain sufficient flexibility to enable LEAA and the States to adopt agreed upon minimum standards to be applied nationwide when determining whether LEAA funds could be used for certain types of projects or whether additional, clarifying legislation is needed.

^{1/}"Difficulties of Assessing Results of Law Enforcement Assistance Administration Projects to Reduce Crime," B-171019, March 19, 1974.

"Federal Guidance Needed if Halfway Houses Are To Be a Viable Alternative to Prison," GGD-75-70, May 28, 1975.

CHAPTER 6

SCOPE OF REVIEW

The policy of the Congress under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is to assist State and local governments in (1) strengthening and improving law enforcement and criminal justice, (2) developing new methods for preventing and reducing crime, and (3) detaining, apprehending, and rehabilitating criminals. We reviewed the conditions of local jails to assess what effect the Law Enforcement Assistance Administration grant program has had on improving conditions of local jails.

To assess LEAA's role, we looked into operations at LEAA headquarters and at the regional offices in Boston; Philadelphia; Chicago; Dallas; and Kansas City, Kansas.

To obtain basic information on local jail improvements, we visited State planning agencies and 26 jails in 6 States as follows:

<u>LEAA region</u>	<u>State</u>	<u>Jails</u>
Boston I	Rhode Island	1
Philadelphia III	Delaware	3
Chicago V	Ohio	5
Dallas VI	Louisiana	6
	Texas	5
Kansas City VII	Iowa	6
Total		<u>26</u>

The States were selected for review on the basis of (1) the amount of LEAA funds used for construction or renovation, (2) the types of facilities (local, regional, and State-operated), and (3) the geographic coverage.

The jails reviewed were selected on the basis of LEAA funding, jail capacity, and geographic distribution. Seventy-five percent of local jails in the United States have a capacity of 20 or less and, therefore, 14 jails visited were small. However, we visited 8 medium-sized jails with a capacity of 51 to 150 inmates and 4 jails with a capacity exceeding 150. The four facilities visited in Rhode Island and Delaware are State-operated and were selected for comparison with the locally operated jails in the four other States. Two facilities visited in Louisiana were minimum security regional farms serving multiple parishes.

We talked with officials and reviewed records at the LEAA regional offices, each State planning agency, and selected regional planning units. We reviewed the conditions of jails, the policies and procedures to improve these conditions through LEAA funding, and the extent of actual funding.

At the jails visited, we discussed with jail administrators the conditions of the jails, the availability of services, and the extent of efforts to improve inadequate conditions. Between July 1974 and April 1975, we inspected each jail and randomly sampled the jail records to obtain demographic data on the inmates. We also contacted representatives of agencies providing services to the communities where the jails were located to determine their knowledge of the needs for services in local jails, the extent to which they had been approached for assistance, and their willingness and ability to provide services.

ANALYSIS OF LEGAL STANDARDS FOR
MAINTENANCE AND SERVICES REQUIRED

TO BE PROVIDED PRISONERS IN LOCAL JAILS

Local jails, in principle, are subject to local law, including municipal ordinances. However, the past 6 years have witnessed a rapidly accelerating and not yet settled development of Federal case law pertaining to the operation of State (including local) prison facilities, a development largely attributable to the collapse of two obstacles to relief: (1) the abstention doctrine (Federal judicial nonintervention) and (2) the requirement of exhaustion of State remedies. The latter is now viewed as inapposite; the former, proscribed. Procunier v. Martinez, 416 U.S. 396, 400 *et seq.* (1974); Wilwording v. Swenson, 404 U.S. 249 (1971); Jones v. Metzger, 456 F.2d 854 (6th Cir. 1972); Wright v. McMann, 387 F.2d 519, 522-523 (2d Cir. 1967). The breadth of recent decisions may be ascribed to the application of the concept of pendent jurisdiction, a concept that allows Federal district courts to interpret, correct violations of, or enforce ancillary State law. See, *e.g.*, Taylor v. Sterrett, 499 F.2d 367, 368 (5th Cir. 1974), cert. denied, _____ U.S. _____, 43 U.S.L.W. 3500 U.S. Mar. 17, 1975, applying Hagans v. Lavine, 415 U.S. 528, 545 *et seq.* (1974).

It is now generally recognized that a prisoner is deprived only of those rights "expressly or by necessary implication, taken from him by law." Moore v. Ciccone, 459 F.2d 574, 576 (8th Cir. 1972), quoting from Coffin v. Richard, 143 F.2d 443, 445 (6th Cir. 1944), cert. denied 325 U.S. 887 (1945).

Among basic requirements, courts have included: (a) the essential elements of personal hygiene (*e.g.*, soap, towel, toothpaste, toothbrush, and toilet paper); (b) clothing and blankets; (c) access to sinks (including hot water) and showers; (d) clean laundry (or use of laundry facilities) provided on a reasonable basis; (e) essential furnishings (elevated bed, mattress, a place to sit, and sanitary toilet facilities); (f) adequate drinking water and diet, prepared by persons screened for communicable disease in kitchens meeting reasonable health standards; (g) shelter; (h) adequate (but not excessive) heat; (i) exposure only to reasonable noise levels; and (j) light and ventilation. To the extent isolation or segregation cells may still be used at all, for punitive or administrative reasons (including a prisoner's own protection), such detention facilities should be so designed as to allow custodial (preferably, medical or psychiatric) supervision.

Prisoners may not be housed in unsanitary or permanently overcrowded cells, or under conditions which may be reasonably anticipated will endanger personal safety or sanity. See, e.g., these Arkansas cases: Finney v. Ark. Bd. of Corr., 505 F.2d 194 (8th Cir. 1974) (Finney), aff'g in part, rev'g in part Holt v. Hutto, 363 F. Supp. 194 (E.D. Ark. 1973), modifying Holt v. Sarver, 442 F.2d 304 (8th Cir. 1971) (Holt III), aff'g 309 F. Supp. 362 (E.D. Ark. 1970), (Holt II), 300 F. Supp. 825 (E.D. Ark. 1969), (Holt I).

While local jails may be exempt from compliance with local health and housing codes, prison conditions are unlikely to meet minimum community standards of decency if they totally fail to comply with essential health, safety, and housing (particularly space, ventilation, plumbing, heating, electricity, or sanitation) regulations. Cf. Gates v. Collier, 501 F.2d 1291 (5th Cir. 1974), adopting and aff'g 349 F. Supp. 881 (N.D. Miss. 1972). Similarly, courts have ordered that prison kitchen standards be made to conform with State board of public health restaurant standards. Little v. Cherry, 3 Pris. L. Rep. 70 (E.D. Ark. Jan. 31, 1974).

While the nature of appropriate medical treatment falls within the sound discretion of medical personnel, prisoners may not be deprived of competent medical and dental care. Gates v. Collier, supra; Nerman v. Alabama, 349 F. Supp. 278 (M.D. Ala. 1972). Adequate supportive facilities should be available--not necessarily within the prison--to meet reasonably foreseeable medical and dental needs, including pharmaceutical and medically prescribed dietary requirements. Finney, supra, 202-204; Steward v. Henderson, 364 F. Supp. 283 (N.D. Ga. 1973).

Medical care must include treatment of drug dependent prisoners, or medically supervised drug detoxification. Wayne County Inmates v. Wayne Co. Bd. of Commr., 1 Pris. L. Rep. 5, 51, 186 (Mich. Cir. Ct. 1971, 1972), substantive issue not disputed on appeal, sub nom., Wayne County Jail Inmates v. Lucas, 216 N.W.2d 910 (Mich. 1974). Differences in services afforded based on anticipated length of imprisonment have been permitted, provided at least that classification of services afforded prisoners is rational, is based on differences in sources of available funding, and does not deny basic medical needs. Kersh v. Bounds, 501 F.2d 585 (4th Cir. 1974), cert. denied, _____ U.S. _____, 43 U.S.L.W. 3452 (U.S. Feb. 14, 1975).

Reasonable access to the courts may not be denied or obstructed. Johnson v. Avery, 393 U.S. 483 (1969). Facilities must be adequate to permit confidential attorney-client visits. A basic collection of representative legal materials

(including case law and search materials) should be available, at least on a loan basis. Gilmore v. Lynch, 319 F. Supp. 105 (N.D. Calif. 1970), aff'd under the name of Younger v. Gilmore, 404 U.S. 15 (1971). Library size and number of required copies of basic materials necessarily depend on the size and character of the institution. If materials may not be removed to the cells, size and furnishings should be adequate to afford prisoners a reasonable opportunity for research and study. Cf. White v. Sullivan, 368 F. Supp. 292 (S.D. Ala. 1973); Stone v. Boone, 3 Pris. L. Rep. 285 (D. Mass., Oct. 10, 1974) (consent decree).

Prisoners must be permitted to follow the tenets of their religion, including the right to conform to dress and dietary requirements, insofar as their religious beliefs can be reasonably accommodated. Ross v. Blackledge, 477 F.2d 616 (4th Cir. 1973). Chapel or similar facilities and religious materials must be adequate to accommodate the needs of minority faiths, if available to others. Pitts v. Knowles, 339 F. Supp. 1183 (W.D. Wis. 1972), aff'd 478 F.2d 1405. Religious privacy must be protected with services being held in places where prisoners not choosing to attend are not made unwilling participants. Cf. Edwards v. Davis, 3 Pris. L. Rep. 54 (D.N.C. Dec. 11, 1973) (consent decree).

Prisoners are not entitled to benefits not generally recognized as rights enjoyed by the community at large. James v. Wallace, 382 F. Supp. 1177 (M.D. Ala. 1974). Adult education is not provided as a matter of right, and except as otherwise required by local law, rehabilitative services including educational or job training programs need not be provided for adult prisoners. But cf. Holt III, supra, 378-379; Finney, supra, 209.

Moreover, where local jails are used to house persons detained under civil commitment or pretrial detainees unable to raise bail, facilities must be designed and equipped to meet additional requirements. The detainee is presumed not guilty of criminal misconduct; he may not be punished without or before trial. He may be held only under conditions comprising the least restrictive means of achieving the purpose requiring and justifying his detention. Hamilton v. Love, 328 F. Supp. 1182, 1192 (E.D. Ark. 1971). Note, "Constitutional Limitations on Pretrial Detention," 79 Yale L.J. 941, 949-950 (1970). Detention may not be more punitive than incarceration within the State's penal system; it should not be substantially more burdensome than detention in other State or Federal institutions used for the same purpose, in the same area. Rhem v. Malcom, 507 F.2d 333, 336-337 (2d Cir. 1974) (Rhem III), aff'g in part,

rev'g in part 377 F. Supp. 995 (Rehm II), 371 F. Supp. 594 (Rehm I) (S.D.N.Y. 1974); Inmates of Suffolk County Jail v. Eisenstadt, 360 F. Supp. 676 (D. Mass. 1973), aff'd 494 F. 2d 1196 (1st Cir. 1974), cert. denied 419 U.S. 977 (Eisenstadt).

Detainees committed under civil commitment for psychiatric evaluation or treatment should be committed to facilities designed to provide suitable professional treatment and evaluation. Cf. O'Connor v. Donaldson, ___ U.S. ___ 43 U.S.L.W. 4929 (U.S. June 26, 1975) vacating Donaldson v. O'Connor, 493 F.2d 507 (5th Cir., 1974); see the latter, and cases cited therein, 518-527.

Whether or not the courts will eventually require classification of detainees, they have recognized that maximum security conditions cannot be justified as "the least restrictive means" of assuring that the great majority of pre-trial detainees will appear at trial. In individual cases, courts have held that detainees were entitled: (1) to have privacy (including, in one case, the right to be locked in as well as out of the cell), Rehm I, supra, 628, in others, to single cell occupancy, Eisenstadt, 360 F. Supp. 676; (2) to associate with other detainees (to assemble, e.g. for religious services, United States ex rel. Jones v. Rundle, 453 F.2d 147 (1971)); (3) to enjoy access to a broad range of reading and writing materials, (Inmates v. Peterson, 353 F. Supp. 1157, 1168-1169 (E.D. Wisc. 1973) (Peterson)); (4) to engage in recreational activities and to use recreational facilities, (Rehm I, supra, 594); and (5) to have outside communication by telephone (Brenneman v. Madigan, 343 F. Supp. 128, 141), letter (Peterson, supra, 1167-1168), and personal contact, including visits by children (Brenneman, supra) and, in one case, conjugal rights arranged in a discreet and circumspect manner (Government v. Gereau, 3 Pris. L. Rep. 20 (D.V.I. May 30, 1973)).

Courts have ordered the reduction of jail population, the closing of nonconforming jails, or substantial alteration of existing facilities, including: (1) removal of cells to provide recreational areas, (2) dismantling of prisoner-visitor telephone systems and walls separating prisoners from their visitors, and (3) the installation of outside telephones. E.g., see Rehm II, supra. Generally, detainees have a right to participate in training or educational programs offered other prisoners. Wilson v. Beame, 380 F. Supp. 1232 (E.D.N.Y. 1974). And one recent case has held that a pretrial detainee participating in a State-approved, medically supervised (methadone) drug treatment program prior to arrest is entitled to continue

the prescribed course of treatment, and could not be subjected to forced (withdrawal) detoxification even though medically supervised. Cuknik v. Kreiger, 3 Pris. L. Rep. 221 (E.D. Ohio, July 16, 1974).

PURPOSE OF LOCAL JAILPROJECTS REVIEWED

The following information describes the facility on which Law Enforcement Assistance Administration funds were spent and the results that were to be achieved with the funds.

PERRY COUNTY, OHIO

Year facility built--1886
 Current capacity--21
 Proposed project cost--\$75,436
 LEAA funds awarded--\$28,125 (part C)
 \$25,125 (part E)

Purpose of the project was primarily to install electronically operated cell doors, a fire escape, two-way monitoring, a ventilation system, vandalproof lighting, toilets and showers, steel-framed bunks, and a visitor speaking and observation port. Painting was also included.

LICKING COUNTY, OHIO

Year facility built--1879
 Current capacity--68
 Proposed project cost--\$78,980
 LEAA funds awarded--\$50,000 (Part E)

Purpose of the project was primarily to install toilets and showers, electrical lighting, ventilation, steel bunks, and visiting ports. Painting was also included.

SHELBY COUNTY, OHIO

Year facility built--1893
 Current capacity--45
 Proposed project cost--\$105,270
 LEAA funds awarded--\$35,000 (part C)

Purpose of the project was primarily to convert one cell into a maximum security cell; install toilets, showers, and ventilating fans; improve the laundry and kitchen facilities; and remodel one cell block to segregate juveniles.

LOGAN COUNTY, OHIO

Year facility built--1870
 Current capacity--18
 Proposed project cost--\$45,390
 LEAA funds awarded--\$34,040 (part E)

Purpose of the project was primarily to convert one cell into a maximum security cell; install toilets, a shower, and a steel-screened enclosure for visiting and temporary holding; and improve existing heating, ventilation, lighting, and electrical wiring. Painting was also included.

HAMILTON COUNTY, OHIO

Year facility built--1917
 Current capacity--363
 Proposed project #1 cost--\$300,000
 LEAA funds awarded--\$150,000 (part C)

Purpose of the project was primarily to rehabilitate the cell blocks to permit segregation of different classes of inmates and to remodel the kitchen.

Proposed project #2 cost--\$46,487
 LEAA funds awarded--\$34,697 (part E)

Purpose of the project was to obtain emergency repairs to toilets and plumbing.

DUBUQUE COUNTY, IOWA

Year facility built--1974
 Current capacity--31
 Proposed project cost--\$966,000
 LEAA funds awarded--\$351,875 (part C)

The purpose of the project was to construct a new law enforcement center, including combined city-county detention facilities.

KOSSUTH COUNTY, IOWA

Year facility built--1973
 Current capacity--4
 Proposed project cost--\$28,480
 LEAA funds awarded--\$10,000 (part C)

(For purpose of project see Dubuque County description.)

MONONA COUNTY, IOWA

Year facility built--1974
 Current capacity--12
 Proposed project cost--\$71,736
 LEAA funds awarded--\$38,836 (part C)

(For purpose of project see Dubuque County description.)

APPANOOSE COUNTY, IOWA

Year facility built--1974
 Current capacity--18
 Proposed project cost--\$73,541
 LEAA funds awarded--\$39,456 (part C)

(For purpose of project see Dubuque County description.)

WOODBURY COUNTY, IOWA

Year facility built--1918
 Current capacity--81
 Proposed project cost--\$26,547
 LEAA funds awarded--\$9,610 (part C)

Purpose of the project was to improve the sanitary facilities and the electrical system and to repair the flooring. Painting was also included.

SCOTT COUNTY, IOWA

Year facility built--1892
 Current capacity--138
 Proposed project cost--\$5,237
 LEAA funds awarded--\$2,619 (part C)

Purpose of the project was to build an exercise yard.

OUACHITA PARISH, LOUISIANA

Year jail facility built--1924
 Year farm facility built--unknown
 Current capacity (jail and farm)--257
 Proposed project cost--a/\$896,653
 LEAA funds awarded--\$271,300 (part C)

Purpose of the project was to increase capacity by 22 cells, to construct a metal building at the farm for teaching automotive maintenance, and to purchase supplies and equipment.

EAST CARROLL PARISH, LOUISIANA (JAIL)

Year facility built--1931
 Current capacity--39
 Proposed project cost--a/\$244,561
 LEAA funds awarded--\$88,390 (part C)

Purpose of the project was to install guard corridors, security devices, and all new bunks and to repair plumbing.

EAST CARROLL PARISH, LOUISIANA (FARM)

Year facility built--1910
 Current capacity--70
 Proposed project #1 cost--a/\$194,560
 LEAA funds awarded--\$71,686 (part C)

Purpose of the project was to expand rehabilitation services at the farm by constructing a metal building and purchasing equipment for vocational course counseling.

Proposed project #2 cost--a/\$40,801
 LEAA funds awarded--\$12,345 (part C)

Purpose of the project was to purchase meat-processing equipment to meet State health department requirements.

ST. MARTIN PARISH, LOUISIANA

Year facility built--1955
 Current capacity--56
 Proposed project cost--\$70,000
 LEAA funds awarded--\$35,000 (part C)

Purpose of the project was to enlarge the existing facility for 20 additional inmates; provide separate space for female, juvenile, and maximum security inmates; provide visiting space; and enlarge the kitchen and dayroom areas.

LEESVILLE CITY, LOUISIANA

Year facility built--1910
 Current capacity--36
 Proposed project cost--\$304,995
 LEAA funds awarded--\$100,000 (part C)

Purpose of the project was to provide a city jail separate from an unacceptable parish jail by acquiring and renovating a building to meet city needs.

BASTROP COUNTY, TEXAS

Year facility built--1974
 Current capacity--20
 Proposed project cost--\$335,940
 LEAA funds awarded--\$243,900 (part E)

Purpose of the project was to construct the new jail with innovative modular design.

ATASCOSA COUNTY, TEXAS

Year facility built--1915
 Current capacity--19
 Proposed project cost--\$201,822
 LEAA funds awarded--\$128,665 (part E)

Purpose of the project was to renovate the jail to provide separation of classes of inmates, single occupancy units, recreation space, a visiting area, and rehabilitation programs.

GILLESPIE COUNTY, TEXAS

Year facility built--1975
 Current capacity--17
 Proposed project cost--\$279,840
 LEAA funds awarded--\$119,125 (part E)

Purpose of the project was to construct a new jail.

McLENNAN COUNTY, TEXAS

Year facility built--1950
 Current capacity--104
 Proposed project cost--\$91,717
 LEAA funds awarded--\$29,890 (part C)
 \$11,994 (part E)

Purpose of the project was to provide segregation for maximum security inmates, ventilation and air conditioning, and improved food preparation facilities.

CHILDRESS COUNTY, TEXAS

Year facility built--1938
 Current capacity--19
 Proposed project cost--\$61,466
 LEAA funds awarded--\$37,500 (part E)

Purpose of the project was to increase the capacity, provide segregation for different classes of inmates, improve sanitary facilities, upgrade kitchen facilities, and provide a recreation room.

a/We requested LEAA to review the validity of the in-kind match, because the appraised value of the existing jail facility was used to match the LEAA funds. LEAA has concluded that the in-kind match is unallowable based on available data. LEAA has requested the Louisiana State planning agency to review and comment on the apparent overpayment of Federal funds. As of January 1976, the SPA had made no comment.

COMPARISON OF CONDITIONS OF JAILS IN RELATION TO
DESIRABLE CHARACTERISTICS OUTLINED BY CRIMINAL JUSTICE EXPERTS

APPENDIX III

APPENDIX III

Inmate Security and Safety

Facility	Designed capacity not exceeded	Single occupancy cells only	No drunk tank	Segregation adequate for			24-hour matron	Operable emergency exits	Fire extinguishers	Operable individual cell doors
				Male/female	Adult/juvenile	Offender classes held				
Rhode Island institution:										
All-male units (3)	1	1(1), 0(2)	1	n/a	n/a	1(2), 0(1)	n/a	1	1	1
Women's unit	1	1	1	n/a	0	1	1	1	1	1
Delaware:										
All-male institutions (2)	0	0	1	n/a	n/a	1(1), 0(1)	n/a	1	1	1
Women's unit (co-correctional)	1	0	1	1	n/a	0	1	0	0	1
Ohio:										
Licking County	1	0	0	1	0	0	1	0	1	1
Perry County	1	0	0	0	1	0	0	1	1	1
Logan County	1	1	1	1	0	0	0	0	0	0
Shelby County	1	0	1	1	0	0	1	0	1	0
Hamilton County	1	0	1	1	0	0	1	0	1	1
Iowa:										
Dubuque County	1	0	0	1	0	0	1	1	1	1
Kossuth County	1	1	0	1	0	0	1	1	1	1
Monona County	1	0	0	1	0	0	0	0	1	1
Appanoose County	1	0	0	1	1	0	1	1	1	1
Woodbury County	1	0	1	1	1	0	1	1	1	1
Scott County	1	0	0	1	1	0	1	0	0	0
Louisiana:										
Ouachita Multiparish jail	1	0	1	1	0	0	0	1	1	1
Ouachita Multiparish farm	1	n/a	n/a	n/a	n/a	1	n/a	1	0	n/a
East Carroll Parish jail	1	0	1	0	0	0	0	0	1	1
East Carroll Multiparish farm	1	n/a	n/a	n/a	n/a	1	n/a	1	1	n/a
St. Martin Parish	1	0	1	0	0	0	0	0	1	1
Leesville City	1	0	1	1	1	0	0	1	1	1
Texas:										
Bastrop County	1	1	1	1	1	0	1	1	0	1
Atascosa County	1	0	1	1	1	0	0	1	0	1
Gillespie County	1	1	0	0	0	0	1	1	1	1
McLennan County	1	0	1	1	n/a	0	1	1	1	1
Childress County	1	0	1	0	1	0	0	0	1	1

Key: 1 = acceptable
0 = unacceptable

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COMPARISON OF CONDITIONS OF JAILS VISITED IN RELATION TO
DESIRABLE CHARACTERISTICS OUTLINED BY CRIMINAL JUSTICE EXPERTS

Inmate Comfort and Rehabilitation

Facility	Toilets not in view of dining area	Recreation facilities		In-house medical facilities	Ventila- tion	Lighting in cells		No guard corridors	Space for programs
		Indoor	Outdoor			Artificial	Natural		
Rhode Island institution:									
All-male units (3)	1	1	1	1	1	1	1	1(2)	0(1)
Women's unit	1	1	1	1	1	1	1	1	1
Delaware:									
All-male insti- tutions (2)	1	1	1	1	1(1), 0(1)	1	1	1(1), 0(1)	1
Women's unit (co-correctional)	1	1	1	1	1	1	1	1	1
Ohio:									
Licking County	0	0	0	0	1	1	0	0	0
Perry County	0	0	0	0	1	0	0	0	0
Logan County	0	0	0	0	1	0	0	0	0
Shelby County	0	0	0	0	1	0	0	0	0
Hamilton County	1	1	1	1	1	1	0	0	0
Iowa:									
Dubuque County	0	0	0	0	1	1	1	0	1
Kossuth County	0	0	0	0	1	1	0	0	0
Monona County	0	0	0	0	1	1	1	0	0
Appanoose County	0	0	0	0	1	1	0	0	0
Woodbury County	0	0	0	0	1	0	0	0	0
Scott County	0	0	0	0	0	0	0	0	0
Louisiana:									
Ouachita Multi- parish jail	0	1	0	1	1	0	1	0	0
Ouachita Multi- parish farm	1	1	1	0	1	1	1	1	0
East Carroll Parish jail	0	0	0	0	1	1	1	0	0
East Carroll Multi-parish farm	1	1	0	0	0	1	1	1	1
St. Martin Parish	0	0	0	0	1	1	0	0	0
Leesville City	0	0	0	0	1	1	0	1	0
Texas:									
Bastrop County	0	0	0	0	1	1	1	1	0
Atascosa County	0	0	1	0	1	0	1	0	0
Gillespie County	0	0	0	1	1	1	1	1	0
McLennan County	0	0	0	1	1	0	0	0	0
Childress County	0	0	0	0	1	0	1	0	0

Key: 1 = acceptable
0 = unacceptable

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COMPARISON OF CONDITIONS OF JAILS VISITED IN RELATION TO
DESIRABLE CHARACTERISTICS OUTLINED BY CRIMINAL JUSTICE EXPERTS

Facility	Sanitation				Items issued									
	Operable in cells		Sanitary showers	Laundry for personal clothing	Soap	Tooth-paste	Razor	Uni-forms	Mat-tress	Pillow	Cleaned before reissuance			
	Toilets	Wash basins									Blanket	Sheet	Pillow case	Towel
Rhode Island institution: All-male units (3)	1(2), 0(1)	1(2), 0(1)	1	1	1	1	1	1(2), 0(1)	1	1	1	1	1	1
Women's unit	0	0	1	1	1	1	1	NI	1	1	1	1	1	1
Delaware: All-male institutions (2)	1(1), 0(1)	1	1(1), 0(1)	1	1	1	1	1	1	1(1), NI(1)	0	1	1(1), NI(1)	1(1), NI(1)
Women's unit (co-correctional)	1	1	1	1	1	1	1	a/NI	1	1	1	1	1	1
Ohio: Licking County	1	1	1	0	1	1	1	NI	1	NI	1	NI	NI	1
Perry County	0	1	1	0	1	NI	NI	NI	1	NI	1	NI	NI	1
Logan County	0	0	1	0	1	NI	NI	NI	0	1	1	1	1	1
Shelby County	1	1	1	0	1	NI	NI	NI	1	NI	1	1	NI	1
Hamilton County	0	1	0	1	1	1	1	1	1	NI	1	1	NI	1
Iowa: Dubuque County	1	1	1	1	1	1	1	1	1	NI	1	NI	NI	1
Kossuth County	1	1	1	0	1	1	1	1	1	1	1	NI	NI	1
Monona County	1	1	1	0	1	NI	1	NI	1	NI	1	NI	NI	1
Appanoose County	1	1	1	1	1	NI	1	NI	1	1	1	NI	NI	1
Woodbury County	1	1	1	0	1	NI	1	NI	1	NI	1	1	NI	1
Scott County	0	0	0	1	1	1	1	NI	0	NI	0	NI	NI	NI
Louisiana: Ouachita Multi-parish jail	1	1	1	1	1	NI	NI	NI	1	NI	1	1	NI	1
Ouachita Multi-parish farm	n/a	n/a	1	1	1	NI	NI	NI	0	1	1	1	1	1
East Carroll parish jail	1	1	0	0	1	NI	NI	NI	1	NI	1	NI	NI	NI
East Carroll Multiparish farm	n/a	n/a	0	1	1	NI	NI	1	1	1	1	1	1	NI
St. Martin Parish	1	1	1	0	1	NI	1	1	1	1	1	1	1	1
Leesville City	1	1	1	1	1	NI	NI	NI	1	1	0	0	0	1
Texas: Bastrop County	1	1	1	0	1	NI	1	1	1	1	1	1	1	1
Atascosa County	1	1	1	0	1	NI	NI	NI	1	NI	0	NI	NI	NI
Gillespie County	1	1	1	0	1	NI	1	1	1	1	0	NI	NI	1
McLennan County	1	1	1	1	1	NI	1	NI	1	NI	0	NI	NI	1
Childress County	1	1	1	1	1	NI	1	NI	1	NI	0	NI	NI	1

a/Female inmates wear civilian clothing; male inmates are issued uniforms.

Key: 1 = acceptable
0 = unacceptable
NI = not issued

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BEST DOCUMENT AVAILABLE

COMPARISON OF CONDITIONS OF JAILS VISITED IN RELATION
TO DESIRABLE CHARACTERISTICS
OUTLINED BY CRIMINAL JUSTICE EXPERTS

<u>Facility</u>	<u>Privacy</u>		<u>Privacy for search on entry</u>	<u>No closed circuit TV in living area</u>
	<u>Visiting space (note a)</u>			
	<u>Separate from cell area</u>	<u>Space for private conversations</u>		
Rhode Island				
institution:				
All-male units (3)	1	1	1	1
Women's unit	1	1	1	1
Delaware:				
All-male institutions (2)	1	1	1	1
Women's unit (co-correctional)	1	1	1	1
Ohio:				
Licking County	0	0	1	1
Perry County	0	0	0	1
Logan County	0	0	0	1
Shelby County	0	0	1	1
Hamilton County	1	0	1	1
Iowa:				
Dubuque County	1	0	1	1
Kossuth County	0	0	1	1
Monona County	1	1	1	1
Appanoose County	0	1	1	1
Woodbury County	1	0	1	0
Scott County	0	0	1	1
Louisiana:				
Ouachita Multi-parish jail	1	1	1	1
Ouachita Multi-parish farm	1	1	n/a	0
East Carroll Parish jail	0	0	0	1
East Carroll Parish farm	1	1	n/a	1
St. Martin Parish	1	0	1	0
Leesville City	0	0	1	1
Texas:				
Bastrop County	1	0	1	0
Atascosa County	1	0	0	1
Gillespie County	1	1	1	1
McLennan County	0	0	1	1
Childress County	0	0	0	1

a/Excludes arrangements for visits with legal counsel.

Key: 1 = acceptable
0 = unacceptable

INMATE DEMOGRAPHIC DATA
FOR LOCAL JAILS

<u>Item</u>	<u>Ohio</u>				
	<u>Licking County</u>	<u>Perry County</u>	<u>Logan County</u>	<u>Shelby County</u>	<u>Hamilton County</u>
Capacity	68	21	18	45	363
Sample size (note a)	139	40	95	134	199
----- (percentage) -----					
Type of incarceration:					
Awaiting trial	68.4	82.5	57.9	64.9	92.0
Serving sentence	25.2	17.5	23.2	31.4	0.5
Other	6.4	-	18.9	3.7	7.5
Type of offense:					
Alcohol-related	41.0	52.5	49.5	45.5	3.0
Traffic-related	<u>10.8</u>	<u>2.5</u>	<u>9.5</u>	<u>14.2</u>	<u>1.0</u>
Subtotal	51.8	55.0	59.0	59.7	4.0
Other felonies and misdemeanors	43.2	42.5	24.2	40.3	92.5
Other	5.0	2.5	16.8	-	3.5
Length-of-stay:					
Less than 1 day	43.9	42.5	48.4	42.5	37.2
1 and 2 days	17.3	40.0	26.3	21.7	18.1
3 through 6 days	<u>23.7</u>	<u>12.5</u>	<u>14.7</u>	<u>26.1</u>	<u>16.0</u>
Subtotal	84.9	95.0	89.4	90.3	71.3
7 through 30 days	9.4	2.5	7.4	5.2	10.6
31 through 90 days	3.6	2.5	2.1	3.7	10.6
Over 91 days	2.1	-	-	0.8	7.5
Average length-of-stay (days)	8.6	2.4	3.8	4.5	15.0
Sex:					
Male	84.2	100.0	89.5	93.3	92.5
Female	15.8	-	10.5	6.7	7.5
Age:					
Under 18	2.9	2.5	9.5	1.5	3.0
18 through 29 years	54.0	42.5	41.0	56.0	74.9
30 years and over	42.4	55.0	49.5	42.5	22.1
Unknown	0.7	-	-	-	-
Residence:					
Within county	73.4	90.0	67.0	51.1	82.9
Neighboring county	16.5	10.0	5.3	14.3	6.0
Other	10.1	-	27.7	34.6	11.1

a/Sample size was 10 percent of the prior calendar year inmate population but not less than 40 nor more than 200.

INMATE DEMOGRAPHIC DATA

FOR LOCAL JAILS

Item	Iowa					
	Dubuque County	Kossuth County	Woodbury County	Monona County	Appanoose County	Scott County
Capacity	31	4	81	12	18	138
Sample size (note a)	44	40	138	42	40	178
----- (percentage) -----						
Type of incarceration:						
Awaiting trial	68.2	75.0	(b)	61.9	(b)	91.6
Serving sentence	31.8	12.5	(b)	16.7	(b)	8.4
Other	-	12.5	(b)	21.4	(b)	-
Type of offense:						
Alcohol-related	25.0	45.0	10.8	19.0	27.5	25.3
Traffic-related	<u>20.5</u>	<u>7.5</u>	<u>8.1</u>	<u>14.3</u>	<u>15.0</u>	<u>14.0</u>
Subtotal	45.5	52.5	18.9	33.3	42.5	39.3
Other felonies and misdemeanors	54.5	45.0	55.8	50.0	57.5	59.0
Other	-	2.5	25.3	16.7	-	1.7
Length-of-stay:						
Less than 1 day	47.7	35.0	32.6	28.6	45.0	55.1
1 and 2 days	34.1	50.0	29.7	40.5	27.5	25.3
3 through 6 days	<u>6.8</u>	<u>7.5</u>	<u>15.9</u>	<u>19.0</u>	<u>7.5</u>	<u>8.4</u>
Subtotal	88.6	92.5	78.2	88.1	80.0	88.8
7 through 30 days	11.4	5.0	15.9	9.5	15.0	6.2
31 through 90 days	-	2.5	2.2	-	2.5	3.9
Over 91 days	-	-	3.7	2.4	2.5	1.1
Average length-of-stay (days)	3.0	2.5	9.9	5.5	6.6	5.2
Sex:						
Male	93.2	90.0	77.5	97.6	97.5	83.7
Female	6.8	10.0	22.5	2.4	2.5	16.3
Age:						
Under 18	6.8	5.0	31.9	28.6	10.0	10.1
18 through 29 years	70.5	40.0	47.8	42.8	75.0	50.6
30 years and over	11.4	55.0	20.3	16.7	15.0	26.4
Unknown	11.3	-	-	11.9	-	12.9
Residence:						
Within county	77.3	70.0	79.0	59.6	82.5	83.7
Neighboring county	4.5	10.0	4.3	19.0	-	1.1
Other	18.2	20.0	16.7	21.4	17.5	15.2

a/Sample size was 10 percent of the prior calendar year inmate population but not less than 40 nor more than 200.

b/Information was not readily available.

INMATE DEMOGRAPHIC DATAFOR LOCAL JAILS

Item	Louisiana				
	Ouachita Multiparish Prison (note a)	East Parish Jail	Carroll Multi- parish Farm	St. Martin Parish	Leesville City
Capacity	257	39	70	56	36
Sample size (note b)	200	40	40	148	153
----- (percentage) -----					
Type of incarceration:					
Awaiting trial	81.0	60.0	-	90.5	85.6
Serving sentence	15.5	17.5	100.0	8.1	8.5
Other	3.5	22.5	-	1.4	5.9
Type of offense:					
Alcohol-related	23.0	10.0	22.5	14.8	35.9
Traffic-related	23.0	-	-	7.4	2.0
Subtotal	46.0	10.0	22.5	22.2	37.9
Other felonies and misdemeanors	51.5	70.0	75.0	68.3	51.0
Other	2.5	20.0	2.5	9.5	11.1
Length-of-stay:					
Less than 1 day	63.0	32.5	-	58.1	26.8
1 and 2 days	10.0	30.0	-	20.3	34.0
3 through 6 days	5.0	25.0	-	11.5	22.9
Subtotal	78.0	87.5	-	89.9	83.7
7 through 30 days	8.5	10.0	10.0	8.1	15.7
31 through 90 days	4.0	2.5	22.5	2.0	0.6
Over 91 days	9.5	-	67.5	-	-
Average length-of-stay (days)	24.0	4.0	241.0	3.0	4.0
Sex:					
Male	90.5	85.0	100.0	85.1	91.5
Female	9.5	15.0	-	14.9	8.5
Age:					
Under 18	4.0	17.5	7.5	11.5	17.0
18 through 29 years	55.5	20.0	52.5	49.3	54.9
30 years and over	40.0	30.0	27.5	37.8	25.5
Unknown	0.5	32.5	12.5	1.4	2.6
Residence:					
Within county	64.5	90.0	55.0	54.7	75.8
Neighboring county	8.0	5.0	30.0	31.1	1.3
Other	27.5	5.0	15.0	14.2	22.9

a/Separate records were not maintained for the jail and farm operated by this parish.

b/Sample size was 10 percent of the prior calendar year inmate population but not less than 40 nor more than 200.

INMATE DEMOGRAPHIC DATAFOR LOCAL JAILS

<u>Item</u>	<u>Texas</u>				
	<u>Bastrop County</u>	<u>Atascosa County</u>	<u>Gillespie County</u>	<u>McLennan County</u>	<u>Childress County</u>
Capacity	20	19	17	104	19
Sample size (note a)	53	91	40	193	45
----- (percentage) -----					
Type of incarceration:					
Awaiting trial	88.7	95.6	90.0	87.6	95.5
Serving sentence	-	-	-	2.1	4.5
Other	11.3	4.4	10.0	10.3	-
Type of offense:					
Alcohol-related	44.4	55.2	56.1	29.0	40.0
Traffic-related	<u>14.3</u>	<u>10.3</u>	<u>4.9</u>	<u>10.8</u>	<u>20.0</u>
Subtotal	58.7	65.5	61.0	39.8	60.0
Other felonies and misdemeanors	36.5	33.6	29.3	57.0	38.0
Other	4.8	0.9	9.7	3.2	2.0
Length-of-stay:					
Less than 1 day	18.9	71.4	60.0	72.0	37.8
1 and 2 days	58.5	13.2	37.5	8.8	46.7
3 through 6 days	<u>11.3</u>	<u>7.7</u>	<u>2.5</u>	<u>5.7</u>	<u>4.4</u>
Subtotal	88.7	92.3	100.0	86.5	88.9
7 through 30 days	11.3	3.3	-	8.8	4.4
31 through 90 days	-	3.3	-	2.6	4.4
Over 91 days	-	1.1	-	2.1	2.3
Average length-of-stay (days)	3.0	5.0	1.0	7.0	7.0
Sex:					
Male	92.5	87.9	92.5	88.1	84.4
Female	7.5	12.1	7.5	11.9	15.6
Age:					
Under 18	5.7	7.7	15.0	7.8	6.7
18 through 29 years	37.7	51.6	45.0	51.3	37.8
30 years and over	54.7	40.7	35.0	40.9	53.3
Unknown	1.9	-	5.0	-	2.2
Residence:					
Within county	66.0	64.8	52.5	75.7	40.0
Neighboring county	11.3	14.3	7.5	7.8	22.2
Other	22.7	20.9	40.0	16.5	37.8

a/Sample size was 10 percent of the prior calendar year inmate population but not less than 40 nor more than 200.

ASSISTANCE SERVICES AVAILABLE AT SELECTED JAILS

Facility	Capacity	Work release	Fur-rough release	Educational release	Vocational Training	Job placement	Educational	Alcoholism	Drug abuse	Religious	Social service counseling
Rhode Island institution	728	a/1	0	a/1	a/1	a/1	a/1	a/1	0	1	1
Delaware: All-male institutions (2)	672	1	1	1	1	1(1), 0(1)	1	1	1	1	1
Women's unit (co-correctional)	50	1	1	1	0	0	1	1	1	1	1
Ohio: Licking County	68	0	0	0	0	0	0	1	0	1	0
Perry County	21	0	0	0	0	0	0	0	0	0	0
Logan County	18	0	0	0	0	0	0	0	0	1	0
Shelby County	45	0	0	0	0	0	0	0	0	1	1
Hamilton County	363	0	0	0	0	0	0	0	0	1	0
Iowa: Dubuque County	31	1	0	0	0	0	0	1	0	1	0
Kossuth County	4	0	0	0	0	0	0	1	0	1	0
Monona County	12	1	0	0	0	0	0	1	0	1	0
Appanoose County	18	1	0	0	0	0	0	1	0	1	0
Woodbury County	81	1	0	0	0	0	0	0	0	0	0
Scott County	138	1	0	0	0	0	0	0	0	0	0
Louisiana: Ouachita Multi-parish jail	137	0	0	0	0	0	0	0	0	1	0
Ouachita Multi-parish farm	120	1	1	0	1	0	1	0	0	1	1
East Carroll Parish jail	39	0	0	0	0	0	0	0	0	0	0
East Carroll Parish farm	70	0	1	0	1	1	1	0	0	1	0
St. Martin Parish	56	1	0	0	0	0	0	0	0	1	0
Leesville City	36	0	0	0	0	0	0	1	1	1	0
Texas: Bastrop County	20	0	0	0	0	0	0	0	0	0	0
Atascosa County	19	0	0	0	0	0	0	1	1	1	0
Gillespie County	17	0	0	0	0	0	0	0	0	0	0
McLennan County	104	0	0	0	0	0	0	0	0	1	0
Childress County	19	0	0	0	0	0	0	0	0	0	0

a/Not available to persons awaiting trial.

Key: 1 = acceptable
0 = unacceptable



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initials and Number

FEB 9 1976

Mr. Victor L. Lowe
Director
General Government Division
United States General Accounting Office
Washington, D.C. 20548

Dear Mr. Lowe:

This letter is in response to your request for comments on the draft report titled "Conditions in Local Jails Remain Inadequate Despite Federal Funding for Improvements."

The draft report dramatically points out the seriousness of the "local jail problem" and we agree that the Law Enforcement Assistance Administration (LEAA) should make the upgrading of local jails and the minimizing of their use one of its national priorities. The report provides a generally accurate reflection of the lack of progress in community corrections, the problems associated with acceptance of the regional jail concept, the failure of local jail administrators to identify and utilize existing community resources, and the substandard conditions which exist in many local jails.

A Blue Ribbon Committee was appointed by the LEAA Administrator in June 1975 to assist in the development of an LEAA corrections strategy. The Committee's observations on State and local jail conditions were consistent with those cited in the GAO report. The Committee recognized that jails are physically inadequate, lack services to safeguard the health of prisoners, are overcrowded, provide few, if any, services for inmates, and allow offenders to spend most of their time in idleness. In general, the Committee feels that jail confinement is extremely destructive to the inmate and should be limited to those persons who are



dangerous or who might not otherwise appear for court proceedings. The Committee concluded that discretionary grant monies should be allocated to State, county and municipal jurisdictions to develop a range of pre- and post-trial alternatives to jails and to assist localities in implementing jail standards. LEAA intends to adopt this recommendation. Also, as recommended by the Committee, LEAA intends to make the upgrading of jails and the minimizing of their use one of its national priority program thrusts.

In line with another of the GAO report recommendations, LEAA intends to analyze its position regarding the way local jails should be used in the entire correctional effort. This analysis will, of necessity, include the issue of establishing regional jail facilities, as well as other alternatives such as community-based corrections, which, as pointed out in the report, have not gained widespread acceptance. LEAA will also attempt to develop a funding policy compatible with the objective of making the correctional system more effective at the local or regional level. Consistent with the block grant concept, LEAA does not intend to develop funding policies which favor one method or the other; rather, LEAA will insure that a methodology is developed and implemented that accomplishes desired objectives.

The report also recommends that LEAA establish, in conjunction with the States, minimum standards for physical conditions of local jails and the types of service needs that should be addressed for different types of offenders. We believe this recommendation has considerable merit. In this regard, the study pertaining to desirable characteristics for local jails, which was undertaken by the National Clearinghouse for Criminal Justice Planning and Architecture and cited in the GAO report, was funded by LEAA. In addition, LEAA funded a report of the National Advisory Commission on Criminal Justice Standards and Goals. The Commission's report, issued in January 1973, contains one volume entitled "Corrections." In LEAA's judgment, these efforts provide the cornerstone for development of the standard-setting process. Furthermore, we believe that funding policies can be an effective inducement for States to upgrade physical conditions and seek out community assistance for offenders. Accordingly, LEAA plans to continue directing its funds to support the development of more definitive standards and establish the types of community assistance that jail administrators should seek for offenders.

Like GAO, LEAA believes that the decision to fund (or not fund) should be related to a realistic and comprehensive plan, developed by State and local jurisdictions, which will effectively upgrade jails and minimize their use. Consideration is being given to requiring a detailed plan from communities seeking LEAA block and discretionary funds stating what actions, over a specified period of time, will be taken to bring local jails up to established physical standards.

LEAA plans to make every concerted effort to encourage State formulation of corrections standards. The Crime Control Act, while leaving the selection and implementation of law enforcement programs with the States, imposes certain conditions for the approval of grants with which the SPA's must comply. Section 501 of Title I of the Crime Control Act authorizes LEAA, after appropriate consultation with representatives of States and units of general government, to establish such rules, regulations, and procedures as are necessary to the exercise of its functions, and are consistent with the stated purpose of this Title. Accordingly, LEAA plans to take the steps necessary to upgrade State and local jail conditions. Specifically, LEAA will:

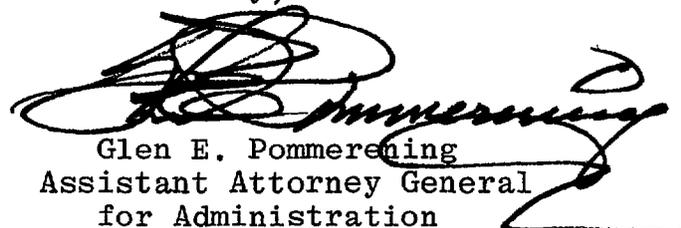
1. Make additional efforts to assure that State and local units receiving Part E Federal funding comply with conditions stated in Part E of the Crime Control Act of 1973 and paragraph 84 of the State Planning Guidelines. The latter paragraph specifies the need to implement advanced standards governing the operations and conditions of State facilities and local jails.
2. Encourage the use and implementation of national jail standards, such as those laid out in the report of the National Advisory Commission on Criminal Justice Standards and Goals.
3. Encourage States currently developing State standards and goals to include standards for the upgrading of jails in their effort; and
4. Continue to provide the services of the National Clearinghouse for Criminal Justice Planning and Architecture to assist in the planning, development and renovation of jails.

The final recommendation suggests that LEAA institute procedures using resources within the LEAA regional offices to act as a catalyst to encourage State and local officials to seek out community resources to provide assistance services for inmates in local jails. We believe this recommendation has considerable merit. LEAA plans to revise its "Guide for Discretionary Grant Programs" and "State Planning Agency Grants" to encourage State and local officials to seek out community resources with respect to all grants involving assistance services for inmates in local jails.

While LEAA does recognize the leadership role it must play to improve local jail conditions and plans to use every resource at its disposal, we must also face the realities of the framework within which LEAA must operate. The draft report recommendations are heavily based on the assumption that LEAA funding can be used as a strong leverage tool to force implementation of minimum jail standards. Although it is true that some "leverage" to influence the general direction of such programs is available to LEAA through administration of the block grant program, the block grant concept places primary responsibility on the State for the formulation and enforcement of standards for local jails. Also, as the report points out, "LEAA funding represents a limited source for the amount of funding needed for the entire criminal justice system." As a consequence, the matching funds requirement serves to reflect the extent to which local governments desire to or are capable of addressing the local jail problem. If local governments are not committed to improving jail conditions, they simply will not "buy-in" to an LEAA program, particularly if strict standard-setting requirements are conditioned with the grant.

We appreciate the opportunity to comment on the draft report. Should you have any further questions, please feel free to contact us.

Sincerely,



Glen E. Pommerening
Assistant Attorney General
for Administration

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William B. Saxbe	Jan. 1974	Feb. 1975
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Elliot L. Richardson	May 1973	Oct. 1973
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Richard G. Kleindienst (acting)	Mar. 1972	June 1972
John N. Mitchell	Jan. 1969	Feb. 1972
ADMINISTRATOR, LAW ENFORCEMENT		
ASSISTANCE ADMINISTRATION:		
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Jerris Leonard	May 1971	Mar. 1973
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