

1915

## Hygiene of Jails Lock-Ups and Police Stations

Oscar Dowling

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

---

### Recommended Citation

Oscar Dowling, Hygiene of Jails Lock-Ups and Police Stations, 5 J. Am. Inst. Crim. L. & Criminology 695 (May 1914 to March 1915)

This Article is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

## THE HYGIENE OF JAILS, LOCK-UPS AND POLICE STATIONS<sup>1</sup>

OSCAR DOWLING<sup>2</sup>

In the winter and spring of 1910-1911, I inspected every jail, lock-up and police station in Louisiana. Those of you who are familiar with conditions in these relics of barbarism will not be surprised that I had just one pleasant experience. It was in Cameron, a parish which lies on the gulf and in which there is no railroad. To get there, one must await a thrice-a-week boat from Lake Charles or hire a motor at an expense of fifteen dollars (\$15.00). It took all day to get to the parish site and just sixty-five minutes to inspect the two hotels, five stores, the court house and wharf. The sheriff said we were through, when I inquired, "Where is your jail?" He led the way back to the court house and pointed out a building with windows and doors wide open. I said, "You have no prisoners in Cameron?" He replied, "Oh, yes, we give them the key and they lock themselves in at night." It was a pleasant shock. The sheriff and his confreres had probably never read of the parole or honor system; likely they didn't know of experiments in prison reform, but prompted wholly by the dictates of kindness and common sense, they had solved the problem of humanitarian penology. It is needless to say the jail "scored" poor.

Unfortunately, in most instances, these buildings were deplorably bad, both as to construction and upkeep. Within a stone's throw of magnificent churches and commodious court houses, there were Bastilles which would have done credit to the Louis' of tyrannical memory. As an example, a jail, typical of many others, is a brick structure. The interior is lined with sheet iron. In three cells, each about eight by ten, there is no provision for heating, nor is there any sanitary convenience, nor water. Two cells have each three small windows about five and a half feet from the floor, and one cell, one window. The prisoners confined in these cells are not provided with beds. They have blankets only. In one large room the cage, ten by fifteen feet, is placed. On the day the inspection was made there were five negroes in the larger division of this cage. Hammocks were swung from one side to the other, side by side with no space between. The portion of the cage separated by uprights and cross pieces contained sanitary closet equipment and the faucet for water supply. For bathing there was a large tub which could be filled from the faucet by using a bucket or pitcher. No privacy was afforded. On being asked how they got a bath, one of the men who was sitting on the tub arose and said, "in this." His reply to the question how often they took a bath was, "Whenever their folks" could bring them clean clothing. The room was heated by a stove outside the cage.

---

<sup>1</sup>Read before the American Prison Association, St. Paul, Oct. 8, 1914.

<sup>2</sup>President Louisiana State Board of Health, New Orleans.

## OSCAR DOWLING

The whole building was distressingly damp, so much so that a little boy running his hand along the wall said, "It's been raining in here." Even with the fire during the day the occupants of the cage must have suffered from cold at night. One dares not think of the condition of prisoners in the other rooms—better, vaults—in cold weather.

In what we call our historical archives are many letters from occupants of these dens of torture. On leaving, I took two which lay on the top of the pile. Both are signed and investigation proved the statements true. One reads:

"Dear Sir: I hope you will accept this favor and consider same as worthiness as conditions here certainly needs prompt attention. I am confined in the city jail here and have no complaint other than the sanitary conditions are without doubt the worse that could be mentioned. The jail is of ancient build with very poor ventilation almost unbearable. We have two rooms in which prisoners stays. Near as I can guess each room is about 18x28 with one small window in each with double bars and one hall about 6x28 with one window. Now just to think after working all day outside in sun and dust and come in at night you wash your hands and face over the toilet stool and before we finish washing the floor is almost a pool under our feet, sometimes we have a broom but most times we dont, we have to put our heads over the toilet stool and drink as the only hydrant is placed right over the stool and some of the boys have no change of clothing and it requires wrenching out before going to bed, we have a tub that holds about ten gallons of water to do our laundry and bathe in and there is sometimes from fifteen to twenty waiting in turn to use it and the old bed clothing from all appearances was place here when was in her infancy, full of vermin and bed bugs and the water is hot enough to make a person sick to drink it but not hot enough to kill the vermin and bugs. The food is reasonably good only we have to eat with our fingers, also especial attention is that if you get sick the officials will not give any medicine or send a doctor as I had experience one day this week. We have a shower bath apparatus but it is out of order for some time and poor prospects to remedy same soon.

"Well, Dr. I can substantiate all the above writings but if you could ease in unexpectedly some time soon you would be fully convinced. Well I will close hoping to hear from you at once." "P. S. Dr. please advise me at once so I will know what to do, as I will write a letter and have it published by several leading papers asking all humanity to help better conditions. I notify you first as you are our legal authority in such cases. Yours Resp."

The second of these is of like import:

"Dear Sir: Im a Prisner In the . . . . . jail & the Bedding

## HYGIENE OF JAILS

Hav not Ben changed nor aired Sence I was Pup up the 2nd of December & the Bed Bugs is geting a Start. & the Pipes from the water closets all Impty Just out Sid the wall & Sence the wether Hav got worm the oder is something Terible. & the Jail is not Screened & the flyes In Day is all most unbaireble & the mosquitos at night Dount allow no Sleeping for thire is no Bars in the Jail. we air fed 2 meals a Day with coffee & Rice & Bread & Solt meat for Breakfast which will do But for Diner it is White Beans or Black eyed Beas with fat Boiled meat and corn Bread the Beans create Such volum of Gas in my Stomach tel it causes me to suffer most all the time. we hav no chang except Sum Salet Sum times with peas for Diner. the above is true & I can face this Letter any whire & if it is In your Power In the capacity you fill to correct those mistakes I Shall Bee Grately oblige to you for so Doing Resp.....”

Not only in Louisiana but in other states, with few exceptions, county jails are ill-ventilated, foul-smelling structures, with no room for exercise and scant, if any provision and no incentive to personal cleanliness. The inmates are exposed to every peril of fire and disease and the food is ill-prepared, ill-served and scanty in supply. Were there only one jail or prison of this character it would be a reflection on our assumed humanitarian, not to say Christian attitude toward the unfortunate. That they exist is a terrible indictment against the intelligence and altruism of our social order. Their tolerance is a communal sin.

The inadequacy of water, light, air, and sanitary conveniences are inexcusable, but to me the dire and distressing negligence in upkeep is more inhumane because easily remedied. I asked at one place, “where the prisoners bathed” and received a prompt if cold-blooded reply, “We bring them here to work not to bathe.” In one jail the sheriff pointed out with much pride the clean whitewashed walls. I carry a scalpel and pocket electric lamp and by use of the former dug up layers and layers of dirt. He made the “air blue” because his deputy “had no more sense.” I am sure if the money invested annually in barrels of disinfectants were expended in soap and labor to apply, these places of incarceration would be infinitely improved. So general is the custom of covering up their bad odors with the obnoxious disinfectant, I sometimes think it would be wise to prohibit the use of all fluids intended for this purpose. My cook who spent one night in the lock-up gave me a vivid description. I forbear to repeat her words, but in substance the odor was so bad she sat on the step and “cried and prayed all night.” I know of one parish jail built at a cost of ten thousand (\$10,000) dollars which is never free from the vilest odors.

On the first inspection tour after our visit, every officer in each jail was sent a letter explicit in detail as to the condition and improvements necessary. Many buildings were condemned. As an example, I quote a report of 1911:

“The parish jail is in a very insanitary condition and gives

OSCAR DOWLING

evidence of not having been properly cleaned for some time. I suggest the free use of the spade and the hoe followed with a 'treatment' of hot water and lye. It will require a considerable amount of elbow grease. Then the walls and cages should be painted. The law requires that every inmate in every prison in the State be given a bath at least once a week. Evidently this has been overlooked here. . . . I saw that some of the prisoners were far from being clean. The building (it was new) has been erected without arrangements for proper ventilation. The hot water supply seems defective, the heating apparatus being placed on the sidewalk adjacent to the building."

It became necessary to speak in even more drastic terms after inspection in many places, for illustration:

"The jail is poorly constructed, in a state of dilapidation, and can not be considered other than prejudicial to health, therefore, it becomes necessary to condemn same. . . . Should you have occasion to incarcerate white and colored prisoners of both sexes it would be absolutely impossible to segregate. The building is very poorly kept and we urge upon the Police Jury the necessity of seeing that the court house and jail are given the proper attention."

Opinions concerning the purpose of imprisonment and measures of control are widely diverse, but of humane treatment there can be one view only. Brutal punishments are universally condemned. If the facts are known no community will stand for torture of any kind. Unfortunately, many good citizens do not know that prisons and jails, as they now are, are places of torture. Had they the realization that arises from a visit of inspection they would in their righteous wrath apply remedies.

In legislative history, laws, ordinances, rules and regulations of governmental and social agencies are always more advanced than public opinion. In this country representatives of the people desire to go on record as progressive; they pass laws and ordinances which embody reform ideas; they do not hope to get these enforced at the time, or even in the immediate future. They consider this a form of education in any social movement. There are many of these concerning prisons in every section.

In our own State, in the past, the Code rules of prisons, jails and lock-ups were almost universally ignored. We can not assert now that they are observed wholly or by all, but inspection has accomplished something. Much cleaning has been done, many jails repaired and new ones built. Formerly, in scope the requirements were inadequate. The regulations have been revised and made to include many important details as well as essentials. In part, they now read as follows: "All prisons, or other places of detention where prisoners are confined shall be properly constructed that the occupants may have the benefit of the application of modern principles of sanitary science.

## HYGIENE OF JAILS

The building in each case shall be fire-proof, properly ventilated, adequately heated, sufficiently lighted by day and night, connected with water and sewerage system, or provided by some means with a supply of water for drinking and bathing and adequate closet conveniences. The bathing facilities should include separate apartments for white and colored.

The building shall contain at least four separate rooms that the sexes and races may be segregated. There shall be an apartment also for those sick with communicable diseases. All cells shall have one or more outside openings to ensure light and fresh air. The interior shall be painted white and floors made of cement and waterproof.

The floors, walls, and ceilings of room or cell shall be scrubbed twice a week and iron work painted twice a year under the direction of the health officer or coroner. It shall be the duty of the officer in charge to compel each person to bathe when entering the jail and at least once a week while confined therein. Soap and individual towels shall be provided.

A room or cell occupied by any patient-prisoner suffering from a communicable infectious disease when vacated shall be disinfected.

The water closets shall be kept in sanitary condition.

Cooking and eating apartments shall be operated according to the rules prescribed for restaurants and hotels.

All plans and specifications for new jails and repairs or alterations for old prisons shall be submitted to the State Board of Health for approval.

Cooking and eating apartments shall be operated according to the State Board of Health for approval.

The executive officer of these institutions shall furnish the State Board of Health with quarterly reports giving the number of prisoners confined at the time; the new prisoners received, also number discharged during preceding quarter, number sick, nature of illness and termination. This report shall include information relative to condition of prison, when cleaned, fumigated, repainted, and such other data as may be required by the coroner or board of health."

These rules may seem drastic, and in the details of requirements, mandatory beyond what is practicable. But the conditions that obtain are a menace both to the health of the imprisoned and the public. To meet the emergency, nothing less than specific, comprehensive regulations are permissible, and in their enforcement, there is no laxity or discrimination.

The plan of jail which we now suggest was worked out to meet the requirements of the code. In size, and I might add in cost, it is designed to fit the needs of the greater number of our parishes. In this plan every sanitary necessity is provided for. Copies of these drawings have been sent to the police juries throughout the state and we have received letters which encourage us in the belief that within the next two years many of these buildings will be remodeled or replaced by new structures.

The greatest obstacle we have met is the opinion that our require-

ments are unreasonable. We now have pending a suit against one of the richest parishes in the state. It dates back to 1911 when the jail was condemned. The judge refused to grant an injunction; we asked for a rule of nisi which has not come up for trial. Several times the authorities have proposed repairs, but to reconstruct the building is, from a sanitary standpoint, impossible. The authorities think we are just determined to be unreasonable. This parish is typical of many—the population is largely rural, with negroes about seven to one. The white citizens are not aware of conditions, but they do know that there is a class of negroes who much prefer the jail to the field or to their homes, and rightly they think that if the jail is made comfortable, the parish will have to support even a greater number of these lazy, shiftless darkies than are now confined there for months in the year.

In reference to cleanliness of buildings of this type, the following received from the mayor of one of our small cities is interesting:

“I beg to acknowledge receipt of your letter of the 10th inst., and note fully its contents. Replying to same beg to say that while the calaboose may not look like the dining hall of the ——— Hotel, it is kept as clean as the parties that occupy it keep themselves when allowed to run at large. The party that made the report never enter the calaboose only when he is drunk and down, then a hog pen suits him as well as the inner room of King Solomon’s Temple. I have never thought that the state or any municipality was expected to keep a Haven of Rest for its law breakers. We have never had a prisoner to take sick while in the care of the town of. . . . . while on the other hand we have taken a few sick and turned them loose in splendid health.”

He then finds fault with me for not having remedied a nuisance in the city and finishes with a parting thrust, “Now back to the point. This calaboose matter looks like the Gnat and Camel story to me.”

Lest you may think we do not receive any co-operation, I shall digress here to say that a number of jails condemned have been torn away and many have been painted and cleaned; in one at least—I happen to know the jailer very well—the prisoners dare not spit on the floor.

Since the first trip with the health exhibit cars over the state in 1910-1911, when all jails were visited and scored, we have twice inspected every one which was rated poor or bad on first inspection, and once since, those with a score of fair or good; so within three years every one of these buildings has been inspected twice and the poorest, three times.

The results, given publicity, stirred up some interesting political rows in which sheriffs, deputies, police jurors (county commissioners) took part. Sometimes it was a question of who was to blame—police jury and sheriff both disclaiming responsibility; sometimes of author-

## HYGIENE OF JAILS

ity as to supervision of deputy; sometimes a mix-up of funds appropriated for upkeep of court house and jail, often clearly a disinclination to give up patronage, or to condemn the work of the employee, possibly a relative, more likely, a political henchman holding down a lazy job.

Inspection is a good club; it is not popular with those who are careless—a clean proof of its necessity. To be effectual, it must be managed on a basis of follow-up and after so much “grace,” by prosecution. In these as in many other matters sanitary, I believe in education, but I believe also in application of the law. The public should be sharply brought to a sense of its own responsibility; if through its public servants, well and good.

Every man, who for the protection of society, is incarcerated has a right to be personally protected by this same power which assumes the responsibility of depriving him of his liberty—that is society. The relation is mutual. Society is represented by its officers, therefore, if the sheriff in charge of the jail, or the marshal in control of the lock-up, tolerates conditions prejudicial to the health of prisoners, society, in their persons, should be indicted. There is no better object lesson than the trial of an official. In putting this principle into practice, that is, holding officers responsible, I have not met with much antagonism. Last year, I found a jail overcrowded; it had fifty-one prisoners with a capacity of eleven. I ordered the forty removed. The sheriff said, “Where?” I replied, “That is up to you. Those men must be given decent accommodations—at least as to air and room to sleep—and at once.” A place was quickly found—the basement of the court house. Had the order been ignored six hours, I should have appealed to the courts for immediate action.

In protecting the prisoner from effects of unhygienic surroundings, the health officer is protecting the health of the public; for this reason, I believe in enforcing without delay every practicable demand. For a new building, it is necessary to give a reasonable limit. In our state, it takes an election to vote a special tax; the “red tape” incident is a tedious proceeding which often entails delay; initial steps for a jail, the plans of which were approved last week, were taken almost two years ago. For repairs easily made there should be immediate demand. Every parish has a contingent fund; it is elastic when the authorities see fit—why not when the comfort and health of these unfortunates is involved? I think the health officer should have no patience with uncleanness; soap and pearline are cheap; hot water can be plentiful; work, hard work, is a blessing to those confined within four walls, therefore, a filthy condition is simply a matter of culpable negligence on the part of those in charge.

I have found a surprising ignorance as to what is cleanliness. One sheriff tried to argue with me that the toilets were clean. I ordered boiling water, a mop and soap and gave him a practical lesson. “In the name of humanity” to quote from one of our letters, let every man who has authority invoke the law in the interest of a condition of spotless cleanliness in these, at best, unhealthful environ-

ments. The complaint most general is that prisoners, especially negroes, are so inured to dirt in all phases, that it would require unremitting effort to keep things clean. This is one instance where retribution would be just,—the careless and uncleanly could be made to bear the burden of the work. If the jails were cleaner, kept so by the occupants, there would be fewer negroes within their walls.

I think every fair-minded person, no matter what his philosophy of penal servitude, will agree that the most hardened criminal should be provided with fresh air, clean floors and walls, bedding free from vermin and wholesome food plentiful in quality and well cooked. This is justice to the individual.

In connection with maintenance, the plan of making with the sheriff the contract to feed prisoners, which often is sublet to some irresponsible party, is a bid to fraud and greed. There is no supervision, often no bills submitted showing cost of food, and hence a temptation to serve food inferior in quality and as small in amount as possible. The prisoner has no redress; if he complains, he makes an enemy of the jailer; if he writes a protest to the authorities, it may never reach them and if it should, likely it is thrown into the waste basket or considered a record of one more rebellious criminal who should be sent to "the pen." I consider this a very serious phase of the hygienic welfare of these unfortunates. In one of our parishes \$2,500 for prisoners' keep is provided in the budget whether the jail has occupants or not. You can readily see how this plan, as well as the other, might be used much to the sheriff's advantage.

The features of the jail regime mentioned are those which are necessary for a minimum of comfort and for the preservation of the health of the prisoners. There are other conditions which should receive consideration—one, the incarceration without segregation of the sick and the well. It is a matter of record that many of the men in the prisons throughout the country have syphilis and tuberculosis, likewise in the jails and lock-ups. Can you imagine any greater torture than to be confined in a cell a few feet square with a consumptive or a syphilitic? Yet, I know from observation in the prisons and jails I have visited that it is a common occurrence for a well man to have this experience. It is not my purpose to exaggerate the menace presented by these conditions; I could not if I would.

From the point of view of the imprisoned alone, in justice and mercy, nothing should be left undone to provide cleanly surroundings and freedom from contact with the diseased. For the welfare of society it is equally imperative.

Physical environments react upon the mental to a degree which, even yet, we do not fully comprehend. The man who, while awaiting trial three to six months, suffers cold and other hardships in the parish jail, degenerates morally at a tremendous rate. He may come out broken in health from poor food, or the victim of infection; but he is sure, if forced during that period to endure filth and vermin, to hate the social order which sanctions "man's inhumanity to man."

## HYGIENE OF JAILS

This attitude of mind becomes concrete in conduct and society reaps what it has sown.

It would be a satisfaction to enter more deeply into the mental or psychological phase of this subject, but this aspect would lead us far afield, and into a discussion of all the fundamentals of the penal system.

It was my intention, according to request, to tell you more in detail of the work in Louisiana, but as I have indicated—our conditions are much the same as in other states. We are trying to improve by as frequent inspections as possible and by local publicity as to conditions good or bad. We reinspect at frequent intervals. Developments in each parish are noted in the columns of the daily press and when opportunity presents itself, we take such action as is necessary. Every appeal is investigated and whenever there is need we invoke the strong arm of the law. I think I may say without being considered boastful, that the conditions in our parish jails and town lock-ups are fifty per cent better than they were in 1910. We think this creditable only because we have done the best we could. With a larger appropriation, which would permit a whole-time prison inspector, more could be accomplished. We hope for this help in the near future. While jails have been improved and a number of new ones built, I consider our most effective work has been in convincing the authorities that the Board of Health is determined that every prisoner in the State shall have a clean cell, free from vermin and at least two square meals a day—and this whether sheriffs make money or not.

I have not touched many of the interesting aspects of the subject of the present penal system. Being familiar with its details, it goes without saying I have little sympathy with the inhumanity and stupidity of the methods in vogue, and that I think in the Twentieth Century with the experience of the ages, for our enlightenment it is unpardonable that in this we still walk in "trodden paths."