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Ruth Dunlop Wheeler

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THE PROBLEM OF THE COUNTY JAIL

RUTH DUNLOP WHEELER*

The county jail has come into existence as an attempt on the part of society to meet a practical need in coping with the problem of handling, locally and temporarily, certain classes of offenders. Once established this institution has been put to various uses for reasons of convenience rather than for reasons well thought out after a careful study of the social problems involved. As a consequence, the county jail has been the subject of considerable controversy. The institution has had its friends and its enemies. Some have questioned its legitimacy, and hardly is there a student of the problem who has not thrown out the challenge: What is the real purpose of the county jail? There are those who insist that it should be merely a place of detention for persons who are under suspicion of having committed a criminal offense and who are unable to obtain bail. Others believe that it should be a place of punishment, and assume the attitude that any condition is good enough for those confined there. Still others regard it as a combination of both, plus a reformatory influence.

The situation and the theories advanced to justify it furnish the clue to the present study of the jail. In order to keep within the realm of the concrete as much as possible, the problem has been investigated in the light of the county jail of Lane County, Oregon, to which visits were made and from whose records of the year 1923 various statistical data have been obtained. What is the justification of the jail, and to what uses should it be put for the greatest benefit of the community and its individual members, including the offenders themselves? Such a problem seems legitimate in the light of the fact that the question at large has attracted the attention not only of students of law and sociology, but of citizens who, through taxation, must support county jails.

The Lane County jail is a building roughly 50 feet square, built in the eighties, of weak construction and lined on the inside with steel plates to the height of about 10 feet. These steel plates are laid in sections and riveted insecurely into the thin brick walls. The windows are covered by small and insecurely fastened iron bars. That the construction is entirely inadequate to hold those prisoners who wish to escape is attested by the large number of breaks occurring

*Written for Prof. Warner's Course in Criminology, State University Law School, Eugene, Oregon.

each year.¹ The only remedy for this situation is a new jail with stronger walls and heavier bars.²

The main portion of the Lane County jail is given over to one large room, the height of two stories but with only one tier of cells, leaving a wide air space above. The cells are grouped into two rows of four each, access to which is furnished by a narrow, dark corridor, protected at either end by iron gratings. Surrounding the cells is an outer corridor, in one corner of which are a wood range and a table. The range is used for both cooking and heating. A bath tub is located midway along one side of the outer corridor. At one end of the inner corridor is a toilet. The cells are narrow and dark, with black iron walls and grated doors and ends. Some of the cells contain two cots; others are furnished with two tiers of canvas hammocks barely wide enough to accommodate a man of average size.

The capacity of this main room is therefore sixteen persons, but frequently the prisoners exceed this number. Extra cots must then be provided on the flat roof covering the cells. Here, incidentally, the sleeper is far more comfortable than in the cells.

One result of such living conditions is the potential danger of disease. Another is that the prisoners sleeping on the roof of the cells have constant access to the outer walls at night when the other prisoners are locked in their cells and supervision is absent. This situation, combined with the weakness of the building, makes escape easy. It goes without saying that such living conditions should be changed, both to prevent the ease of escape and the danger of disease.

Further, as a result of the dinginess of the cells and the lack of toilet facilities, the sheriff has not the heart to keep the prisoners who have cells locked in them by day; not only are the prisoners given the freedom of the cell block, but they are also allowed to go from it to the corridor surrounding it. Under present conditions this can hardly be avoided as the prisoners cook their own meals and keep up the fire which heats the building. This liberty facilitates scheming and endangers the life of the jailor, who, on entering the room, is thrown immediately into the midst of ten or twenty men.

From a third to a fifth of the prisoners are boys from eleven to

¹In 1923 there were 7 escapes. Thus far in 1924 there have been 17 escapes.

²A jail in a county where funds for supervision are limited must be built more strongly than an institution where there is more supervision and better trained personnel if escapes are to be prevented.

twenty-one years old.³ These figures correlate very well with results from other investigations. For example, see the Cook County Jail Survey (Loomis); The Chicago Community Trust, D. 922. Correlated with this is the well-known fact that the majority of criminal careers begin in the teens.⁴

The deleterious effect on these boys of their association with the older men, including eight insane prisoners, is evident. The obvious remedy is segregation of juveniles from adults, a thing which the authorities here have been trying to bring about for several years. This is all the more necessary because there are presumably far more recidivists and hardened offenders among the adults than among the juveniles, though the records do not show the number of recidivists. Moreover, the crimes committed by the juveniles are of a less serious and debasing nature than those committed by the adults.⁵ Fortunately

13 years	1	21-30 years	41
15 years	5	31-40 years	16
16 years	2	41-50 years	9
17 years	7	51-76 years	10
18 years	12		
19 years	10		76
20 years	9		
4 minors	4		
	50		

One hundred and seven cases not supplied with information as to age in the records at the sheriff's office.

Even taking into consideration the fact that the percentage of minors in the above total is probably greater than the percentage in remaining 107 cases, we have a sufficient evidence in the above figures to show what an alarming proportion of offenders are minors.

⁴Healy, William: *The Individual Delinquent*, p. 713, Little, Brown & Company, Boston, 1915.

⁵Table 1—

Age	Case	Crime
13	1	Robbery
15	2	Robbery
	2	Forgery
	1	Delinquency
16	1	Runaway
	1	Theft
17	1	Forgery
	2	Larceny of automobile
	1	Liquor in possession
	3	Robbery
18	3	Robbery
	4	Larceny of automobile
	3	Unlawful possession of liquor
	1	Attempt to sell a stolen boat
	1	Theft of bicycle
19	1	Speeding
	2	Sex
	2	Vagrance
	2	Larceny

the jail is now being remodeled and it is planned to segregate the juveniles from the adults.

There were but eight women prisoners in the Lane County jail during 1923. Their quarters consist of a small room about 8 by 10 on the same floor with the men, but separated by a small entry which makes it impossible for the men to see them, but does not prevent communication. In the women's cell there are three to four cots, depending upon the demand, a small writing table, a small sheet-iron stove, and a wash bowl and toilet. When it is necessary for the women to bathe they are taken to the quarters of the sheriff and his family on the second floor. The room is lighted by two small grated windows. Nothing need be said about the inadequacy of the women's quarters, because at present the sheriff and his family are moving out

	1	Passing bad check
	1	Receiving stolen goods
	1	Held for another county
20	4	Liquor in possession
	1	Deserter from army
	2	Larceny
	1	Speeding
	1	Chicken thief
Minors	4	Break and enter a house

This table notes the ages, number of cases, and the crime of juveniles.

Table 2—

The following table shows the number of crimes and the variety of crimes with which adults in the county jail were charged:

Violations of prohibition law.....	79
Larceny	34
Insane	9
Held for investigation.....	9
Vagrancy	6
Forgery	4
Goods obtained under false pretenses.....	5
Adultery	2
Lewd cohabitation	2
Sodomy	2
Rape	1
Non-support	1
Delerium tremens	2
Disturbing the peace.....	1
Contributing to delinquency of minor.....	2
Assault	2
Contempt of court.....	1
Opium	5
Breaking game law.....	2
Held for other counties.....	14

If we compare the figures of minors with those for adults, by process of elimination from table 2, we find that, contrasted with the large proportion of thieving cases in juveniles, which was 50 per cent, we find only 10 per cent in adults. Forty-three per cent of adult cases had to do with liquor as offset against 18 per cent of juveniles.

These figures are what one would expect. Stealing is the easiest crime for juveniles to pick up. At the present time, violating the prohibition law is one of the most tempting of crimes for adults.

of the jail so that suitable quarters for women prisoners may be provided on the second floor.

Not only are men and women and adults and juveniles herded together, but also the sentenced and those awaiting trial. During the year 1923 nearly four-fifths of the cases in the Lane County jail were those of prisoners detained pending trial, and only a little over one-fifth of prisoners serving sentences.⁶

This herding together of the guilty with those presumptively innocent gives rise to an impossible administrative problem. If the jail is made a place of punishment, that is unfair to the four-fifths awaiting trial. On the other hand, if it is not made a place of punishment, but a place of detention merely, then the one-fifth who are sentenced to the county jail as a punishment are not receiving what the law contemplates. As a matter of actual practice, no attempt is made by the sheriff to make the jail a place of punishment as distinguished from a place of detention. The prisoners play various games, wrestle, stage impromptu boxing matches, pass away the time storytelling and scheming to escape. The spirit of joviality pervades the

⁶ Fined	50
Jailed and fined.....	32
Dismissed after one day.....	30
Released on bond.....	24
Sent to penitentiary.....	22
Jailed	20
Asylum	8
Paroled	8
Boys' industrial school.....	4
Acquitted	4
Released	6
Case settled out of court.....	2
Forfeited bail	2
Poor farm	1
Pardoned by governor.....	2
Escaped before trial.....	2
Sent to other counties.....	16

233

This table shows that 21 per cent of the cases were disposed of by fines; that 20 per cent were disposed of without punishment, either by way of acquittal, release, or by settlement out of court; that 13 per cent were given a fine plus a jail sentence (these sentences did not exceed six months); that 9 per cent were sentenced to the state penitentiary; and that 8 per cent were given jail sentences only. Ten per cent of the offenders were released on bond. Since the records were kept by cases, rather than by individuals, the sentences passed upon these people may have been accounted for in the other percentages given. Three per cent of the cases were paroled. Six per cent were sent to other counties. The remaining 10 per cent were scattered as to disposition.

The local jail, then, according to the above table, was used as a place of punishment in only one-fifth of the cases during the year 1923, and only one-third of the number received jail sentences alone. The remaining two-thirds were also fined.

jail. But few of the prisoners regard their sentences seriously. The offender takes his chances and is willing to pay the price. He is not reformed. He is only encouraged to commit future crimes more cautiously perhaps. Moreover, large numbers of the convicted lack the intellectual or the moral development to profit by a jail sentence. A sentence may be regarded as hard luck, but not as a disgrace. Further, the sentence fails to constitute punishment when it is regarded by the offender as unfair. Finally, the jail is regarded by a certain number of offenders as a convenient home. For example, one elderly man sentenced to six months and a fine of \$500 served out his time and was then obliged to remain longer to work off his fine. The fine had not been paid entirely when the sheriff released him, because of crowded quarters. The old man pleaded not to be released. He had no better place to go. In another instance, a young man, after detention for three days, was ordered to leave. It was not until the third demand that the sheriff succeeded in persuading him to go.

Since the Lane County jail cannot be used both as a place of punishment and a place of detention, its use should be confined to one or the other. It is essential that Lane County have a place in which to detain persons charged with offenses pending trial.

As we have just seen, many of the prisoners do not take their sentences seriously. In fact, writers on criminal matters doubt the efficacy of short-term sentences in county jails.⁷ They argue that criminality is a habit that it takes years to acquire and which cannot be broken except in rare instances, by imprisonment, in idleness, for short terms.⁸ They show that if rehabilitation is to be accomplished by imprisonment, the imprisonment must be for a year or more, because it requires a long time to build up new habits. The developing of new habits requires a training and supervision which is too expensive for any county institution to give and can only be undertaken by a state reformatory or penitentiary.

⁷Robinson, Louis N: Penology in the United States, p. 49, The John C. Winston Company, Philadelphia, 1922.

⁸The following table shows the time spent in jail after conviction by offenders sentenced during 1923:

1 month	22
2 months	9
3 months	8
4 months	1
6 months	11
12 months	1
	52

The above table shows the relatively slight use of the jail for punishment by long periods of time, even periods exceeding one month.

The histories of three prisoners, selected at random from among those committed to the Lane County jail illustrate the futility of punishment in the county jail:

X, a man of 40, arrested on charge of assault, was given six months in the county jail. His history revealed that he was an illegitimate child left by the mother to be brought up by grandparents on a southern farm. He had always resented the stigma of illegitimacy and desertion on the part of the mother, and as a consequence became morose and irritable in youth. At 18 he ran away from the farm and became an itinerant house painter, wandering over the Middle West, and eventually ending in the West. He became a constant user of intoxicating liquor and habitual cigarette smoker. At 28 he married a wife ten years younger than himself and gave up the use of liquor. By this marriage there are three normal, healthy children. He continued to wish to move about and constantly was in debt. He had difficulty in keeping a job, due to shiftlessness and indolent habits at work. During the war he went into the army and served overseas. He proved an obedient soldier and received honorable discharge. After his return he felt the world owed him a living, and anarchistic attitudes of mind appeared. He refused to work, spent the days in bed and took up pool for evening recreation. He was jealous of his wife, irritable with his children, and quarreled constantly with his neighbors. In a passion of jealousy and temper he assaulted a man with whom his wife had danced. He pleaded guilty and was sentenced to six months in jail. At first he was gruff and rebellious, but he soon became resigned and accepted a life of idleness. Because of his good behavior he was made a trusty in the jail yard. About three weeks after the expiration of his term he was arrested on the charge of wife beating and fined \$50, which fine he is now working out cleaning the city streets.

Y, a happy-go-lucky, jovial, irresponsible, young man of 23, son of indulgent parents, was given a grade school education and as much high school education as he would accept. He left school and went to work in a blacksmith shop owned by his father. He was greatly interested in women, eventually marrying a young clerk in the ten-cent store. He soon became tired of her and sought the company of other women, leaving his wife to support herself. He became a taxicab driver and was arrested on charge of bootlegging. He paid his fine and returned to his taxicab job, but later again arrested for bootlegging and given a jail sentence. He was happy, carefree, made light of his jail sentence, and was put to work in the county blacksmith

shop to work out his six months' sentence. After a time he was given the privilege of returning to his home at night. He served about half his sentence when he disappeared.

Z, a foreign-speaking man, relatives unknown, little known of his history, was arrested on charge of drunkenness and illegal making of liquor. He was sent to the county jail, being given a term of six months and a \$500 fine. He stayed there six months, doing odd jobs about the place, contented, happy, staying by himself much of the time, yet willing to make casual friends. He was an old man in the late 60s. He apparently enjoyed puttering about the neighboring county park and getting his meals at the expense of the county. For his outside labor he was allowed \$1.50 a day on his fine. Due to his gentleness and the lack of room in the jail, he was turned out into the world before he had finished working out his fine.

From the above cases it would seem much better to use the Lane County jail merely as a place of detention for prisoners awaiting trial. Persons convicted of serious offenses and needing imprisonment should be sent to one of the state institutions, where there are more facilities for their rehabilitation.

Imprisonment is not always the wisest disposition of the convicted. The experience of Massachusetts and other eastern states indicates that a term on probation is much more likely to rehabilitate most offenders, especially youths and first offenders, than a short term in idleness in a county jail.⁹ The judge of the Circuit Court of Oregon has authority in all cases to suspend a prisoner's sentence on such conditions as he chooses to lay down. Without any change in existing laws, therefore, a very extended use could be made of probation. It would be necessary, of course, to have a probation officer, as Lane County has no such official. But as one probation officer can handle effectively from fifty to a hundred cases, it is much cheaper for the county to care for prisoners on probation than in jail. Further, a prisoner on probation is made to labor in the community rather than loafing in jail, thus supporting himself and family and perhaps furnishing part compensation to the person injured. The power of the court to revoke the probation of offenders who do not behave while on probation is an inducement for the offender in most cases to acquire regular habits of life and of work. If an offender will not behave on probation and has not committed a sufficiently serious offense to justify sending him to the state prison, there must be some method

⁹Robinson, Louis, *Penology in the United States*; Healy, *Individual Delinquent*; Report of the Board of Parole for the State Prison and Massachusetts Reformatory—Wright & Potter Printing Co., Boston, 1916.

of punishing him. He may be compelled to work on a rock crusher or at such labor as seems to the court to be convenient and just, and confined in his home or other convenient place at night. If he runs away either during the day or at night and is recovered he may then be sent to a state institution. In fact, the adoption of probation would not introduce a radical change in policy in Lane County, for the reason that of the fifty-two persons given a jail sentence in 1923, six were allowed to work off their punishment at the rock crusher, nine were given a certain amount of freedom as trustees, and three were permitted to work for a time at the poor farm.

We have seen that probation and imprisonment in a state institution should be substituted for sentences of imprisonment in the county jail, thus making of the jail a place for detention merely. There remain only two difficulties, neither of which is serious. The first is the disposition of offenders who have been delinquent in the payment of fines imposed upon them. These offenders are not now commonly sent to the county jail but to a county rock crusher, where, by day, they work out their fines without supervision, returning to their homes at night. The second deals not with the distinction between the jail as a place of detention, but merely with the periods of time during which the prisoners are detained while awaiting trial.

During 1923, for example, a boy eighteen years old, suspected of larceny, was held in jail for eighty-seven days, after which time his case was dismissed. In two other cases youths were held ninety-three days and then dismissed. The effect of keeping prisoners awaiting trial in the county jail for such long periods merely because they have not sufficient funds to obtain bail is to run the risk of breaking up their habits of industry and of embittering them toward society. The remedy for this situation is to hasten their trials.

A discussion of the Lane County jail situation would not be complete without mentioning a few of the more obvious difficulties in administration. In the first place, there is lack of needed information concerning the offender. Records are meager. For example, in present practice there is little information gathered that would identify the prisoner should he escape during detention. In no instances are there any finger-prints, photographs, or Bertillion measurements and records of physical peculiarities. In most cases there was an incomplete record of the individual's whole name and residence. In nearly half the cases in 1923 there was no record of the ages of adult prisoners.

Moreover, except in rare instances there was no data on the prisoner's physical and mental condition. The county employs a physician

who is paid a regular monthly salary to care, among other things, for the inmates of the county jail. At local hospitals he treats those individuals who are injured or become ill during their period of confinement. Where general infection is evident, he administers treatment at the jail. Only in cases of obvious mental disorder is the individual given any form of mental examination. This examination is inadequate, because given by the county physician instead of by a specialist.

No information except that obtained casually by the sheriff, the police or witnesses is available to assist the judge in pronouncing sentence. Occasionally the district attorney, contrary to the usual custom, solicits the aid of special workers. In short, the prisoner is an offender, not an individual. The problem of his disposition is not handled scientifically. Standards of treatment are more or less arbitrary and based upon a few legal and customary generalizations.

This phase of the situation characterized by absence of records and scientific information must not be attributed to voluntary inefficiency on the part of the authorities. It is due to the fact that the methods of handling offenders have developed gradually and haphazardly as more obvious needs arose. Two important circumstances have resulted, namely, untrained personnel and lack of funds. Obviously the remedies lie in opportunities for the authorities to receive training, together with the provision of sufficient funds for the securing of expert workers. For example, the state university is situated at the county seat. With little difficulty and at nominal expense the services of a trained psychologist could be regularly secured, as could also be social workers, who would obtain case histories.¹⁰

Finally, the success of the measures proposed in this article depends to a considerable extent upon the proper attitude of the public and of the press toward the jail and the prisoner. This feature of the problem has many phases. First, the public and the press regard the jail as a place of punishment. If a man has been unfortunate enough to be under suspicion and consequently is confined for a time in jail, he returns to his community under the stigma of having been in prison. Perhaps the verdict has been not guilty; perhaps his case was dismissed because of insufficient evidence, yet the people regard him as a convict. Even should the prisoner be convicted and sentenced and subsequently rehabilitated, the press usually does not hesitate to refresh the public mind with an account of his case. Consequently, the victim, although free again, is handicapped in regaining a place in

¹⁰In the more baffling of juvenile cases it has been customary for some time to employ the services of the university expert on child psychology.

society. It is not human to expect a man forever to pay for a misstep he has made. Much will have been accomplished in molding public opinion, especially toward those guilty of the less serious offenses, when the press, through its news items and editorials, refrains from casting suspicions upon inmates of the jail.

Another phase of the problem of the public's attitude toward the prisoner is the need for more efficient preventive legislation. The criminal is a member of society, and it is that society which is in part responsible. The problem of the broken home, for example, should be met more adequately by mothers' pensions. The state should supervise more closely the social products of divorce and guard more carefully the disposition of children, who, as victims of divorce decrees, are left without adequate attention from a father or a mother. The public should be educated to the fact that much of criminality is the product of abnormal physical conditions and of chronic or temporary mental aberration. Proper medical and re-educative measures should be provided for. And not least among these preventative measures should be the sterilization of the unfit as fast as they become known to society.