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COUNTY JAILS AND THE FEDERAL GOVERNMENT¹

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One may ask what authority or responsibility the Federal Government has in relation to the local county jails and for what reason it interests itself in this great responsibility which obviously belongs to the local community. At the present time there are about 11,500 Federal prisoners boarded in state and county jails, for whose support the Federal Government is paying the local authorities. Of this number about 65% are serving short-term sentences. During the last fiscal year about 95,000 (estimated) persons charged with offenses against the United States were held in local jails for some period of time, either awaiting trial, serving short-term sentences, or held as witnesses or otherwise. The selection of jails in which this large number of persons may be placed is the basis for the concern which the Federal Government has with conditions in the county jails.

On May 14, 1930, Congress passed an act enjoining upon the Federal Bureau of Prisons the responsibility for providing suitable quarters for those thousands of prisoners who, of necessity, had to be placed in the county jails because the Federal Government had none of its own. The following is quoted from this Act:

"It shall be the duty of the Bureau of Prisons to provide suitable quarters for the safe-keeping, care, and subsistence of all persons convicted of offenses against the United States, charged with offenses against the United States, or held as witnesses or otherwise. For this purpose the Director of the Bureau of Prisons may contract, for a period not exceeding three years with the proper authorities of any State or Territory or political subdivision thereof, for the imprisonment, subsistence, care, and proper employment of any person held under authority of any United States statute: Provided, That such Federal prisoners shall be employed only in the manufacture of articles for, the production of supplies for, the construction of public works for, and the maintenance and care of the institutions of, the State or political subdivision of the State in which they are imprisoned. The rates to be paid for the care and custody of said persons shall take into consideration the character of the quarters furnished, sanitary conditions, and quality of subsistence. The rates to be paid may be such as will permit and encourage the proper

¹Read at the Meeting of American Prison Congress, Indianapolis, Ind., Oct. 5, 1932.

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authorities to provide reasonably decent, sanitary, and healthful quarters and subsistence for persons held as United States prisoners.”

When the baffling problem of caring for this group of Federal persons was placed upon the Bureau of Prisons, it was evident that because the local jails must be utilized for the purpose some attempt should be made to improve conditions in them. The Bureau of Prisons set about to do this in two ways:

First, it established a definite inspection system whereby frequent, painstaking and rigorous inspections would be made of all jails where Federal prisoners are boarded.

Second, it obtained an appropriation from Congress for the construction of a few Federally controlled jails which should serve two purposes: to set an example of what a model jail should be and how it should be administered; and to afford places to which Federal prisoners could be removed from the county jails when the local authorities responsible for them refused to accept the standards of the Government and to give the prisoners reasonably humane treatment and proper control.

In connection with the first step taken by the Bureau of Prisons to handle this work the following plans were made:

1. To expand its inspection force and to increase it from two inspectors to ten;
2. To divide the country into ten districts and establish headquarters at a central point in each district. At the present time there are seven inspectors working in various parts of the country. Because of their location, it makes it possible for them to keep in close touch with the conditions in the jails in their districts and likewise to keep the Bureau constantly informed. It also affords a means for the Bureau to have investigations made almost immediately of complaints of a derogatory nature received from various sources, and gives the inspectors an opportunity to be of assistance to the United States marshals and other officials in distributing the Federal prisoners in the most satisfactory jails.
3. A new form of inspection report was devised, including in detail all pertinent facts which must be given consideration when inspecting a jail. A sample of this form is attached. Eleven of the most important factors included in this questionnaire are given relative weights and form

the basis for the final rating given the jail. In accordance with the Government's standard, a perfect jail would rate 100%. The procedure which is followed in the central office at Washington for handling these inspection reports will be referred to later.

4. A sliding scale of rates has been adopted and whenever possible is put into effect and an effort is made to pay a rate commensurate with the grade of the jail, which has been rated according to the facts contained in the inspectors' reports. The following is the sliding scale of rates:

Jails rating 90 to 100%	will be paid	\$1.05
Jails rating 80 to 89%	will be paid	.80
Jails rating 70 to 79%	will be paid	.70
Jails rating 60 to 69%	will be paid	.60
Jails rating 50 to 59%	will be paid	.50

Written contracts not to exceed three years are made with the various jails. These contracts include the following clause:

"It is expressly understood and agreed, however, that inasmuch as it has become the duty of the Federal Government to supervise the care and treatment of all Federal prisoners whether in Government institutions or otherwise, the Government hereby reserves the right under this contract to enter upon the jail premises herein referred to at reasonable hours for the purpose of inspecting the same and determining the conditions under which the prisoners are boarded."

This removes the opportunity for any possible objection that might be made by jail officials to the Federal inspectors making routine, rigid inspections.

5. The cooperation of state departments and organizations having a supervisory capacity in relation to the county jails was sought and an arrangement made for the exchange of inspection reports. This exchange of reports of inspections at different intervals keeps both the Bureau of Prisons and the state department informed at all times of the conditions in the jails. Over 400 reports have been received from state departments of inspections made by their inspectors. It is hoped that with this cooperation more forceful work in accomplishing results will be possible.

6. A visible card system is maintained in the office in Washington on which each inspection is entered, showing the normal capacity of the jail, the daily average, the rating it

receives and the rate paid. There is also recorded on this card the officials with whom the Bureau corresponds regarding the conditions of the jails. On the reverse side of the card every complaint received, regardless of its source, is entered; also the date it is assigned to an inspector for investigation, the date his report is made, and the final disposition or action. With the use of colored signals this card index furnishes the basis for a close follow-up on the various jails. A sample of the card is attached. In conjunction with the card system there is a large map which shows the ten districts by color, into which the country has been divided. Colored tacks, representing the grades and number of jails inspected, are placed on the map as the reports are received in the central office.

The inspectors are called together for a general conference at least once a year to discuss the jail situation and methods of bringing about improvements. While they are in the field they are furnished with copies of all correspondence between the office in Washington and the local officials relative to the specific jails in their districts. Circulars and bulletins are sent them from time to time to keep them posted as to the requirements of the Bureau or changes in its policies.

To go back to item (1), the inspection system—it might be well to give an idea of what this involves. There are 3,096 counties in the country and there is a jail in practically every county. Over 1,200 of these are being used at the present time by the Federal Government. In order to make a judicious selection of the existing jails in which to board Federal prisoners, the Bureau is now having a complete survey made of every jail in the country so that it will have at its disposal at least one inspection report on every jail, and with this information may select those which are most satisfactory and necessary for use. After this thorough survey has been completed, rigid follow-up inspections will be made of the approved jails.

One phase of the work which requires special attention is the necessity for placing female prisoners in jails where matrons are employed. It is amazing to find how many jails do not employ matrons. To take care of this situation the importance of concentrating all female prisoners in a few jails where the proper service exists is being emphasized.

Jails, workhouses, and lockups in the country, taken as a whole, have been generally condemned by all investigators as being unde-

sirable places for the care of prisoners. For some reason which has not been definitely determined, an attitude of indifference seems to have prevailed among the local officials as to the relative importance of the jails as compared with other municipal offices, and the great problem of rehabilitating and reconstructing the erring individual placed in county jails has apparently been lost sight of. The sheriffs, upon whom rests the greatest responsibility in the conduct of the jails, are elected by the people without consideration being given to their experience or knowledge in the proper management of a jail or penal institution. The subordinate officials, such as the jailers and other officers, are likewise often selected without any requirements for special training in that particular line of work. In fairness to this group of officials it should be stated that there are some who are willing and anxious to maintain proper standards in their jails. Sometimes they are unable to do so because of lack of funds or lack of cooperation on the part of other local officials having a joint responsibility. In the very communities where jails have been apparently completely overlooked so far as proper construction, equipment, and general administration go, great strides have been made in the progress of other local institutions and agencies. It is possible that with constructive suggestions from the Bureau of Prisons and state departments having a supervisory control a similar interest by the local officials in the improvement of the jails may be effected.

When the inspection reports already referred to are received in the Washington office, they are carefully read, analyzed and rated. If the reports indicate that conditions are such as to warrant transferring the Federal prisoners to more satisfactory quarters they are removed immediately. In all such cases the local officials are promptly advised of the reason for the transfer of the prisoners and the discontinuance of their jail for further boarding of Federal prisoners. When conditions are not so serious, the officials are advised as to the necessary improvements and are given an opportunity to remedy the defects and bring their jails up to a standard which in the judgment of the Bureau of Prisons is necessary for the proper care of prisoners.

As a result of the inspection work which has been done so far, the following facts are available. There have been 2,067 jails inspected, 133 of these having received more than one inspection. The inspection reports showed that 689 jails rated under 50%—some rated practically nothing; 979 rated between 50 and 59%; 433 rated be-

tween 60 and 69%; 84 rated between 70 and 79%; 15 rated 80% or over. The following table shows the number of inspections made in each state and the ratings of the jails.

States	No. of Jail Inspections	Ratings					
		90-100	80-89	70-79	60-69	50-59	Under 50
Alabama	84	..	..	3	10	42	29
Arizona	17	..	..	..	4	13	..
Arkansas	48	..	..	1	3	18	26
California	53	..	1	4	21	24	3
Colorado	64	1	2	6	15	18	22
Delaware	3	1	..	..	1	1	..
Florida	65	..	..	..	1	34	30
Georgia	157	..	..	1	13	80	63
Idaho	34	1	..	..	4	21	8
Illinois	65	..	..	10	33	20	2
Indiana	93	..	..	..	19	55	19
Iowa	104	..	2	8	28	35	31
Kansas	17	..	..	3	3	11	..
Kentucky	32	..	..	1	14	16	1
Louisiana.....	44	..	..	1	5	19	19
Maryland	33	..	..	4	11	16	2
Michigan	2	..	..	1	1	..	..
Minnesota	37	..	2	4	23	8	..
Mississippi	76	..	..	1	8	23	44
Missouri	153	..	..	3	23	65	62
Montana	51	..	..	..	1	20	30
Nebraska	12	..	..	1	6	..	5
Nevada	6	..	..	..	1	3	2
New Hampshire.	9	..	..	..	6	2	1
New Mexico....	28	..	..	2	4	10	12
New York.....	5	..	2	2	1	..	..
North Carolina..	54	..	..	..	7	35	12
North Dakota...	12	..	..	..	3	4	5
Ohio	92	..	1	3	6	53	29
Oklahoma	70	..	..	3	12	42	13
Oregon	38	..	..	2	6	22	8
Pennsylvania ...	66	..	..	..	18	35	13
South Carolina..	46	..	..	1	3	19	23
South Dakota...	61	..	..	..	5	24	32
Tennessee	77	..	..	3	24	21	29
Texas	62	..	1	5	13	19	24
Utah	27	..	..	..	3	9	15
Virginia	111	..	..	4	32	32	43
Washington	38	..	..	1	7	22	8
West Virginia...	58	..	..	2	17	24	15
Wisconsin	75	..	1	4	13	49	8
Wyoming	21	..	..	..	5	15	1
Total	*2200	3	12	84	433	979	689

*Includes 133 re-inspections.

The much talked of Kangaroo Court, with its various abuses, was found to be operating in 543 jails, and the so-called Sanitary Courts existed in 125. The reports showed that 85% of the jails

permitting the Kangaroo Courts rated below 60%. Further detail may be obtained from the table showing the ratings given the various items which have been classified under eleven main headings.

Classification	Ratings								
	90-100	80-89	70-79	60-69	50-59	40-49	30-39	1-29	0
Administration and Discipline	178	485	851	387	111	28	10	12	5
Building and Equipment ..	149	334	474	450	276	163	74	138	9
Cleanliness and Sanitation ...	157	451	519	475	232	106	38	78	11
Employment and Industries ...	9	7	21	10	33	39	68	423	1457
Food	152	646	785	442	31	7	2	..	2
Hospital Facilities	19	24	36	16	25	13	35	51	1848
Medical Service	67	110	334	205	552	120	40	613	26
Personal Hygiene	89	314	677	332	353	85	48	101	68
Personnel	172	572	875	307	92	22	10	13	4
Rehabilitation ..	8	5	5	7	12	11	3	38	1978
Religious Instruction	24	24	136	53	87	76	77	323	1267
Ratings of Jails Permitting Kangaroo Courts .....	..	..	27	131	269	103	11	2	..
Sanitary Courts ..	..	..	5	31	60	24	4	1	..

Because of the existence of deplorable conditions in some of these jails, or where lack of discipline was apparent and there was evidence that special privileges were being allowed the Federal prisoners, 228 prisoners were transferred to other jails where such conditions were reported to be more satisfactory. In addition to this number, there were numerous transfers made to relieve overcrowded conditions. The Federal government has no right to dictate to the local officials how the county jails should be operated, but it is within its province to refuse to use jails which do not meet its standard and to transfer prisoners whenever conditions warrant, or when the local officials demonstrate an unwillingness to cooperate in remedying conditions which have been called to their attention by the Bureau of Prisons. It might be well to cite a few of the reasons why prisoners were removed and the jails condemned for further use: Favored prisoners have been allowed to leave a jail and go to the race-track, to attend county fairs, and in, at least, one instance to attend one of the games of the World Series. In another case prisoners were allowed to leave a jail and to work at a gasoline station and on a farm owned and operated by the jailer. At this same jail women were taken out and permitted to work in a tea room owned

and operated by the same official, on a public highway. Liquor and drugs have been trafficked into the jails and drunken parties permitted. When a minister was greeting the prisoners after a religious service in one of the jails, he suddenly drew away as if he had received a great shock. The room was filled with a strong odor of alcohol. Apparently several of the prisoners had been imbibing freely during the services, and one still had some of the evidence in the form of a pint bottle, visible in his rear pocket.

The Federal inspectors have been met at the doors of some jails by Federal prisoners who had the keys, and apparently full control. There was such poor discipline in one jail, as well as lack of control, that one prisoner left the jail three times in one evening, went to his home, became intoxicated and caused a disturbance. Twice the sheriff was called and returned him to the jail. However, this apparently did not impress upon the sheriff the fact that he was neglectful of his duties, because the prisoner went home a third time, displayed a more violent temper, and was finally arrested by the local police. He was sentenced to pay a fine but had no money and the police refused to turn him over to the sheriff until the fine was paid. The sheriff very reluctantly paid the fine in order that he could return the prisoner to the jail.

In payment for favors granted, prisoners have been asked to invest money in certain commercial enterprises. Jailers have admitted accepting gifts from prisoners. Numerous other instances of undue privileges being permitted and lax discipline existing could be quoted. In some of these cases, when the facts have been called to the attention of the court, the offending officials have been cited for contempt for not carrying out the orders of the court, and several have been convicted.

In addition to this type of bad administration, unsanitary conditions exist. Bathing facilities are inadequate to the extent that in some jails none whatever are provided, no running water being available. Some of the quarters are infested with vermin and serious fire hazards are apparent. No attempt is made to segregate prisoners with contagious diseases.

Unfortunately, it has been necessary to temporarily continue the use of many unsuitable jails for want of better ones. It is gratifying, however, to know that suggestions for improvements made by our inspectors have been hospitably received by some of the local officials who have made every effort to cooperate with the Bureau in an attempt to meet the standards which should be maintained. Local

public sentiment has been aroused and in many instances where it has become necessary to remove the prisoners, various officials have demonstrated an interest in the situation and have taken the matter of improvements into their own hands. They have not only written to Washington but have made personal visits with the hope of finding out the true conditions of the jails and obtaining suggestions for improvements with the ultimate aim of having the Federal prisoners returned to the local jails as soon as conditions have been remedied. Among these officials who have become interested have been representatives from the Chamber of Commerce, local bar associations, county commissioners, and members of the Senate and Congress. Many sheriffs and jailers have taken immediate steps to improve the conditions. Offending officials have been removed and have been replaced with conscientious men who have been able to bring about the necessary improvements and give assurance to the Bureau that proper discipline would be maintained. Where these changes have taken place, the jails previously condemned have been reinstated. With reference to the cooperation which we have received in obtaining improvements, I would like to quote from a few letters which have come in from time to time from local officials in various states scattered throughout the country. These are only a few of the number that have been received and are given here to demonstrate the cooperation which has been shown.

- (1) "I want you to feel assured that I will give your department every possible cooperation within my power; and that your orders, or the orders of the Court, will be carried out to the most minute detail. There will be no re-occurrence of lack of discipline or anything else, as long as I am Sheriff of this County."
(Signed by Sheriff).
- (2) "I wish to assure you that I will do whatever is suggested by you to meet your requirements to have the * * * again approved as a Federal jail. If at any time during my term of office, I have been remiss in the performance of my duties, I stand ready to correct the same to conform to your standards and further assure you of my willingness to cooperate with your Department to the fullest extent."
(Signed by Sheriff).
- (3) "The undersigned Board of Commissioners of * * * having charge of the upkeep, repairs and maintenance of the jail of * * * are desirous of having this jail approved by the Federal Bureau of Prisons and designated as a Federal jail. To this end we wish to assure the Bureau that this Board is ready and willing to place this jail in physical condition to meet the requirements of the Bureau.

"We are anxious to cooperate with the Bureau in every way possible to place at your disposal our jail and to keep it up to the standards required by your Department. We request that you send your inspector here to meet us and make his recommendations, or if you now have a survey from which you can make your recommendations, please furnish them at once."

(Signed by Board of County Commissioners).

- (4) "We have remedied the conditions on the lines suggested in your letter to the sheriff and now have a first class jail with adequate food, better lighting and ventilation. We assure you this jail will meet the requirements of your department and will appreciate it very much if you will notify the Marshall of this district to that effect."

(Signed by Chairman of County Court).

- (5) "I have read your instructions carefully concerning the care of Federal prisoners and believe I understand the rules and regulations set forth therein. * * * Mr. * * * has been here and has given me a list of improvements which are necessary to be made in order to meet the requirements of the Department. These improvements I am very glad to make. I began working on the suggestions of Mr. * * * the day he was here and all of the things he wanted done will be completed the last of this week, and the jail will be ready to receive the prisoners back on * * * and hope that you can order them returned then.

"I wish to say that I appreciate you sending Mr. * * * back, and I also appreciate his very helpful attitude in this matter. He was very kindly and considerate and his suggestions were most valuable. At all times I shall try to cooperate with your department in handling Federal prisoners."

(Signed by Sheriff).

- (6) "I have placed * * * in complete charge of my jail * * * and he has complete control over the prisoners. If you see fit to return Federal prisoners to this jail I assure you that I will use my utmost endeavor in caring for them in a manner that will meet with your approval and I would appreciate it very much if you will outline just the manner in which you desire to have them cared for.

"I am indeed very sorry that the matter came about and if the Federal prisoners are returned here I assure you that I will exert every effort in order to avoid a recurrence."

(Signed by Sheriff).

- (7) "I am in receipt of your letter of * * * in regard to the conditions of the * * * which was condemned by you some time ago. I have made the following improvements:

(The improvements listed comprise two pages; therefore, the entire letter is not being quoted, but the improvements include the installation of new plumbing, steel floors, bathing facilities, and a new lighting system; also 54 steel bunks, clean bedding

and a hot water system. The entire jail was thoroughly cleaned and renovated and an additional jailer and matron added to the personnel.) The letter closed with the following:

"Trusting that these improvements will meet with your approval, we will be glad to have you inspect the jail at your earliest convenience."

(Signed by Sheriff).

- (8) "On * * * of * * * was appointed Superintendent of the * * * .

"He qualified for the position immediately and is now on duty and in full charge of the * * * .

"We would like very much to have the Federal Government send prisoners here again under its contract. Every possible effort will be made by us to enforce all rules and regulations required by the Federal Government in connection with the handling of Federal prisoners in * * * ."

(Signed by Board of County Commissioners).

Some reference should be made to the second part of the program which the Federal government is undertaking in order to improve conditions in the local jails, and that is to build a few jails of its own which may be used, as already explained, as places to which Federal prisoners may be removed when it is not possible to negotiate with the local authorities for suitable quarters and terms under which contracts can be made. The sum of \$1,500,000 was appropriated by Congress for the development of such institution and plans are being made to construct about seven or eight Federally owned jails or jail farms. These are to be located at New Orleans, Louisiana; El Paso, Texas; Billings, Montana; Milan, Michigan; Sandstone, Minnesota; and possibly one in the southern California area and one in Kentucky. The jails at New Orleans and El Paso have both been completed and are now receiving prisoners. They are model institutions and should be examples to the local authorities of how a jail should be conducted.

In summarizing the important factors in the inspection program, the following should be noted:

1. A rigid jail inspection system has been established and regular inspections are being made. The jails are graded and a rate paid to the local officials commensurate with the grade of the jail.
2. Suggestions for improvements are offered to the officials immediately in charge of the jails.
3. Local officials having a joint responsibility in the jails are notified of the existing conditions. United States

marshals and judges are likewise informed and a list given them of jails approved by the Bureau.

4. The cooperation of state agencies and organizations has been solicited and a system for the exchange of reports devised.

5. Every effort is made to select the best jails in each district.

6. Whenever possible, female prisoners are concentrated in jails where matrons are employed.

7. When conditions warrant it, jails are condemned and Federal prisoners removed.

8. When actual improvements have been made in jails that have been condemned and conditions have been brought up to the standard required by this Bureau, the jails may be reinstated for the boarding of Federal prisoners.

We feel that we have had splendid cooperation from many of the county officials, and have met with considerable success in some districts. It must be reiterated that the Federal Government cannot force the various states into accepting higher jail standards. It can, and will whenever possible, refuse to place its prisoners in jails where conditions are unsatisfactory. It is almost unbelievable, but nevertheless true, that in this progressive country there are states where, because of lack of interest or intelligence, the most intolerable conditions are permitted to exist in the treatment of prisoners—conditions that would have been deplored even in the dark ages.

There is no field where there is a more definite need for constructive direction and guidance.

The Federal Bureau of Prisons will continue its program for the improvement of jails, and it is hoped that the officials in the local communities will more fully realize their responsibilities and see that the operation of the county jails will advance in line with modern penological ideas.