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NATIONAL COUNCIL ON CRIME AND DELINQUENCY

685 Market Street, Suite 620 San Francisco, CA 94105 ■ (415) 896-6223
S.I. Newhouse Center at Rutgers, 15 Washington Street, Fourth Floor Newark, NJ 07102 ■ (201) 643-5805
6409 Odana Road Madison, WI 53719 ■ (608) 274-8882

**DIFFERENTIAL USE OF JAIL CONFINEMENT
IN CALIFORNIA**

**A Study Of Jail Admissions
In Three Counties**

Executive Summary

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**U.S. Department of Justice
National Institute of Justice**

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NCCD STAFF

James Austin, Ph.D.	Co-Director
Barry Krisberg, Ph.D.	Co-Director
Patrick Jackson, Ph.D.	Research Associate
Anita Paredes	Research Assistant
Bill Elms	Data Analyst
Dawn Saito	Administrative Assistant
Michael Stratton	Word Processing Operator
Eddie Smith	Word Processing Operator
Barbara Ramirez	Word Processing Operator
Cindy Stearns	Data Coder
Glen Browning	Data Coder
Nancy Strachan	Data Coder
Bernadette Tarallo	Data Coder
John Irwin, Ph.D.	Consultant

NIJ STAFF

Larry Bennett, Ph.D.	Project Monitor, Office of Program Evaluation
James K. Stewart	Director

From many points of view, the jail is the most important of all our institutions of imprisonment. The enormous number of jails is alone sufficient . . . to make (one) realize that the jail is, after all, the typical prison in the United States From two-thirds to three-fourths of all convicted criminals serve out their sentence in jails. But this is not all. The jail is, with small exception, the almost universal detention house for untried prisoners. The great majority, therefore, of penitentiary and reformatory prisoners have been kept for a period varying from a few days to many months within the confines of a county or municipal jail. Then, too, there is the class, not at all unimportant in number, of individuals, who, having finally established their innocence, have been set free after spending some time in the jail awaiting trial. Important witnesses also are detained in jail, and it is used at times for still other purposes, even serving occasionally as a temporary asylum for the insane. The part, therefore, which the jail plays in our scheme of punishment cannot be overestimated. Whether for good or for evil, nearly every criminal that has been apprehended is subjected to its influence.*

*Louis N. Robinson, "Penology in the United States" (Philadelphia: John C. Winston, 1921), p. 32.

SUMMARY OF FINDINGS AND POLICY IMPLICATIONS

Introduction

America's jails are the most pervasive but least understood component of the criminal justice system. Indeed public officials and the media frequently are unable to distinguish between the functions of jails and prisons. This confusion is largely attributable to the fact that our jails fulfill a number of important, but competing and complex functions. Most persons are detained because they have been charged with a crime or they have been convicted and sentenced to jail. However, a significant number are admitted for other reasons including persons in transit from one jurisdiction to another, probationers or parolees believed to have violated their conditions of parole or probation, persons with detainers from other jurisdictions but with no charges in the holding county, juveniles awaiting transfer to juvenile detention halls, state prisoners awaiting transfer to overcrowded state prisons and persons with severe mental problems. Such a diversity of populations has led a recent study to conclude that jails are the "social agency" of last resort whose clients no one else wants (ACIR, 1984:10).

Considerable national debate exists over whether the increasingly scarce and costly resources of jail cells are being used most appropriately for these diverse functions. This controversy is further fueled by the increasing level of jail crowding occurring throughout this country. Difficult policy decisions must be made in the immediate future by local and state officials on who should come to jail and what

results or objectives should jails be held accountable for as measures of adequate performance.

In 1981 The National Institute of Justice (NIJ) of the U.S. Department of Justice initiated a long-term program of research and policy development in the area of jail confinement. The research was undertaken in response to the lack of knowledge about the characteristics of inmates who come to jail, the length of time they stay, their methods of release, and differences across jails in conditions of confinement. The National Council on Crime and Delinquency (NCCD) was selected by NIJ to begin a multi-phased study to initially analyze the diverse uses and conditions of confinement that currently exist in three California jails and subsequently the impact of incarceration on criminal careers.

The specific purposes of the initial project were to:

- Measure the differential use and conditions of jail confinement in different jurisdictions
- Establish a methodology for jail research which can be replicated in other jurisdictions.
- Establish a jail intake data base for other social scientists to draw upon to test competing theories of sentencing and other social control sanctions.
- Establish a data base to evaluate the impact of confinement on later criminal careers.
- Identify the policy implications of the research.

What follows is an overview of the major findings of this initial study. After briefly identifying the broad scope and functions of jails in our society, the remainder of this Executive Summary summarizes the study's findings and associated policy implications including how the research findings fit with popular conceptions of how jails should be used and for what purposes.

The Extent of Jail Confinement in the U.S.

More people are confined in jails each year than in prisons and more persons experience jail than any other form of correctional supervision (Table 1). It is the volume of persons passing through these institutions which distinguishes the use of jails from other correctional functions. In 1982, the U.S. Department of Justice estimated that over 7 million admissions were recorded by the Nation's 3,500 jails (BJS, 1983). If this figure represented separate individuals (which is not the case) it could mean that 3 percent of the nation's population was exposed to jails last year.* If one calculates this proportion using the number of males aged 10-49 (the primary at risk population), the rate of those experiencing jail increases to 14 percent.

As noted earlier the jail confines a much more diverse population in terms of their legal statuses: pretrial detainees, convicted offenders serving sentences or awaiting sentencing, those awaiting extradition or transfer to another jurisdiction for other reasons, inebriates, witnesses and defendants held for protective custody and parole and probation violators. Many jails also routinely house both adults and juveniles. On any given day approximately 1,700 juveniles can be found in adult jails (BJS, 1983). That same study estimates that 300,000 juveniles pass through the nation's jails each year.

Overview of the Study

This study is a micro-level analysis of persons admitted to jail as both pretrial detainees and sentenced offenders. It is largely based on

*Jail admissions invariably include a significant but unknown amount of double-counting. For example, a single person admitted pretrial, transferred to another facility, released and returned, and finally sentenced to jail could represent four admissions.

Table 1
Public Correctional Supervision Levels

	Average Daily Population		Annual Admissions	
Jails ¹	210,000	(9%)	7,000,000	(77%)
Prisons ²	412,000	(17%)	212,300	(2%)
Adult Parole ³	220,400	(9%)	132,700	(1%)
Adult Probation ³	1,118,100	(47%)	753,500	(8%)
Juvenile Detention ⁴	12,300	(1%)	460,900	(5%)
Juvenile Training Schools ⁴	25,000	(1%)	56,300	(0%)
Juvenile Camps and Ranches ⁴	8,000	(0%)	16,700	(0%)
Juvenile Probation	328,900 ⁶	(14%)	446,700 ⁵	(5%)
Juvenile Parole	53,300 ⁶	(2%)	53,300 ⁷	(0%)
Totals	2,388,300		9,132,400	
% of Persons Ages 10-49		2%		7%
% of Males Ages 10-49		4%		14%

¹ Jail Inmates 1982, February 1983, NCJ-87161, U.S. Department of Justice

² Prisoners in 1982, April 1983, NCJ-87933, U.S. Department of Justice

³ Probation and Parole 1981, August 1982, NCJ-83647, U.S. Department of Justice

⁴ Justice by Geography, 1983, NCCD, San Francisco, CA

⁵ Delinquency 1979, March 1982, National Center for Juvenile Justice, Pittsburgh, PA

⁶ State and Local Probation and Parole Systems, February 1978, U.S. Department of Justice

⁷ Estimated based on assumption of 1 year period of supervision. Otherwise, data not available.

a stratified, random sample of approximately 2,100 jail admissions drawn from three California jails (Los Angeles, San Francisco, and Yolo counties). These sites were chosen because they are diverse in size, urban-rural and suburban character, volume of arrestees processed, administrative convenience and quality of local records. Random samples of pretrial and sentenced inmates admitted to jail were drawn over a 12-month period at each site and tracked from the point of jail booking through release and final court disposition. The data collected included background information on the inmates, current offense, prior record, confinement conditions, disciplinary problems, time and method of release from incarceration, and nature and time of disposition. To expand upon the statistical analysis of who comes to jail, a qualitative analysis of inmate types was undertaken to provide a greater understanding of the criminal lifestyles of inmates admitted to jail.

The Context Of The Three Jails

An underlying thesis of the study was that the characteristics of inmates who are booked pretrial or sentenced to the jail will vary by county context, i.e., the geographical, social, and economic characteristics of the county and each county's local jail. The jails were, of course, chosen because they differed along a variety of dimensions. The Yolo jail services a large rural and sparsely populated area, while the San Francisco jail services an extremely dense population contained within a very small county. Los Angeles, in contrast, is geographically dispersed and much more densely populated than Yolo. Both San Francisco and Yolo have somewhat more centralized jail complexes while Los Angeles is decentralized: the Central facility studied in Los Angeles is the major post-arraignment holding facility in the county. In Yolo and San

Francisco the jails are involved in both pre and post-arraignment functions.

The three jails also differ in the size of their jail populations, percent pretrial and sentenced, ethnicity, per capita income, offense patterns, processing of arrests, overcrowding in the jails, personnel, age of the population, and incarceration rates. For example, the Los Angeles county jail system, with an 1982 average daily population of 11,369 exceeds the size of most state prison systems. Conversely, San Francisco and Yolo had much lower jail populations of 6,190 and 167 respectively. Although Los Angeles had the largest population it was equivalent to Yolo in its incarceration rate (155 per 100,000) with San Francisco having the highest jail incarceration rate (191 per 100,000). These factors and others are the parameters within which each jail must perform various duties and underscore the wide variations that exists among jurisdictions in how they utilize their jails.

MAJOR FINDINGS

The Pretrial Admission Characteristics

o The sources of referral to the county jails varied greatly by county and depend upon the socio-economic and the geographical context of each county, and, local criminal justice system policies. The primary source of pretrial admissions was city police, however, a significant percentage of Los Angeles and Yolo inmates also come directly from sheriff and state police.

o The overwhelming majority (48 percent to 66 percent) of pretrial inmates in all three counties were charged with relatively minor violations of public order, violating the court process, drunk driving and traffic offenses.

o Most defendants (42 percent to 88 percent) admitted to jail have not previously been sentenced to jail (or prison) as an adult (although they may have previously been arrested). Many sampled pretrial detainees therefore were experiencing their first and perhaps only jail contact.

o The pretrial admission population is predominantly male, youthful, uneducated, black or hispanic, unemployed, works at a lower class occupation if employed, has little or no cash when booked into jail and faces bail amounts ranging from \$320 to \$1,000.

o A significant proportion of incoming inmates (22 percent to 47 percent) had either a special admission problem or were intoxicated. The incidence of illness, injury or psychological problems is less than 10 percent across the three jails. The proportion of inmates intoxicated at admission is relatively high--fully 45 percent at Yolo but only between 16 to 17 percent in San Francisco and Los Angeles.

The qualitative analysis, based upon a carefully sampled group of both felony and misdemeanor defendants, became the basis for expanding upon the quantitative analysis to further classify the incoming pretrial population along sociological typologies. The major findings from this analysis were as follows:

o Most pretrial inmates are of lower class status with minimal ties to conventional values.

o Most of their crimes are petty (misdemeanors) and relating to disturbing public order (petty theft, disorderly conduct, public intoxication, or public nuisance offenses).

o Abuse of alcohol or drugs plays a significant role in these inmates' criminal involvement.

o Most have a marginal existence and few can be classified as career or dangerous offenders.

o In terms of lifestyles most pretrial admissions could be described as "petty thieves", "hustlers", "alcoholics" or abusers of other drugs. A surprisingly high number of persons admitted to jails were described as "square johns" who were detained for drunk driving or failure to pay previous traffic related fines.

The Process of Pretrial Detention

o Most defendants held in the Yolo and San Francisco jails were released within three days after booking (median days = 1) while those in Los Angeles were held longer (median days = 5).

o Most defendants were released prior to sentencing. The release rates found in the study for San Francisco and Yolo (84 percent and 80 percent respectively) were equivalent to those reported in Lazar's national study of pretrial release (Toborg, 1981). Los Angeles Central jail, however, reports a lower percentage of releases (59 percent) and the lowest use of sheriff citations. These findings reflect Central's use as a post arraignment facility and the liberal use of citations by deputies at the satellite stations. In contrast, Yolo and San Francisco report higher use of citations (34 percent and 26 percent, respectively) and lower percentages never released.

o A significant percentage of pretrial inmates had their charges dismissed at court. San Francisco reported the highest level of dismissal (60 percent) compared to 29 percent in Los Angeles and 20 percent in Yolo.

o Most of the San Francisco offenses which resulted in dismissal (67 percent) were for public order type crimes--public drunkenness, public disorder, and prostitution. This trend was consistent with a

strong local business concern to keep downtown streets clear of individuals who could harm the city's tourism and convention trade, as well as development of the downtown financial area.

- o Most incoming inmates are placed into medium security cells, and most remain in medium custody throughout their pretrial stay since most are released soon. In Central, however, where there are longer pretrial stays, there is a shift toward lower custody levels.

- o Across all sites no more than 21 percent of all persons booked were incarcerated in jail or prison after sentencing. Most sentences that do occur are for less than 30 days. Two jails (Yolo and Central) make more extensive use of credit for time served in lieu of sentence time after convictions than San Francisco.

- o Only a small percent of pretrial detainees are sentenced to prison: Los Angeles showed less than 5 percent while Yolo showed none and San Francisco only two percent.

Sentenced Inmate Characteristics

- o Inmates sentenced to jail differ from pretrial inmates on one major characteristic: denial of pretrial release while awaiting case disposition.

- o The median length of time served (LOS) for sentenced inmates varied dramatically across the three jails (Los Angeles LOS = 7 days, San Francisco LOS = 30 days, Yolo LOS = 44 days).

- o This disparity in time served persisted after controlling for type of offense. For example, the median LOS for drunk driving was 77 days in Yolo compared to 8 days in San Francisco, and 6 days in Los Angeles.

- o Independent of these differences in time, only a small percentage of all sentenced inmates served more than 90 days in jail

(33 percent in Los Angeles; 22 percent in San Francisco; and 9 percent in Yolo).

o The security levels of confinement varied across the three jails. Yolo and San Francisco house most inmates in minimum security units, while Central places most in medium security. However, at no jail did the proportion of jail admissions for sentenced offenders in maximum security exceed 14 percent.

o Disciplinary actions were rare occurrences. No more than three percent of the inmates in any of the jails had disciplinary infractions.

o Few inmates (less than 25 percent) participated in programs and, those who did, took assignments designed to help maintain the basic day-to-day operation of the jail.

o Collectively these findings suggest that mere length of confinement is an inadequate measure of punishment. Although Yolo's sentenced inmates had lengthier periods of confinement, their conditions of confinement as measured by the extent of crowding, disciplinary reports, and the physical layout of the facilities themselves, made it an easier place to do time.

POLICY IMPLICATIONS

The Need For a Coordinated Booking Policy

Because of the different way in which the jail systems and law enforcement personnel are organized across the three jurisdictions, the manner and type of persons admitted to jail differs greatly. Much of the data collected for this study illustrates how jails are used for different purposes depending upon the concerns and values of the community it serves.

In terms of controlling jail intake, several policy implications flow from this finding. Many argue that to control jail populations standards are needed governing arrest and booking practices. The U.S. Department of Justice began examining this concept, which it called the Central Intake System (AJI, 1978). Central Intake Systems are intended to coordinate and standardize police and court policies as to who should be detained and released. Realizing this concept in practice could, however, be very difficult. Jurisdictions vary in the number of independent law enforcement agencies that serve as the primary sources of pretrial admissions, making control difficult. Further, jurisdictions also vary in the purposes for which they use pretrial detention. For example, jurisdictions in which sheriff's deputies both operate jails and are the major source of pretrial admissions may be more sensitive to the consequences of arrest practices on jail overcrowding. Conversely, police agencies which have no organizational "stake" in how crowded the jail is, may unnecessarily crowd the jail through an expanded use of the booking option. The first option is typified by the Yolo and Los Angeles jails where the use of pretrial detention was less and the proportionate uses of field citation were greater than in San Francisco.

If jail intake is to be effectively regulated a more coordinated effort is needed to reach consensus on who needs detention, for what purposes, and at what costs. A policy coordinating body, whether it be called a Central Intake System or whatever, could be comprised of police, jail administrators, judges, District Attorney, public defender and probation officials to better govern booking practices. Representatives from the community and business sector also should be added since the purpose of local detention is ultimately intended to serve their needs.

Is Housing Drunks the Best Use of Jail Space?

The data from this study also indicate that a high percentage of inmates are drunk upon admission. However, data from this and other research indicate that even though a primary function of the jails is to house drunks, they are ill equipped to routinely handle such cases. It is inappropriate to use expensive maximum security jail space for these kinds of cases. Alternative civil or alcoholic treatment facilities could be developed for handling such cases. This issue will become more pressing as more concerted attempts are made to maximize the use of jail space for serious or dangerous offenders.

Is Pretrial Detention Being Used to Punish?

Findings of the study relating to length of stay, level of program participation, level of dismissals of charges and others bear upon the efficacy of the jail as a means of crime control and its logical place in the diverse area of penal policy. The results suggest that pretrial detention is itself an important part of the entire punishment process. Expanding upon the earlier work of Feeley (1979) the primary function of pretrial detention for many defendants seems to be punishment alone given that most (but not all) defendants are accused of non-dangerous, public nuisance type behaviors, are not sentenced to jail or prison, and many have their charges dismissed or dropped.

What Can Society Expect From a Jail Sentence?

The results also call into question the use of jail for sentencing purposes. If one examines the four major justifications for jail confinement as a sentencing disposition (deterrence, rehabilitation, just desserts, and incapacitation), only deterrence surfaces as the most plausible rationale. Rehabilitation can be rejected for two reasons: (1) few, if any programs exist to train or treat offenders and (2) the

brevity of the confinement makes it extremely difficult to demonstrate any major results after only a few weeks of program exposure. The only way rehabilitation could occur would be through some continuation of the rehabilitation process after release from jail. This would argue for greater use of referrals to vocational, educational, and psychological services which are organizationally independent of the jail or probation departments and which can contract with the offender after the court's jurisdiction terminates.

Gross disparities among the three counties in terms of who is sentenced for what types of crimes and the length of confinement would argue against the premise that the jail sanction serves the goal of just desserts. The probability that one will be sentenced to jail and the length of that punishment will depend not only on legal factors, but also the unique sentencing policies operating within a particular county. Just as we have witnessed disparities in the use of state prisons, so too have we found disparities in the use of jail as a sanction.

The goal of incapacitation proved to be an unsatisfactory defense of sentence confinement because stays in jail are relatively short (less than 3 months). While there is variation by jail in sentenced length of stay it is in months, not years. The relatively brief period of incarceration severely restricts incapacitation of chronic offenders from occurring at all. This is especially true in the jail context since only a minority of inmates are charged with serious crimes or possess prior criminal records suggesting they will continue to commit large numbers of crimes against the public.

This leaves the goals of general and specific deterrence. Although the jail sanction may not be equitable or knowable in advance, it may be that inmates who pass through it will be deterred from the unpleasant

experience of jail (i.e., specific deterrence). It may also be that others who have not experienced confinement will not commit an act which could result in such confinement because they have learned what will happen if they commit the crime (i.e., general deterrence). We cannot test either of these purposes of the jail confinement at this time without longitudinal follow-up data.

FUTURE RESEARCH NEEDS AND ISSUES

Census samples (i.e., one day counts) have been the traditional approach to describing the jail's inmate population. Although highly valuable, the census based data have an inherent bias toward persons spending the longest periods of jail confinement. Since longer stays are associated with more severe criminal offenses and records, census data will accentuate the presence of these inmates and understate the extent of jail confinement for less serious offenders and defendants. Future research should utilize admission and release cohorts as well as census data to gain more accurate statistical profiles of institutional populations.

Although large numbers of persons are admitted to jails each year, there exists an unknown amount of double counting in these statistics (i.e., same person admitted on numerous occasions during a calendar year). Additional research is needed to better measure the reach of the jail.

The most pressing and policy relevant ideology of jail confinement needing further testing is the use of jail for specific deterrence. It may be that inmates who experience confinement will desist or reduce their criminal activity; for some the experience could increase their criminal activity. But the question remains as to whether the jail experience is too brief (or too long) to have any effect, either

positive or negative. The study findings suggest that the effects, if any, would likely vary by site since there are great differences in the number of repeat offenders across the jails. Moreover, there are also differences in the conditions of confinement and its length, which could directly affect the potential for deterrence. A high priority for future research on jails should be measurement of the impact of jail confinement (both in terms of length and conditions) on the subsequent criminal behavior of jail inmates.

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