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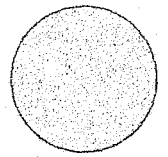
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## LEGISLATIVE SURVEY ON JAILS AND DETENTION

Prepared for the Joint Interim Subcommittee  
on Adult and Juvenile Detention

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Montana Legislative Council

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### INTRODUCTION

This report presents the results of a jail survey conducted by the Joint Interim Subcommittee on Adult and Juvenile Detention. The survey was conducted as part of the legislative study on detention requested by Senate Joint Resolution No. 23 (SJR 23), which was passed by the 1989 Montana Legislature.

The purpose of the survey was to collect data on the current status of municipal and county detention services in Montana, as required by SJR 23. Information collected from the survey is intended to assist the Interim Subcommittee in determining the nature and extent of current jail and detention problems in Montana. In addition, the survey results will enable the Subcommittee to assess the need for improved adult and juvenile detention services in the state.

### SURVEY DESIGN AND IMPLEMENTATION

The jail survey was conducted in January 1990 based on a written questionnaire that was mailed to sheriffs in all 56 counties of the state and to the chiefs of police in five cities that were listed by the state as operating a municipal jail facility.

The survey questionnaire was developed by the Subcommittee staff from the Montana Legislative Council and the staff of the Montana Board of Crime Control. In addition, assistance was received from the

Board of Directors of the Montana Sheriffs and Peace Officers Association, who offered a number of comments and suggestions in the development of the survey.

The survey consisted of two parts -- a "General Information" survey and a "Jail Population" survey. The General Information survey consisted of 41 questions relating to: the number and type of jails in the state; the age and physical condition of jails; the capacity and utilization of jail facilities; the number of lawsuits and court actions involving local jails; the detention of juveniles in adult jails; the jailing of the mentally ill in local detention facilities; and other issues pertinent to the legislative study on detention.

The Jail Population survey was designed primarily as a census of all adults and juveniles arrested or held in jail during a selected survey period. Data collected in the survey includes the number of adults arrested or held in jail on Wednesday, January 24, 1990, reported by offense and detention status. Also included is a special survey item on the racial and offender characteristics of juveniles confined in jail during a 7-day period from January 18-24, 1990. This survey item was developed and analyzed by the staff of the Board of Crime Control.

The survey was mailed on January 17, 1990, together with instructions for completing the survey questionnaire. Local officials were asked to complete and return the survey by January 29, 1990.

Of the 61 units of local government asked to participate in the survey, a total of 48 responded by completing and returning the survey forms, resulting in a 79% survey response. Those completing the survey represented 45 counties and 3 municipal governments, including 1 county which completed survey forms for 2 separate jail facilities operated by the county. Because these respondents include all counties with major population areas -- as well as an array of rural, sparsely populated counties -- the survey should provide a fair and accurate representation of jails and detention in Montana.

## RESULTS OF THE SURVEY

### Jail Data

#### Number and type of jails

The jail survey identified 47 jail and detention facilities in Montana, 45 operated by counties and only 2 operated by a city government. Of these, 36 (77%) were long-term jails, all of which were county facilities, including 2 which were operated by Rosebud County.

Eleven of all facilities surveyed (23%) were 72-hour lockups, including the two jails operated by city government. (See Table 1)

Two jurisdictions -- one county and one city -- reported that they did not operate a jail, indicating instead that they contracted with another jurisdiction to house their prisoners.

Table 1  
Type of Jail

<u>Type</u>	<u>County</u>	<u>City</u>	<u>Total</u>	<u>Percent</u>
Long-term jail	36	0	36	77
72-hour lockup	<u>9</u>	<u>2</u>	<u>11</u>	<u>23</u>
TOTAL	45	2	47	100%

#### Year of jail construction

Twenty-four of the 47 jails surveyed (51%) were built in the last 30 years. Nine of these (19%) are new jails built since 1981.

Twenty-one of all jails (45%) were built 50 or more years ago. Five of these were built in 1900 or earlier, with the oldest jail reportedly built in 1875. (See Figure 1)

## Year of Jail Construction

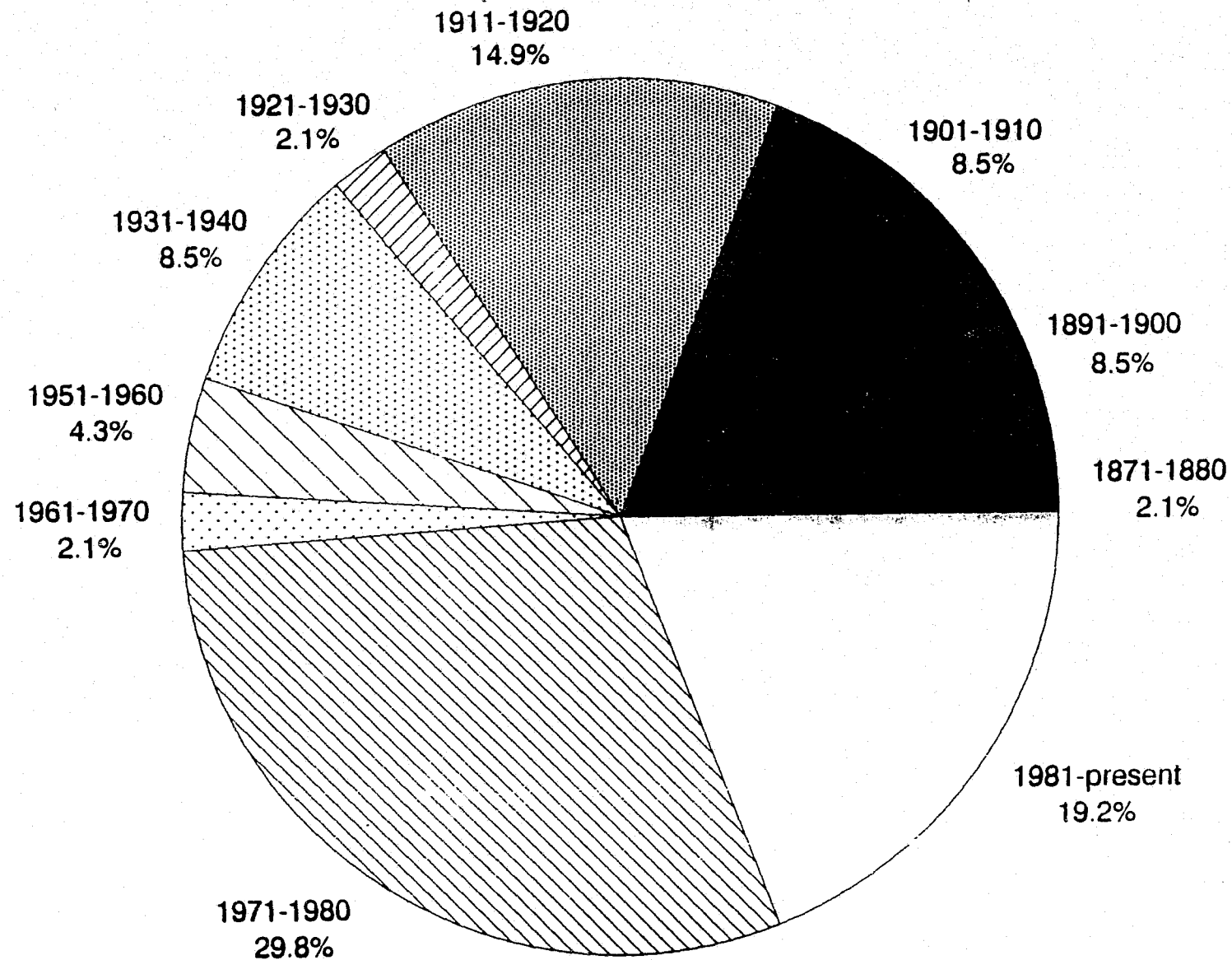


Figure 1

### Major renovation, expansion, or improvements

Of all jails, 14 (30%) reported no need for any major renovation, expansion, or improvements since construction of the jail. Of the remainder, only four (8.5%) reported no major renovation, expansion, or improvements of the jail in the last 30 years or more. (See Table 2)

Without exception, all jails that reported no need for renovation or other improvements were newer facilities built within the last 20 years. Conversely, all four jails reporting no major renovation or improvements in the last 30 years were old jails constructed 70 or more years ago. (See Table 3)

Table 2  
Length of Time Since Last Major Renovation,  
Expansion, or Improvements

<u>Number of Years</u>	<u>No. of Jails</u>	<u>Percent</u>
5 years or less	9	19.0
6-10 years	8	17.0
11-15 years	4	8.5
16-20 years	6	13.0
21-25 years	0	0.0
26-30 years	0	0.0
More than 30 years	4	8.5
Not applicable, No renovation, etc. needed	14	30.0
Do not know	<u>2</u>	<u>4.0</u>
TOTAL	47	100%

Table 3									
Length of Time Since Last Major Renovation, Expansion, or Improvements by Age and Distribution of Jails									
Year of Construction	Number of Years								
	0-5	6-10	11-15	16-20	21-25	26-30	30+	N/A	D/K
1871-1880	-	-	-	1	-	-	-	-	-
1881-1890	-	-	-	-	-	-	-	-	-
1891-1900	-	1	-	-	-	-	2	-	1
1901-1910	1	1	1	-	-	-	1	-	-
1911-1920	1	2	1	2	-	-	1	-	-
1921-1930	1	-	-	-	-	-	-	-	-
1931-1940	2	-	1	1	-	-	-	-	-
1941-1950	-	-	-	-	-	-	-	-	-
1951-1960	-	1	-	-	-	-	-	-	1
1961-1970	-	1	-	-	-	-	-	-	-
1971-1980	2	1	1	2	-	-	-	8	-
1981-1990	2	1	-	-	-	-	-	6	-

In order to determine the quality of renovation and improvements to the jail, data was collected describing the type of renovation, expansion, or improvements reported by local jails. The data shows that 12 jails (26%) underwent facility enhancements (such as the addition of office space, an intake area, a new exercise room, or other

improvements). Three jails (6%) reported that the jail was completely renovated or replaced since the date of original construction. Each of these facilities was originally built 50 or more years ago. (See Table 4)

Table 4  
Type of Renovation, Expansion, or Improvements

<u>Type</u>	<u>No. of Jails</u>	<u>Percent</u>
No answer	24	51.0
Basic maintenance/improvement	4	8.5
Facility enhancement	12	26.0
Expansion	4	8.5
Major remodeling/replacement	<u>3</u>	<u>6.0</u>
TOTAL	47	100%

#### Jail conditions

A majority of all jails surveyed were rated by local officials as being in poor or fair condition in such areas as plumbing and ventilation. Electrical wiring and heating systems in local jails were generally rated as good or excellent.

However, an almost equal number of jails were rated in poor or fair condition as those rated in good or excellent condition in areas such as lighting, total jail capacity, and the overall conditions of the jail. (See Figure 2)



## JAIL CONDITIONS

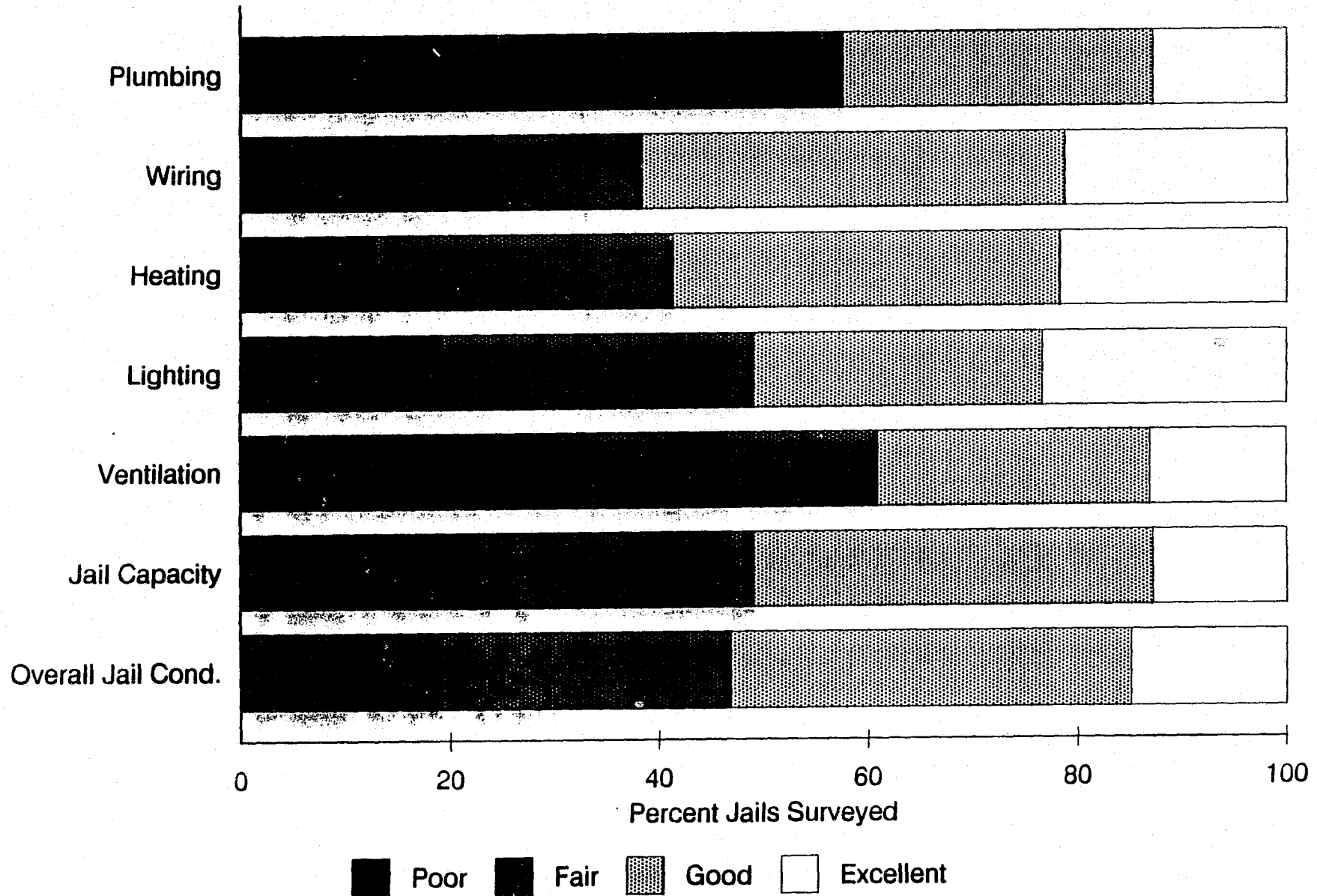


Figure 2

### Available bedspace

The jail survey revealed a total of 1,130 beds currently available in the 47 jails surveyed. This figure excludes cots or mattresses placed on the floor during periods of overcrowding in the jail, and does not count beds in pods or other areas of the jail that are not currently in use.

Of the total number of beds currently available in local jails, 169 are routinely set aside for adult females and 90 for juveniles.

Local officials reported that, if the full designed capacity of the jail were utilized (e.g., if additional funds were made available to open pods or other areas of the jail not currently in use), an additional 331 beds would be available in jails statewide.

### Type of cells

Of the total number of jail cells in local facilities, most are multi-person cells or dormitories. However, slightly fewer than half of all jail cells are one-person cells. (See Table 5)

### Privacy of cells

Seventy percent of all jails surveyed have open-barred cells (i.e., cells that are typically enclosed with steel-barred doors, which allow inmates to be seen through the open steel grating). (See Table 6)

Forty percent of all jails have toilet facilities which are not located away from the view of passersby. (See Table 7)

Table 5  
Type and Number of Available Jail Cells

<u>Type of cell</u>	<u>No. of Jails</u>	<u>Percent</u>
1-person cells	303	48
2-person cells	172	27
3-person cells	15	2
4-person cells	38	6
5 - 10 bed dorm	23	4
11 - 20 bed dorm	8	1
Isolation cells	28	5
Holding cells	28	5
Trusty quarters	5	1
Other	<u>6</u>	<u>1</u>
TOTAL	626	100%

Health, sanitation, and fire safety

Seventy percent of all jails in the survey had a written plan governing the safety and evacuation of inmates in the event of a fire in the jail. However, only about half of all jails reported that they had fire safety inspections on a regular basis, at least once every 18 months, as required under section 50-61-114, MCA. (See Tables 8 and 9)

A greater percentage of all jails (79%) indicated that they had written policies and procedures governing the general health and sanitary conditions of the jail. However, less than half of all jails surveyed (47%) reported regular, annual inspections of the health and sanitary conditions of the jail, as required under section 50-1-203, MCA, and ARM 16.10.1001. (See Tables 10 and 11)

Table 6  
Jails With Open-barred Cells

<u>Have open-barred cells?</u>	<u>No. of Jails</u>	<u>Percent</u>
Yes	33	70
No	<u>14</u>	<u>30</u>
TOTAL	47	100%

Table 7  
Jails with Toilet Facilities Located  
Away from View of Passersby

<u>Toilets located away from view of passersby?</u>	<u>No. of Jails</u>	<u>Percent</u>
Yes	28	60
No	<u>19</u>	<u>40</u>
TOTAL	47	100%

Table 8  
Jails That Have a Written Fire Plan

<u>Have written fire plan?</u>	<u>No. of Jails</u>	<u>Percent</u>
Yes	33	70
No	10	21
Don't know	<u>4</u>	<u>9</u>
TOTAL	47	100%

Table 9  
Jails Reporting Regular Fire Inspections

<u>Have regular inspections?</u>	<u>No. of Jails</u>	<u>Percent</u>
Yes	27	58
No	17	36
Don't know	<u>3</u>	<u>6</u>
TOTAL	47	100%

Table 10  
Jails that Have Written Policies and Procedures  
Governing Health and Sanitary Conditions

<u>Have written policies &amp; procedures?</u>	<u>No. of Jails</u>	<u>Percent</u>
Yes	37	79
No	8	17
Don't know	<u>2</u>	<u>4</u>
TOTAL	47	100%

Table 11  
Jails Reporting Regular, Annual  
Health and Sanitation Inspections

<u>Have regular, annual inspections?</u>	<u>No. of Jails</u>	<u>Percent</u>
Yes	22	47
No	21	45
Don't know	<u>4</u>	<u>8</u>
TOTAL	47	100%

Lawsuits and court orders

Only two jails in the survey (4%) reported that they are currently under a federal or state court order relating to operation of the jail. (See Table 12)

Statewide, only five jails (11%) have ever been under court order involving operation of the jail. (See Table 13)

Of all jails surveyed, nine (19%) reported lawsuits involving the jail that are currently pending in court. (See Table 14)

Eight jails (17%) reported a total of 13 lawsuits involving the jail filed during calendar year 1989. Of these lawsuits, 14% were filed as a result of a suicide or jail death; 9% because of alleged overcrowding; 9% due to the lack of recreation/day activities; 9% on allegations of inadequate health care or denial of medical treatment; 9% based on complaints of unsanitary/unhealthy/unsafe jail conditions; and 9% on account of inadequate jail staff. (See Figure 3)

## Reasons for Lawsuits

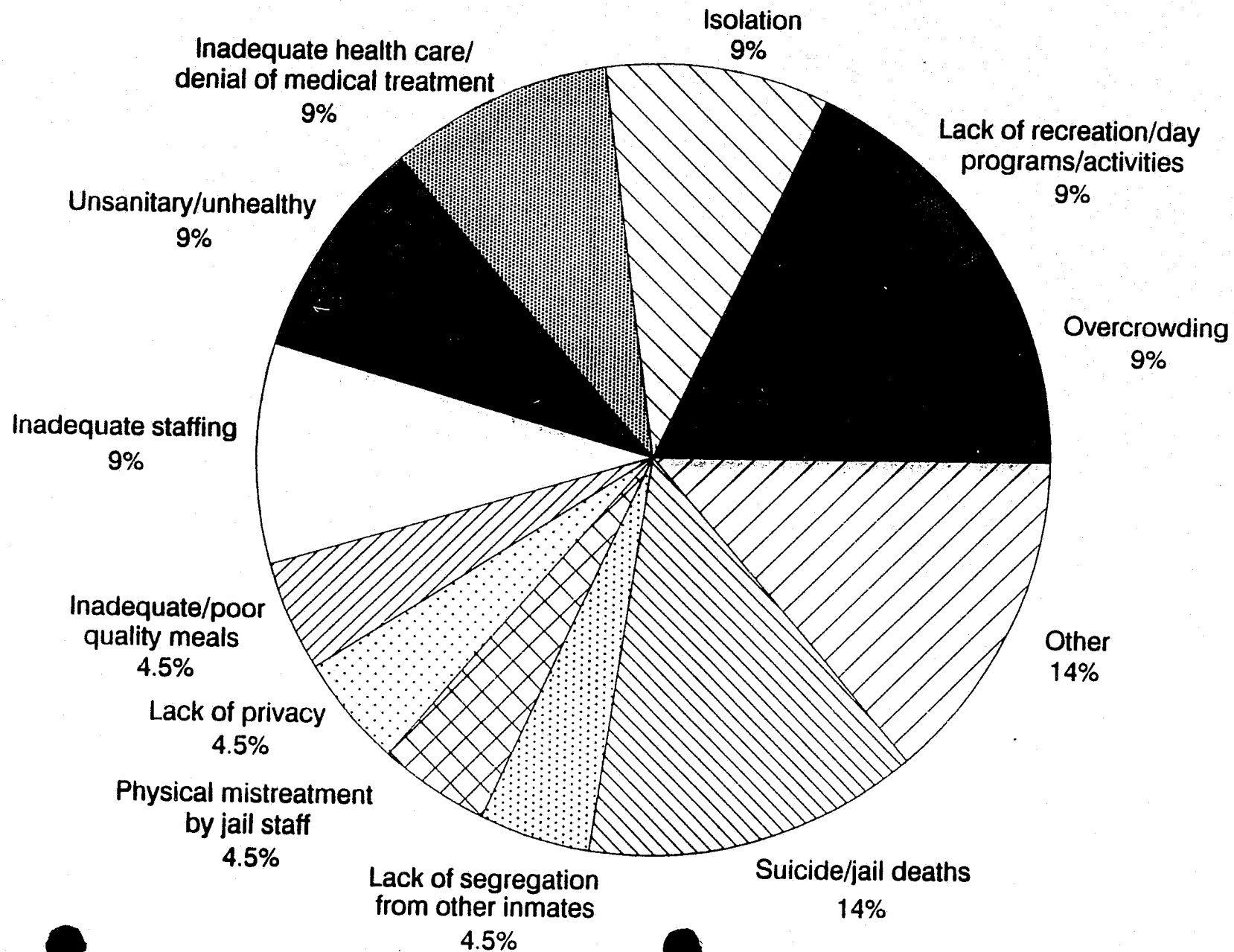


Figure 3

Table 12  
Jails Currently Under Court Order

<u>Are you currently under court order?</u>	<u>No. of Jails</u>	<u>Percent</u>
Yes	2	4
No	<u>45</u>	<u>96</u>
TOTAL	47	100%

Table 13  
Jails Previously Under Court Order

<u>Have you ever been under court order?</u>	<u>No. of Jails</u>	<u>Percent</u>
Yes	5	11
No	37	78
Don't know	<u>5</u>	<u>11</u>
TOTAL	47	100%

Table 14  
Lawsuits Involving the Jail  
Currently Pending in Court

<u>Are any lawsuits currently pending?</u>	<u>No. of Jails</u>	<u>Percent</u>
Yes	9	19
No	<u>38</u>	<u>81</u>
TOTAL	47	100%



### Jailing of juveniles

Thirty-four of all jails surveyed (72%) report that juveniles are detained or confined in their jail. Thirteen jails (28%) reported that they do not accept or hold juveniles. (See Table 15)

Of those jails which hold juveniles, six (18%) reported that status offenders or nonoffenders are kept in their jail. (See Table 16)

The juvenile court routinely sentences juveniles to confinement in only four of the 34 jails (12%) that hold juveniles. (See Table 17)

Table 15  
Jails that Hold Juveniles

<u>Are juveniles held?</u>	<u>No. of Jails</u>	<u>Percent</u>
Yes	34	72
No	13	28
TOTAL	47	100%

Table 16  
Jails that Hold Juveniles  
Reported by Number which Hold Status Offenders  
or Nonoffenders

<u>Are status offenders or nonoffenders held in jail?</u>	<u>No. of Jails</u>	<u>Percent</u>
Yes	6	18
No	28	82
TOTAL	34	100%

Table 17  
Jails Reporting Routine Court Sentencing  
of Juveniles to Jail

<u>Does the juvenile court routinely sentence juveniles to jail?</u>	<u>No. of Jails</u>	<u>Percent</u>
Yes	4	12
No	29	85
Don't know	<u>1</u>	<u>3</u>
TOTAL	34	100%

Facilities available for juveniles

Of those jails that hold juveniles, five (15%) have a separate floor or wing available for juveniles. Twenty-one jails (62%) have a separate juvenile cell or dormitory apart from the adult cells. Only six jails (18%) have no separate facilities available for the detention of juveniles. (See Table 18)

However, while most jails have separate facilities for juveniles, eleven (32%) report that they do not always keep juveniles in an area of the jail that provides physical, as well as sight and sound, separation from adults. (See Table 19)

Table 18  
Facilities Available for the Detention of Juveniles

<u>Type</u>	<u>No. of Jails</u>	<u>Percent</u>
Entirely separate floor or wing of jail	5	15
Separate cell or dormitory apart from adults	21	62
No special facilities. Use any available cell or area in the jail	6	18
Other	<u>2</u>	<u>5</u>
TOTAL	34	100%

Table 19  
Separation of Juveniles from Adults in Jail

<u>Are juveniles kept in area that provides physical, as well as sight and sound separation?</u>	<u>No. of Jails</u>	<u>Percent</u>
Yes	23	68
No	<u>11</u>	<u>32</u>
TOTAL	34	100%

#### Alternative facilities

Of all jails surveyed, 23 (49%) reported that foster care was commonly used as an alternative to detention of juveniles in jail.

Eighteen jails in the survey (38%) said that youth group homes were used as an alternative to jail, and 13 (28%) reported that they used a juvenile detention center.

Nineteen jails (40%) reported other alternatives to the detention of juveniles in jail, including 5 (11%) who said they simply turned juveniles over to the youth probation authorities. (See Table 20)

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Table 20  
Facilities Used as an Alternative to Jail

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<u>Type</u>	<u>No. of Jails Reporting Use</u>	<u>Percent of Total Jails</u>
Youth foster home	23	49%
Youth group home	18	38%
Juvenile detention center	13	28%
Other	19	40%

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#### Jailing of the mentally ill

Twenty-three of all jails surveyed (49%) reported that they routinely handle mentally ill persons in their jail. (See Table 21)

Nineteen jails (40%) reported that they hold mentally ill persons without a criminal charge pending a hearing or trial to determine whether such persons should be committed to a mental health facility. (See Table 22)

Statewide, there were 315 mentally ill persons held in local jails during calendar year 1989. This number includes those charged with a criminal offense and those held without criminal charges pending a civil commitment hearing.

Facilities available for the mentally ill

Of all jails in the state, 17 (36%) have no special facilities for the detention of mentally ill persons. These jails use any available cell or area in the jail to hold persons who are mentally ill.

Sixteen jails (34%) have special padded cells or isolation cells for mentally ill persons.

Twenty-eight jails (60%) routinely transfer mentally ill persons to a mental health facility rather than keeping them in jail. (See Table 23)

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Table 21  
Jails that Routinely Handle Mentally Ill Persons

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<u>Routinely handle mentally ill person?</u>	<u>No. of Jails</u>	<u>Percent</u>
Yes	23	49
No	24	51
TOTAL	47	100%

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Table 22  
Jails that Hold Mentally Ill Persons  
Pending a Commitment Hearing

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Are mentally ill  
persons held pending  
a commitment hearing?

	<u>No. of Jails</u>	<u>Percent</u>
Yes	19	40
No	<u>28</u>	<u>60</u>
TOTAL	47	100%

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Table 23  
Facilities Available for the Mentally Ill

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<u>Type</u>	<u>No. of Jails</u>	<u>Percent of Total Jails</u>
Padded cell or isolation cell	16	34%
No special facilities. Use any available cell or area in jail	17	36%
Transfer person to mental health facility	28	60%
Other	4	8%

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### Suicides

During the past 5 years, there were 13 suicides committed in local jails. These suicides occurred in 10 of the 47 jails (21%) participating in the survey.

Contracts with other jurisdictions to house prisoners

Fewer than half of all jails (49%) contract with other cities or counties to house some of their own prisoners. (See Table 24)

The average daily charge for housing prisoners from another jurisdiction ranges from between \$20 to \$30 depending on the type of prisoner being held. However, not all jails charge to hold prisoners from other jurisdictions. (See Table 25)

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Table 24

Jails that Contract with Other Jurisdictions  
to House Their Own Prisoners

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<u>Do you contract with another jurisdiction to house any of your prisoners?</u>	<u>No. of Jails</u>	<u>Percent</u>
Yes	23	49
No	<u>24</u>	<u>51</u>
TOTAL	47	100%

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Table 25  
Average Daily Charge for Housing Prisoners  
from Another Jurisdiction

<u>Jurisdiction</u>	<u>No. of Jails</u>	<u>Percent</u>	<u>Average Daily Chg.</u>
State prison	4	9%	\$25.00
Highway patrol	17	36%	\$20.14
Other state agency	7	15%	\$25.71
Federal	11	23%	\$29.88
County	12	26%	\$24.00
City	9	19%	\$20.53
Indian tribal agency	6	13%	\$25.83
Other state	9	19%	\$24.22
Foreign jurisdiction	6	13%	\$28.83

Consolidation or regionalization of jails

Of the 47 sheriffs and chiefs of police surveyed, a small majority (55%) indicated support for consolidation or regionalization of jails in their area. Of the remainder, 21% voiced opposition to consolidation or regionalization of jails, and 24% were undecided on the issue. (See Table 26)



Table 26  
Opinions on Consolidation or Regionalization of Jails

<u>Do you support consolidation/ regionalization of jails?</u>	<u>No. of Responses</u>	<u>Percent</u>
Yes	26	55
No	10	21
Don't know	<u>11</u>	<u>24</u>
TOTAL	47	100%

Major problems affecting local jails

Local authorities were asked, in the survey, to name the 5 most serious problems affecting their jail, ranking them in order of importance.

Their responses show that the single, most serious problem affecting jails, as mentioned by 12 of all those surveyed (26%), is the need for a new jail.

Other problems cited by local authorities as the most serious problem currently facing Montana jails are: (1) the detention of juveniles in jail (13%); (2) the jail is understaffed (13%); (3) the jail cannot afford to pay medical costs for indigent prisoners (9%); (4) lack of funding for jail operations (9%); and (5) jailing of the mentally ill (9%).

The five problems most often mentioned by those surveyed, in order of frequency of responses provided, are: (1) the jail cannot afford to pay medical costs for indigent prisoners (55%); (2) the detention of juveniles in jail (45%); (3) jailing of the mentally ill (42%); and (4) - (5) (3-way tie) lack of funding for jail operations (40%); lack of funding for needed capital improvements (40%); and inadequate recreation or day programs (40%). (See Table 27)

Table 27  
Current Problems Affecting Local Jails

Problem	Importance					No. of Times Mentioned
	Most important		Less Important			
	1	2	3	4	5	
Overcrowding	0	3	2	0	0	5
Suicides	1	1	1	2	1	6
Jailing of mentally ill	4	3	3	6	4	20
Detention of juveniles	6	4	4	5	2	21
Segregation of inmates	3	2	5	2	5	17
No. of inmates serving weekend sentences	1	0	1	1	1	4
Cannot afford inmate medical costs	4	11	3	3	5	26
Inadequate recreation/day programs	2	0	9	6	2	19
Need major repairs	1	6	2	3	3	15
Need expansion	0	1	1	0	2	4
Need new jail	12	0	1	1	1	15
Jail is understaffed	6	3	1	1	6	17
Staff needs training	1	4	2	5	2	14
Lack of funding for operations	4	4	3	6	2	19
Lack of funding for capital improvements	1	3	6	3	6	19
Lawsuits	0	0	0	1	3	4
Other	0	1	1	0	0	2

### Jail standards

Of all sheriffs and chiefs of police surveyed, only one (2%) reported that the jail fully meets current, accepted jail standards. Eighteen (38%) indicated that the jail substantially meets current standards. Twenty-four of those surveyed (51%) said the jail did not meet current jail standards, and four (9%) did not know whether the jail met standards. (See Table 28)

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Table 28  
Jails that Meet Current Jail Standards

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<u>Does the jail meet current standards?</u>	<u>No. of Jails</u>	<u>Percent</u>
Yes, jail <u>fully meets</u> standards	1	2
Yes, jail <u>substantially meets</u> standards	18	38
No, jail does not meet standards	24	51
Don't know	<u>4</u>	<u>9</u>
TOTAL	47	100%

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### Jail Population Data

#### Adult inmates in jail

On the date of the survey, there were 740 adults in county and city jails.

Of the total number of adults in jail, over half (52%) were in jail on charges or conviction of a misdemeanor offense. Misdemeanor drunk driving offenses accounted for 15% of all adults in jail, and misdemeanor traffic offenses accounted for another 10% of all adults in jail. (See Figure 4)

## Adult Inmates in Jail by Offense

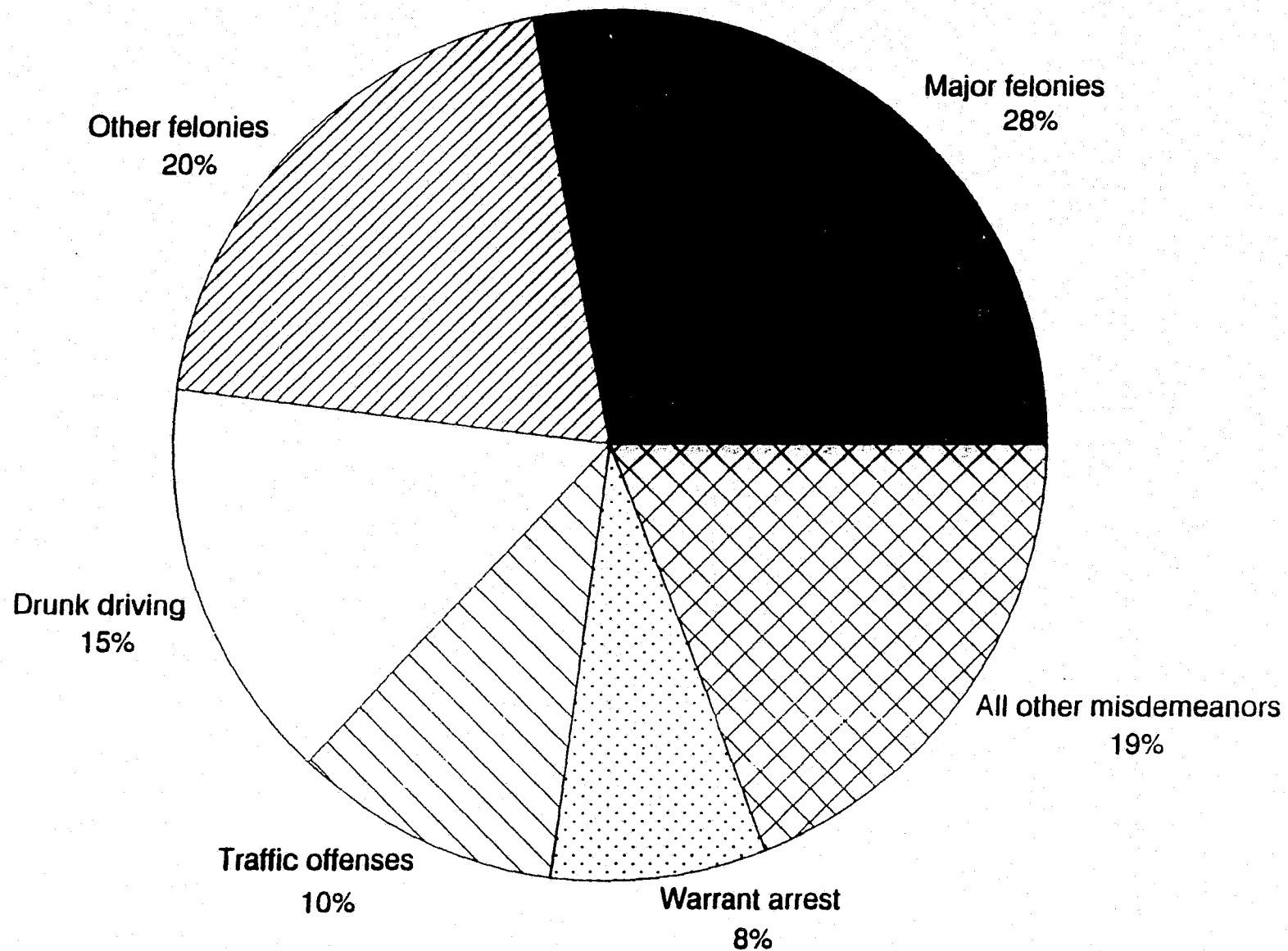
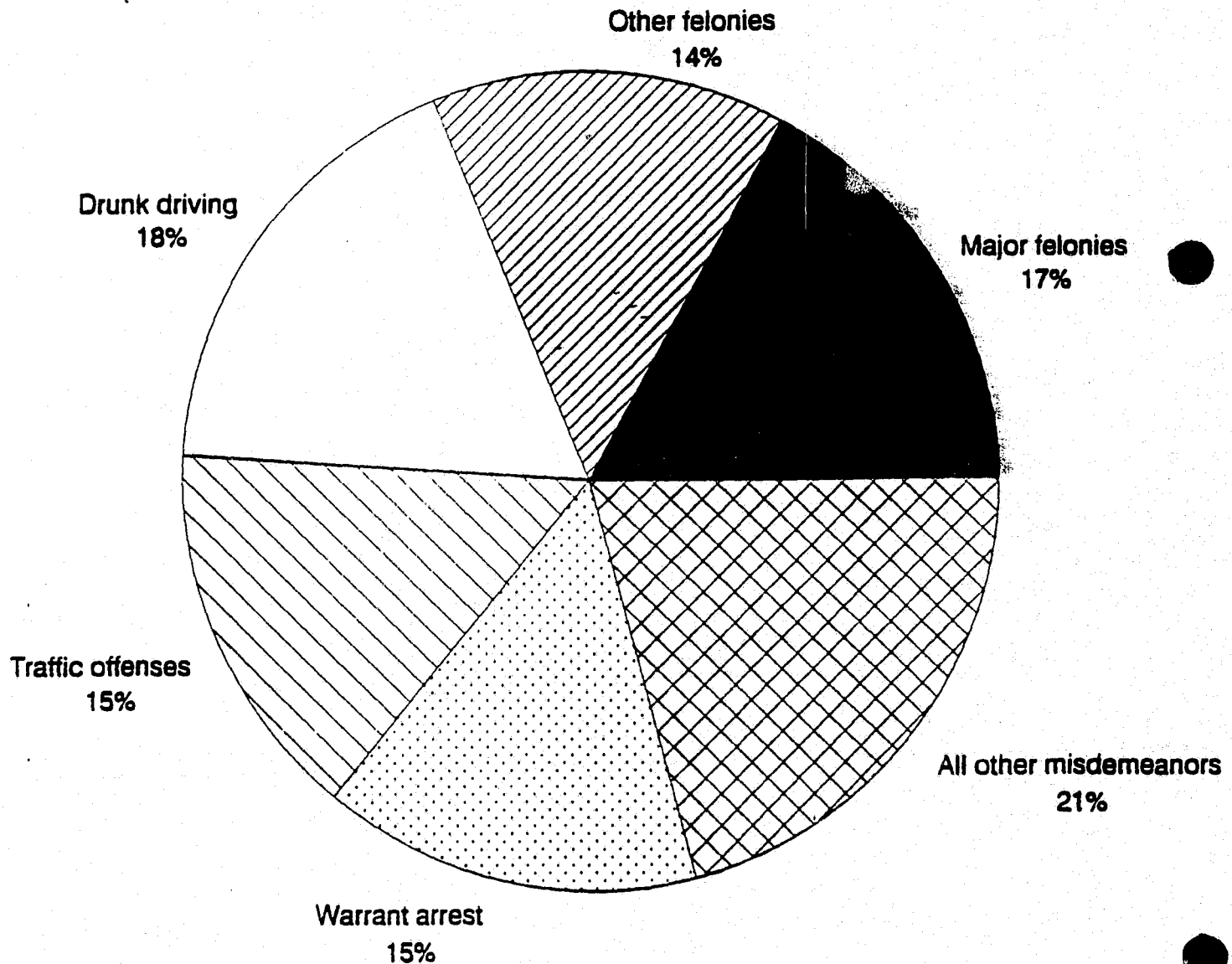


Figure 4

By comparison, the large majority of adults arrested on the date of the survey (69%) were also for misdemeanor offenses. Misdemeanor drunk driving and traffic offenses also represented a great percentage (33%) of all adults arrested that day. (See Figure 5)

Figure 5

### Adults Arrested by Offense

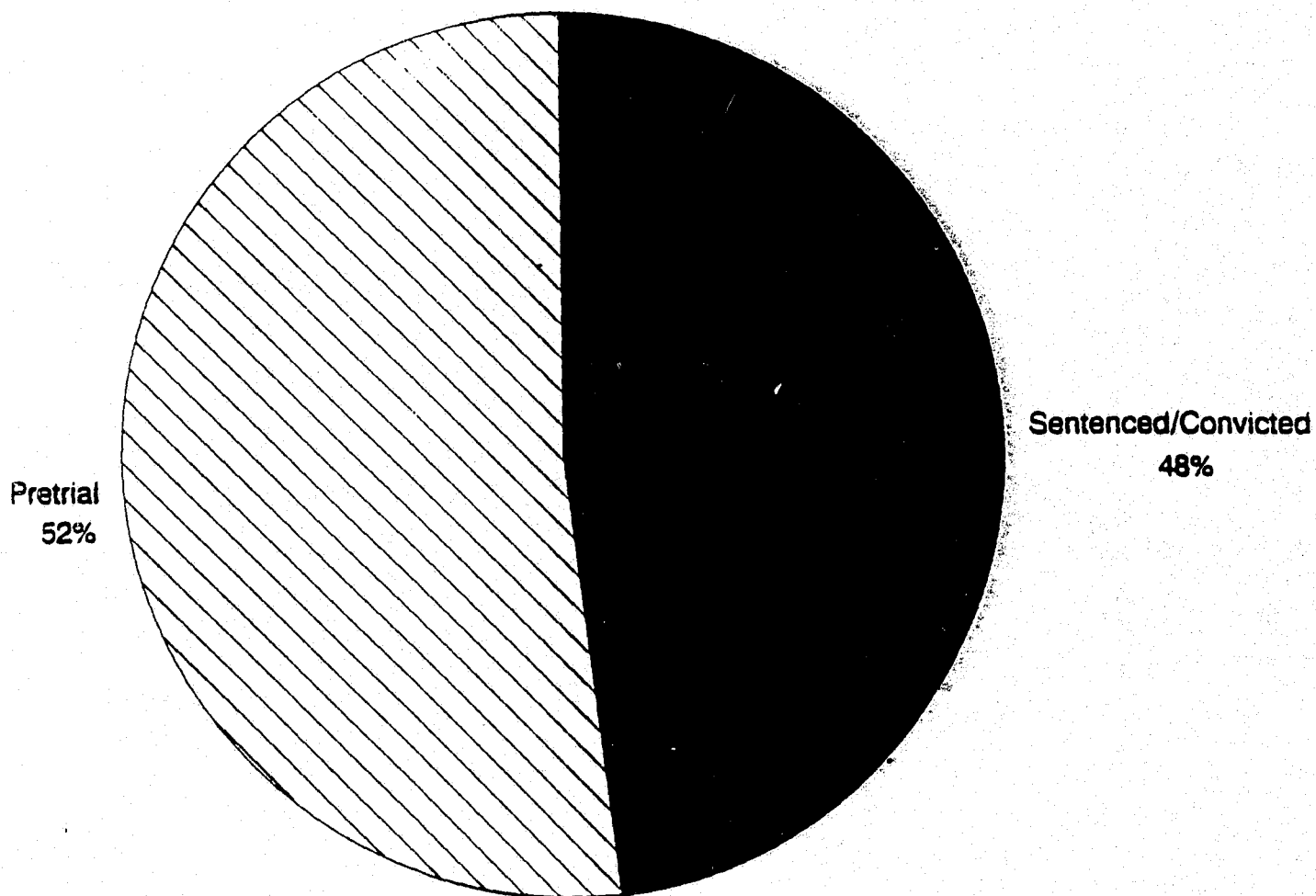


### Detention status of inmates

The majority of adults in jail on the date of the survey (52%), were pretrial detainees. The remainder of those held in jail (48%) were serving a sentence or convicted of a crime. (See Figure 6)

Figure 6

### **Adult Inmates in Jail by Detention Status**

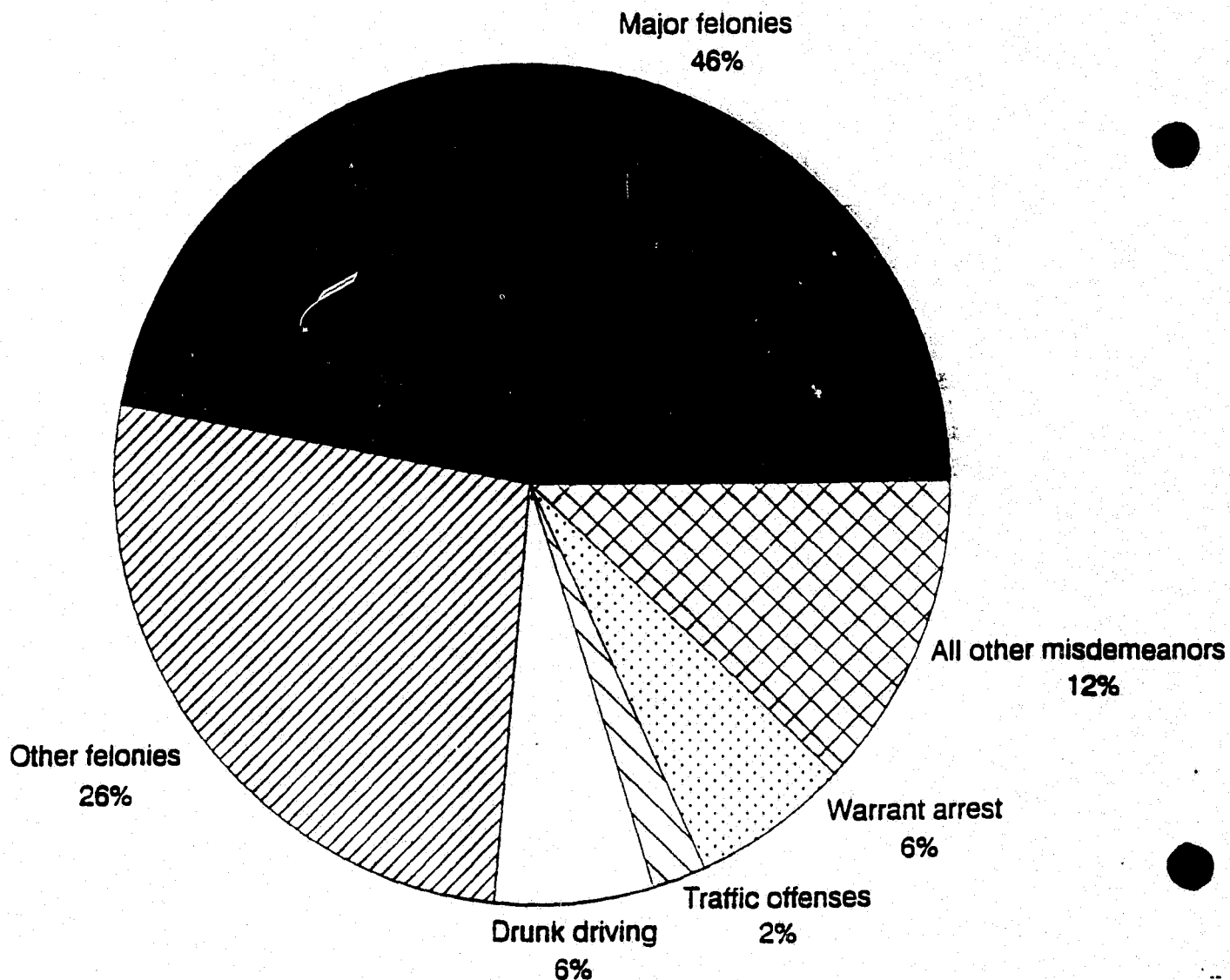


Of all pretrial detainees, the vast majority (72%) were charged with felony offenses. Almost half alone (46%) were held for one of seven major felonies, including aggravated assault, burglary, homicide, larceny/theft, motor vehicle theft, rape, and robbery.

Only 6% of all pretrial detainees were charged with misdemeanor drunk driving offenses, and only 2% were charged with misdemeanor traffic offenses. (See Figure 7)

Figure 7

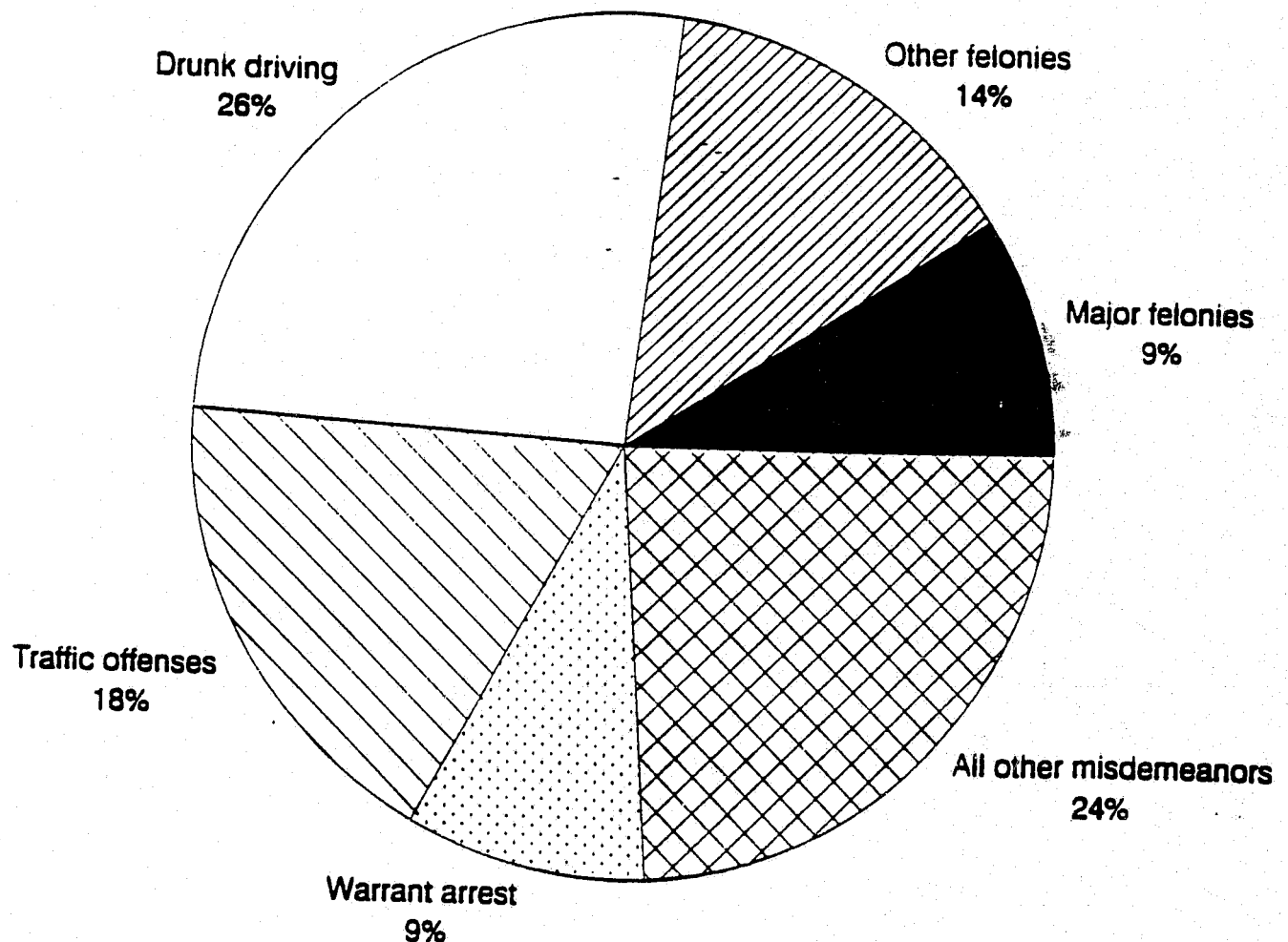
### Pretrial Adult Inmates in Jail by Offense



In contrast, of those adults in jail who were serving a sentence or convicted of a crime, 26% were for misdemeanor drunk driving offenses and 18% for misdemeanor traffic offenses. Only 23% of all those sentenced or convicted of a crime were held for felony offenses. In addition, only 9% of the total were in jail for serious major felonies, such as homicide or rape. (See Figure 8)

Figure 8

### Sentenced or Convicted Adult Inmates in Jail by Offense





### Prisoners from other jurisdictions

According to the survey, 244 of all adults in jail (35%) were prisoners from another jurisdiction. Almost half of these (45%) were prisoners held for a city law enforcement agency, generally without charge. Of the remainder, 11% were inmates of the state prison, 15% were prisoners arrested by the Montana Highway Patrol, and 11% were prisoners of a federal law enforcement agency.

### Jail overcrowding

Based on a cross-tabulation of survey data, 5 jails were identified as overcrowded on the date of the survey. In each of these jails, the actual jail population exceeded the total number of permanent beds available in the jail. Together, these 5 jails had a total of 376 adults in jail, but only 293 permanent beds. Four of these jails were large detention facilities with a capacity of 50 or more beds. These 4 jails had 24% of the total jail capacity in the state and 46% of all inmates.

The survey also revealed that 9 jails experience at least some occasional overcrowding. In these jails, the greatest number of inmates held on a single day exceeded the number of permanent beds during calendar year 1989. Represented in this group were jails in some of the largest counties of this state, including Yellowstone, Missoula, Cascade, Flathead, and Silver Bow Counties.

### Underutilized jails

The survey showed that 5 jails had no adults in jail on the day of the survey.

The survey also showed that 13 jails had only 30 inmates, but had 98 beds available (31% occupancy) and another 11 jails had 39

inmates, yet had 169 beds available (23% occupancy). These jails with low occupancy accounted for only 9% of the total adult jail population on the day of the survey, but had 24% of the total jail capacity in the state.

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## APPENDIX

MONTANA STATE LEGISLATURE  
INTERIM SUBCOMMITTEE ON ADULT AND JUVENILE DETENTION  
JAIL SURVEY

General Information

	Total Responses	
	#	%
1. Type of jail facility		
72-hour lockup	11	22.45
Long-term jail	36	73.47
Do not operate a jail	2	4.08
2. Date jail facilities were built		
1871 - 1880	1	2.13
1881 - 1890	0	0.00
1891 - 1900	4	8.51
1901 - 1910	4	8.51
1911 - 1920	7	14.89
1921 - 1930	1	2.13
1931 - 1940	4	8.51
1941 - 1950	0	0.00
1951 - 1960	2	4.26
1961 - 1970	1	2.13
1971 - 1980	14	29.79
1981 - present	9	19.15
3. How long since major renovation		
5 years or less	9	19.15
6 - 10 years	8	17.02
11 - 15 years	4	8.51
16 - 20 years	6	12.77
21 - 25 years	0	0.00
26 - 30 years	0	0.00
over 30 years	4	8.51
not applicable	14	29.79
do not know	2	4.26
3a. Type of renovation		
No answer	24	51.06
Basic maintenance/improvement	4	8.51
Facility enhancement	12	25.53
Expansion	4	8.51
Major remodeling	0	0.00
Replacement	3	6.38

#### 4. Jail conditions

##### Plumbing

poor	11	23.40
fair	16	34.04
good	14	29.79
excellent	6	12.77

##### Wiring

poor	8	17.02
fair	10	21.28
good	19	40.43
excellent	10	21.28

##### Heating

poor	6	13.04
fair	13	28.26
good	17	36.96
excellent	10	21.74

##### Lighting

poor	9	19.15
fair	14	29.79
good	13	27.66
excellent	11	23.40

##### Ventilation

poor	14	30.43
fair	14	30.43
good	12	26.09
excellent	6	13.04

##### Jail capacity

poor	10	21.28
fair	13	27.66
good	18	38.30
excellent	6	12.77

##### Overall jail conditions

poor	9	19.15
fair	13	27.66
good	18	38.30
excellent	7	14.89

#### 5. Beds currently available

1130

#### 6. Beds for adult females

169

##### Beds for juveniles

90

#### 7. Additional beds

331

8. Type and number of available cells		
1-person cells	303	48.40
2-person cells	172	27.48
3-person cells	15	2.40
4-person cells	38	6.07
5 - 10 bed dorm	23	3.67
11 - 20 bed dorm	8	1.28
Isolation cells	28	4.47
Holding cells	28	4.47
Trusty quarters	5	0.80
Other	6	0.96
9. Open-barred cells		
Yes	33	70.21
No	14	29.79
10. Toilet facilities away from view of passers-by		
Yes	28	59.57
No	19	40.43
11. Written safety plan?		
Yes		
No	33	70.21
Do not know	10	21.28
	4	8.51
12. Safety inspections on a regular basis		
Yes		
No	27	57.45
Do not know	17	36.17
	3	6.38
13. Written policies on health and sanitary conditions		
Yes		
No	37	78.72
Do not know	8	17.02
	2	4.26
14. Health inspections on a regular basis		
Yes		
No	22	46.81
Do not know	21	44.68
	4	8.51
15. Now under court order relating to operation of jail?		
Yes		
No	2	4.26
	45	95.74
16. Ever been under court order relating jail operation?		
Yes		
No	5	10.64
Do not know	37	78.72
	5	10.64

17. Lawsuits involving the jail currently pending in court?		
Yes	9	19.15
No	38	80.85
18. Any lawsuits involving the jail filed during CY 1989?		
Yes	8	17.02
No	39	82.98
Number of lawsuits	13	
Reasons for lawsuits		
a. Overcrowding	2	15.38
b. Lack of recreation/day programs/activities	2	15.38
c. Unsanitary/unhealthy/unsafe conditions	2	15.38
d. Inadequate health care		
denial of medical treatment	2	15.38
e. Inadequate clothing, personal necessities	0	0.00
f. Inadequate/poor quality meals	1	7.69
g. Lack of segregation from other inmates	1	7.69
h. Isolation	2	15.38
i. Lack of privacy	1	7.69
j. Suicide/jail deaths	3	23.08
k. Inadequate staffing	2	15.38
l. Physical mistreatment by jail staff	1	7.69
m. Restriction of visitation rights	0	0.00
n. Restriction of access to attorney	0	0.00
o. Other	3	23.08
19. Are juveniles ever detained or confined in your jail?		
Yes	34	72.34
No	13	27.66
20. Facilities now available for the detention of juveniles		
a. Entirely separate floor or wing	5	14.71
b. Separate cell or dormitory apart from adults	21	61.76
c. No special facilities. Use any available	6	17.65
d. Other	2	5.88
21. Juveniles always kept separated from adults?		
Yes	23	67.65
No	11	32.35
22. Juvenile status offenders or nonoffenders ever confined?		
Yes	6	17.65
No	28	82.35
23. Juvenile court routinely sentence juveniles to your jail?		
Yes	4	11.76
No	29	85.29
Do not know	1	2.94

24. Facilities used as alternative to juveniles in jail?		
a. Youth foster home	23	31.51
b. Youth group home	18	24.66
c. Juvenile detention center	13	17.81
d. Other	19	26.03
25. Average daily jail population for all inmates in CY 1989?		629
26. Lowest daily number of inmates in CY 1989		370
27. Greatest daily number of inmates in CY 1989		961
28. Average length of time inmates were held in CY 1989		489
29. Average daily population of juveniles in CY 1989		4
30. Lowest daily number of juveniles held in CY 1989		3
31. Greatest daily number of juveniles held in CY 1989		63
32. Routinely handle mentally ill persons in your jail?		
Yes	23	48.94
No	24	51.06
33. Total number of mentally ill persons held in CY 1989		315
34. Facilities routinely available for mentally ill persons		
a. Padded cell or isolation cell	16	24.62
b. No special facilities. Use any available area	17	26.15
c. Transfer person to mental health facility	28	43.08
d. Other	4	6.15
35. Mentally ill persons ever held without criminal charge?		
Yes	19	40.43
No	28	59.57
36. How many suicides have occurred during the past 5 years?		13
37. Contract with another jurisdiction to house prisoners?		
Yes	23	48.94
No	24	51.06
38. Support consolidation or regionalization of jails?		
Yes	26	55.32
No	10	21.28
Do not know	11	23.40



39. Five most serious problems affecting jails

	Ranking				
	1	2	3	4	5
a. Overcrowding	0	3	2	0	0
b. Suicides	1	1	1	2	1
c. Jailing of mentally ill	4	3	3	6	4
d. Placement of juveniles in jail	6	4	4	5	2
e. Segregation of inmates	3	2	5	2	5
f. # of inmates serving weekend jail sentences	1	0	1	1	1
g. Medical costs for indigent prisoners	4	11	3	3	5
h. Recreation/day programs inadequate	2	0	9	6	2
i. Jail needs major repair or rehabilitation	1	6	2	3	3
j. Need to expand capacity of jail	0	1	1	0	2
k. Need a new jail	12	0	1	1	1
l. Jail is understaffed	6	3	1	1	6
m. Staff needs training	1	4	2	5	2
n. Lack of funding for operations	4	4	3	6	2
o. Lack of funding for repairs	1	3	6	3	6
p. Lawsuits	0	0	0	1	3
q. Other	0	1	1	0	0

40. Does the jail meet current, accepted jail standards?

a. Jail fully meets standards	1	2.13
b. Jail substantially meets standards	18	38.30
c. Jail does not meet standards	24	51.06
d. Do not know	4	8.51

41. Total jail expenses for the fiscal year ending 6/30/89	
a. Personnel	4,036,486
b. Operations & Maintenance	1,892,575
Inmate medical expenses	350,460
Inmate mental health costs	13,286
c. Capital Outlay	107,094
Total	5,912,340
 Total expenditure per inmate per day	 27.50

MONTANA STATE LEGISLATURE  
INTERIM SUBCOMMITTEE ON ADULT AND JUVENILE DETENTION  
JAIL SURVEY

Jail Population

STATEWIDE TOTAL

Primary Offense	Total # arrested	Total # held	# held awaiting trial or prelim. hearing	# held serving sentence or convicted
<b>MAJOR FELONIES</b>				
Aggravated assault	2	37	31	6
Burglary	11	51	46	5
Homicide	1	18	13	5
Larceny/theft	13	65	56	9
Motor vehicle theft	2	7	6	1
Rape	1	20	14	6
Robbery	2	11	11	0
Total	32	209	177	32
<b>OTHER FELONIES</b>				
Arson	0	2	2	0
Drug offenses	10	34	21	13
Forgery & counterfeiting	4	17	14	3
Sex offenses	2	14	10	4
Weapons	0	2	2	0
All other felonies	11	79	51	28
Total	27	148	100	48
<b>MISDEMEANOR OFFENSES</b>				
Disturbing the peace	3	8	1	7
Domestic abuse	4	21	12	9
Drunk driving	34	114	22	92
Fraud	0	0	0	0
Misdemeanor theft	10	29	14	15
Shoplifting	0	1	1	0
Simple assault	3	15	8	7
Traffic offenses	28	73	9	64
Trespassing	2	8	3	5
Vandalism	0	3	2	1
Warrant arrest	29	57	25	32
All other misdemeanors	17	54	13	41
Total	130	383	110	273
Grand Total	189	740	387	353

STATEWIDE TOTAL	# inmates	# charging	average charge	% of total held
a. State prison	27	4	25.00	3.6
b. Highway patrol	37	17	20.14	5.0
c. Other state agency	4	7	25.71	0.5
d. Federal	27	11	29.88	3.6
e. Other county	19	12	24.00	2.6
f. City	110	9	20.53	14.9
g. Indian tribal agency	1	6	25.83	0.1
h. Other state	19	9	24.22	2.6
i. Foreign jurisdiction	0	6	28.83	0.0
Total	244			33.0

Type of Renovation by Age of Facility  
(Percentages)

Built	Type of renovation					
	0	1	2	3	4	5
1871 - 1880	0	0	0	0	0	100
1881 - 1890	****	****	****	****	****	****
1891 - 1900	75	0	25	0	0	0
1901 - 1910	0	25	50	25	0	0
1911 - 1920	14	14	71	0	0	0
1921 - 1930	0	0	0	0	0	100
1931 - 1940	0	0	50	25	0	25
1941 - 1950	****	****	****	****	****	****
1951 - 1960	50	50	0	0	0	0
1961 - 1970	0	0	0	100	0	0
1971 - 1980	79	7	7	7	0	0
1981 - 1990	88	0	13	0	0	0

Type of Renovation by Age of Facility  
(Actual Numbers)

Built	Type of Renovation					
	0	1	2	3	4	5
1871 - 1880	0	0	0	0	0	1
1881 - 1890	0	0	0	0	0	0
1891 - 1900	3	0	1	0	0	0
1901 - 1910	0	1	2	1	0	0
1911 - 1920	1	1	5	0	0	0
1921 - 1930	0	0	0	0	0	1
1931 - 1940	0	0	2	1	0	1
1941 - 1950	0	0	0	0	0	0
1951 - 1960	1	1	0	0	0	0
1961 - 1970	0	0	0	1	0	0
1971 - 1980	11	1	1	1	0	0
1981 - 1990	7	0	1	0	0	0

Condition of Jails by Age  
(Percentages)

Built	Poor	Fair	Good	Excellent
1871 - 1880	0	0	100	0
1881 - 1890	****	****	****	****
1891 - 1900	50	25	25	0
1901 - 1910	25	50	25	0
1911 - 1920	43	14	43	0
1921 - 1930	0	0	100	0
1931 - 1940	25	50	25	0
1941 - 1950	****	****	****	****
1951 - 1960	0	50	50	0
1961 - 1970	100	0	0	0
1971 - 1980	7	29	50	14
1981 - 1990	0	22	22	56

Condition of Jails by Age  
(Actual Number)

Built	Poor	Fair	Good	Excellent
1871 - 1880	0	0	1	0
1881 - 1890	0	0	0	0
1891 - 1900	2	1	1	0
1901 - 1910	1	2	1	0
1911 - 1920	3	1	3	0
1921 - 1930	0	0	1	0
1931 - 1940	1	2	1	0
1941 - 1950	0	0	0	0
1951 - 1960	0	1	1	0
1961 - 1970	1	0	0	0
1971 - 1980	1	4	7	2
1981 - 1990	0	2	2	5

Capacity of Jails by Age  
(Percentages)

Built	Poor	Fair	Good	Excellent
1871 - 1880	0	0	100	0
1881 - 1890	****	****	****	****
1891 - 1900	25	25	50	0
1901 - 1910	0	25	75	0
1911 - 1920	57	14	14	14
1921 - 1930	0	100	0	0
1931 - 1940	25	50	25	0
1941 - 1950	****	****	****	****
1951 - 1960	0	50	50	0
1961 - 1970	100	0	0	0
1971 - 1980	14	21	50	14
1981 - 1990	11	33	22	33

Capacity of Jails by Age  
(Actual Number)

Built	Poor	Fair	Good	Excellent
1871 - 1880	0	0	1	0
1881 - 1890	0	0	0	0
1891 - 1900	1	1	2	0
1901 - 1910	0	1	3	0
1911 - 1920	4	1	1	1
1921 - 1930	0	1	0	0
1931 - 1940	1	2	1	0
1941 - 1950	0	0	0	0
1951 - 1960	0	1	1	0
1961 - 1970	1	0	0	0
1971 - 1980	2	3	7	2
1981 - 1990	1	3	2	3

Jails with greatest daily population greater than beds available:

name	pop_high	beds_curr
Lewis & Clark	50	47
Flathead	77	66
Missoula	93	82
Ravalli	21	17
Glacier	11	10
Cascade	81	68
Jefferson	25	23
Yellowstone	141	136
Silver Bow	43	38

Total jails: 9

Jails with number held on 1/24/90 greater than beds available:

name	held_tot	beds_curr
Flathead	74	66
Missoula	88	82
Cascade	102	68
Lincoln	37	25
Lake	75	52

Total jails: 5

Distribution of Inmates Among Jails  
With Selected Size Inmate Population  
Using Number Held on 1/24/90

# Inmates	# of Jails	Total Inmates	% of Inmates
0	5	0	0
1-2	11	14	2
3-5	2	10	1
6-10	13	86	12
11-25	4	81	11
over 25	7	549	74
Total	42	740	

Distribution of Inmates Among Jails  
With Selected Size Inmate Population  
Using Average Daily Population

# Inmates	# of Jails	Total Inmates	% of Inmates
0	6	0	0
1-2	10	17	3
3-5	10	44	7
6-10	6	38	6
11-25	6	73	12
over 25	8	457	73
Total	46	629	



Occupancy Rate by Capacity of Facility  
Using Number Held on 1/24/90

Capacity	# of Jails	Total Beds	Total Inmates	Total Capacity (%)
0-10	13	98	30	31
11-20	11	169	39	23
21-30	6	144	68	47
31-50	7	265	133	50
over 50	5	404	470	116
Total	42	1080	740	69

Occupancy Rate by Capacity of Facility  
Using Average Daily Population

Capacity	# of Jails	Total Beds	Total Inmates	Total Capacity (%)
0-10	15	110	33	30
11-20	13	201	64	32
21-30	6	144	50	35
31-50	7	265	112	42
over 50	5	404	370	92
Total	46	1124	629	56

Table 1

Local Jails Used for the Detention of the Mentally Ill  
and the Number of Mentally Ill Held in Jail in 1989

<u>Name</u>	<u>Routinely handle mentally ill in jail?</u>	<u># Mentally ill persons held</u>
Anaconda-Deer Lodge	Yes	15
Beaverhead	Yes	5
Big Horn	Yes	2
Blaine	No	1
Broadwater	No	3
Carbon	No	0
Cascade	Yes	-NA-
Chouteau	No	10
Custer	No	0
Cut Bank	-NA-	-NA-
Daniels	Yes	0
Dawson	Yes	6
Fallon	No	2
Fergus	No	-NA-
Flathead	Yes	48
Gallatin	Yes	19
Garfield	No	0
Glacier	Yes	2
Golden Valley	-NA-	-NA-
Granite	No	0
Havre	Yes	0
Hill	Yes	11
Jefferson	Yes	3
Lake	No	4
Lewis & Clark	Yes	104
Lincoln	Yes	22
Madison	No	0
McCone	No	0
Mineral	Yes	-NA-
Missoula	No	12
Park	Yes	-NA-
Phillips	No	0
Pondera	No	1
Powder River	Yes	4
Prairie	Yes	0
Ravalli	Yes	6
Richland	No	2
Roosevelt	No	0
Rosebud-Colstrip	Yes	2
Rosebud-Forsyth	Yes	4
Sanders	No	2
Sheridan	Yes	1
Silver Bow	Yes	15
Stillwater	No	1
Sweet Grass	No	1
Teton	No	0
Treasure	No	0
Valley	No	0
Wheatland	Yes	1
Whitefish	No	10
Yellowstone	No	-NA-

Source: Montana State Legislature, Joint Interim Subcommittee on Adult and Juvenile Detention, Jail Survey, (Helena: MT: Legislative Council, 1990).

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Table 2

Local Jails Used for the Detention of Mentally Ill Persons  
without Criminal Charge Pending a Civil Commitment Hearing

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<u>Name</u>	<u>Mentally ill held pending civil commitment hearing?</u>
Beaverhead	Yes
Big Horn	Yes
Broadwater	Yes
Cascade	Yes
Dawson	Yes
Fergus	Yes
Flathead	Yes
Gallatin	Yes
Glacier	Yes
Hill	Yes
Jefferson	Yes
Lewis & Clark	Yes
Lincoln	Yes
Madison	Yes
Park	Yes
Powder River	Yes
Prairie	Yes
Rosebud-Forsyth	Yes
Sanders	Yes
Silver Bow	Yes

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Source: Montana State Legislature, Joint Interim  
Subcommittee on Adult and Juvenile Detention,  
Jail Survey (Helena, MT: Legislative Council, 1990).

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Table 3

Local Jails that Rank Detention of the Mentally Ill as One  
of the Five Most Serious Problems Affecting the Jail

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<u>Name</u>	<u>Ranking</u>
Blaine	4
Chouteau	1
Daniels	2
Fallon	2
Fergus	4
Flathead	2
Gallatin	3
Glacier	1
Granite	2
Havre	4
Jefferson	4
Lewis & Clark	5
Lincoln	3
Park	1
Phillips	5
Pondera	5
Rosebud-Colstrip	4
Rosebud-Forsyth	3
Sheridan	1
Whitefish	4
Yellowstone	5

1 = Most Serious Problem  
Affecting the Jail

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Source: Montana State Legislature, Joint Interim  
Subcommittee on Adult and Juvenile Detention, Jail  
Survey (Helena, MT: Legislative Council, 1990).