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JAILS AND LOCKUPS IN INDIANA: A CASE OF NEGLECT*

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In 1923, Joseph F. Fishman, jail inspector for the federal government, defined, in classic terms, a jail as:

An unbelievably filthy institution in which are confined men and women serving sentences for misdemeanors and crimes, and *men and women not under sentence who are simply awaiting trial*. With few exceptions, having no segregation of the unconvicted from the convicted, the well from the diseased, the youngest and most impressionable from the most degraded and hardened. Usually swarming with bedbugs, roaches, lice, and other vermin; has an odor of disinfectant and filth which is appalling; supports in complete idleness thousands of able-bodied men and women, and generally affords ample time and opportunity to assure inmates a complete course in every kind of viciousness and crime. A melting pot in which the worst elements of the raw material in the criminal world are brought forth blended and turned out in absolute perfection.¹

Almost fifty years later we find the situation to be much the same.²

This study was undertaken to determine the conditions which presently exist in Indiana's jails and lockups. The population surveyed consisted of all 142 jails and lockups in the state of Indiana. Each jail or lockup was evaluated with a thirty-six item questionnaire.³ Parole

* This study was funded by the Indiana Criminal Justice Planning Agency through a grant to the Indiana Department of Correction. The study was conducted in 1972.

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1. J. FISHMAN, *CRUCIBLE OF CRIME* 13-14 (1923) (emphasis in original).

2. For example, in 1970 Richard Velde, an Associate Administrator of the Law Enforcement Assistance Administration, stated:

Jails are festering sores in the criminal justice system. There are no model jails anywhere; we know, we tried to find them. Almost nowhere are there rehabilitative programs operated in conjunction with jails. It's harsh to say, but the truth is that jail personnel are the most uneducated, untrained and poorly paid of all personnel in the criminal justice system. . . .

The result is what you would expect, only worse. Jails are without question, brutal, filthy, cesspools of crime—institutions which serve to brutalize and embitter men to prevent them from returning to a useful role in society.

Velde, *THE CORRECTIONAL TRAINER*, Newsletter for Illinois Correctional Staff Training, Fall, 1970, at 109.

3. The thirty-six item questionnaire was prepared by Richard L. Martin and had been previously used in an evaluation of jails in Southeastern Indiana. The authors of this publication were not involved in the preparation of the questionnaire or its analysis.

officers and jail inspectors contacted each facility and interviewed the sheriff, lockup supervisor, or personnel responsible for supervising the jail or lockup at the time the survey was conducted.

This research provided data in two areas: (1) the social situation of the inmates, and (2) the physical condition of the jails and lockups. In evaluating the social environment, the focus was on both the programs available to inmates and the structural aspects of the jail or lockup which affect the physical and mental situation of the inmate. In evaluating the physical condition of the jails and lockups, the focus was on variables such as the age of the jail, the condition of heating, ventilation, and lighting systems, and other aspects which affect the lives of the inmates.

While the results indicate a tragic situation, it is possible that the jails and lockups are worse than portrayed by the survey. Since the interviewers had to rely on jail or lockup personnel for information, it might be anticipated that there was an inclination on the part of those individuals to respond in a manner that would create a favorable bias for their jail or lockup.

SOCIAL SITUATION

Table #1—Social Situation of Jail Inmates in Indiana

	Statewide Total	
	%Yes	%No
Number of deaths over past two years	45	
Are female and juvenile facilities completely removed.....	52.82	47.18
Are hardened criminals separated from first offenders	30.28	69.72
Are mental patients housed in jail	66.20	33.80
Are special padded cells available for mental patients	11.27	88.73
Are prisoners examined by a physician when admitted	2.11	97.89
Is any form of physical exercise provided for prisoners	4.93	95.07
Are printed rules supplied to inmates on admission	19.01	80.99
Is a counseling service available to inmates	24.65	75.35
Are religious services held regularly	42.25	57.75
Do ministers have unlimited visitation with prisoners	92.25	7.75
Is a member of Alcoholics Anonymous available on request.....	55.63	44.37
Are vocational training programs provided for inmates.....	2.11	97.89
Is a work release program available for inmates	7.75	92.25
Are special programs and services provided for alcoholics	4.23	95.77
Are special programs and services provided for drug addicts	2.82	97.18

Penologists have long advocated the importance of separate facilities for juvenile and female offenders, as well as the segregation of hardened criminals from first offenders.⁴ This is sound penal philosophy for a number of reasons including the fact that we enhance criminality in the young by integrating them with older criminals who function as role models. This policy has generally been ignored in Indiana's jails and lockups as indicated by the finding that 47 percent of the jails and lockups do not provide facilities for juveniles and females that are completely removed from the adult male facilities, and 70 percent do not separate hardened criminals from first offenders.

The same problem exists in the case of mental patients. The survey indicates that while 66 percent of the jails and lockups are used to temporarily house mental patients, 89 percent do not have padded cells or other special provisions for such persons.

Jail studies indicate that a sizeable majority of jail and lockup inmates are incarcerated for public intoxication, or offenses related to the abuse of alcohol.⁵ It is therefore tragic to note that 96 percent of the survey do not have any programs for alcoholics. In fact, only 56 percent of the jails indicate that a member of Alcoholics Anonymous is available for counseling on request. Similarly, officials and the public are allegedly alarmed about increasing drug problems, yet 97 percent of the jails do not have any special programs or facilities for drug addicts.

Additional indications that the physical and emotional health of inmates is ignored are reflected in the finding that 98 percent of all inmates are not given a physical examination when admitted. Considering the socio-economic status of the jail and lockup population,⁶ and the likelihood of disease, it appears that county health departments and medical associations may have been negligent. The fact that 95 percent of the jails do not have physical exercise programs for inmates only adds to the extent of this neglect. It may also be noted that there were 45 deaths in Indiana jails for the two year period covered by the survey although there is no proof that these deaths were necessarily related to poor environment.

Seventy-five percent of the jails and lockups surveyed indicated that no counseling services are available, and even if such services were available, 75 percent had no special visiting rooms where counseling could take

4. See R. CALDWELL, *CRIMINOLOGY* 555-56 (2d ed. 1965); D. CRESSEY & E. SUTHERLAND, *PRINCIPLES OF CRIMINOLOGY* 411-12 (8th ed. 1970) [hereinafter cited as CRESSEY & SUTHERLAND]; P. TAPPAN, *CRIME, JUSTICE AND CORRECTION* 663-64 (1960).

5. See Justice, Glendening & Wilder, *Pilot Justice Project: A Survey of Six Indiana County Jails*, 49 *IND. L.J.* 260, 283 (1974).

6. CRESSEY & SUTHERLAND, *supra* note 4, at 413.

place. This supports the contention that jails and lockups as presently constructed were never intended for rehabilitation, but have rather functioned for the exclusive purpose of custody and punishment. This finding also appears to indicate that the professional social work community shares in the neglect of Indiana's jails.

Neglect of the inmates' religious life is also obvious as only 42 percent of the jails and lockups have religious services that are held on a regular basis, although 92 percent do provide for unlimited visitation for ministers.⁷ This does not mean that religious services are prohibited by the 58 percent of the jails and lockups that do not have such services. Rather, it indicates that the religious community has also neglected the local jails and lockups.

Finally, the recidivism rates of jail inmates points to the need for vocational training and work-release programs,⁸ yet 98 percent of the survey do not have any form of vocational training programs, and 92 percent do not even have a work-release program for those inmates who are employable. As a consequence, men and women are turned back into society with less opportunity for employment than existed for them prior to incarceration.

When most of the State's jails and lockups were built, the penal philosophy was one of custody and punishment, and the above statistics indicate a continuation of this philosophy. It is not surprising then that rehabilitation and resocialization programs are the exception rather than the rule. One reason for this may be the outdated physical plants themselves. The design of the jails and lockups reflects the punitive philosophy of the time, and, as a consequence, the jail environment is one of oppression and degradation. This type of environment has a psychological effect on the staff and the inmates which is not conducive to rehabilitative efforts.

PHYSICAL PLANT

Table #2—Physical Condition of Jails in Indiana

	Mean	SD
Age of jails	49.18	39.53
	Statewide	
Rated Capacity	Total	Mean SD
Male	4727	33.29 81.39

7. Given these liberal visitation policies, it is interesting to note that this has not resulted in regular religious services.

8. See McGee, *Our Sick Jails*, 35 FED. PROBATION 3, 4-8 (1971).

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Female	849	5.98	9.35
Juvenile	860	6.06	10.50
	Statewide		
Prisoner Population	Total	Mean	SD
Male (at the time of survey)	2235	15.74	62.46
Female (at the time of survey)	152	1.07	4.63
Juvenile (at the time of survey)	302	2.13	11.38
Estimated Average	2881	20.29	69.79
Number of escapes over past two years	126	0.32	0.74
		Yes	No
Is a jailer employed		38.03	61.97
Can prisoner get to outside walls or windows		28.87	71.13
Are locks in good condition		86.62	13.38
Is jail properly heated		90.85	9.15
Is fresh air ventilation adequate		84.51	15.49
Is lighting adequate		79.58	20.42
Is plumbing in good working order		78.87	21.13
Are special visiting rooms available		25.35	74.65
Are laundry facilities available for prisoners' clothing		30.99	69.01

Many jails and lockups in Indiana were built before the turn of the century, the oldest having been built in 1823, seven years after Indiana became a state. In approximately 10 percent, heating systems are defective. Ventilation is inadequate in 15 percent, and 20 percent have poor lighting. The plumbing does not function properly in 21 percent of the State's jails and lockups, and the locks do not work in 13 percent. Besides these physical inconveniences, even the most ordinary amenities are often denied to inmates. For example, in 69 percent of the jails in Indiana, no laundry facilities are provided for inmates. Thus, inmates are forced either to make their own arrangements for clean clothing, or to wear soiled, unsanitary clothing.

These figures demonstrate that inmates certainly do not live in luxury as some critics suggest. Indeed, when jails fail to conform to minimum standards of living, the claim by some prisoners that they are treated like animals seems more believable. Without question, more humane treatment is imperative in this area.

The rated capacity for all jails and lockups, including female and juvenile facilities, is 6,436 inmates. At the time this survey was con-

ducted, the total inmate population, including females and juveniles, was 2,689. This is only 42 percent of the rated capacity for jails and lockups in Indiana. The total estimated average population is 2,881 inmates, or 45 percent of rated capacity. These figures indicate that money has been wasted, and is being wasted on building and operating jail facilities which are not utilized.

Ironically, in contrast to this apparent waste, 62 percent of Indiana jails and lockups employ no jailer. In many instances, then, no one is responsible for the day-to-day welfare of the inmates. Although a sheriff or police official is legally responsible for the inmates, these officials often have other responsibilities which necessitate absences from the jail facilities. In the 38 percent of jails and lockups which do employ jailers, it is not known whether jailers provide twenty-four hour supervision. If one believes that the inmates are dangerous and must be kept separated from society, it is logical to assume that there should be a guard to protect society from the escape of such dangerous persons. On the other hand, if the philosophy is that these men are human beings, whatever their accused crimes, it stands to reason that there should be someone always available in case of sickness, fire, or other emergency. As an aside, it is interesting to note that there were 126 escapes from Indiana jails during the two year period covered by the survey.

Some people are often placed in jails for *alleged* violations of the law. Others are sentenced to serve a period of time as punishment for violating the law. In this new, ambiguous setting, prisoners are expected to obey the rules of the jails and lockups. However, 81 percent of the jails and lockups in Indiana do not provide their prisoners with a copy of the jail or lockup rules. Evidently the prisoners are expected to learn the rules by trial and error. This lack of regulations can lead to exploitation of prisoners by staff members, by stronger inmates, or by older, more experienced inmates. If it is desirable for the inmates to follow rules, then they should be informed as to what those rules are. If there is a system of punishment for infractions of these rules, it seems only fair and logical that the prisoners be forewarned. A partial solution lies in providing the rules to all inmates at the time they are admitted.

CONCLUSION

The social situation for jail and lockup inmates, and the physical condition of the jails in Indiana have been terribly neglected. While it is easy to point to the county sheriff or lockup administrator, the survey indicates that a number of professions must assume some responsibility for the problem. The medical profession's inadequate delivery of health

services is especially acute in a discussion of jails and lockups. Professional social work agencies, which are often well-funded in many communities, have not provided even basic counseling services to jail and lockup inmates. Also, the fact that religious services are more absent than present indicates the neglect of the ministerial profession.

It is flagrantly obvious that county and city governments pay little attention to jails and lockups. The total lack of planning is reflected in the finding that while a few jails are grossly overpopulated, a number of jails use less than 10 percent of their facilities. The responsibility for inadequate and poorly planned physical facilities clearly rests with the respective city and county governments.

Because of the neglect on the part of the city and county governments, it is highly improbable that solutions will come from these governing units. A strong case can be made for the development of regional facilities with uniform standards, insuring adequate physical plants and needed services.⁹ The failures of jails noted in this survey suggest that Indiana should consider a move in this direction.

9. Such a move would help eliminate at least two factors which we believe contribute to the present situation. First, it would do away with the highly decentralized structure. On any one day in the state of Indiana, there are more men and women incarcerated in jails and lockups than in the largest penal institution in the State. Yet, the deteriorated state of the jails and lockups is made inconspicuous by the fact that the population is spread over 142 jails and lockups in the State. Moreover, while the jail system is in a formidable position to provide individualized programs to small groups of inmates, the small populations have been used to avoid responsibility in this area.

Second, it would provide uniform administration and standards. Presently the political system does not provide rewards to officials who administer jails and lockups in a humane manner. In fact, the opposite is the case. Officials can find themselves financially rewarded if they minimize services to jail inmates. The jail system is the only penal system in the United States which legally provides profits to those who operate it. The fact that the system provides profits for the "keepers" at the expense of the "kept" has resulted in legalized exploitation of thousands of men and women on a daily basis with society demonstrating little concern.