

# A Jail Guru Reminisces

**Ken Kerle**

*[Editor's Note: In March 2009, Ken Kerle, the founding editor of American Jails magazine retired. This is the second part of a two-part article by Ken in which he discusses his career as editor of American Jails. The first part of the article appeared in the Spring 2009 Issue of PICJ.]*

## **A Fire Trap Jail**

Odysseys bring fun and enlightenment and, at times, challenges that one would normally avoid. My friend, Dick Ford, then sheriff of Washington County, Maryland, suggested that as I had traveled the world examining penal institutions, I should now focus on American jails. First, some background. Dick previously had provided me the opportunity to work in the Washington County Detention Center in Hagerstown as a jail officer. The jail was a fire trap—the building was an 1857 institution where some of the jail cells were padlocked because the locking mechanisms were in a state of dysfunction. The sheriff asked for money to make the repairs from the five-member board of county commissioners. He was turned down. A fire hazard issue where lives could be lost in the event of a conflagration cannot be ignored, so the sheriff contacted the state fire marshal. The marshal made it crystal clear to the county board that jail repairs had to be made or the county would suffer the consequences. The repairs were made.

## **The Jail Odyssey Begins: Jail Numbers and Challenges**

My first jail visit in March of 1978 outside of Maryland required a short trip across the Potomac River into the neighboring state of West Virginia. The Jefferson County Jail in Charles Town, built in the 1920s, looked its age. In the early 1980s, I audited this jail as a member of a two-man team for the National Sheriffs' Association. These jail audits were financed by federal money from the National Jail Center, which at that time, if I remember correctly, was in Boulder, Colorado. However, on that windy March day, two years before the audit, I was an inexperienced jail visitor, although I had toured a number of prisons in the United States, Europe, and the Far East.

Many readers are often confused about the differences between jails and prisons because some in the media still use these terms interchangeably. One significant difference between jails and prison is the numbers. In 2008, more than 650,000 people were released from state and federal prisons from a prison population of more than 2 million people incarcerated at the state and federal levels. In one year, however, the 3,000-plus

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jails of the country will book in and release around 25 million people—roughly the populations of Illinois and Ohio combined. Keep in mind that people brought to jail are still in a pretrial status and presumed innocent as they have not been sentenced. Also, many people found guilty will do their time in jail, especially if they have shorter sentences. Back in 1997 a press release issued by the U.S. Department of Justice stated that there were almost 30 times as many admissions to local jails as there were new court commitments to state and federal prisons (Kerle, Kenneth E., *Exploring Jail Operations*, 2003, American Jail Association, page vii). Even though many of these individuals get released from jails (perhaps 60% to 70%) in the first 48 hours, jail staff who work the jail booking section in the large mega jails observe huge numbers of alleged law violators arrested. Sickness, mental illness, and alcohol and drug problems contaminate a majority of those ushered into the jail facility. A hardcore segment of this jail population will return to the facility again and again after release. These individuals are called “frequent flyers.” Senior jail staff tell stories about certain prisoners who experience booking and rebooking several times during a calendar year. For a significant number, jail becomes the home away from home or, in many instances, the street, as a good many inmates are homeless. Over a five- or ten-year period, one individual may achieve double-digit booking figures. Dare I suggest that the inmate who scores the highest in yearly bookings deserves mention in the *Guinness Book of Records*!

### **How Did He Kill Himself?**

At the Jefferson County West Virginia jail, the aforementioned first jail visit, I asked and received a complete tour of this old and worn-out institution. The sheriff accompanied me on the tour. The jail at that time had perhaps fewer than 30 people. Crowding was not a problem.

We stopped in front of one empty cell and the sheriff asked me to enter the dark cell. I did. He then closed the door on me. The cell had no lighting and so inside it was pitch dark. The sheriff opened the food slot in the door where meals were passed through to the inmate and I heard him say, “A person killed himself in this cell recently. Can you tell me how he did it?”

Sitting on the cement floor of the cell I pondered the question. Several improbable ways came to mind, but I discarded them. The sheriff then explained: “This guy came in drunk and the staff placed him in the cell. He was in here for several days since he couldn’t make a money bond. One day the officer delivered his lunch on a metal tray, sliding it through the food slot. About an hour later the officer returned to retrieve the tray. There was no response. The officer called for support, and two staff with great effort managed to pull the door open.”

On the floor of the cell they found the man dead with shoelaces wrapped tightly around his neck and the ends of the laces secured to the food slot knob, which served the inmate's objective. After he had wound the laces around his neck, he merely tied his shoelaces to the knob and sank to the floor. This maneuver curtailed his breathing and snuffed out his life.

Insufficient staff preclude placing jail officers into eyeball to eyeball contact with all inmates labeled suicide risks 24 hours a day. A nurse in the Mobile County, Alabama, jail developed a program whereby the inmates assumed the role of watching those inclined to take their lives. This worked and the jail experienced a significant decline in suicides (Manning, Rhoda, "A Suicide Prevention Program that Really Works," *American Jails*, Spring, 1989). However, this solution has its limits. In a visit to the Polk County, Iowa, jail, I was impressed by the progress made in Iowa's largest jail. Jail officers received a 5% higher salary than the road patrol, and they were issued special T-shirts made especially for jail staff. These were actions introduced by the sheriff and the jail administrator to stem the "hemorrhaging" of jail staff that would stay a month and then quit. Crowding caused some cells to have two or three inmates. In one cell an inmate committed suicide by hanging himself in front of two other inmates. The explanation from these two for not sounding the alarm was the comment, "Well, we guessed he knew what he wanted to do."

### **Jail Training and Lack of Staff**

Training for jail officers was nonexistent in that West Virginia jail back in 1978. Staff had received no instructions when persons were booked in other than to lock them down in their street clothes. Today, most jail populations in the larger jails in this country get issued jail uniforms at booking, and their clothes are washed and stored to be returned upon release or turned over to the inmate's family during a visit. Mental health screening questions on the booking form are part of the screening process in many 21<sup>st</sup> century jails. Training takes on more importance today than 30 years ago due to possible lawsuits, although there still remain a dozen states where the jail training is not mandated (see *Who's Who in Jail Management* (5<sup>th</sup> ed.), 2007, American Jail Association, pages 568–571).

Many of the larger jails in states where jail training is not mandated organize and operate their own jail training academies in part to guard against possible lawsuits charging failure to train. Suicide prevention training becomes a high priority. Smart jail staff understand training has to be repeated over and over or what is taught becomes only a faint memory. Yet it is well to remember that about a dozen states offer no training at all. Often, small jails in rural communities get by with a person who works in the jail functioning as a field training officer.

Kentucky, the only state in the union with an elected jailer, holds an annual 40-hour training conference where jail administrators meet to get updated on the latest changes affecting jails. When I visited this conference back in the 1990s, each jailer received a \$3,000 stipend for attending the training. Kentucky, like some other states, eliminated some of the smaller jails and reclassified them as holding facilities. It would take an amendment to the Kentucky state constitution to get rid of the elected jailers in these small populated counties, and citizens seemed not disposed to do so.

The most impressive jail training I observed was in Florida in the mid 1990s where jail staff in Miami-Dade County got five months of training with no guarantee of a job. Florida, like North Carolina, does a lot of its training on community college campuses and uses a good mix of jail training staff and academics to do the training. But training gets overlooked, ignored, or downgraded in more jurisdictions than I would care to mention. According to Christine Tartaro, the national average for local police training is 1,100 hours—almost seven months. Yet, a third of those who responded to a direct supervision survey she conducted indicate that they received less than a quarter of the training police recruits receive (Tartaro, Christine, “Jails and Academe Column-Survey; Direct Supervision Jails,” *American Jails*, May/June 2003, pages 77–79). Without a concerted commitment to training, you can’t make a direct supervision jail function as it should with a minimum of violence and stress.

### **Regional Jail Authority and Regional Jails**

Readers should be aware that the West Virginia state government finally took decisive action when the legislature enacted the West Virginia Regional Jail Authority operated by the state. The Eastern Regional Jail in Martinsburg, West Virginia, opened in the late 1980s. By the end of 2005, this regional jail authority had 10 regional jails to service the 55 counties (*Who’s Who in Jail Management* (5<sup>th</sup> ed.), American Jail Association, 2007, pages 431–433; also see Parsons, Larry F., “The Regionalization of West Virginia Jails,” *American Jails*, Jul./Aug. 1994, page 51). The regional jail authority takes responsibility for training the jail staff and for inspecting the jails. When I visited the Eastern Regional Jail in Martinsburg, I observed the officers outside of the pod staring in at the inmates inside the pod. Obviously there was no commitment to the philosophy of direct supervision where officers are stationed inside the pods with the inmates.

Regional jails exist in many other states such as Virginia, Ohio, Kansas, Nebraska, Illinois, Minnesota, North Dakota, South Dakota, Kentucky, Idaho, Washington, North Carolina, Georgia (Kerle, Kenneth E., “Jail Evolution: Rated Capacities (RC), Regional Jails, City Jails, The Growing Number of Women Jail Administrators and New Jail Construction and Planning New Jails,” *American Jails*, May/June 2004, page 19).

Five states adopted the recommendation of the Wickersham Commission, which said back in 1931 that the states should take the responsibility for running their own jails. Wickersham was the Attorney General of the U.S. appointed by President Herbert Hoover who directed an exhaustive study of jails and lockups. It would be a euphemism to say that this study found jails to be in bad shape when, in fact, they were in horrible shape—so much so that the recommendation declared that the states should operate them. After all, jails are a state responsibility. The basis for state control can be found in state statutes and state constitutions. Counties are only administrative units of the state and could be abolished tomorrow if that were the will of the state legislatures and governors.

Only five states today have state jail systems (Connecticut, Rhode Island, Vermont, Delaware, Hawaii, and Alaska). To understand why each of these states adopted the Wickersham Commission suggestion, it is necessary to explore the history and politics of these states that led to state-operated jails. Back in 1994 *American Jails* magazine published an article by Nancy E. Schafer of the University of Alaska at Anchorage, "State-Operated Jails: How and Why," which describes well how it occurred (*American Jails*, Sep./Oct. 1994, page 35). One will discover on reading this well-researched and insightful article that each of the five states achieved state control of their jail systems differently. Never assume that states are in lockstep over state control of jails.

### **Trusting to Camera Observation**

Visiting jails around the country, I found staffing remains a big issue. Why? Perhaps 75% to 80% of a jail budget is appropriated for staffing. Is it any wonder that staffing remains a perennial problem with elected officials trying to please the taxpayers? This was cited as the number one problem back when Dick Ford and I produced *The State of Our Nation's Jails 1982* for the National Sheriffs' Association. More than 2,600 jails were surveyed, and the answers indicated that staffing bugged people more than anything else. In my opinion, budget-cutting politicians downgraded the jail operation as to its importance in the political scheme of things, and so jail staffing continually got short shrift. To compensate for staff shortages, the easy solution was to install a camera on a cell block or in a cell where an officer could observe what was going on from his/her vantage point in the control room.

Cameras lead people to conclude mistakenly that an officer can see everything from the jail control room. While I watched the monitor, an inmate wrapped a sheet around his neck in an upstate New York jail. The officer on duty was momentarily distracted by a phone call. When I pointed to the camera monitor, he radioed jail staff to converge on the cell and interrupt the suicide.

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In a small jail in the northern panhandle of West Virginia, inmates failed in their efforts to signal an escape because they could not get the attention of the officer in the control room responsible for camera observation. I later learned other chores made constant camera observation highly unlikely. As a result she did not see the inmates frantically waving their hands through the cell bars to indicate an escape in progress since she did not remain focused on the camera image. She had a radio to man and phone calls to answer. Like other humans she did not have eyes in the back of her head.

My own personal conclusion is *“Don’t trust a camera to do your job,”* despite what election officials may think. There are often too many distractions where one’s focus on the camera image is lost. Cameras are handy devices and are extremely useful in jails. However, county elected officials who control jail budgets are wrong in assuming you get a better value with more cameras in the jail compared with employing the proper amount of correctional staff. There is no substitute for a trained jail officer who makes frequent contact with the inmates if the prime objective is to operate a safe and secure jail free of jail suicides and escapes.

Too many jails, especially smaller-populated facilities, suffer when ignorant county officials overlook the value of well-paid and well-trained jail officers. This takes on larger importance today with the advent of direct supervision jails where the officer remains in the dayroom area with the inmates under supervision.

### **Pay Parity for Jail Staff**

At the end of 2006, December 31<sup>st</sup>, I visited a Wyoming jail not far from the Yellowstone National Park with a rated capacity of 45, which means this small institution had 45 beds. The jail administrator told me it took him two years of effort to convince the county elected board to grant jail staff pay parity with the road patrol. People would not take the jail career seriously as long as wage stagnated in the minimum wage range. County board members took two years to absorb this information and act on it. Once pay parity became a reality, job turnover became a thing of the past for this jail. In too many jails, especially the smaller ones with a rated capacity of less than 50, minimum wage for the jail proved to be the prevailing wage. Many people took these jobs because nothing else was available in the community. A move in the direction of regionalization is one way to improve jail staff conditions and wages.

### **Mental Health and Co-Occurring Disorders: Reentry Challenges**

Unless they work in jails, most citizens would not be aware that jails have become the largest repositories for the mentally ill. The largest mental health institution in the United States today is the Los Angeles County Jail system where many inmates are housed in

the Twin Towers facility—sometimes referred to as the towers of the “mad and the bad.” This jail, built in 1997, has a rated capacity of 3,647 and is the newest of the six facilities the Los Angeles County jail system comprises. The Twin Towers facility that I visited in May 2007 is connected by tunnel to the LA County Men’s Central Jail constructed in 1963 with a rated capacity today of 6,472. This is considerably fewer than the nearly 8,000 people confined there when I first looked at the Los Angeles jail system in 1988. At that time, the L.A. jail system population had jumped to almost 30,000, but due to court orders and alternative punishment schemes, it had declined to below 20,000 when I made the last of my four visits back in 2007. Still it remains the largest jail system in the United States.

On this last visit I had the opportunity to discuss jail problems with program staff in the L.A. jail system, some of whom were familiar with the mental health treatment in the “mad” tower. Mental health staff backed by well-trained officers did an excellent job managing these unfortunate individuals. One must keep in mind that mentally ill individuals incarcerated in jails frequently have alcohol and drug problems on top of the mental illness. My wife and I stayed at the Checkers Hotel in downtown L.A., and as we walked about the streets, we observed a good many homeless persons who appeared to be afflicted with drug and alcohol and mental health problems.

Karen Dalton, Director of Programs, L.A. County Jail system, indicated that the L.A. County Sheriff’s Department had identified several sites in Los Angeles County suitable for halfway house treatment centers, which could more effectively help the mentally disturbed with treatment programs for mental illness and alcohol and drug problems. In every instance, she reported, the neighborhood dwellers had organized opposition to erecting such centers in the vicinity of their neighborhoods, and the proposed dwellings were discarded. I had run into the problem before in communities throughout the country where citizens had opposed the construction of a new jail facility. This is commonly referred to as the NIMBY (Not in My Backyard) syndrome.

The NIMBY syndrome exists in other countries. While visiting prisons in the U.K., I recall a halfway house in London that operated out of a middle class neighborhood. The NIMBY factor was confronted by the Home Office (in charge of prisons), which sent staff into the neighborhood in question six months before the house was to open. Staff told neighbors what they proposed to do and when they wanted to do it and encouraged the citizens to become involved. They invited neighbors into the halfway facility on its opening day and got them acquainted with the staff and inmate residents. These efforts stopped the rumors and fear mongering that can occur when officials discuss placing an institution or treatment center in a neighborhood.

### **Reentry: Success or Failure**

Whether a jail sentence can dissuade a person from reverting to criminal behavior is problematic. A jail sentence followed by release back into the community needs people to accept the community challenge of keeping people out of jail. This eludes many communities and the in-and out-of jail syndrome drags on and on and on.

First of all, the community is generally ill-informed about the jail, the prisoners who occupy it, and the staff who work in the jail and what they do. Until communities begin to understand the need for an active public responsibility in regard to jail operations, one concludes that only minimal progress will occur at a glacial pace as the jails continue to grow in number and size.

From my vantage point, I would like to see jail officers have college and university credentials to attest to their ability to complete a course of study worthy of a degree in higher education. Historically, this has not been the case because too many counties were satisfied with hiring students fresh out of high schools as jail officers. When I was first introduced to the corrections field back in 1970, even a high school diploma was not required to work in most jails, but the lawsuit phenomenon pushed states into mandating a high school degree for a jail position. Formal education is a part of the triangle that I label with the acronym FEGTRE (Formal Education, Good Training, and Requisite Experience). I don't believe it necessary to have a criminal justice degree to qualify as a competent jail officer. My belief about a good education is that it compels you to reflect and think and figure out answers to life's many problems. Jails that get shortchanged by county elected bodies who allow recruiting of people right out of high school to be jail officers suffer from this mistake. These young people are apprentices who have not been seasoned by experience, which makes them more vulnerable to the ploys of "street smart" inmates they are supposed to supervise.

### **The Failure to Realize the Importance of Direct Supervision**

Direct supervision started at the county level with the opening of the Contra Costa County Jail, California, back in 1981, 38 years ago. Direct supervision began in 1975 with the Federal Bureau of Prisons constructing three direct supervision jails in Chicago, New York City, and San Diego to house federal prisoners and to operate these jails on the philosophy of direct supervision. What this amounts to is having the officers inside the pods with the inmates where they could directly supervise them based on eight philosophical principles. A ninth principle, ownership of operation, came later. Direct supervision operated on the overall premise that people brought to jail were expected to behave similarly to other law abiding citizens in the community. To further emphasize the importance of these behavioral expectations, the architecture and physical plant had to



have aspects of the free world. Thus, instead of combination stainless steel toilet/wash-basins in the jail cells, the toilets and sinks could be made of porcelain and the furniture could be constructed of plastic, light and movable. This thinking alarmed people who people who believed the inmate dayrooms should have stainless steel picnic tables bolted to the floors with metal stools surrounding these table pushed into hardened concrete.

In 2001, the National Institute of Corrections Jail Center issued a *Directory of Direct Supervision Jails*. This document was based on a survey, and NIC made no claim as to the accuracy of those who claimed to adhere to direct supervision. What I've seen across the country of the direct supervision management of jails leads me to believe that the majority of these jails do not spend the requisite amount of time on staff training, that most of the officers could not tell you what the nine philosophical principles of direct supervision are, and that many jails overlook the necessity of making the jail environment as normal as possible. In short, replace the stainless steel with functional plastic furniture and porcelain toilet/washbasins. Many of these so-called direct supervision jails place much emphasis on heavy functional security. Single cells for the occupants have been superseded by two men in a cell and in some instances three men in a cell (Tartaro, Christine, "Survey: Direct Supervision," *American Jails*, May/June 2003; Tartaro, Christine, "Suicide and New Generation Jails," *American Jails*, Sept./Oct. 2003, page 37).

The usual answer as to why the jails do not stick to the direct supervision formula got down to "the elected county board was afraid it wouldn't work." The solution to a truly direct supervision buy-in means educating the public to the point that they at least accept the original concepts of direct supervision. This means changing the attitudes of a great many people who work in criminal justice agencies, jails, courts, police departments, and community corrections. Most have only the foggiest notion of what direct supervision is all about and what the implications are. One jail that I visited in Montgomery County, Maryland, exhibited the benefit to the public when all the criminal justice and ancillary agencies were committed to working with inmates with alcohol/drug and mental health problems, lack of education, insufficient job skills, and so on. It took two years of regular discussions and meetings to get to this point, but they succeeded, and the county became the first in the country to develop an inmate release card. The card entitled the released inmate free public bus transportation for the first 60 days and access to any public library in the county to check out information on housing and job opportunities.

Years before this transpired the seeds had been planted. When I taught college-level courses in several of Maryland's prisons, inmate students would tell me about Montgomery County and the fact the county had faculty from the college teaching in the jail. Of course, I took this with a grain of salt until I visited the jail and found it to be true. One person was a journalism professor who helped the inmates develop and write the county jail's newspaper.

### **Conclusion**

When I reflect back on the past 38 years that I have been involved with jails and prisons, a lot gets overlooked or forgotten. I have written two books about jails (*American Jails: Looking to the Future*, Butterworth-Heinemann, Boston, MA, 1998, and *Exploring Jail Operations*, American Jail Association, Hagerstown, MD, 2003) and edited the first 120 issues of *American Jails* magazine with more than 2,000 articles. Yet, it just seems to me to skim the surface of the challenge.

Progress, of course, has been made in the world of jails, but I believe most of it occurred because courts forced local and state government to stop violating the rights of people incarcerated. This, of course, happened when the U.S. Supreme Court decided that inmates were no longer wards of the state devoid of all rights. I feel it incumbent upon myself to continue to educate people about jails through writing and public speaking, and I encourage people who think they might have an interest in local corrections to stay in touch.

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