

COUNTY JAILS IN IOWA

In Iowa, as in the great majority of the States, the jail system developed in the early years as a necessary means of dealing with offenders against the peace and safety of the local communities. Some place of detention for such persons was essential. The colonists in the new world were familiar with the jail and its uses in Europe, and consequently established it in America. In colonial times and even in the early nineteenth century, the county jail probably met the needs of the community in handling minor offenders and persons held for trial, but with the growth of population and the development of more complex urban conditions, the local jail became inadequate. Like all survivals in a growing society, it is an anachronism. Modification or abolition of the jail system ought long ago to have taken place.

In Iowa, the jail as an institution has persisted down to the present time with little modification or improvement. There is no statewide supervision and the conditions existing depend upon the interest and efficiency of the supervisors, sheriffs, and county attorneys of ninety-nine counties. Inspection by local authorities does not result in any substantial improvement. The building of a new courthouse and jail may, at times, make for better physical surroundings in some counties, but the general situation does not change.

With the establishment of a Board of Control of State Institutions in 1898, and the organization of a State Conference of Charities and Correction, later changed to the State Conference of Social Work, efforts began to be made to find out the conditions existing in the jails. Papers and

studies have been prepared and read from time to time, but no complete statewide investigation had been made until 1941, when the Federal Bureau of Prisons made a survey.

PRIVATE STUDIES OF COUNTY JAILS

A description of the Polk County jail, located in Des Moines, the capital city of the State, was presented by L. Ward Bannister during the first meeting of the State Conference of Charities and Correction, in March, 1898.¹ This institution was considered typical of Iowa jails at that time.

The jail maintained by Polk County was in the basement of the courthouse. There were eight cells, four on either side of a corridor. Three of these cells were "iron cages", standing out from the walls as a measure of security to prevent the escape of the more dangerous prisoners. Offenders were segregated on the basis of sex and age, those under eighteen having separate cells. Dangerous "felons" were separated from the others. The cell containing the drunks and vagrants and any others sentenced for thirty days or less was known as the "bumhole".

The daily bill of fare included tea, coffee, beef, bread, potatoes, or beans. Once or twice a week such "delicacies" as onions or pickles were added and on Sundays some sort of vegetable soup was served. No knives and forks were allowed because they were considered dangerous. The jailer was limited to twelve and one-half cents per meal for each prisoner.

The clothing worn by the prisoner when admitted was used as long as it lasted and then the county supplied whatever was necessary. No sheets or pillows were provided — only mattresses and blankets. The mattresses

¹ L. Ward Bannister's "Our City and County Jails" in the *Proceedings of the First and Second Iowa State Conferences of Charities and Correction*, pp. 27-31.

were changed yearly, and the blankets washed once a year unless the inmates wished to wash them more frequently.

There was no work to do except to scrub the floors twice a week and in the spring to whitewash the walls. Time was passed in "amusement", walking the floor, and in conversation. Tobacco, cards, and obscene stories constituted the chief recreation. A "kangaroo court" was held by the prisoners who carried out the verdicts without hindrance by the authorities. It was often used to extort "treats" from new prisoners.

Sanitary conditions were described as "almost intolerable". The floor was many feet below the surface of the ground outside and the walls were always damp. There were no windows on the south, and little sun reached the interior. The ventilation was "miserable" and stench from the jail permeated the entire courthouse.

The jail was infested with vermin, and rats crawled into the cells. Newcomers were not required to take a bath or to change their clothing. Men sentenced for thirty days or less were not required to bathe or change; those sentenced for over thirty days were required to bathe and change underwear once a week. A single bathtub constituted the only bathing facilities.

In November, 1904, Professor Isaac A. Loos, of the State University of Iowa, urged the importance of a thorough inspection of county and town jails. He pointed out that no extensive or formal study had ever been made, and declared that it was "a matter of common observation" that county jails were "usually gloomy, unsanitary, dingy, cheerless", often positively bad, even for temporary occupancy. He emphasized the desirability of convenient and ample yards, urging that exercise in the open air was necessary. He suggested a general inspection of the jails by the State Board of Control and offered the coöperation of the

State University in any careful statistical inquiry that might be undertaken.²

Between 1904 and 1912 an extensive study of county jails in Iowa was made by Professor Forest C. Ensign, of the State University of Iowa. The results of his investigations were presented in three papers read before meetings of the State Conference of Charities and Correction in 1905, 1909, and 1912. He collected information by the use of simple questionnaires sent to persons known to him in different parts of the State, and through his own observations as he travelled around the State as an inspector of schools. Of the twenty persons to whom he sent questionnaires, sixteen responded, and their reports covered twelve county and four town institutions. He visited ten county jails and seventeen town and city prisons. Altogether twenty-two county jails were included in the report, out of the ninety-nine in the entire State.

In his first paper presented before the Eighth State Conference of Charities and Correction at Marshalltown, November 8-10, 1905, Mr. Ensign described eleven typical institutions. These included five county jails, and lock-ups in towns of 500, 700, and 1500 population, and in cities of 8000, 12,000, and 30,000. These, according to the report, represented "some of the best and some of the worst".

Only a few of these local prisons had any ventilation other than that of doors and windows. Some were dark and lacked sunshine. Only a few had good sanitation. There was no segregation except as to sex. Privacy was impossible, and decency became a luxury. The jails were described as schools of crime, providing "a system of compulsory education in bestial human wickedness."

² Isaac A. Loos's "Inspection of County and Town Jails" in the *Proceedings of the Seventh Iowa State Conference of Charities and Correction* (Sioux City, November 9-11, 1904), pp. 31-33.

The law prohibiting the confinement of persons under seventeen years of age in a jail or prison was not obeyed in four counties. One city prison and one county jail out of the forty-three covered provided employment on the stone pile. In others the only work for inmates was sweeping and scrubbing the jail quarters. Occasionally "trusties" were allowed to mow the lawn or help about the jailer's house. There was work on the streets in a few cities.

Mr. Ensign described the inspection of local jails as "a weary and depressing business". With a few exceptions he found "poor light, foul air, dirty bedding, obscene pictures and inscriptions upon dingy walls". The grand jury each term visited the jails, but there was "almost uniform lack of accomplishment". The average jurymen considered that "almost anything is good enough for a jail". The county attorney and the clerk of the court were supposed to visit the jail twice a year, but they did not always do so, because "they know well enough what the jails are like". There was little sentiment for better things due to a lack of real appreciation of the conditions. One county jail had been condemned regularly each year for twenty-five years by the grand jury, but nothing had been done.³

In 1909, Mr. Ensign reported upon a continuation of his study of jails in the State. Polk County had a "fine new building, safe, hygienic in construction, and in many respects a model of its kind." There had been no statewide investigation or agitation. He had visited "something more than one-fourth of the county jails in the state, and about forty town and city lock-ups."

No satisfactory statistics had been gathered by the State. Nothing more than "a bad guess of the number of "yearly

³ Forest C. Ensign's "City and County Prisons in Iowa" in the *Proceedings of the Eighth Iowa State Conference of Charities and Correction* (Marshalltown, November 8-10, 1905), pp. 55-62.

matriculants" in the jails could be made. In 1908, Polk County had records of 4800 entries — some "guests" appearing more than once. In the same years the six counties of Des Moines, Dubuque, Polk, Scott, Webster, and Woodbury had had 8075 prisoners, 320 of whom were women.

A few typical institutions were described. Dubuque, Polk, and Scott counties had the best managed jails and Polk and Scott counties had the best buildings of those visited. One county had a jail built fifty years before. It was very dirty and "absolutely disreputable" and there was no provision for employment. In a thriving city of 18,000 the municipal jail was in the city hall, an old and dingy building unworthy of a prosperous city. The jail was "well-filled with men and boys, all very dirty." Everything was "filthy and degrading."

Very few jails provided any employment, except labor on the stone pile. In counties with no local rock suitable for crushing, such employment was considered unprofitable. The mayor of Marshalltown employed tramps and vagrants in digging dandelions out of the courthouse lawn and, as a result, became famous as the "Dandelion Mayor". Professor Ensign proposed the establishment by the State of four or more "correctional houses" or "work houses" under trained State directors to deal with the jail problem more constructively.⁴

A third paper dealing with the proposed State supervision of county jails and municipal prisons was read before the Fourteenth Iowa State Conference of Charities and Correction in 1912.⁵ At this time Mr. Ensign described the

⁴ Ensign's "County and City Prisons in Iowa" in the *Proceedings of the Tenth Iowa State Conference of Charities and Correction* (Des Moines, January 20-22, 1909), pp. 39-52.

⁵ Ensign's "State Supervision of County Jails and Municipal Prisons" in the *Proceedings of the Fourteenth Iowa State Conference of Charities and Correction* (Cedar Rapids, November 17-20, 1912), pp. 115-122.

conditions as not greatly changed since 1905 and 1909. He expressed the opinion that "the county jail under county administration and control can never be much better than it is at present." He believed that the county jail must go or it must be supervised and controlled by State authority and he renewed his recommendation of 1909 for the establishment of four or more State reformatories for the offenders sentenced to serve thirty, sixty, or ninety days in jails. He suggested that those sentenced for less than thirty days be dismissed on probation or parole.

He also pointed out that a law might easily be passed authorizing the State Board of Control of State Institutions to inspect and supervise county jails. If the county supervisors did not heed the Board's suggestions, the State could be authorized to transfer delinquents to an approved jail in another county and the cost charged to the county neglecting to observe the recommendations. These proposals, made in 1909 and 1912, still remain unadopted nearly a generation later. Many of Professor Ensign's descriptions of jails would find their counterparts in the Iowa of today. Public opinion and interest in regard to jails has changed very little, if at all, during the intervening years.

THE COSSON REPORT

In 1911, Governor B. F. Carroll requested Attorney General George Cosson to "make a personal investigation of the conditions existing at Fort Madison and of the charges against Warden Sanders and others", and report to him the results of his findings. Governor Carroll also requested Mr. Cosson to ask "two reputable citizens of the state" to sit with him in order that he might have the benefit of their judgment.

The report of this committee was printed by the State under the date of May 25, 1912. It was one of the most

constructive documents ever prepared in the State of Iowa. It covered not only the subjects submitted for its consideration by the Governor, but it made important recommendations in regard to prison labor and the jail system. The committee visited institutions in other States and consulted authorities in those States. Its recommendations, if more fully adopted, would have greatly improved the correctional system in Iowa, both local and State.

In one section of the report, the committee suggested that the general conditions surrounding the jail system in the State should be given consideration by the Governor and that he should make the necessary recommendations to the legislature. In the opinion of the committee, the jail system in Iowa was "a disgrace to the state, and except as a place of detention for persons awaiting trial, there is not a single excuse or justification for its existence."

The committee received reports concerning city and county jails from over the entire State. In none of them was any real form of productive labor provided, and the jail which was sanitary, admitted plenty of sunshine, and in which there was any proper segregation of prisoners, was the rare exception and not the rule.

In one county the jail was reported to be "small, poor, and dirty", while in another county the jail was "in a basement and damp, although the sheriff does the best he can." In a very large number of counties there was no separate apartment for women and no means of segregation between first offenders and habitual criminals, except by confinement in different cells, and such confinement did not prevent communication. One county attorney stated that the only means of separating women and minors from hardened criminals "is a steel lattice work partition."

Furthermore, the committee had "convincing evidence" that in some counties prisoners were permitted to secure in-

toxicating liquors and various forms of dope. In some instances prisoners were allowed to go outside to secure whisky and to indulge in other forms of dissipation. In other cases, sheriffs were themselves guilty of intoxication, gambling, and immorality. The findings of the committee were in accord with the conclusions reached by the Supreme Court of the State concerning the removal of a sheriff of Johnson County.⁶

The committee believed that it had an abundance of evidence to justify the complete elimination of the county jail as a place of confinement or punishment of a person convicted of crime and that in all such instances the offender should be sent to some district penal institution under the jurisdiction and control of the State. It recommended the establishment of at least three district penal farms to be located in various parts of the State, the most accessible to the communities whence would probably come the largest number of prisoners, and a sufficient distance from any city or town to prevent the mingling of prisoners with free citizens, but with reasonable railroad facilities, each penal farm or colony to comprise at least a section of land.

The law should then be amended, declared the committee, to compel the sending of any prisoner to one of these penal farms upon conviction of a crime less than a felony unless the prisoner was released under pardon, parole, or suspended sentence. No person, except for contempt or some special circumstance, should be committed for a period less than thirty days. If the offense committed were not sufficiently serious to warrant commitment for a period of thirty days, the prisoner should be paroled or given some fine, if necessary, with the right to pay the fine upon the

⁶ *The Report of the Committee Appointed to Investigate the Character of the Warden and the General Management of the Iowa Penitentiary at Fort Madison Together With a Report Concerning the Jail System of Iowa With Recommendations*, pp. 78-84; *State v. Welsh*, 109 Iowa, 24.

installment plan. The committee expressed the opinion that the indeterminate sentence should be applied to misdemeanants. "The short term sentence of from two days to two weeks is as wrong as it is foolish."

Furthermore, the committee declared, all the reasons urged in support of the necessity of the elimination of the county jail as a means of punishment for men committing misdemeanors made it equally necessary to provide some isolated colony for the purpose of caring for women offenders arrested and convicted of offenses less than a felony. According to the reports of chiefs of police from ten of the largest cities in Iowa over 1000 women had been arrested and convicted of immorality and other misdemeanors in 1911. If so many women were convicted in ten cities, the number convicted in the entire State indicated the need of at least one custodial colony for women in Iowa.⁷

THE PLAN FOR A STATE FARM

Attempts to carry out the recommendations of the Cosson Committee were made during the session of the Thirty-fifth General Assembly which lasted from January to April, 1913. Bills "to provide for the establishment of district custodial farms for the detention, treatment and employment of persons convicted of crime; to make provisions for the control and management thereof; to provide what persons convicted of crime shall be kept thereon, and to make an appropriation therefor" were introduced in both the House and the Senate.

The Senate bill (S. F. No. 339) was introduced by Senator John F. Ream of Mahaska County, a Democrat. It was

⁷ *The Report of the Committee Appointed to Investigate the Character of the Warden and the General Management of the Iowa Penitentiary at Fort Madison Together with a Report Concerning the Jail System of Iowa with Recommendation* (Department of Justice, State of Iowa, Des Moines, May 25, 1912).

read twice and referred to the Committee on Penitentiaries and Pardons. Later it was reported from the committee with amendments, and as amended, was referred to the Appropriations Committee.

The House bill (H. F. No. 485) was introduced by Representative John W. Jacobs of Calhoun County, a Republican. It was read twice and referred to the Committee on Penitentiaries and Pardons. This committee reported the bill "with the recommendation that the same do pass, and that the said bill be referred to the committee on appropriations for favorable consideration." The report was adopted and the bill was referred to the Appropriations Committee.

No further action was taken upon these measures, but on April 11, 1913, the Senate Committee on Appropriations introduced a bill (S. F. No. 550) to provide for a special tax levy of one-half mill for State institutions to continue for five years. The funds obtained from these taxes were to be used for the erection and improvement of buildings, for the purchase of land, and for the development and maintenance of industries for sixteen institutions, including a "district custodial farm". The bill passed the Senate on April 15th by a vote of 37 yeas and one nay, with 12 members absent or not voting. It passed the House on April 16th by a vote of 62 yeas and seven nays, with 39 members absent or not voting, and was signed by the Governor on April 18, 1913.⁸

The three words, "district custodial farm", in this act constitute all the authority for the establishment of a custodial farm to be found in the laws of the State of Iowa and they represent all the legislative attention ever given to the recommendations of the Cosson Committee as to the jail system of Iowa.

⁸ *Journal of the Senate*, 1913, pp. 611, 1087, 1998, 1999, 2199; *Journal of the House of Representatives*, 1913, pp. 722, 1632, 2418, 2467.

By authority of this law the Board of Control purchased a part of the Martin Flynn farm near Clive, ten miles west of Des Moines. The price paid for the 781 acres was \$156,200. In its report for 1914, the Board urged that "some legislation be enacted stating what class of prisoners should be committed to this institution." If the county jail system in Iowa was to be superseded by these district custodial farms, said the Board, three or more additional farms should be established.⁹

In April, 1915, a bill was introduced by the chairman of the House Appropriations Committee which provided for the establishment of a district custodial farm. This measure authorized the State Board of Control to erect necessary buildings, provided for the organization and management of the farm, specified what persons convicted of crime were to be committed to it, and made appropriations for its support. No person committed to a county jail for less than ninety days was to be sent to the farm in the beginning, but if accommodations were available at a later date, the Board of Control could make provision for prisoners serving shorter sentences. Expenses of commitment were to be paid by the county as in the cases of commitments to jails. The appropriation for maintenance of inmates was based on \$16 per month, per inmate, but if the number of inmates was less than 100, the appropriation was to be \$1,600 a month. An amendment, offered by Thomas F. Griffin of Woodbury County, proposed the purchase of an additional farm, but the amendment was lost. The bill was finally defeated by a vote of 37 to 42, 29 members being absent or not voting.¹⁰

In 1916 the Board of Control again called attention to

⁹ *Biennial Report of the Board of Control of State Institutions, 1912-1914*, pp. 40, 41.

¹⁰ *Journal of the House of Representatives, 1915*, pp. 1560-1563, 1758.

the status of the farm in the following statement: "No provision being made for the establishment of a custodial farm which was under consideration when this purchase was authorized, the board found itself with a large farm on its hands with no funds or direct authority to operate it. The only reasonable solution of the problem was to make it a prison industry, which was done." No expenditure for new buildings or permanent improvement was necessary, except the installation of heating apparatus in the large farm residence occupied by the superintendent and his family and a part of the men.¹¹

In 1918 the Board of Control described the State farm at Clive as conducted as a prison industry by prisoners transferred from the State Penitentiary at Fort Madison. Again in 1920 the Board called attention to the farm on which from ten to fifteen prisoners were working. The net profits for the period from July 1, 1918, to December 31, 1919, were \$17,683.67. Wages paid the prisoners for the same period amounted to \$1,228.22.

Since the legislatures of 1915, 1917, and 1919 made no provision for handling this farm and failed to provide for the purchase of other farms "as appears to have been the original intention of those of our citizens who were promoters of said plan for working prisoners convicted of minor offenses and given jail sentences", the Board concluded that the people of the State did not wish to maintain these custodial farms. Furthermore, the Board found it "impracticable to operate the Clive farm with convicts from the Fort Madison penitentiary, because the land is located at too great a distance from the prison". It recommended the sale of the Clive farm and in lieu thereof the purchase of land near the State Penitentiary and the Men's Reform-

¹¹ *Biennial Report of the Board of Control of State Institutions, 1914-1916*, pp. 44, 45.

atory "where the best of discipline can be maintained among the prisoners working on the farm and a higher degree of efficiency of work secured. Such additional land can be more successfully handled and can produce foodstuffs to an extent which will materially reduce the cost of maintaining the institutions."¹²

In 1921 the legislature authorized the Executive Council to sell the State farm, but the farm had not been sold in 1923, and the legislature of that year authorized the Executive Council to exchange the farm for land near the Mount Pleasant State Hospital already leased by that institution. At the extra session of 1923-1924, however, the Senate adopted a concurrent resolution advising the Board of Control to retain the Flynn farm. Senator W. G. Haskell of Linn County vigorously opposed the exchange. He urged the retention of the Clive farm, declaring his belief that it would increase in value and become of great importance through the growth of Des Moines.¹³

No further efforts seem to have been made to dispose of the farm. Its cultivation and use were carried on by prisoners from the Reformatory at Anamosa for a number of years. In 1926 and 1928 the net profits were from \$8,000 to \$10,000 per year. In 1930 a creamery was erected. Good coal is available under the land, but no efforts have been made to utilize it.

The fortunes of the farm declined with those of the other farms in Iowa after the onset of the depression. Reports showed that it was "in the red" to the extent of \$63,146 for the four years ending June 30, 1934. Of this amount \$50,364 was for decline in inventory value and depreciation

¹² *Biennial Report of the Board of Control of State Institutions, 1916-1918*, pp. 13, 14, 1918-1920, pp. 17, 18, 21, 22.

¹³ *Laws of Iowa, 1921, Ch. 325, 1923, Ch. 315; Journal of the Senate, 1923-1924, Ex. Session, pp. 1107, 1108.*

on buildings and equipment. The largest single item was the chargeoff of \$41,246 in the year ending June 30, 1931, for decline in inventory value. The year ending June 30, 1932, showed a loss of \$3,093, all but \$554 of which was depreciation loss. The next year the operating loss was \$8,472 and the depreciation charged off was \$3,320. For the year ending June 30, 1934, there was a total loss of \$7,508, of which \$4,250 was operating loss.

In 1935 the farm was valued at \$187,402. The purchase price in 1913 had been \$156,200. The great loss in inventory was due to the decline in value of the cattle. The farm was operated on the same basis as other farms and products were sold on the open market at prices that were ruinously low for a number of years.¹⁴

During the period from July 1, 1922, to November 2, 1935, 550 men were assigned to the State farm from the State Reformatory at Anamosa. The largest number at the farm at any one time was 61 in 1930. The disposition of the 550 assigned to the farm¹⁵ was as follows:

- 13 transferred to Fort Madison
- 149 returned to Anamosa
- 174 paroled from the farm
- 154 discharged on expiration of sentence
- 1 died
- 59 escaped

The farm has never been a planned part of the prison system of the State; it is a relic of a defeated attempt to

¹⁴ *Biennial Report of the Board of Control of State Institutions, 1924-1926*, p. 25, 1926-1928, p. 22, 1928-1930, pp. 19, 20, 1930-1932, p. 59, 1932-1934, pp. 34, 72; *Excerpts from Public Documents Regarding Crime and Delinquency in Iowa* (Population and Social Studies, Iowa State Planning Board, 1935), pp. 182-190; John E. Briggs's *Social Legislation in Iowa*, pp. 206, 207; *The Des Moines Register*, March 29, 1924, December 28, 1929, July 21, 1931, February 24, 1935.

¹⁵ Information received in a letter from Warden Foss Davis, dated November 13, 1939.

do away with the county jail as a place of punishment. It has been used as a source of income and as an opportunity to give honor prisoners a more normal life and better instruction than can be given in an institution.

During these years, various attempts were made to secure legislation to authorize the use of this State farm for minor offenders who otherwise would continue to be maintained in idleness and unfit surroundings in county jails. Conditions in 1929 seemed favorable to the success of the undertaking to develop at Clive the kind of institution for which the land had been originally purchased, a correctional or custodial farm. Considerable sentiment had been developed in its favor. The Board of Control had funds for the erection of the necessary buildings and the purchase of equipment. The farm had been profitably cultivated for a number of years. The populations at Fort Madison and Anamosa were increasing, and the building of a new prison seemed to be impending. Such an institution had been indorsed by the State Sheriffs' Association and by the Iowa Society for the Friendless, of which George Cosson, former Attorney General, and chairman of the committee which recommended the establishment of such a farm in 1912, was president.

At the 1929 session of the General Assembly, Representative Lafe Hill, of Floyd County, introduced a bill to establish "a state correctional farm at Clive, Iowa, to provide for the erection and construction of suitable buildings and equipment thereat, to provide for the commitment to said institution, and the detention, treatment, and employment of certain persons convicted of crime, to provide for the control and management thereof, to authorize the transfer of prisoners from the state penitentiary and from the state reformatory to said farm, and to make an appropriation therefor."

This bill was read twice on February 1, 1929, and referred to the Committee on Police Regulations and Suppression of Crime, of which Mr. Hill was chairman. On February 22nd, Mr. Hill reported for the committee certain amendments to the measure and the report was adopted. These amendments changed the name of the farm from "correctional" to "custodial", struck out a specific appropriation of \$350,000, and substituted a provision authorizing the Board of Control to expend "from the industrial fund such an amount as is necessary to carry out" the purposes of the bill.

On March 13, 1929, Representative Hill filed a number of additional amendments to the proposed bill. These amendments concerned commitments to the custodial farm and made provision for "compensation for the transfer and commitment of all persons to said institution and to authorize the collection from the several counties their proportionate amount according to commitments and expenses incurred and to provide funds for the maintenance of said institution."

On March 20, 1929, the amendments proposed on February 22nd and March 13th were adopted. An additional amendment was added, making the measure permissive instead of mandatory and the minimum sentence for commitment six months instead of sixty days. The bill was then read a third time and defeated. The vote was ayes 39, nays 62, with 7 Representatives absent or not voting. On March 21st a motion to reconsider the negative vote was filed, and on March 25th an amendment to strike "state custodial farm at Clive" from the title was made, and the substitution of "men's reformatory at Anamosa" was proposed. The vote on reconsideration was 62 ayes and nine nays, with 37 absent or not voting. The roll call on the amendment was ayes 34, nays 58, with 16 absent or not

voting. In the end the bill was again defeated by a vote of 45 to 57 with six members absent or not voting.¹⁶

SOME STATISTICS ON JAILS

While the legislature was debating the possible use of the State farm as a detention institution for minor prisoners, the jails in Iowa continued to function without much improvement. Reverend Charles Parsons, the Superintendent of the Iowa Society for the Friendless, an association working with discharged prisoners, made a survey of the county jail population of the State in the month of February each year, from 1921 to 1938. An analysis of some of these surveys throws some light upon the jail situation in Iowa during these years. In 1922 the total county jail population increased 60 per cent over the previous year. For the years 1923-1927 the changes from year to year were as follows:

1923	decrease	15 per cent
1924	increase	8 per cent
1925	increase	42 per cent
1926	increase	12 per cent
1927	decrease	3 per cent

During these years the number of prisoners in the larger centers fluctuated a little, but the variation was not great. The increase in jail population seems to have been distributed over the entire State. The analysis of the survey for 1935 showed an increase of 1½ per cent over the previous year. Eight jails contained one prisoner; 36 jails had from two to five prisoners. Forty-nine counties had less prisoners than the preceding year, and forty-five had more.

In 1938 the increase of jail population was seven per cent over that of 1935. One jail had no prisoners; six had only one; thirty-three had from two to five. Forty-nine counties

¹⁶ *Journal of the House of Representatives*, 1929, pp. 183, 459, 460, 743, 744, 757, 825, 921, 922, 949, 1077, 1161-1163; *The Des Moines Register*, December 21, 1928, January 13-15, February 14, March 12, 21, 1929.

had more prisoners than in 1935, while thirty-seven had less.

The table presented below contains the data collected and summarized during the years 1921-1938. Since Mr. Parsons has been engaged in work for prisoners for some thirty years, these figures, in the absence of any official compilation of statistics by the State, give some idea of the changes in the jail population.¹⁷

COUNTY JAIL POPULATION IN IOWA
1921-1938

<i>Year</i>	<i>No. of Prisoners Serving Sentence</i>	<i>No. of Prisoners Awaiting Trial</i>	<i>No. of Federal Prisoners</i>	<i>Total No. of Prisoners</i>
1921	188	223		411
1922	411	251		662
1923				561
1924 (Feb.)				619
1924 (Sept.)	419	362		781
1925	596	225	45	866
1926	609	315	43	967
1927	631	260	47	938
1928	693	266	56	1015
1929	668	251	38	957
1930	828	199	56	1083
1931	975	315	2	1292
1932	967	213	61	1241
1933	709	234	68	1011
1934	726	183	28	937
1935	688	233	30	951
1938	826	170	22	1018

FEDERAL INSPECTION OF JAILS

Since 1930, the Federal Bureau of Prisons has had authority from Congress to provide suitable quarters for the thousands of prisoners suspected or convicted of Federal offenses who must be held in county jails throughout the

¹⁷ Data collected by Reverend Charles Parsons.

country. Under existing legislation, contracts may be made with local authorities for periods not exceeding three years. The rates to be paid for care and custody must take into consideration "the character of the quarters furnished, sanitary conditions, and quality of subsistence." To deal with this problem the Bureau of Prisons established a system of frequent, careful, and rigorous inspections. The inspection force was increased in numbers and the country divided into districts. A new form of inspection was devised to include all the pertinent factors necessary to be given consideration in the inspection of a jail. Thirteen factors form the basis for the final rating. A perfect jail would rate 100 per cent.¹⁸

The thirteen factors used in the rating of the jails are: administration; discipline; building; equipment; personnel; food; medical service; hospital facilities; cleanliness and sanitation; personal hygiene; rehabilitation; employment and industries; and religious instruction. These factors are rated as excellent, very good, fairly good, fair, poor, bad, none. From July 1, 1930 to June 30, 1939, 3078 city and county jails were inspected by the Federal Bureau of Prisons, and the ratings of these institutions were as follows:

	<i>U. S.</i>	<i>Iowa</i>
90 - 100 per cent	0	0
80 - 89	9	0
70 - 79	23	0
60 - 69	67	0
50 - 59	639	9
Under 50	2340	91

A comparison of Iowa jails with those of the United States as a whole indicates that the State ranked low in the Federal rating of these institutions down to July 1, 1939. No Iowa jails were rated as high as 60 per cent.

¹⁸ Fred E. Haynes's *Criminology* (2nd edition), pp. 259-261.

Only nine jails out of 99 were rated from 50 to 59 per cent. The remaining jails were under 50 per cent. In the country at large, including Iowa, 639 jails out of 3078 rated 50 to 59 per cent. Later in 1939, the nine Iowa jails rating between 50 and 59 per cent were re-inspected and six of them dropped below the rating of 50 per cent. The remaining three were on the "borderline of being in the category of disapproved jails."¹⁹

In 1941 the Federal Inspector of Jails made a survey of 97 Iowa county jails. One county has no jail (Hancock County); one county (Lee County) has two jails; and two counties (Floyd and Franklin) were not included in the survey.

Of the 97 jails rated in this survey:

	8	ranked	under	30
45	"	from	30	to 39
30	"	"	40	to 49
14	"	"	50	to 59

Of these 97 jails, 7 were built between 1840 and 1870; 12 between 1871 and 1880; 19 between 1881 and 1890; 19 between 1891 and 1900; 8 between 1901 and 1910; 7 between 1911 and 1920; 10 between 1921 and 1930; and 15 between 1931 and 1940. This indicates that only 40 of the 97 Iowa jails were constructed after 1900.

There seems, indeed, to be a significant relation between the age and the condition of the jails. Of the eight rating lowest (under 30) all but two were built before 1900, and are consequently more than forty years old. Of these, one was built in 1870, one in 1878, one in 1880, two in 1882, one in 1885, one in 1900, and one in 1907. Of the fourteen rating highest (50 and over) one was constructed in 1898, one in 1910, one in 1911, one in 1923, one in 1927, and the re-

¹⁹ Information received in a letter, dated November 22, 1939, from James V. Bennett, Director of the Bureau of Prisons, Washington, D. C.

maining seven between 1936 and 1940. All but one have been built since 1900.

At the time of the 1941 survey, the 97 jails had an estimated capacity of 2293, the population at the time of inspection was 662, commitments during the year had been 20,357, the highest population was 1617, the lowest population was 355, and the average population was 800.

The previous occupations of sheriffs were given as follows: sheriff or deputy 52; officer 12; farmer 10; businessmen 11, with other former occupations listed as mechanic, painter, salesman, highway employee, dairyman, barber, newspaperman, and game warden.

The latest ratings of city and county jails and workhouses inspected by the Bureau of Prisons, July 1, 1930, to June 30, 1944, gives the following results:

	<i>For U. S.</i>	<i>Per Cent for U. S.</i>	<i>Iowa</i>
90 to 100 per cent	0	..	0
80 " 89 " "	6	.2 per cent	0
70 " 79 " "	24	.8 " "	0
60 " 69 " "	61	1.9 " "	0
50 " 59 " "	577	18.3 " "	13
Under 50 " "	2488	78.8 " "	90
	<hr/> 3156		<hr/> 103

Rating by the Bureau of Prisons helps indirectly to bring about constructive improvements in the conditions in jails. A sliding scale of rates for the maintenance of Federal prisoners has been established. The rates depend upon the character of the services rendered. The allotment for Federal prisoners is considerably higher than the support allowed for local prisoners in most communities and the compensation provided by the Federal authorities amounts to a virtual subsidy for the maintenance of the local jail. As

the quality of service furnished goes down, the amount paid goes down.

The procedure of the Federal authorities is to advise local officials of their deficiencies, make specific recommendations, and then wait a reasonable time before disapproving the jail and removing the prisoners. When jails are disapproved and prisoners are removed, no further inspections are made until requests for reconsideration are received from responsible officials. In 1942, twenty-nine jails were reinstated by request of citizens and officials who had been surprised to find their local jail in such a poor condition, and who took immediate steps to make improvements. Authorities in charge of a large number of jails, however, are indifferent to the situation and continue to allow conditions too poor for the housing of human beings — “quite unfit for human habitation”.

Most flagrant violations of the Bureau's requirements are the employment of untrained and inefficient personnel, poor food, inadequate sanitation, and poor custodial security. Many jails serve only two meals a day, and these meals are frequently insufficient for the health of the inmates. The Federal government requires three wholesome meals.

Most jail sanitation is incompatible with the American standard of living. The Federal Bureau requires facilities for clean, healthful living, and conditions which make for self respect and decency. Many jails permit custodial laxities, allowing the control of the inmates to be turned over to the so-called *trusty* prisoners. This type of management lets kangaroo courts exist; gives certain prisoners improper liberties and special food, while others go hungry; and defeats all the purposes of incarceration.

Through its jail inspection service, the Bureau of Prisons has made great improvements in a generally neglected sub-

division of penology. Its importance is indicated by "the fact that during each year more than 40,000 persons charged with offenses against the United States are held in local jails for some period of time."²⁰

Another part of the program of the Bureau of Prisons in connection with the care of the short-term Federal offender has been the construction of Federal jails which are intended to serve two purposes: to set an example of what a model jail should be and how it should be administered; and to provide places to which Federal prisoners can be removed from county jails when the local authorities refuse to accept the standards required by the Federal government for reasonably humane treatment.

By 1942 the Bureau of Prisons had eight correctional institutions for short-term offenders and two detention headquarters under its control. The correctional institutions are located in Colorado, Connecticut, Florida, Kentucky, Michigan, Minnesota, and Texas; the detention headquarters are in New York City and New Orleans. The capacity of these institutions varies from 400 to 600 inmates. They represent the most recent methods of treatment of different types of minor offenders. The survey by the Federal Bureau of Prisons and the examples set by its prisons, have not, however, materially affected the status of local jails in the United States. During the year ending June 30, 1939, the Federal Bureau of Prisons used only fifteen jails and the average daily Federal population in these jails was thirty. Because of the comparatively small use of county jails by the Federal authorities, local officials object to these ratings as unimportant from the financial standpoint. They believe that the expenditures necessary to meet the Federal requirements would be unwarranted by the use of the facili-

²⁰ *Gearing Federal Prisons to the War Effort* (Illustrated pamphlet published by the Federal Bureau of Prisons, 1942), pp. 120, 121.

ties. This conclusion ignores the desirability of the Federal standards from social and humanitarian points of view and puts a commercial rather than a social emphasis on the improvement of jail conditions.

FRED E. HAYNES

THE STATE UNIVERSITY OF IOWA
IOWA CITY IOWA