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Who's in Jail?: An Examination of Irwin's Rabble Hypothesis

John Allen Backstrand
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Backstrand, John Allen, Ph.D.

Portland State University, 1991

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WHO'S IN JAIL?
AN EXAMINATION OF IRWIN'S RABBLE HYPOTHESIS

by
JOHN ALLEN BACKSTRAND

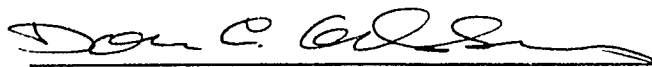
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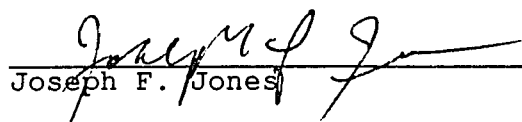
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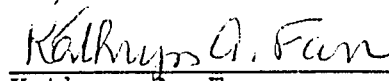
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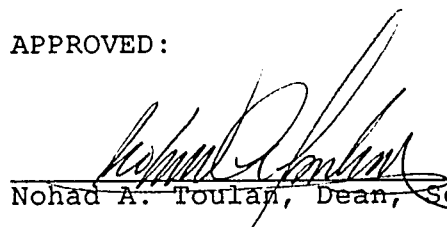

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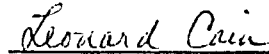

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AN ABSTRACT OF THE DISSERTATION OF John Allen Backstrand for
the Doctor of Philosophy in Urban Studies presented August 7,
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Title: Who's in Jail? An Examination of Irwin's Rabble
Hypothesis.


APPROVED BY THE MEMBERS OF THE DISSERTATION COMMITTEE:


Don C. Gibbons, Chair


Leonard Cain


Annette Jolin


Joseph F. Jones


Kathryn A. Farr

The research reported in this dissertation centers
around John Irwin's recent book, The Jail: Managing the
Underclass in American Society (1985), and provides a data-
informed critique of his study. It examined the records of
people booked and incarcerated in jails varying in size and
other characteristics in order to evaluate Irwin's conclusions

that were made from his study of inmates at one jail in San Francisco County, California. The research portion of this dissertation was a comparative study of six Northwest jails in Multnomah County, Oregon and Skamania County, Washington and the varying characteristics of 1,306 jail prisoners incarcerated in them.

Drawing upon inmate records, it was possible to obtain a charge distribution of the population selected for study as well as pertinent findings on other variables of age, gender, race, location, time incarcerated in the six detention locations, and disposition of charges. Most important to this study was the issue of crime severity for which a Statutory Seriousness Scale (SSS) was designed. The scale was based on the revised codes (criminal laws) of Oregon and Washington.

Irwin put forth the argument that jails are occupied predominantly by a rabble class of inmates who have committed mostly petty crimes or no crimes at all. He defined the rabble class as those who are detached and disreputable persons who do not fit into conventional society and are irksome and offensive lower class members.

It is not so much Irwin's definition of rabble that is at issue, rather, it is his contention that the nation's jails are populated predominantly by persons whose "crime" is that they are "offensive," rather than lawbreakers involved in serious criminal acts. According to Irwin, the primary function of the police is to manage, by various means, this

disreputable underclass. The data gathering procedures used by Irwin were not entirely satisfactory, casting doubt on the accuracy of his claims. Accordingly, additional inquiry into jail populations is in order.

The data uncovered in the present study suggests that, contrary to Irwin's thesis, many people are arrested, booked, and jailed as a result of committing fairly serious crimes. This conclusion was true for the six jails and the 1,306 persons whose records were studied. The research suggests that Irwin's argument is not true for jails everywhere and that jails here do not seem to be filled mainly with persons whose primary problem is their offensive behavior. Instead, jails house a majority who have committed fairly serious acts of lawbreaking.

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Little did I know when I started this project, of the important role that others would play in guiding it to a conclusion. Without the aid of Don C. Gibbons, who spent countless hours trying to wring something meaningful out of me, there simply would not have been a "Who's in Jail." His support and guidance, together with the expert help and suggestions of my other committee members, Leonard D Cain, Annette I. Jolin, Joseph F. Jones, and Kathryn A. Farr, are what made it all happen. Of course, without the assistance of Sheriffs Robert G. Skipper and Raymond D. Blaisdell and their representatives, Commander William T. Wood, and Deputies David O'Brien and J.R. Richardson, this particular research could not have been accomplished. The encouragement I regularly received from Charles A. Tracy and Colleen Barnett helped more than they will ever know. But most important of all was the unfailing support and ever-present encouragement that I received over these years from my wife, Bobbie, and my family, who, by easing my burdens and providing an environment conducive to study and research, enabled me to reach this goal. Giving thanks would not be complete without mentioning a man whom I've never met nor spoken to: John Irwin. His book and his name are indelibly etched upon my mind.

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CHAPTER I

MANAGING THE RABBLE

INTRODUCTION

John Irwin's recent book, The Jail (1985), put forth the argument that jails are occupied predominantly by a "rabble" class of inmates, most of whom have committed only relatively petty crimes or who have not actually violated the law at all. According to Irwin, this rabble class, made up of lower-class persons and other socially-disreputable citizens, is actively kept under wraps and subjected to society's harshest form of punishment in the jail. In short, according to Irwin, the major function of the American jail is to manage the rabble class.

That there are many lower-class persons or disreputables in jail is not in dispute. But, what is in question is the accuracy of Irwin's hypothesis that the majority of those arrested and booked have been victims of police action designed to clear the streets of "rabble" and that our jails are full of prisoners who have committed either petty offenses or no criminal acts at all. In all likelihood, many citizens would view this claim as counterintuitive, for many of them quite probably view the jail as a place where dangerous criminals are incarcerated,

either prior to or after appearing in court. Even so, Irwin's "radical" contention may be correct!

Irwin defined the rabble as those who are detached and disreputable. Others have referred to this segment of the population as "social refuse," "social junk," or the "underclass." According to Irwin, the rabble do not fit into conventional society and are irksome and offensive lower class persons. They are often labeled by such terms as "riff raff" by citizens and as "assholes" or "dirt bags" by the police and other justice system workers.

Irwin's book was a welcome addition to a meager social science literature on jails. Although American jails have come under public and scientific scrutiny from time to time, most of the commentary on them has centered on the various evils said to characterize these places, such as bad food, sexual exploitation, lack of programs, and degradation of inmates. Indeed, there is an extensive body of criticism dealing with the shortcomings of jails. However, relatively little attention has been paid to jails as social phenomena, to the functions of these places, and to the social interactions which occur in them. Seen in this light, Irwin's book is a major contribution to the criminological literature. At the same time, there are major questions that need to be asked about the accuracy and generalizability of certain of his claims about jails and the people who fill them.

Irwin's claims came mainly from his observations in the San Francisco County Jail. Further, his data-gathering procedures were not entirely satisfactory, casting doubt on the accuracy of his conclusions. For example, he examined newly-booked jail prisoners but failed to scrutinize the criminal and social backgrounds of convicted prisoners who were serving sentences in jail. No attention was given to incarcerated women at all. As a result, his contentions that most jail occupants are petty offenders and members of the rabble class may be overdrawn. Then too, the evidence on which prisoners were identified as petty offenders and members of the rabble class was not entirely convincing. Accordingly, additional inquiry into jails seemed in order.

The research reported in this dissertation centers around Irwin's seminal book and provides a data-informed critique of his study. It examined the records of people booked and incarcerated in jails varying in size and other characteristics in order to evaluate Irwin's conclusions. More specifically, the study gathered data on the characteristics of jail prisoners in the five facilities which comprise the Multnomah County, Oregon jail system and the single county jail in Skamania County, Washington.

The chapter to follow examines what is known about jails in the United States. Of particular concern are the living conditions in jails as well as variations in jail

physical facilities and their effects on both jail inmates and corrections personnel.

Chapter III addresses in finer detail Irwin's research and arguments, and provides a closer examination of his "rabble" sample. His techniques for measuring crime seriousness and arrestee offensiveness are reviewed there together with his claims about labelling and type casting of offensive persons.

The development and methodological activities involved in this study are discussed in Chapter IV. This chapter discusses the manner in which the data were collected as well as the methods, the working hypotheses, and the variables that were involved.

Detailed descriptions of the analysis and results are covered in Chapter V. There, the effort made to obtain a distribution of the charges characterizing the population selected for study as well as the other variables of age, gender, race, location, time incarcerated, and disposition are discussed. Most important to this study was the issue of crime severity for which a Statutory Seriousness Scale (SSS) was designed. The scale, tied to the classification of offenses contained in the revised codes (criminal laws) of Oregon and Washington, was employed in order to examine the central issue of offense seriousness.

Finally, Chapter VI compares Irwin's findings with those of the current research and draws conclusions from

this comparison. Most importantly, this final chapter assesses the question of the extent to which the seriousness of the criminal acts of jailed persons plays a major role in their arrest and incarceration.

CHAPTER II

JAILS: LITTLE STUDIED -- WIDELY MISUNDERSTOOD

Irwin (1985) asserted that very little has been written, little is known and little is understood about jails. Other scholars have made similar comments. For example, preceding Irwin's publication by a decade, Goldfarb (1975:1) stated: "Jails have been little studied and widely misunderstood." Moreover, according to Mays and Thompson (1988), only a handful of book-length studies of jails have been published. They claimed that between 1982 and 1987, less than ten articles on the subject of jails appeared in criminal justice journals, while in 1988, only six were published! On the same point, Edith Flynn (1983:917) has pointed out that prior to 1970 no national statistical data existed on jails or their populations. In fact, it has only been recently that a definition of the modern jail has been formulated. Jail has been defined as "a confinement facility administered by a local law enforcement agency, intended for adults but sometimes also containing juveniles, which holds persons detained pending adjudication and/or persons committed after adjudication for sentences usually of a year or less" (U.S. Department of Justice, 1978).

Most lay persons seem not to differentiate between prisons and jails and if called upon to do so, they probably could not accurately describe the different functions and operations of these places within the criminal justice system. According to Jordan (1986:87), the jail is "an institution that remains mysterious to most of us, despite the fact that three million to seven million people pass through our jails every year." The average citizen seems to know little and care little about jails beyond acknowledging that the police put "bad" people in them, that there are not enough of them, and that they cost too much money.

One might think that jails and their problems would be a target for social researchers and also for those seeking answers to the ills of the criminal justice system, especially in light of the fact that in 1988 there were nearly 350,000 persons incarcerated in jails in this country on any given day (Flanagan and Maguire, 1989:569). Klofas (1989:2) has asked, "why then is our knowledge of these institutions so limited?" The answer, according to Mattick (1974:779) is that the myriad practical problems posed by the very size and diversity of the system are overwhelming, acting as a deterrent to scientific inquiry on jails.

The problems mentioned by Mattick are real ones, but even so, some research has been conducted on jails. In Chapter II, several different aspects of what is known about jails in America will be examined. First, a brief history

of jails will be presented, together with an explanation of the evolutionary process of jail reform that has taken place. Then, a short report on the direction that jail studies have taken will be followed by discussion of the deplorable conditions and prisoner abuse which have been all too frequent in American jails. Mention will be made of the variations in jails and in their use, along with comments on the effect of physical design on the jail system. Finally, this chapter will present national jail study data in order to give the reader a sense of what has been experienced nationwide in these areas of interest. This last section is also intended to better prepare the reader to place the data reported by Irwin, as well as those found in this study, into national context.

JAIL HISTORY AND REFORM

Early jails in the United States were an evolutionary product of a centuries-old English system of harsh, often cruel incarceration of citizens whose offenses ranged from serious capital offenses, to religious and political crimes, and to debt, vagrancy, prostitution, and public drunkenness. According to Flynn (1983), the predominant forms of early punishment in England included death, mutilation, whipping and branding for serious offenses, with public ridicule and humiliation, the pillory, cage or ducking stool as punishments for lesser crimes.

In the early 1700s about half of all English gaols were privately owned and some were rented out for profit (Houston 1987). The conditions were incredibly inhumane with little or no regard for health or sanitation. Because the jailer's only source of income was from the prisoners and their families, it was common to receive payment for the release of shackles, chains, spiked collars and the like. The prisoners paid for their own food or any other service they desired, including that of a prostitute. Women and children as well as the mentally ill and hardened criminals were incarcerated together in large dungeon-like rooms, a practice that carried over to the United States. Indeed, large holding cells are still common in jails today.

Not surprisingly, our ancestors established English-style gaols in the American colonies for that was the only model they had. The first of these jails was established in 1607 at Jamestown, Virginia. By today's standards the treatment of incarcerated persons was cruel and outrageous; however, that too was the norm or standard of the day. Just as in England, the Sheriff ran the jail usually in concert with a Justice of the Peace.

Shortly after the revolutionaries won independence in the eighteenth century, they set about changing their criminal code and rejecting old punitive laws. By taking the lead of the Quakers, who were considered to be the first American penologists, they were following the classical

legal philosophies of the likes of Beccaria, Bentham, and Voltaire. Although the new Americans began building prisons to house criminals who might once have been subjected to corporal punishment, the jail continued to exist little changed from before. Flynn (1983:916) lamented that the existing jails increasingly became repositories for minor offenders such as "the petty offender, the vagrant, the debtor, the beggar, the promiscuous and the mentally ill, as well as the untied."

All the same, it should be noted that American jails did precede the prison system and, according to Mattick (1974:784), they thus acquired their unique character as a residual function of a legal and penal reform movement. Even though jails as we know them can be traced to the year 1066, Flynn (1983) pointed out that historians have been unable to pinpoint exactly when the jail function changed from a place of general detention to one of detention and incarceration.

Many scholars agree that the concept of the American jail has not changed much from the early 1800s. The function remains the same, as does its physical make-up and its clientele. Judging from the results of one study, (Houston, Gibbons, and Jones 1988) improvements in jail physical attributes appear not to make a great deal of difference in the inmate's perceptions of those places. According to Irwin (1985), the inmates still belong to the same

disreputable, disintegrated group of rabble as centuries ago.

Flynn (1983:920) agreed with these assertions in her essay outlining major considerations in jail reform. Like Houston, she felt that "systematic jail reform calls for relatively simple shifts in administrative procedures and policies." She also advocated increasing local accountability for jails, along with elimination of county control. In other words, it is not the jail itself that needs replacing, but rather, the way in which it is controlled and administered. Of course, these changes are easy enough to advocate, but they might be difficult to achieve. Such changes might be the biggest step in jail reformation since the Quakers reformed the traditionally harsh English system of gaols that existed in the United States early in the nineteenth century.

THE DIRECTION OF JAIL STUDIES

The mechanical and methodological problems mentioned earlier do not offer an entirely satisfactory explanation of why so little is known about jails. A more fundamental factor has been suggested by Jacob (1983:408) who pointed to the lack of theory, defined as a broad organizing principle, to adequately guide research. He asserted (Jacob, 1983:408) that: "the very nature of exploration, of course, is to

travel without the benefit of accurate maps. However, one must have tentative notions about the lay of the land and the perils to be overcome." Similarly, Klofas (1989:4), in considering what is known about jails, concluded that: "it may be useful to examine (the) 'tentative notions' (that) underlie the research..." This passage suggests that jail research, limited as it has been, has also been atheoretical or unguided by a central perspective.

One indication of "the lay of the land," which Jacob regarded as necessary, is found in the four broad categories of jail research suggested by Houston, Gibbons, and Jones (1988:450-52) as a way of sorting out the jail literature. The four categories are:

- 1) descriptions of the deplorable conditions in local jails,
- 2) concern with jail management, 3) articles focusing on detainees' legal rights, and 4) essays focused on jail reform.

The Houston, Gibbons, and Jones paper (1987:3) also identified a fifth concern, namely, variations in jail architecture and physical plant and their effects upon jail management and prisoner behavior.

The remainder of this chapter will look at jail conditions and abuse of prisoners as well as variations in jails and their uses. The last section is devoted to national jail data from which comparisons can be made to local data presented later in this dissertation.

DEPLORABLE JAIL CONDITIONS -- ABUSE OF PRISONERS

Today, jails are an important part of the criminal justice system in that they accommodate a huge population of inmates. They have long been criticized as one of the least adequate parts of the criminal justice machinery. Indeed, Irwin (1985:xi) claimed that, "the jail and not the prison, imposes the cruelest form of punishment in the United States." Fleming (1982) offered a parallel assessment, claiming that jail and bail are simply forms of pretrial punishment.

A number of commentators have provided detailed substance to flesh out this broad indictment of jails (Davis, 1968; Irwin, 1985; Gibbons, 1987; Brown et al., 1990). Much indignation has been voiced about such matters as physical abuse of prisoners, poor food, and overcrowding and incompetent or corrupt jailers. For example, frequent reports have surfaced about jailers who have misappropriated funds earmarked for the food, clothing and care of inmates. Too, unwary inmates who have any money have been fleeced by jailers or other inmates (Jiminez, 1975).

Another well-publicized complaint about jails is that sexual assaults are common in them (Davis, 1968). Davis reported that sexual exploitation of young, white inmates by black prisoners was very common in the 1960s. Although sexual assaults may have become less frequent, they are

still a significant problem. According to Klofas (1990a), inexperienced prisoners are still very fearful of sexual attack and rightly so.

VARIATIONS IN JAILS AND THEIR USE

As a class of control agencies, jails deserve the negative reputation that they have earned. But at the same time, it is clear that jails are not all identical, save for the basic fact that little has changed since they shifted from a place for general detention to one of pretrial detention as well as incarceration of sentenced offenders (Flynn, 1983). Regarding variations among jails, Klofas (1990a:2) pointed out that it is difficult to generalize the findings of jail research because the differences in jail size and inmate populations are so great. Also, Flynn (1983) asserted that there is no typical jail. On this same point, Hall et al. (1985:3) suggested that in the case of jail overcrowding, analyses tailored to individual jurisdictions are necessary because of the variations among them. Conclusions about individual jails, therefore, may not be generalizable to all jails.

As one example, the poor, degrading, sub-human conditions that reportedly exist in some jails (Irwin, 1985) may not be as prevalent in the Northwest as in other parts of the United States. Newman and Price (1977) have observed that there are over 3,300 jails in the United States and also

that there is no typical jail. These places differ along many dimensions, thus they vary in size as well as other characteristics. Klofas (1989) in alluding to the fact that little attention has been paid to the differences in local jails reported that not all jail populations grew at the same rate nor are all jails always used for the same social purposes.

Klofas (1989 and 1990b) has tried to capture the complexity of the role of the jail while still allowing for comparisons across jurisdictions by developing a general approach to measurement. He contended that the processing and holding of offenders is "the community's resources for exercising social control through the jail." (1990a:15) Some jails can be identified as high use or low use facilities, while they can also be categorized in a four-fold typology in terms of specialized primary functions, those of processing or of holding lawbreakers. Although many jails hold only a handful of inmates, over forty percent of the jail population can be found in just 100 of the largest jails in the nation. In Klofas's national comparison of jails with over 100 inmates, he found large differences in admission rates and average daily population rates. He also suggested that one must look at both the new admissions as well as the jail population to obtain a clear perspective on the jail's role in the community. One of the most important insights from Klofas's work is that there is

considerable variation in American jails in that they vary markedly in terms of both size and purpose.

On this point, The American Jail Association (1987) noted that there were over 21,000 inmates in jail in Los Angeles County, on any given day in 1987, but there were 25 or fewer in over 1800 other jails (Bureau of Justice Statistics, 1987).

Klofas contended that nearly all of the American criminal justice system has been changed by what he termed "the crisis in local corrections." Not only is there a great deal of variation in jail facilities, but even greater variation is noted in jail use. The crisis, which has grown out of overcrowding, has brought about many innovative practices, both positive and negative, regarding the process of holding, detaining, incarcerating or otherwise controlling those who have violated the laws governing social order. In some jurisdictions, overcrowding has resulted in wholesale release of offenders, while in others, the frenzied building of new jails has been the order of the day. According to Cory and Gettinger (1984), we have begun a build-up of new jail facilities that is the largest in our nation's history. Klofas reported that alternatives to detention are becoming as innovative as are some forms of incarceration. While it is perhaps a step back in time to employ the use of a floating jail, similar to ones used by the British in the 1700s, or to charge

inmates a fee for services such as placement in better facilities, it is perhaps indicative of the times in which we live for municipalities to loan inmates money to use for bail (Klofas, 1989).

Like Houston and Flynn, Klofas contended that many of the problems associated with jails, not the least of which are uncoordinated, dissimilar standards both in physical configuration as well as policy and use considerations, will not be relieved until jails are viewed in a broader context than is now the case. He stressed that well thought out policy recommendations are the single most important aspect in bringing about needed change (1989:19). Further, he argued that we must look beyond the criminal justice system and into other mechanisms for social control if we are to solve the major problems posed by jails.

PHYSICAL DESIGN AND EFFECTS

Intuitively, most persons would probably conclude that clean, brightly lit living quarters, whether in a private home or a jail, are preferable to dark, unkempt, unlit and crowded ones. Still, the question should be asked, does the design of a building affect behavior or the social climate within it? Prohansky (1976:5) argued affirmatively: architecture is an expression of the social system and generally reflects the cultural forces at work in a society. Houston (1987) reported that although there is little doubt

that architectural settings can be uplifting, scant attention has been paid to the impact, if any, of jail design on social climate. Some research on design variations among jails and their effects upon social climate has been conducted by Paulus, Cox, McCain, and Chandler (1975), Wener and Clark (1976), Gusten (1977), and Wener and Keys (1979). One thing that has been learned from these studies is that inmates prefer the privacy offered by certain jails such as the Metropolitan Corrections Centers of New York City and Chicago. The private bedrooms (cells) were well cared for by the contented residents whereas complaints were common in dormitory facilities where there was little escape from the eyes of other inmates.

Even so, in his study, which compared an old, bastille type jail with a new, "state-of-the-art" one that replaced it, Houston (1987) concluded that the physical environment, that is, the facility itself, had little bearing on the social climate of the jail, as indexed by offenders' or correctional officers' perceptions of the jail, its management, inmate-officer relations, and the like. He concluded that if the decision had to be made between building a new facility or rehabilitating an old one, as opposed to establishing better policies and procedures, the latter would be the better choice.

NATIONAL JAIL DATA

National data on jails can be obtained from the Sourcebook of Criminal Justice Statistics, 1989.

Information presented there identifies the number and make-up of jail facilities in the United States.

Table I indicates the number of jails in the United States by region and state, together with numbers of inmates incarcerated in them. Note the differences between various states and regions with respect to rates of inmates per 100,000 population, where the figures range from as few as 37 inmates per 100,000 population in Iowa to as many as 276 in Georgia. The South appears generally to have a larger number of inmates per general population than do other regions. Alaska was the only state to decline in jail inmate population ratio between 1983 and 1988 and had so few inmates in jails that the rate of inmates per 100,000 population could not be calculated.

The data in Table I and Table V were gathered in the following manner.

The 1988 Census of Local Jails was conducted by the U.S. Bureau of the Census for the U.S. Department of Justice, Bureau of Justice Statistics. Questionnaires were mailed to 3,448 locally-administered jails in the Nation during the week of August 1, 1988. Forty-four jails were added to the initial mailout, and 176 were deleted, leaving a final count of 3,316 facilities. Through the use of various follow-up procedures a response rate of 100 percent was achieved.

TABLE I

NUMBER OF JAILS, NUMBER OF INMATES, AND RATIO TO GENERAL
POPULATION, BY REGION AND STATE, JUNE 30, 1983 AND 1988

Region & State	<u>No. of Jails</u>		<u>Number of Inmates</u>			Inmates per 100000 pop.in 1988
	1983	1988	1983	1988	Percent change 1983-88	
U.S. Total	3338	3316	223551	343569	54%	144
Northeast	223	223	36634	57613	57	126
Maine	14	15	560	669	19	56
Massachusetts	17	19	3304	5454	65	93
N. Hampshire	11	11	475	789	66	73
New Jersey	32	28	5971	11124	86	144
New York	72	75	16154	25928	61	145
Pennsylvania	77	75	10170	13649	34	114
Midwest	972	964	39538	50646	28	85
Illinois	98	95	8849	9891	12	85
Indiana	93	90	3599	5235	45	94
Iowa	90	90	839	1036	23	37
Kansas	86	94	1328	1906	44	76
Michigan	87	85	7637	9404	23	102
Minnesota	67	71	1954	3227	65	75
Missouri	129	123	3783	4154	10	81
Nebraska	67	66	844	1156	37	72
North Dakota	31	26	243	288	19	43
Ohio	121	122	7116	9160	29	84
South Dakota	31	29	316	522	65	73
Wisconsin	72	73	3030	4667	54	96
South	1607	1599	89479	143751	61	171
Alabama	108	110	4464	4819	8	117
Arkansas	89	87	1602	1994	24	83
Dist. of Col.**	2	1	2843	1693	-40	274
Florida	103	102	14688	28236	93	229
Georgia	203	196	10214	17482	71	276
Kentucky	96	95	3711	4695	27	126
Louisiana	94	90	8507	11222	32	255
Maryland	30	35	4608	7486	62	162
Mississippi	91	96	2498	3501	40	134
North Carolina	99	102	3496	5469	56	84
Oklahoma	104	100	2215	2595	17	80
South Carolina	58	55	2690	3497	30	101
Tennessee	108	108	6005	10858	81	222
Texas	273	275	15224	29439	93	175

TABLE I

NUMBER OF JAILS, NUMBER OF INMATES, AND RATIO TO GENERAL
POPULATION, BY REGION AND STATE, JUNE 30, 1983 AND 1988
(continued)

South						
Virginia	95	95	5719	9372	64	156
West Virginia	54	52	1015	1393	37	74
West	536	530	57900	91559	56	185
Alaska ***	5	5	37	27	-27	-
Arizona	31	33	2940	6006	104	172
California	142	149	41720	64216	54	227
Colorado	60	61	2747	4882	78	148
Idaho	36	37	604	810	34	81
Montana	50	46	405	616	52	77
Nevada	23	19	940	2343	149	222
New Mexico	35	34	1346	2188	63	145
Oregon	39	39	2304	2819	22	102
Utah	24	25	906	1261	39	75
Washington	65	60	3610	5934	64	128
Wyoming	26	22	341	457	34	95

Note: * Based on resident population estimates, July 1, 1988, U.S. Bureau of the Census Press Release CB89-47.

** - The decline in the District of Columbia jail population reflects the reclassification of the Occoquan complex from a jail to a prison between 1983 and 1988.

*** - The number of inmates per 100,000 population could not be calculated.

Source: Sourcebook of Criminal Justice Statistics, 1989, Table 6.23, Page 569.

The 1988 census included all locally-administered jails that held inmates beyond arraignment (usually more than 48 hours) and that were staffed by municipal or county employees. Eight jails that were privately operated under contract for local governments were also included. Excluded from the Census were physically separate drunk tanks, lock-ups, and other holding facilities that did not hold persons after they had been formally charged as well as all Federal and State-administered facilities, including the combined jail-prison systems in Alaska, Connecticut, Delaware, Hawaii, Rhode Island, and Vermont. Five locally-operated jails in Alaska were included.

A number of items were incompletely reported. Where the number of inmates convicted and awaiting sentence was not available, estimates were accepted. In some cases data for inmates convicted and awaiting sentence may have been reported as awaiting arraignment/trial or being tried. The race of Hispanic inmates and Hispanic staff was incompletely reported. (Flanagan and Maguire, 1990:569)

Table II shows that while the total number jails in the United States decreased during the 1978-1988 period, there was a significant increase in the number of jails accommodating more than 50 or more prisoners, while, during the same period, the number of jails housing fewer than 50 inmates declined dramatically. Table II also shows that this phenomenon was no less true for the West, where the number of jails housing 50 or more inmates increased dramatically, by 78, at the expense of smaller jails housing less than 50 prisoners, which numbered some 36 fewer over the same 10 year period. Table III shows that there are many more jails between 25 to 50 years of age than in any other category. Not surprisingly, there are also more inmates housed in jails that are 25 to 50 years old.

There are several observations to be made from Table III. Note that while there are far more inmates in Southern jails than Northeastern jails, there are relatively more prisoners in 100 year old Northeastern jails. Not surprisingly, few prisoners (57) reside in Western jails that are that old. Also, while only 12 percent of the nation's newer jails are in the Northeast, over 34 percent of the oldest ones (over 100 years old) are also in that region. The South, with a jail population nearly three times larger, has far fewer older facilities than does the Northeast. Table III shows that adult males predominate in jail populations.

There has been a steady increase over the years in the number of inmates in all age categories, with the exception of juveniles. However, according to the Sourcebook (1990:571), the apparent lack of increase was "Because fewer than 1 percent of the jail population were juveniles, (and) caution must be used in interpreting any changes over time."

A glance at either Table IV or Table V shows that jails are a major part of the criminal justice system, holding large numbers of citizens for brief or relatively long periods of time. Indeed, should the rate of increase continue, there will soon be a half million persons per day incarcerated in them. It should also be kept in mind that

TABLE II
NUMBER OF JAILS, BY SIZE OF JAIL AND REGION,
UNITED STATES, 1978, 1983, AND 1988

<u>Jail Size *</u>	<u>United States</u>			<u>Northeast</u>		
	1978	1983	1988	1978	1983	1988
U. S., total	3493	3336	3316	207	223	223
Fewer than 50	2844	2471	2219	109	95	67
50 to 249	519	675	798	75	87	90
25 to 499	76	117	159	12	25	31
500 to 999	44	54	89	9	10	25
1000 or more	10	19	51	2	6	10
<u>Jail Size *</u>	<u>Midwest</u>			<u>South</u>		
	1978	1983	1989	1978	1983	1989
U. S. total	1042	970	964	1678	1607	1599
Fewer than 50	933	819	775	1380	1208	1069
50 to 249	89	124	157	249	333	412
250 to 499	11	16	20	32	41	71
500 to 999	7	10	8	15	19	30
1000 or more	2	1	4	2	6	17

Note: * Based upon average daily inmate population.

Source: Sourcebook of Criminal Justice Statistics 1989,
Table 6.24, Page 570.

TABLE III

AGE OF JAILS, NUMBER OF JAILS, AND INMATES HOUSED,
BY REGION, UNITED STATES, JUNE 30, 1988

<u>Characteristic</u>	<u>U. S. Total</u>	<u>N.East</u>	<u>Midwest</u>	<u>South</u>	<u>West</u>
<u>Jails that were:</u>					
Less than 5 Yrs old	360	29	80	172	79
5 to 9 years old	388	22	116	180	70
10 to 14 years old	481	19	152	225	85
15 to 24 years old	575	19	167	294	95
25 to 49 years old	736	29	194	395	118
50 to 99 years old	636	58	196	303	79
100 or more Yrs old	140	47	59	30	4
Totals	3316	204	964	1599	530

Inmates in Jail that were:

Less than 5 yrs old	55526	9645	6411	24834	17636
5 to 9 years old	42087	2374	4915	25690	9108
10 to 14 years old	38669	5978	5781	20410	6500
15 to 24 years old	49208	7617	9906	20412	11273
25 to 49 years old	92339	11192	10476	31896	38775
50 to 99 years old	50164	12207	12139	17608	8210
100 or more yrs old	12576	8600	1018	2901	57
Totals	340569	57613	50646	143751	91559

Source: Sourcebook of Criminal Justice Statistics 1989,
Table 6.25, Page 570.

the yearly number of prisoners would be vastly larger, for the 300,000 figure is a one-day census, rather than a total count of the extremely large numbers of persons who pass in, through, and out of jail each year. The one-day-count of jail inmates in Table IV and the average daily population of this same group reveals considerable variation in the number of inmates reported. This difference is not surprising in view of the large numbers of people who drift in and out of jail each year. Obviously, there must have been days when the daily population was much higher than reported in the one-day-count figures. Still, either of these figures can be used as a guide for ascertaining national jail population, and both provide a good sense of the magnitude of the jail population. Differently, substantial numbers of persons in prison at the beginning of year are still there at end of year, so a "one-day count" in this setting would come closer to a "total prisoners for the year" count for prisons.

Data gathering techniques used in obtaining the information presented in Tables IV, VII, VIII, IX and X, follow.

Data for 1983 and 1988 are from the National Jail Census which is described on page 19.

Data for 1985, 1987 and 1989 are from the Annual Survey of Jails that is taken during non-census years. The survey is based on all jails in jurisdictions with 100 or more jail inmates and a stratified random sample of jurisdictions with an average daily population of less than 100 inmates. For 1985, 1142 jails in 874 jurisdictions were

represented in the survey; in 1987 1135 jails in 866 jurisdictions were included and in 1989, 1128 jails in 809 jurisdictions were included. Data for these survey years are estimates and therefore subject to sampling error.

A local jail is defined as a facility that holds inmates beyond arraignment, usually for more than 48 hours, and is administered by local officials. Specifically, excluded from the count were temporary lockups that house persons for less than 48 hours, physically separate drunk tanks, other holding facilities that did not hold persons after they had been formally charged, and Federal or State-administered facilities. Connecticut, Delaware, Hawaii, Rhode Island, and Vermont have combined jail-prison systems and therefore were excluded in 1989. Alaska was also excluded as a combined system in 1987 and 1989. In 1988 and 1989 five locally-operated jails in Alaska and eight jails that were privately-operated under contract for local governments were included. (Flanagan and Maguire, 1990:571, Abridged)

Table V which shows the number of jail inmates and the rated capacity of various jails emphasizes that, when the number of persons incarcerated is compared to rated jail space, large, Western jails are the most crowded. As early as 1983 very crowded jail conditions existed in parts of the West (121% of capacity) and apparently have worsened since.

Although the racial make-up of the jail inmates as shown in Table VI indicates a relative overrepresentation of male inmates who are black, Hispanic or other minorities, their percentages are somewhat lower than those reported by Irwin. He reported that 70 percent of the felons in his sample were non-white and 52 percent of the misdemeanants were similarly non-white.

TABLE IV

NUMBER OF JAIL INMATES, AVERAGE DAILY POPULATION,
AND RATED CAPACITY ON JUNE 30, BY LEGAL STATUS
AND SEX, UNITED STATES, 1983, 1985, 1987-89

	<u>Number of Jail Inmates</u>				
	1983**	1985*	1987*	1988**	1989*
<u>One day counts</u>					
All inmates	223551	256615	295873	343569	395553
Adults	221815	254986	294092	341893	393303
Male	206163	235909	270172	311594	356050
Female	15652	19077	23920	30299	37253
Juveniles***	1736	1629	1781	1676	2250
<u>Average daily population</u>					
All inmates	227541	265010	290300	336017	386845
Adults	225781	263543	288725	334566	384594
Male	210541	244711	264929	303379	349180
Female	15330	18832	23796	28187	35774
Juveniles***	1760	1467	575	1451	1891
Rated capacity of Jails	261556	272830	301198	339633	367769
Percent of rated capacity occupied	85%	94%	98%	101%	108%

Note: * Annual Survey of Jails. ** National Jail Census.
***Juveniles are persons of an age specified by State
statute (usually under 18) initially subject to juvenile
court authority even if tried as adults in criminal court.
Because fewer than 1 percent of the jail population were
juveniles, caution must be used in interpreting any changes
over time.

Source: Sourcebook of Criminal Justice Statistics 1989,
Table 6.26, Page 571.

TABLE V

JAIL INMATES AND RATED CAPACITY, BY REGION AND
SIZE OF JAIL, UNITED STATES, 1983 AND 1988

Year	<u>Inmates</u>		<u>Rated capacity</u>		<u>% occupied</u>	
	1983	1988	1983	1988	1983	1988
US total	223551	343569	261556	339633	85	101
<u>Region</u>						
Northeast	36634	57613	36617	52386	100	110
Midwest	39538	50646	51528	58958	77	86
South	89479	143751	114184	150118	78	96
West	57900	91559	59227	78171	98	117
<u>Jail Size*</u>						
50 or less	36564	40004	69941	62188	52	64
50 to 249	69710	87065	81051	93541	86	93
250 to 499	38780	58410	38532	54450	101	107
500 to 999	38612	62036	39189	53394	99	116
1000 +	39885	96054	32837	76060	121	126

* Based on average daily population.

Note: A variety of capacity measures are used by correctional reporting authorities that reflect both available space to house inmates and the ability to staff and operate an institution. The measure reported here, rated capacity, is the number of beds or inmates assigned by a rating official to institutions within a jurisdiction. Data are for the annual periods ending June 30, 1983 and 1988.

Source: Sourcebook of Criminal Justice Statistics 1989, Table 6.27, Page 572.

Even though women make up less than ten percent of the inmate population, their numbers, as shown in Table VII, have taken a dramatically upward increase during the period 1983 through 1989. While the male inmate population grew by 53 percent, the women's total increased by over 93 percent! This increase occurred in spite of the fact that the female portion of the total national inmate population has grown by only about two percent over the same period.

Contrary to a popular belief held by many, the number of juvenile offenders, at least those held in our nation's jails, has not grown dramatically in recent years. In fact, Table VII shows a modest decrease in jailed juveniles of nearly five percent. However, because their numbers are so low, less than .5 percent of the jail population, caution must be used in interpreting a trend over the period.

The most significant figures appearing in Table VIII, relative to this research, are the number and percent of inmates reported for the Western region of the United States. The table shows that black inmates, whose number are a little more than half that of white inmates, make up 23.6 percent of the regional jail population. Irwin, as mentioned earlier, reported that blacks made up as high as 50 percent of all jail prisoners in his San Francisco study.

The conviction status data in Tables IX and X appears to show a great deal more law breaking than reported

TABLE VI
JAIL INMATES ON JUNE 30, BY SEX, RACE, AND ETHNICITY,
UNITED STATES, 1984-87, AND 1989

	<u>Percent of jail inmates on June 30*</u>				
	1984	1985	1986	1987	1989
<u>Sex**</u>					
Male	93%	92%	92%	92%	91%
Female	7	8	8	8	9
<u>Race**</u>					
White	59	59	58	57	51
Male	55	55	54	53	46
Female	4	4	4	4	5
Black	40	40	41	42	47
Male	37	37	37	38	43
Female	3	3	3	3	4
Other***	1	1	1	1	2
Male	1	1	1	1	1
Female	(a)	(a)	(a)	(a)	(a)
<u>Ethnicity**</u>					
Hispanic	13	14	14	14	14
Male	12	13	13	13	13
Female	1	1	1	1	1
Non-Hispanic	87	86	86	86	86
Male	81	80	80	79	78
Female=None					

Note: a - Less than 0.5 percent.

* - Percents may not add to total (100%) because of rounding.

** - Sex was reported for all inmates for all 5 years. Race and ethnicity were reported for 88 percent of the inmates in 1984, 80 percent in 1985, 97 percent 1986, 93 percent in 1987, and 91 percent of the inmates in 1989.

*** - Native Americans, Aleuts, Asians, and Pacific Islanders.

Source: Sourcebook of Criminal Justice Statistics, 1989, Table 6.28, Page 573.

TABLE VII

JAIL INMATES, BY SEX AND LEGAL STATUS,
UNITED STATES, JUNE 30, 1983 AND 1988

Sex and legal status	1983		1988		Percent change 1983-88
	Number of Inmates	Percent	Number of Inmates	Percent	
US Total	223551	100.0%	343569	100.0%	53.7%
<u>Male</u>					
Adult	206163	92.2	311594	90.7	51.1
Juvenile	1619	0.7	1564	0.5	-3.4
<u>Female</u>					
Adult	15652	7.0	30299	8.8	93.6
Juvenile	117	(a)	112	(a)	-4.3

Note See Table IV. A juvenile is a person defined by State law as being subject to juvenile court jurisdiction. The definition is based on age and the charged offense. Most States set the maximum age of a juvenile at 17 years, but many exceptions depend upon offense severity and an offender's adjudication history.

a-Less than .5 percent

Source: Sourcebook of Criminal Justice Statistics, 1989,
Table 6.29, Page 573.

by Irwin. The composition of the national jail population, as shown in Table X indicates that as many as 48.6 percent of all prisoners had been convicted of crimes.

On the other hand, the figures for the West in 1988 show that there were more convicted persons than unconvicted persons housed in Western jails. Presumably, the majority of these convicted persons were not the detached and disreputable rabble of which Irwin spoke. Indeed, the majority of convicted persons had been sentenced and were doing time.

SUMMARY

Having reviewed a fair share of the relatively sparse literature on jails, much of which has emphasized the various ills that have beset these institutions in American Society, it is now time to turn to a detailed examination of Irwin's contribution to our understanding of the social functions and social dynamics of jails in the United States.

TABLE VIII

JAIL INMATES, BY RACE, ETHNICITY, AND REGION,
UNITED STATES, JUNE 30, 1988

	All Inmates	<u>Race, Ethnicity</u>		Hispanic**	Other*
		White***	Black***		
<u>US Total</u>					
Number	343569	148893	139289	51455	3932
Percent	100	43.3	40.5	15.0	1.1
<u>N.E.</u>					
Number	57613	21324	25663	10388	238
Percent	100	37.0	44.5	18.0	(a)
<u>Midwest</u>					
Number	50646	28793	19310	1800	743
Percent	100	56.8	38.1	3.6	1.5
<u>South</u>					
Number	143751	58893	72686	11714	458
Percent	100	41.0	50.6	8.1	(a)
<u>West</u>					
Number	91559	39883	21630	27553	2493
Percent	100	43.6	23.6	30.1	2.7

Note: See Note Table IV.

(a) Less than one-half of 1 percent, may not add to 100 percent.

* American Indians, Alaskan Natives, Asians and Pacific Islanders.

** Any race.

*** Non-Hispanic.

Source: Sourcebook of Criminal Justice Statistics, 1989,
Table 6.30, Page 574.

TABLE IX

CONVICTION STATUS OF ADULT JAIL INMATES ON JUNE 30,
BY SEX, UNITED STATES, 1983, 1985, 1987, AND 1989

	<u>1983*</u>	<u>1985**</u>	<u>1987**</u>	<u>1989*</u>
Total Number of Adults with known convictions	221644	250468	289495	393303
Convicted	107660	123409	139394	189012
Male	100557	114131	128818	171181
Female	7103	9278	10576	17831
Unconvicted	113984	127059	150101	204291
Male	105459	117560	137213	184869
Female	8525	9499	12888	19422

Note: See Note, Table IV.

* National Jail Census 1983.

** Annual Survey of Jails.

Source: Sourcebook of Criminal Justice Statistics, 1989,
Table 6.31, Page 574.

TABLE X
CONVICTION STATUS OF JAIL INMATES, BY REGION,
UNITED STATES, JUNE 30, 1988

	<u>U. S.</u>	<u>Northeast</u>	<u>Midwest</u>	<u>South</u>	<u>West</u>
Total	343569	57613	50646	143751	91559
Percent	100	100	100	100	100
Unconvicted	176705	29397	26983	76258	44067
Percent	51.4	51.0	53.3	53.0	48.1
Convicted	166864	28216	23663	67493	47492
Percent	48.6	49.0	46.7	47.0	51.0
Awaiting Sentence	12975	3296	1993	5318	2368
Percent	3.8	5.7	3.9	3.7	2.6
Sentenced	142747	22244	19909	56970	43624
Percent	41.6	38.6	39.3	39.6	47.6
Others	11142	2676	1761	5205	1500
Percent	3.2	4.6	3.5	3.6	1.6

Note: See Note IV. Percent may not add up to 100 due to rounding. Jail census figures may undercount the number of convicted inmates and overcount the number of unconvicted inmates because some facility records do not distinguish inmates awaiting sentence and other convicted persons from unconvicted inmates. Figures on conviction status reported in the 1983 Survey of Inmates of Local Jails indicate that approximately 40 percent of all jail inmates were unconvicted, 59 percent were convicted, and 1 percent were of unknown conviction status.

Source: Sourcebook of Criminal Justice Statistics, 1989, Table 6.32, Page 574.

CHAPTER III

JOHN IRWIN'S THE JAIL

IRWIN'S ARGUMENT: MANAGING THE RABBLE

Chapter I noted that John Irwin's The Jail (1985) is an important sociological analysis of the social functions of jails in American society. His book, which also contains a good bit of commentary about life among both inmates and keepers within jails, is the theoretical base for much of the research described in this dissertation. Because of its centrality, a critical review of Irwin's research and his conclusions is in order.

Now a professional criminologist, Irwin is also an ex-felon and former jail and prison inmate who has become a widely-read expert in the criminal justice field. The fact that he has "been there" may have provided him with greater sensitivity as an observer of jails and prisons than is true of many of his criminological peers. At any rate, his views are widely respected. Klofas (1989) has argued that The Jail is an important and authoritative treatise on jails in American life.

Although Irwin's book is a relatively small one, it is also densely packed with provocative arguments and hypotheses. In addition, it is written in the discursive

style that characterizes much sociological writing (Gibbs, 1972; Gibbons, 1991), as well as being not entirely clear or consistent at various points. As a result, a lengthy presentation of his argument and his research methodology would be required in order to capture all of the richness of his book. The summary of it provided here is intended to be an accurate one, but it is also fairly sketchy. It includes an account of Irwin's views, his research procedures, and various positive comments along with criticisms of his work that have been offered by others.

Irwin asserted that jails are filled mainly with a rabble class of citizens. His experiences as an inmate in several jails initially drew him to this hypothesis and his book was the result of his attempt to uncover research evidence in support of this initial hunch. After gathering his data, he claimed that he had made a "critical discovery," finding that jails receive and confine mainly detached and disreputable individuals who are arrested more for their offensiveness than for their criminal behavior. Indeed, at a number of points he contended that a considerable number of jail prisoners have committed no crimes at all, while others have engaged only in offenses that are low on a scale of seriousness. He concluded that the primary purpose of the jail and the police is to manage those persons he labeled as "rabble." In trying to manage these individuals by arresting them, their number is not

only increased, said Irwin, but by arresting and holding them in jail, they are maintained in a rabble status (1985:xiii).

What is distinctive about this thesis? The contention that jails are filled mainly with members of the underclass, or what Irwin termed the rabble, is not particularly novel or controversial. Many criminological observers have pointed out that jails and long-term custodial institutions such as prisons and reformatories are occupied principally by lower-income, disadvantaged citizens. It probably would not come as much of a surprise to most citizens to find that few white-collar offenders or other affluent lawbreakers are to be found languishing in jails.

Irwin was not the first person to draw attention to the role of jails as a place where the rabble -- the disreputable and devalued members of society -- are frequently impounded. A parallel portrayal was made in colorful terms in Mattick and Aikman's (1969) description of jails as the cloacal institutions of society. Webster's dictionary defines cloacal as "a sewer or common chamber into which flows the intestinal, urinary and generative canals' discharge." Thus, Mattick and Aikman likened jails to sewers and inmates to waste products processed through them. In parallel fashion, Goldfarb (1975) claimed that the jail is "the ultimate ghetto of the criminal justice system." He believed that the jail serves as a twentieth

century poor house by punishing those who cannot make bail and confining those whose violations are more civil than criminal in nature, but are too poor to pay fines, alimony or child support.

To reiterate the conclusion regarding the unique feature of Irwin's thesis: What distinguishes his views from those of other observers are his dual claims that the offenses committed by most jailed inmates are relatively petty ones and that persons get put in jail primarily because of the offensiveness of their lawbreaking behavior and/or of their general life styles.

IRWIN'S METHODOLOGY AND MEASUREMENT TECHNIQUES

The Sample

Irwin conducted his research in San Francisco, California, utilizing the booking records of the three San Francisco city and county jails. He analyzed two samples drawn randomly from the intake population of the three jails consisting of 100 felony arrests and 100 misdemeanor arrests, selected over a one-year period. Most of his attention was given to prisoners being held before trial: that is, he selected 100 felony and 100 misdemeanor bookings for study. Many persons who are booked into jail are released relatively quickly on bail or on own recognizance status. He chose not to study female prisoners since he

believed that he would not be able to go into their cell blocks and thus would not be able to study them and interview them first hand. Further, he claimed that women prisoners are a special group who probably require completely separate scrutiny.

What is the problem here? One facet of it is that bookings may not be representative of jail populations as a whole, just as the complaints of those checking in at an out-patient medical clinic might not necessarily reflect the types of affliction and seriousness of the illnesses of patients in hospital wards. As Klofas (1989) pointed out, a sample of out-patient clinic patients would most likely include persons with serious and not-so-serious problems - everything from ingrown toe-nails to myocardial infarctions. In the same way a sampling of daily jail bookings would most likely show everything from non-payment of alimony to murder, while an examination of those held for longer pretrial periods or of sentenced prisoners would most likely turn up a larger proportion of more serious offenders.

A closely-related difficulty in Irwin's analysis is that he selected his sample from three city and county jails in San Francisco, but he did not provide any information about these three jails, nor did he indicate how many of the persons in his sample were from each of the three jails. The fact is that city jails or lockups tend to differ from county jails. The former are places for the short-term

confinement of individuals prior to arraignment, while county jails are places in which newly-arrested individuals and convicted sentence-servers are found. Had Irwin studied samples from both the city jail(s) and the county facilities, he might have obtained different results from those reported in his book.

Since little or no attention was given by Irwin to convicted prisoners serving sentences in jail, and none was given to women, (nor to either pretrial or post conviction cases) it would seem premature to conclude that rabble status and social offensiveness are responsible for most inmates being in jail, even if such a conclusion were warranted for the 200 booked prisoners he studied. Put another way, a comparison of those prisoners booked in any single day against the total jail population would be required in order to examine his argument. It could be that sentenced prisoners in jail, who comprise a sizeable portion of the jail population, have been involved in relatively serious offenses and it is for that reason, rather than "offensiveness," that they are in jail.

MEASURING CRIME SERIOUSNESS, OFFENSIVENESS AND RABBLE MEMBERSHIP

The preceding suggested that it was premature for Irwin to conclude that rabble membership and offensiveness are more responsible for persons getting into jail than is crime

seriousness. Even so, while this generalization may not fit all jail inmates, it may be warranted for many newly-admitted prisoners of the sort studied by Irwin.

Accordingly, these questions should be asked: How persuasive were Irwin's data on the 200 prisoners selected for study? Were they arrested more for their rabble membership and offensiveness than for their criminality? Do the police appear to be more interested in managing the rabble than in enforcing the law? Since there are no available data on what is "inside the heads" of the police, these are not questions that can be answered at this time in any conclusive way.

Regarding the 200 newly-arrested jail prisoners, Irwin noted that a distribution of charges within both groups compared closely with the distribution of arrests nationwide except that, according to the Sourcebook of Criminal Justice Statistics, 1981, the proportion of drunkenness and disturbing the peace arrests in San Francisco, which Irwin equated to the charge of disorderly conduct in the Sourcebook, were somewhat higher than national figures. Although a minor difference, it could be one indication that Irwin's findings might not be pertinent to jails everywhere or that his findings may not conclusively hold up for other jails.

Misdemeanant Cases

Irwin was not able to probe the social backgrounds, circumstances of the arrest, and kindred matters regarding the misdemeanor cases, largely because most of these persons were released rather quickly after being booked. However, he did report (1985:20) that virtually all of them had been arrested for relatively petty crimes. For example, 29 had been apprehended for drunkenness, 18 for traffic warrants, and ten for other warrants. Of the misdemeanants, 18 had been jailed on drunk driving charges, which many persons additional to members of MADD would probably contend represent fairly serious matters. Even so, the misdemeanor data were interpreted by Irwin as involving petty acts of lawbreaking for the most part.

Felony Cases

Irwin (1985:11) concluded, on the basis of interviews with the 100 persons arrested for felonies, that: "In twenty five cases, the persons were involved in very petty crimes (or no crimes at all) but they behaved in ways that apparently exceeded the standards of the rabble zone."

What was the evidence for this claim? In part, Irwin used interview reports with the arrested felons to make his case that the police apprehend persons without having valid reasons for doing so or that they arrest persons who have not done serious crimes (1985:11-13). Apparently, if a

felon stated that "I wasn't doin' anything, man, and this cop came up and busted me," that assertion was taken as factual. While it is possible that the jailed persons often accurately reported the circumstances surrounding their arrests, there is reason to wonder whether or not their accounts were sometimes self-serving or untruthful.

Irwin's interviews with the 100 arrested felons showed that all had been charged with crimes. The distribution of those charges is shown in Table XI.

Note that nearly a third of the felony arrests involved drug violations, acts which many citizens regard as fairly serious. The arrests also included 14 for burglary, 12 for assault, 10 for grand theft, as well as four for armed robbery, two for rape, and two for murder or attempted murder. These data appear to call into question conclusions regarding the bases on which the rabble were arrested. Taken at face value, they could be viewed as indicators that serious criminality is the major reason for many persons being arrested and booked into jail.

However, Irwin (1985:16) claimed otherwise. He asserted that while most rabble are apprehended for committing bona fide crimes, the police are at least as interested in managing them as they are in enforcing the law. In other places, he argued (1985:xiii, 17, 18, 23, 41) that the rabble were arrested more for their offensiveness,

TABLE XI

DISTRIBUTION OF CHARGES IN IRWIN'S FELONY SAMPLE

Narcotics Law Violation	30	Forgery	3
Burglary	14	Rape	2
Assault	12	Murder	1
Grand Theft	10	Fraud	1
Auto Theft	5	Child Molesting	1
Unarmed Robbery	5	Gambling law Violation	1
Receiving Stolen Property	5	Attempted Murder	1
Armed Robbery	4	Drunk Driving	1
Weapons Law Violations	4		

N = 100

Source: John Irwin, The Jail, 1985:19, Table 1.

either because of their life styles or because of the circumstances surrounding their lawbreaking acts, than for the seriousness of their crimes.

Measuring Seriousness

Regarding the distribution of charges in the felony sample, (1985:19), Irwin conceded that some of them appeared to be serious ones. But, he then argued that, for several reasons, these charges could not be taken at face value. For example, 1) burglary can encompass a wide variety of acts, some seemingly more serious than others, 2) the police often overcharge persons with more serious crimes than the ones actually committed, and 3) the charges against persons are sometimes completely fabricated.

How can the seriousness of persons' crimes be established? Irwin first attempted to utilize the crime severity rankings from the Wolfgang, Figlio, and Tracy (1981) Crime Severity Survey to gauge the seriousness of the acts of his felony sample.

A few words are in order regarding this national crime survey, an ongoing project, started in 1977 and sponsored by the United States Department of Justice and which is an innovative way of looking at crime seriousness. According to the former Department Director, (Schlesinger 1981), "much more development work is needed before a crime rate weighted by the seriousness of the crimes is possible, but the

prospects are exciting." The Crime Severity Survey assigned a severity score to 204 separate criminal acts, with the score representing the average judgment of citizens who had been asked to rank specific acts in terms of severity. The scoring procedures used were ratio ones, such that a crime that received a rating of 20 was judged to be twice as serious as one that was given a score of 10, and in turn, the latter was judged to be twice as serious as an offense rated at 5. Table XII is an abridged listing of some other survey scores. In the survey, the most serious offense was one in which a person planted a bomb in a public building, resulting in the death of 20 persons. That offense received a severity score of 72.1, followed by a score of 52.8 for a forcible rape resulting in the death of the victim.

Of particular significance relative to Irwin's study is the fact that of the 204 crimes included in the Crime Severity Survey, only 35 received scores of 10 or higher, while 169 crimes received scores of 9.9 or lower. A number of the offenses in the 5-9.9 range would probably be considered fairly serious by many people.

However, Irwin found that few of the offense descriptions in the survey could be matched with his jail cases. Because he was unable to directly assign severity scores from the crime survey to his felony cases, he turned

TABLE XII
CRIME SEVERITY SURVEY

Survey Scores

- 47.8 - A parent beats his young child with his fists, as a result, the child dies.
- 43.2 - A person robs a victim at gunpoint. The victim struggles and as a result is shot to death.
- 39.2 - A man stabs his wife. As a result, she dies.
- 33.8 - A person run a narcotics ring.
- 27.9 - A woman stabs her husband. As a result, he dies.
- 21.0 - A person robs a victim of \$1000 at gunpoint. The victim is wounded and requires hospitalization.
- 19.7 - A factory knowingly gets rid of its waste in a way that pollutes the water supply of a city. As a result, 20 people get ill but none require hospitalization.
- 17.7 - A person, armed with a gun, robs a bank of \$100,000 during business hours. No one is physically hurt.
- 15.7 - A county judge takes a bribe to give a light sentence in a criminal case.
- 9.4 - A public official takes \$1000 of public money for his own use.
- 8.6 - A person performs an illegal abortion.
- 5.4 - A person threatens to harm a victim unless the victim gives him money. The victim gives him \$10 and is not harmed.
- 5.1 - A person, using force, robs a victim of \$10. No physical harm occurs.
- 3.1 - A person breaks into a home and steals \$100.
- 1.6 - A person breaks into a parking meter and steals \$10 worth of nickels.

TABLE XII
CRIME SEVERITY SURVEY
(continued)

0.6 - A person trespasses in the backyard of a private home.

Source: Wolfgang, Marvin E., Robert Figlio, and Paul Tracy (1981), "The Seriousness of Crime: The Results of a National Survey." Final report to the Bureau of Justice Statistics, Washington, D.C.

to a different strategy. He asked students to assign severity scores to his cases. He selected acts from the national survey that seemed similar to his own cases, read the scores of the former to students, and then had them assign comparable scores to the 100 felony cases. He then averaged the assigned ratings for each case to arrive at an overall score, ultimately placing the individuals in one of three categories (Irwin, 1985:21).

Petty Crimes - crimes (that) involve at most a small amount of money and no injury (scores of 0 to 4.9). Irwin placed 75 of the 100 felonies in his study in this category.

Medium Crimes - involve some other element, such as taking a large amount of money, breaking into a house or using strongly stigmatized drugs, such as heroin (scores of 5.0 to 9.9). 21 arrestees were placed in this category.

Serious Crimes - involve injury or possess some other reprehensible quality; for example, enticing a minor into a car for immoral purposes (scores over 10.0). There were four persons placed in this category.

There were some surprising discrepancies noted in the Irwin figures on seriousness. His narrative asserted that the scores ranged from 0 to 4.9 for petty crimes, from 5.0 to 9 for medium crimes, and 10 or more for serious crimes. However, his table 3 showing crime seriousness (1985:22), reported score categories ranging from 1 through 5, 6 through 10, and 11 and above. The table showed no cases in the zero column, nor any columns that added up to seven, but in his narrative (1985:21) Irwin said that "seven arrests

have a score of 0." It was here that he stated that "seriousness of crime was not a major factor in the arrests."

Irwin reported (1985:22) that when the 100 felony arrests were given severity ratings by students, the following results were observed: 75 were judged as petty cases, 21 were of medium severity, and 4 received a serious rating (a score of 10 or higher). However, two points need to be made about these results. First, given that the "judges" of offense severity were students, they may have been more likely to view "garden variety" or street crimes as less serious than would other citizens. Although the problem is not unique to Irwin's classes or students, it was pointed out by Gibbons (1990:5) that, "most criminology students get a good bit of exposure to the criminological wisdom that 'the real criminals,' meaning corporate violators and the like, escape from the justice system." Second, we need to keep in mind that seriousness is a relative matter, in that the majority of offenses in the national survey received scores of 10 or lower. Had they been asked, it is conceivable that many of the citizens in the national survey (and many of the students) would have said that many of the "low seriousness" crimes were significant or important at the same time that they judged them to be less serious than, for example, planting a bomb in a public building or rape-homicide. Added to these

questions about Irwin's specific procedures for gauging seriousness of arrests is the point made earlier, to wit, had he directed attention at sentenced prisoners doing time in the jail, he might have turned up a number of persons who had committed truly serious crimes.

To better illustrate the nature of offenses considered by Irwin to be of a petty nature, three of those given a rating of approximately 3.0 follow:

J. was standing outside a residence "stoned" on drugs and injured from a fight. (He said: "I had just been beat up.") The police pulled up, searched him, and found amphetamine pills in his pocket. They arrested him for public intoxication and possession of dangerous drugs. He received a severity score of 2.5.

A. was caught leaving an expensive men's clothing store with a shirt priced at over \$200. He was arrested and charged with grand theft. He received a score of 3.0.

M. and a friend left M.'s house to find a part for M.'s wife's car. They found a similar model parked a few blocks away and were breaking into it to steal the part when they were caught by the police. They were both drunk. M. received a score of 3.5.

One indication that Irwin may have understated the extent to which jail prisoners have been involved in serious offenses comes from a report by Klofas (1990a) which showed the offenses most commonly committed by a national sample of 5000 inmates in 1983. These data are presented in Table XIII. Many of these offenses do not appear to be minor infractions of the law.

TABLE XIII

MOST COMMON OFFENSES AMONG JAIL INMATES, 1983

<u>Percent of Inmates</u>	<u>Offense Category</u>
11.2%	Burglary
6.8	Robbery
6.6	Fraud/Forgery
6.2	Driving Under the Influence
4.8	Minor Theft (under \$200)
4.7	Grand Larceny/Theft
4.2	Assault
4.1	Murder/Manslaughter
3.9	Theft (value unknown)
2.7	Use/Possession of Drugs
44.8	(All other offenses)

Source: Klofas, 1990a:14, Table 1.

Measuring Offensiveness

Irwin minimized the seriousness of the offenses committed by jail prisoners and argued at a number of points that persons get placed in jail mostly for the offensiveness of their behavior. Accordingly, this concept bears close scrutiny, as also do the procedures used for measurement of offensiveness.

What is meant by "offensiveness?" Irwin (1985:23) asserted that: "offensiveness is a definition that conventional witnesses or their agents (the police) impose upon events; it is a summation of the meaning they attach to the acts, the context and above all, the character of the actors." He claimed that an act performed by an ordinary citizen would usually be perceived by the police as being not as serious as the same act performed by a "worthless" disreputable person of low character. Thus, the social characteristics of the actor influence the action taken by the police against him or her.

Irwin identified three categories or degrees of offensiveness which are shown in Table XIV. It is not clear from the narrative whether the categories represent broad guidelines or whether Irwin had clear rules for sorting persons into them.

TABLE XIV
DEGREES OF OFFENSIVENESS

Mild: (1) Disreputable person is too blatant in his display of deviant behavior in neighborhoods where disreputables live and congregate (such as skid roads). Examples of "too blatant" deviant behavior would be openly selling marijuana, bothering reputable persons with repulsive behavior, being excessively loud and disorderly, or drinking on the street. (2) Disreputable person shows lack of respect or in some other way challenges the position or authority of police officers. (3) Disreputable person is in a respectable neighborhood where he "doesn't belong" and thereby threatens conventional citizens who reside or do business there.

Moderate: (1) Disreputable person commits a crime in a location where he does not belong (such as a "nice" hotel). (2) Disreputable person injures another disreputable person. (3) Disreputable person fights with police.

HIGH: (1) Disreputable person commits a face-to-face crime against a reputable person.

Source: Irwin, The Jail, 1985:24.

At any rate, he did categorize the 100 felons in terms of offensiveness as follows:

- * mild ----- 61
- * moderate - 28
- * high ----- 10

One person was deemed to have been not offensive.

The Relationship between Seriousness and Offensiveness

According to Irwin (1985:24), "The two measures, seriousness and offensiveness, obviously interact: persons fall into a high category on the offensiveness scale for committing many of the crimes rated serious." As Gibbons (1990:7) pointed out, "... one should not be much surprised by this 'finding,' given that these two variables seem to be pretty much indicators of the same thing."

Irwin reported that 70 percent of the misdemeanor arrests were for traffic warrants or alcohol/drug related offenses, and that his observations revealed that these lawbreakers were mostly petty hustlers, derelicts, and corner boys (see the section to follow on Types of Offensive Persons). But he then changed his position somewhat and said that the majority of those arrested for drunk driving (alcohol) and traffic offenses were "ordinary citizens," most of whom were non-white working or lower class persons who were not the disreputable types that predominate in felony arrests. This was confusing in that he was

addressing the lawbreaking found in the misdemeanor group shown in Table XV.

Once again, (1985:39) Irwin stated that "the persons who fill the jails in the big cities are largely members of the rabble class, that is, persons who are poorly integrated into the society and are disreputable." Here, as in the paragraph to follow, one is confused by a shuffling of his position on the importance of the part played by rabbleness, offensiveness and offense seriousness upon arrest, booking and subsequent incarceration.

At the conclusion of his chapter on "Who is arrested?" Irwin waffled again. He first suggested that "offensiveness, as much or more than crime seriousness, was what led to being arrested, held in jail until disposition, and then perhaps being sentenced to jail," (emphasis added) and that in order to be held in jail for more than a few days both seriousness and offensiveness must be present. In other words, there are no inoffensive persons languishing in the jail(s) studied by Irwin. To muddy the waters even more, a few sentences later he claimed that receiving a jail sentence was related more closely to offensiveness than offense seriousness and offered data to prove his point. Note that here he didn't say "as much as" or "must be present," but rather, "receiving a jail sentence was related more closely to offensiveness than to seriousness..." Notwithstanding these inconsistent assertions about

TABLE XV

DISTRIBUTION OF INTOXICANT, DRUG, AND TRAFFIC RELATED
CHARGES IN IRWIN'S MISDEMEANOR SAMPLES

Drunk (or "stoned')	29	Drugs	5
Drunk Driving	18	Open Container	1
Traffic Warrants	18		
Drug Paraphernalia	2	TOTAL =	73

Source: Irwin, The Jail, 1985:19-20.

seriousness and offensiveness, he went on to discuss the importance of his findings. He reported that 23 percent of those who received his offensiveness rating of moderate or high were kept in jail while only 8 percent of those convicted of medium or serious crimes, again by his scale, were incarcerated (1985:41). By Irwin's calculation, being offensive was much more likely to put one in jail, especially for long periods, than was the seriousness of lawbreaking even though this claim was not consistent with his earlier assertion that offensiveness and seriousness are about equal in importance. At the conclusion of his discussion on those who were arrested, Irwin suggested that it took both offensiveness and crime seriousness to cause a person to be held in jail for more than a few days. He presented the summary of his findings in Table XVI. That table suggests that as offensiveness and seriousness increased so did the likelihood of an offender being held over ten days. But this conclusion would be more convincing had the procedures for rating seriousness categories been more adequate. Leaving offensiveness aside, it would not be surprising to discover that the more serious one's offense, the greater the likelihood that the person might spend a longer time in custody. Put another way, Table XVI appears to show that the greater the seriousness, the greater the jail time.

TABLE XVI
 RELATIONSHIP BETWEEN OFFENSIVENESS AND SERIOUSNESS
 OF CRIME AMONG ARRESTEES HELD
 OVER TEN DAYS IN JAIL

	<u>%Held over 10 Days</u>	<u>No. of Cases</u>
Offensiveness mild, crime petty	33	57
Offensiveness moderate or high, crime petty	16	18
Offensiveness mild, crime medium or serious	20	5
Offensiveness moderate or high, crime medium or serious	65	20

Source: Irwin, The Jail, 1985:40, Table 5.

By way of summary of this discussion about the severity of offenses of jail prisoners, the offensiveness of their behavior, and the measurement of these dimensions, it seems safe to say that Irwin did not convincingly demonstrate that jail prisoners are nearly all persons who have committed only petty crimes. Additionally, his concept of offensiveness needs conceptual clarification, and further, more research is in order which would probe the question of offensiveness more fully than did Irwin.

SOME FURTHER OBSERVATIONS ON IRWIN'S VIEWS

The Jail and Labeling Notions

Although not directly germane to the research discussed here, some other comments on Irwin's book are in order. First, his narrative was not a model of clarity, thus he vacillated somewhat on the issue of whether the crimes of the rabble that result in their incarceration in jails are serious. But on the whole, his thesis is a version of labeling "theory," which emphasizes the social characteristics of persons rather than their behavior as the major determinant of whether or not they became subjected to social control machinery scrutiny or incarceration. For example, his argument paralleled the contentions about the "Saints" and the "Roughnecks," by Chambliss (1973) who argued that the middle-class youths who made up the first group were able to engage in delinquent acts with impunity

while the working-class Roughnecks whose transgressions were similar to those of the Saints were hauled into juvenile court.

According to some critics (Gibbons, 1987; Gibbons and Jones, 1975) labeling theory has been embraced less enthusiastically by criminologists in recent years. Gibbons claimed (1987:184) that "there is more than a slight bit of conceptual flabbiness, ambiguity and the like to the labeling perspective. Even more important, labeling arguments sometimes distort the real world, characterizing deviance and social processes in exaggerated or misleading ways." Similarly, Charles Wellford (1975:332-45) has argued that "there is little evidence that the social characteristics of labeled deviants are the major determinants of their fates in the correctional machinery." He believed that offenders fall into the hands of the authorities, not because of their social characteristics, but because of the lawbreaking in which they have engaged and that the major determinant of subsequent decisions about them is the seriousness of their criminal acts. The research here could be said to have at least a tangential relationship to this quarrel between those who favor and those who take issue with labeling arguments. It is not the purpose of this research to examine the question of labels given to certain groups, but by examining Irwin's assertion that it is mainly an offensive rabble class, made up of

certain "types" of individuals who end up in jail, it may shed more light on who's in jail.

Types of Offensive Persons

In addition to sorting felony arrestees into seriousness and offensiveness groupings, Irwin also sorted them into social types such as petty hustlers, derelicts and junkies as well as some other types (1985:25). It is not clear from his account whether or not these classifications are his own labels parallel to his "gleaners" in The Felon (1970:74-76) or are ones that are "in the culture," such as "nerd," "sonofabitch," etc. He reported that the labels are based upon an offender's "disreputability" and are known by the disreputables themselves as well as by "conventional" people, including police officers. He assigned the 100 felons in his study into "Types of Disreputables" as follows:

- * Petty Hustlers --- 28
- * Derelicts ----- 14
- * Junkies ----- 6
- * Outlaws ----- 4
- * Crazies ----- 4
- * Corner Boys ----- 14
- * Lowriders ----- 4
- * Aliens ----- 9
- * Gays ----- 6

* Square Johns ----- 6

Irwin admitted that Square Johns, who are discussed in detail on page 69, are not usually part of the rabble class (1985:38).

According to Irwin, Petty Hustlers are the most bothersome. They steal and "con" their way through life and are usually identifiable by their clothes, hair, mannerisms and speech. They roll drunks, shoplift, snatch purses, burglarize cars, and are especially threatening and repulsive to ordinary citizens.

Although Derelicts are usually charged with misdemeanors, they sometimes are accused of felonies such as stealing from another drunk, who may, in fact, be a police plant; trespassing/burglary; or assault. This highly visible group is not limited to detached skid road drunks, for other groups have recently joined the derelict population, including survivors of the hippie movement, hobos, and psychiatric patients who have been released from various institutions. According to Irwin, this group is arrested at the discretion of the individual police officer and under whatever policy may be in effect at the time.

Junkies were described as persons whose lifestyles center on their need to support their drug habit by means other than conventional employment. They are usually addicted or have been addicted to an opiate such as heroin and identify themselves as drug addicts. The typical Junkie

is arrested over and over again for various offenses, including possession of drugs, in a constant campaign by police. These individuals are often involved in theft or burglary in support of their habit.

Irwin asserted that the modern-day Outlaw's offenses are the result of an adopted identity and perspective that is learned in jail or prison. He claimed that their anti-societal notions throw them into direct conflict with society and drive them to commit desperate acts such as armed robbery, which often have a high risk of injury for both victims and perpetrators. Most likely outlaws have served time in prison for crimes such as burglary or robbery.

Crazies were described as persons who often have been released inappropriately from mental facilities in spite of being disturbed and acting in bizarre ways. They are often arrested when they go beyond acceptable standards of behavior such as straying into unauthorized places such as behind counters in a bank, accosting strangers, exposing themselves, destroying property or defecating on the street. According to Irwin, when they go too far and police are called, Crazies are often charged with felonies, such as resisting arrest. Although he suggested that these individuals are harassed by police, Irwin's example (1985:31), which he said "exemplifies" these cases suggested

that some form of reasonably serious offense was committed by the person.

Irwin's categorization of rabble types also included Corner Boys, Low-riders, Aliens, Square Johns and Gays.

Ever since urban deviance became a subject of study, Corner Boys have been repeatedly identified. Irwin asserted that members of this largely working and lower class group are subjected to arrest for "hanging around" on the streets and in public places. Because they act within class-linked notions of "manhood" which emphasize being tough or mean, the police often react to them with hostility. This reaction is not surprising since we are told that these social types are easily influenced by a more criminal element and are often involved in illegal acts such as fights, beating up girlfriends or spouses, gang rapes, theft, breaking and entering or receiving stolen property.

Lowriders were characterized as those who drive customized, lowered automobiles with special hydraulic suspensions and who share certain other characteristics. They conduct their activities in public, usually on the streets; their behavior is threatening or bothersome; they intend their behavior to antagonize or threaten; and most importantly, their behavior is deviant and illegal. According to Irwin, they are often involved in street racing, drinking in public, disturbing the peace, fighting, blocking traffic, destroying property and petty theft.

Regarding Aliens, Irwin noted that immigrants are generally viewed as inferior and disreputable in spite of the fact that our nation has a reputation for welcoming bona fide aliens. They are excluded from most organizations, denied employment, and persecuted by agencies. Currently, the strongest disapproval is targeted toward Spanish speaking minorities, especially Mexicans, Central Americans and Cubans (1985:35), who come under close police scrutiny because of the neighborhoods in which they live, their public behavior, and their culturally-alien behavior such as speaking in a foreign language. Their deviant behavior such as fighting in public, drinking and reveling, as well as theft by those who are economically hard pressed, results in heavy policing.

As a group, Gays are seen as disreputable even though, as Irwin pointed out, they often have conventional jobs, own property, are active in politics, and belong to organizations, as well as having connections with large, powerful groups of other gay people. The police consider them disreputable as do many other citizen groups. The highly-publicized promiscuous sexual conduct in public places of some gays, as well as their public exhibition of affection, such as holding hands and kissing other males, is considered by many who have dominated the city and county civil service ranks as highly disreputable. Although many gay men in San Francisco are neither detached nor

disreputable, Irwin asserted that the police arrest them for possession of drugs and for assaults and murders that grow out of homosexual liaisons. But, one would expect the police to arrest any person, no matter what groups he or she may belong to, for possession of a controlled substance, assault, murder, or any other crime.

According to Irwin, Petty Hustlers, Derelicts, Junkies, Crazies and Outlaws fit fully into the rabble category, while many Corner Boys, Aliens, Lowriders and Gays are only marginally rabble class members.

Square Johns are persons who are viewed by others as reputable persons. Irwin included them in his social types because of their occasional commission of crimes such as forgery, grand theft, murder, or possession of drugs. Cocaine use is increasingly their drug of choice, suggested Irwin. He reported that their crimes usually grow out of special circumstances and that their arrests can be in error, perhaps because of their often misleading appearance and subsequent misdiagnosis as rabble.

There is a ring of plausibility to most of these "social types." At the same time, it should be acknowledged that while Irwin's descriptions of these types were colorful, they were also sketchy and the procedures that he utilized in order to sort persons into these groupings remain unclear. It seems likely that he simply "eye-balled"

his interview material and his interviewees in order to go about categorizing the jail prisoners.

As mentioned earlier, Irwin classified the majority of his misdemeanor sample as rabble even though he did not interview them. Specifically, he classified the majority of his 100 misdemeanor cases, although admittedly in a sketchy fashion, by assigning them to the derelict, corner boy, and petty hustler categories observed in another group of twenty misdemeanor prisoners. Irwin did not explain how this group of twenty was selected except to say that its members were in the jail's tanks which hold those arrested for misdemeanors. Remember that his original sample of 100 misdemeanants had been released before they could be interviewed. He admitted that his classifications were assigned by interviewing this small back-up group of twenty misdemeanants, apparently chosen at will, and by "my months of observation in that section," and not by actual interviews of the 100 primary misdemeanor arrestees discussed in The Jail.

Irwin reported that although the 100 misdemeanants were not interviewed and were thus more difficult to type than were the felons, he nonetheless attempted to classify them. He asserted that fully seventy percent of the misdemeanor arrests in his original sample of 100 were for being drunk in public, for traffic warrants or for drunk driving. He also claimed that his interviews and lengthy observations

outside the sampled 100 misdemeanants showed that those persons arrested for drunkenness were mostly from the categories mentioned previously, while the majority of those arrested for drunken driving or traffic warrants were "ordinary" citizens. The "ordinary" citizens observed by Irwin (1985:39) were "mostly working class and lower class and disproportionately nonwhite." There are probably many "ordinary, working-class citizens" who would take offense at generalizations that assert that drunken and other illegal driving is a "trademark" of their group.

CONCLUDING OBSERVATIONS ON THE JAIL

Irwin's small book is well-written, colorful, descriptive, and provocative, leading one reviewer (Murray, 1985:49) to wax enthusiastically that it is "terrific." Nearly everyone who has read it seems to agree that it is an important work. Gibbons (1990:1) noted that it not only adds to the miniscule body of literature about jails, but also that it contains a "number of significant insights, or at least, provocative hypotheses that are worthy of further investigation." Murray (1985:50) said, "to treat The Jail as proof of anything is to miss its value." He credited Irwin with doing research, rather than disguising a personal memoir as "research." On the one hand, Jordan (1986:87) felt that Irwin's definition of the rabble was somewhat vague and that his evidence for offensiveness was not

altogether convincing, while on the other hand, Klofas (1990:7) stated that The Jail "provides the most comprehensive analysis available of the role of the jail in the community and the resulting social structure within the jail." Given the importance of the argument and the questions that have been raised about the data on which its conclusions are based, it would seem that further work on Irwin's thesis is in order. The research reported in this dissertation was designed to examine certain portions of his claims about jails in modern society in an effort to clarify the extent to which those booked into and those who are residents of Northwest jails are serious offenders.

CHAPTER IV

THE STUDY DESIGN

INTRODUCTION

Ideally, if one had unlimited resources both in terms of funds and staff, a large and comprehensive examination of Irwin's hypotheses could be undertaken. Such a study would likely zero in on a large number of jails of varying size, located in different states and representing urban as well as rural jurisdictions. Large quantities of interview data of the sort collected by Irwin could be gathered, both for newly booked persons as well as for prisoners serving time in jail. These data could then be used in a similar way as Irwin's, to assess the rabble status of the persons, the severity of their offenses, and the offensiveness of their conduct. Another part of such a large study might obtain data from both police and corrections personnel on their perceptions of arrested persons. Questions of this kind might be asked, "Are the subjects major offenders? Are they "assholes?" To what extent are they offensive?" Still another facet of such a study would be to examine citizens' viewpoints about the seriousness of the crimes alleged to have been committed by jail prisoners as well as those booked and later released. It goes without saying that such

booked and later released. It goes without saying that such a study would require major funding and coordination with appropriate law enforcement officials, not to mention numerous support personnel to carry out data gathering, tabulating and data analysis. Such an undertaking obviously goes beyond what can reasonably be accomplished by one unfunded researcher in a relatively limited time period. However, it is possible to examine a basic segment of Irwin's argument in a more modestly-scaled study. Through careful analysis of booking and prisoner data obtained from jail records, one might probe his main contention that the police often arrest and the jails detain persons more for the offensiveness of their behavior than for the seriousness of their actions.

WORKING HYPOTHESES

The working hypotheses of this research were that: (1) on the whole, larger numbers of both booked individuals and time servers in jail have been involved in more serious offenses than indicated by Irwin; and (2) a relatively larger number of offenders charged with or convicted of serious offenses will be found in urban than in rural jails. Note that many of the persons above identified as offenders are technically alleged offenders, for the courts have not yet determined them to be guilty of lawbreaking. But, as a form of shorthand, to aid in the discussion of this

research, persons who are charged with crimes as well as those convicted of offenses will sometimes be collectively referred to as "offenders."

Irwin presented his claims as valid for jails everywhere. However, in the research reported here the second working hypothesis was that small jails in rural areas contain a number of low-level offenders in them, thus Irwin's claim may be more accurate for them than large urban jails (Guyon and Green, 1990; Gibbons, 1972). At the same time, this study also hypothesized that within both urban and rural jails in the jurisdictions studied, there are probably many more cases involving serious law breaking than suggested by Irwin.

METHODS

The data gathering methods employed in this study differed from those of Irwin in that all current records of recent lawbreaking for an entire selected period and for the entire population of jailed persons were examined. This was done, not by sampling a few selected felony and misdemeanor cases, but by careful examination and comparison of data obtained from both the daily bookings and the One Day Count (ODC) jail population rosters (that is, all the persons in the jails on a particular day) of two jail systems, one in an urban and another in a rural county in the Pacific Northwest, namely Multnomah County, Oregon, and Skamania

County, Washington. These data were not arrest career "rap-sheet" records, but instead, they were the current charges on which persons had been arrested and/or incarcerated. The research utilized sheriff's department records of bookings and ODC jail populations from six facilities, five of which make up the Multnomah County, Oregon, jail system and one rural jail in Skamania County, Washington. A coded data base was generated from the raw data collected from the six jails. These data, which were subjected to detailed comparison and analysis, were analyzed and are reported both in combined form and separately for each jail system.

While not ideal, these data on Northwest jails and their inmates are more detailed than are the national data on jails examined in Chapter II. As we saw earlier, the jail information available from the Sourcebook of Criminal Justice Statistics is restricted to jail populations by state. These latter data, based on probability sampling estimates, are relatively crude and incomplete, and are not jail specific.

From the data utilized in the current study, the researcher was able to examine multiple charges as well as the most serious charged offenses, male and female differences in offense seriousness, age and racial distribution of prisoners within the two jail systems, dispositions of booked persons, and the time spent in

detention, as well as the all important matter of offense seriousness.

Initially, bookings and ODC jail population data for all the jails for two randomly selected days, one weekday and one weekend day, were reviewed. The selected days were identified by first utilizing the Table of Random Digits (RAND Corporation, 1955:1-3). April 8, 1991, was selected as the base day for the intended research, following which, April 5, 1991, was identified as being the closest weekend day to the base date for which information was available.

Initially, it was hypothesized that bookings records from a weekend period would show greater numbers of offenders and different kinds and categories of offenses than for a similar weekday period. However, the Multnomah County Sheriff's Program Division Commander asserted that there is little difference between weekday and weekend bookings, either in numbers or offense categories, and indeed, a review of the record totals for several days bore out this claim. Nevertheless, records for the selected periods were obtained and the task of coding, recording and analyzing began. After careful examination of the selected data, a decision was made to slightly modify the procedures for collecting coded population data as well as those for bookings. While it was felt that two days of bookings, covering the records of 155 subjects, were required in order to probe the question of the seriousness of their offenses,

a one day record of the entire jail population of the six jails, some 1139 inmates, would be adequate for examining the question of who was incarcerated in jail. Of course, care was taken to insure that no inmate was counted twice, that is, that a booked individual was not later counted as part of the ODC Jail Population.

STATUTORY SERIOUSNESS SCALE (SSS)

Much has been said about Irwin's procedures for assessing offense seriousness and the reasons why these seemed flawed. Accordingly, some alternative ways of assessing severity were considered for this research. But, as noted by Klaus and Kalish (1984:1) the seriousness of a crime is not a clear-cut fact that can be agreed upon by everyone. Attempts to classify criminal acts by seriousness or severity of offense run the risk of bias or are open to the interpretation of the author or the discretion of the researcher. As Klaus and Kalish pointed out (1984:1) "when we speak of crimes... we are speaking of legal categories rather than specific crimes." Even so, criminologists have for many years been striving for an accurate and fair method of categorizing the seriousness of lawbreaking, although without notable success. The Wolfgang-Figlio-Tracy technique for assessing the seriousness of crimes, which Irwin endeavored to use, is one recent version of this work. One problem with seriousness estimates in the National Crime

Survey (NCS) is that these differ between various groups such as highly versus minimally educated persons. The seriousness scores reported in NCS reports are averages resulting from the pooling of varied individual severity judgments.

In this study, the decision was made to use the criminal codes as a tool for gauging the seriousness of offenses committed by those arrested, booked and jailed in the six northwest jails. All crimes, both felonies and misdemeanors, as well as "violations" are classified in the Oregon Revised Statutes and the Revised Code of Washington by the seriousness of the criminal act. (A violation is defined in the Criminal Code of Oregon [1978] as an offense that is designated as a violation in the statute "or if the offense is punishable only by a fine, forfeiture, fine and forfeiture or other civil penalty"). For example, Burglary in the second degree (Burglary II) is a Class C Felony, while Murder in the first degree is a Class A Felony. Assaulting a Police Officer is a Class A Misdemeanor while Trespass II is listed as a Class C Misdemeanor.

Table XVII, the Statutory Seriousness Scale used in this research, was formulated by listing all offenses in order of seriousness and assigning a coded value to each degree of seriousness. Initially, all offenses noted on the records for the selected days were listed and classified under the above mentioned Statutory Scale of Seriousness

(SSS). (For a complete listing of these offenses and the order in which they appeared see Table XVIII). In all, there were 16 offense categories.

While no system of measuring offense seriousness is perfect nor universally accepted, the strength of this system is that it was drawn from the established codes of the two States. Although individual citizens might cavil with some seriousness ratings for given offenses as too severe or too lenient, it is the scale agreed upon by our lawmakers and it can be consistently applied to offenders. Furthermore, it would be difficult to argue that the seriousness ratings embodied in criminal codes are irrational, capricious, or markedly out of tune with public sentiments. There is considerable consistency in penal codes across the individual states. Then too, the current Oregon Revised Statutes, adopted in 1970, were the result of a lengthy and detailed effort by the Oregon State Legislature to revise the penalty structure of criminal laws so as to ensure that the penalties are in tune with the severity level of particular crimes. Thus, this particular system of ascertaining the seriousness of an offense seems suitable for this research, which was to determine whether a serious offense had been committed.

TABLE XVII
 STATUTORY SERIOUSNESS SCALE (SSS)
 FOR OREGON AND WASHINGTON

<u>Degree of Seriousness</u>	<u>Max Prison Term</u>		<u>Maximum Fine</u>	
	Oregon	Wash	Oregon	Wash
1 = Class A Felony	Life(a)	Life	\$2,500	\$50,000
2 = Class B Felony	10 Yrs	10 Yrs	\$2,500	\$20,000
3 = Class C Felony	5 Yrs	5 Yrs	\$2,500	\$10,000
4 = Unspecified Felony	(determined by respective code)			
5 = Unclassified Felony	(See comments on following page)			
6 = Class A Misdemeanor	1 Yr	1 Yr	\$1,000	\$5,000
7 = Class B Misdemeanor	6 Mo	90 Da	\$ 500	\$1,000
8 = Class C Misdemeanor	30 Days	(b)	\$ 250	(b)
9 = Unspecified Misdemeanor	(determined by respective code)			
10 = Unclassified	(See comments on following page)			
11 = Class A Infraction	-----	-----	\$ 500	(c)
12 = Class B Infraction	-----	-----	\$ 250	(c)
13 = Class C Infraction	-----	-----	\$ 100	(c)
14 = Class D Infraction	-----	-----	\$ 50	(c)
15 = Unspec Infraction or Ordinance	(determined by code)			
16 = No Charge				

Note: (a) Bifurcated trial may result in the imposition of the Death Penalty. (b) There are only two categories of Misdemeanors in Washington. (c) Infractions may be classified as Gross Misdemeanors or Misdemeanors.

The difference between an unspecified felony and an unclassified felony is that the former is listed in the revised statutes of Oregon and Washington as a felony of an unspecified nature (to be determined), while the latter is a felony, perhaps under federal law, that does not carry a comparable state equivalent seriousness rating. In most of these cases the subject was being held in a county jail for federal authorities. Unspecified misdemeanors were categorized in like fashion. The unclassified category was established as a result of a desire to assign the lowest possible SSS rating to an individual and indicates either an unknown situation such as in the case of a charged probation violation with no supplement information available or a charge such as "County Hold/Failure to Appear" where no seriousness category is published. Unspecified Violations or Ordinances such as Minor in Possession and Unlawful Camping or Angling Violation(s) are included in the final category. These do not specify a degree of illegality and leave to the discretion of a judge the final determination of seriousness although they can carry a fine of up to \$250.00, even \$1000.00 in some cases.

Table XVII shows that the classifications of offenses and penalties in the Oregon and Washington Criminal Codes differ somewhat. Washington has only two classifications of misdemeanors, Gross Misdemeanors which were assigned seriousness level 6 and (other) Misdemeanors assigned

seriousness level 7. With the exception of Class A felonies, prison terms are similar between the two states. Note that Washington fines can be much higher than those in Oregon. In Washington, infractions other than common traffic infractions are usually designated Misdemeanors or Gross Misdemeanors and as such could possibly result in a fine of as much as \$1000, even \$5000. The largest fine noted in the Skamania County Bail and Penalty Schedule was \$1000 for Reforestation (failure).

OTHER VARIABLES

In addition to seriousness, other variables examined in this research were the charges (single and multiple) made against those booked and incarcerated, the jail facility to which they were assigned, the age of booked and incarcerated persons, the sex and the race of those booked, and the disposition of the charges and the time spent in jail or to be spent prior to release.

The majority of individuals brought into the jails are charged with more than one crime. For example, on one of the selected booking days, April 8, 1991, there were 70 persons booked into the Multnomah County Jail System and collectively these persons had been charged with 126 separate offenses. After examining different methods of listing these multiple charges it was decided to classify these offenders by their most serious charged offense

together with a supplemental coded variable indicating whether additional charges had been placed against them. In those few cases where the seriousness of a charge was not known, for example, an unspecified felony or unspecified misdemeanor or a charge that could have been either a felony or misdemeanor, the lesser seriousness ranking was assigned.

All offenders were also listed by the jail facility in which they were incarcerated. The six jail facilities studied were as follows:

- * The Multnomah County Corrections Facility (MCCF), Troutdale, Oregon.
- * The Multnomah County Detention Center (MCDC), Portland, Oregon.
- * The Multnomah County Inverness Jail (MCIJ), Portland, Oregon.
- * The Multnomah County Rehabilitation Center (MCRC), Portland, Oregon.
- * The Multnomah County Courthouse Jail (CHJ), Portland, Oregon.
- * The Skamania County Jail (SCJ), Stevenson, Washington.

The five facilities in Oregon and one in Washington are located within fifty miles of each other and have significantly different physical plants. Two of these facilities were constructed fairly recently. (For a discussion of newly constructed jail facilities see Chapter II, *supra*). All Multnomah County arrestees, most of whom were arrested by Portland Police Department officers, were first booked into the Multnomah County Detention Center

(MCDC) Jail, located in downtown Portland. Many of them were subsequently transported to other facilities in the system. The Multnomah County Rehabilitation Center (MCRC) has several satellite programs for handling assigned offenders, such as the New Beginnings and The Volunteers of America programs for women offenders as well as ISP (a pass release program) and FTSI and MTSI (a program for turning one's self into the jail at a later date to serve time for either a felony or misdemeanor conviction). All activities of the Skamania County Jail are conducted at that facility located in Stevenson, Washington.

Although Irwin did not look into the offense seriousness, offensiveness or rabble class status of women inmates in his research, this study did do so. The gender of offenders was not only available for examination from the available raw data, it was a variable that might shed further light on the question of "Who's in Jail" and for that reason, the sex of an inmate was included in the study.

Although race may not be central to the issue of crime severity, it seemed important to know the part that race plays in overall incarceration rates, especially since it was Irwin's contention that a primary concern of the police is to manage the rabble, made up of varying social types and minorities. He alluded to the fact that hostility of the police toward certain minority groups such as blacks or Mexicans led police to focus attention on that portion of

the rabble class (1985:108-109). Therefore, it seemed important, insofar as possible, to examine the racial make-up of those arrested or incarcerated.

Essential to this study was the accumulation of information on how the charges were resolved and on the length of time it took to resolve them. Irwin also reported this information in his book, although apparently as an afterthought. Disposition was categorized in four ways: 1) an offender was either released on bail, 2) released upon his or her own recognizance, 3) cited and released, or 4) was kept in custody. In the present study, an effort was made to determine how long alleged offenders were kept in the jail prior to their release or how long they were kept in jail after conviction for a given offense. For example, if two or more persons were charged with the same offense, it seemed important to ask whether their cases were handled similarly and if they spent the same amount of time in confinement. It is here that the issue of minority status or social types might enter the picture. The time that an offender spent in jail was sorted out into ten time periods, four six hour periods covering up to one day to record the time spent in jail by those who were booked and released, and six longer periods to reflect the length of jail incarceration of those who were kept in custody pending trial or who were sentenced. The ten time periods upon which data were gathered were:

- 1 - 0-6 hours
- 2 - 7-12 hours
- 3 - 13-18 hours
- 4 - 19-24 hours
- 5 - 1-7 days
- 6 - 8-30 days
- 7 - 31-60 days
- 8 - 61-90 days
- 9 - 91-180 days
- 10 - 181-365 days

The data for the nine above mentioned variables provide a fairly accurate picture of those who were in jail, why they were there, how long they were in jail and the circumstances surrounding their release if they were, in fact, released.

APPROVALS AND NEGOTIATIONS

In order to conduct this study, it was first necessary to conduct negotiations with the two law enforcement agencies and the Portland State University Human Subjects Research Review Committee (HSRRC).

Initial contacts with The Multnomah County Sheriff's Department and with The Skamania County Sheriff led to several follow-up interviews at which time the project was discussed in detail and approval for the study was obtained.

In addition to the contractual arrangements with the HSRRC and law enforcement authorities, the sheriffs' departments required that the following disclaimer be adhered to. It was disseminated to all parties with whom contact was made regarding the research:

IN CONDUCTING THIS RESEARCH, THOSE BOOKED AND THOSE INCARCERATED WILL NOT BE MENTIONED BY NAME OR ANY OTHER INDIVIDUALLY IDENTIFYING CHARACTERISTIC IN ANY CONTEXT AND ALL SCIENTIFIC AND PROFESSIONAL ETHICAL STANDARDS WILL BE OBSERVED.

Upon receiving approval from the Human Subjects Research Review Committee, data forms and files were constructed in order to tabulate data on daily bookings and on the daily population of the six jails for the purpose of ascertaining the demographic make-up as well as the offense characteristics of the prisoners and those booked. These data were obtained by examining the entire booking and population records of jails for the selected days of those who were booked into the Multnomah County and The Skamania County facilities. The records of all 167 of those booked into the two jail systems on the selected days were examined, analyzed and coded as well as those of the 1139 who made up the ODC jail population. Crucial to the examination of Irwin's claims was this examination of both the one day counts of the jail population and the new admittees for all six jails.

ASSISTANCE FROM CRIMINAL JUSTICE AUTHORITIES

Irwin pointed out that social scientists have historically had a difficult time approaching and studying jails, far more so than in the case of prisons. Even while recognizing the importance of the jail, there has been a hesitancy among criminologists to study this part of the criminal justice system. But in the present case cooperation was obtained without difficulty from both sheriffs who offered their full support and assistance. Both departments required agreements to be made which are outlined by Multnomah County Sheriff's Department Regulations A1. 113.000 RESEARCH. SURVEYS AND INFORMATION REQUESTS. Prior to the release of booking and jail population records for the selected days, a final copy of the research proposal was required to be presented to each of the sheriff's departments.

CHAPTER V

THE DATA

OBJECTIVES

The main objective of this dissertation was to collect and analyze data that bore on the severity issue, that is, which revealed the nature of the crimes with which newly booked persons and jail prisoners had been charged. This study probed the current jail population list or report and the booking register of recently committed illegal acts by both time-serving (pre-trial and sentenced) jail inmates as well as those who were booked and released. In order to look closely at the nature of the offenses allegedly committed by those arrested and booked and to attempt to ascertain the seriousness of the offenses committed by time-serving jail inmates, the current records of each and every person booked and held in the six selected jails on a randomly selected day were reviewed and analyzed. Also, since the number of booked individuals from the Skamania County jurisdiction on a single day did not provide a sufficiently broad base to gauge offense seriousness, booking information for the entire week of April 5-11, 1991, was included. This modification resulted in the addition of

12 bookings to the Skamania County data, and a total of 167 booked individuals from the six jails.

The booking logs and jail population rosters obtained from the sheriffs' departments consisted of relatively detailed records on each person who had been booked or incarcerated.

RACE AND OTHER RECORD KEEPING PECULIARITIES

In terms of the goals of this study, a significant omission from the Multnomah County Jail Population Roster was that of information concerning race. For this reason, details on race, which are included in the booking portion of the data, are absent from jail population results. However, it seems quite likely that the booking records over the selected two-day period give a reasonably good indication of the racial makeup of the six jails.

After reviewing the raw data obtained from the Sheriffs' Departments, it quickly became evident that this study required that the investigator familiarize himself with the coding systems and peculiarities of the two record keeping systems. The Multnomah County Sheriff's booking and jail population records, particularly the booking records, contain a wealth of information, much of which was not pertinent to this study but which required review nonetheless. The Skamania County records were less detailed but contained comments, abbreviations and information that

required clarification by the researcher. In most cases, questions were generated by abbreviations that were made, either for Multnomah County computer entry brevity or peculiarities or differences in Skamania County correctional officer's terminology. In both cases, numerous telephone calls and visits to the sheriff's representatives were made to clarify points and ensure that concerns pertaining to reliability and validity were addressed. Again, speaking to Irwin's claim concerning the reluctance of law enforcement and corrections personnel to aid in research, the cooperation of both sheriffs' departments was gratifying.

THE SCOPE OF THE STUDY

It might be argued that data for only a two-day period would not provide adequate information needed for this study. And, it may have been possible to obtain computerized records for a longer period of time, leading to more extensive data on crime seriousness. But, three points are in order. First, it was desirable to parallel the numbers of booked inmates examined by Irwin in addition to studying the overall jail population during the same general time frame. Second, there would have been considerable difficulty in obtaining data for a longer period from the Multnomah County Sheriff's Department. Finally, computerized records do not exist for Skamania County.

For what it is worth, discussions with jail officials indicated that, although there have been changes over a long period with respect to both numbers of offenders and the way in which they are processed, inclusion of greater numbers of subjects in this research would not have increased its reliability. Figure 1, The Multnomah County information on Annual Custody Bookings, indicates the change in numbers of offenders over the 1985-1990 period. These data show that during the past three years bookings have remained fairly constant at about 29,000 annually. However, during the 1985-1988 period, the bookings increased by over one-third, from 18,724 to 26,146. There are many conjectures as to why this increase took place, ranging from better law enforcement to widespread increase in drug use resulting in more drug arrests as well as drug-related arrests, to more jail space to fill, to better record-keeping. In any event, the number of bookings did increase during the last half of the past decade, but they seem fairly constant at the present time.

Figure 2 shows the breakdown of MCDC monthly bookings for the 1989-1991 period.

Figures 1 and 2 give a good indication of the booking trend over the past few years. Note that Figure 1 displays data for 1985, close to the period in which Irwin conducted his research for The Jail, and shows that there were large

numbers of persons arrested and booked for lawbreaking at that time.

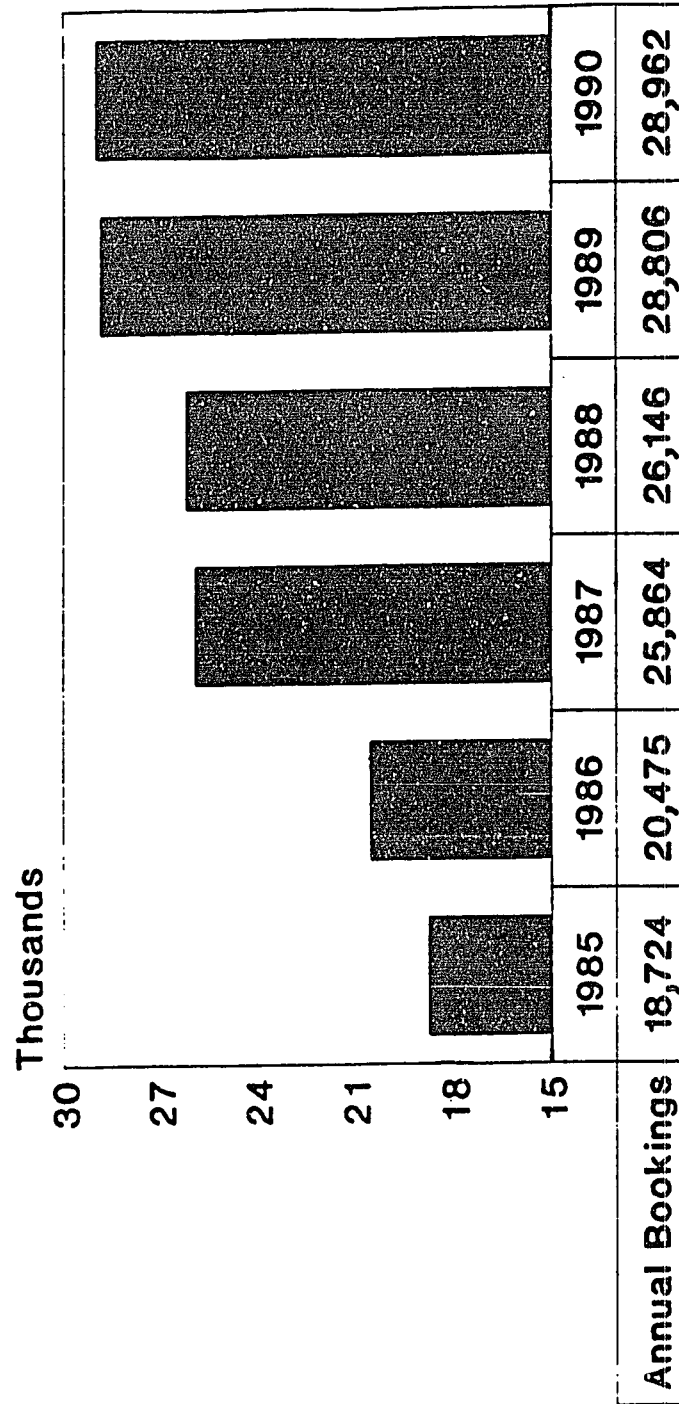


Figure 1. Annual custody bookings. This figure illustrates the number of bookings for Multnomah County during the period 1985-1990.

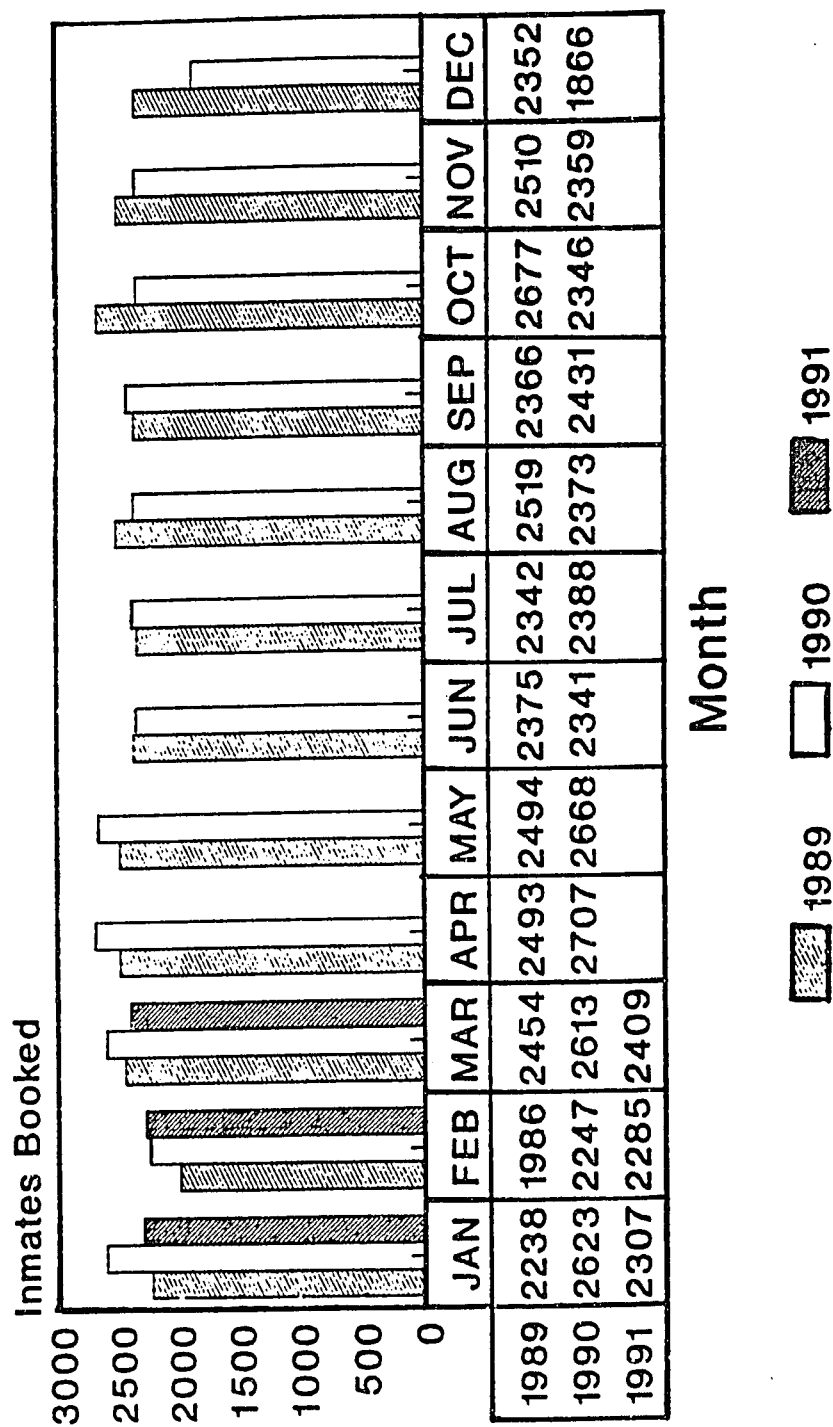


Figure 2. Monthly jail bookings. This figure illustrates the number of bookings for Multnomah County during the period January 1989-March 1991.

CHAPTER VI

FINDINGS

By collecting and analyzing data from the one-day count (ODC) jail population records as well as from the booking records of six northwest jails, it was hoped that a good deal could be learned about the extent to which the seriousness of the offenses allegedly committed by the jail inmate population as well as those booked and released was central to their arrest. In addition to addressing the main theme found in The Jail, these data are of more general value as well, considering how little is known about the populations of specific jails and the movement of persons in and out of these places.

After developing coding procedures in order to put the data into a usable form, it was possible to accurately determine the makeup of the arrested and incarcerated population. Coded information on nine variables was entered into a computer database. After several operational tests to determine the procedures that would prove the most satisfactory in processing the data, the records of 167 booked individuals and 1139 inmates from the ODC Jail population were compiled and tabulated. The bookings were taken from the Multnomah County, Oregon, records of April 5

and 8, 1991 and the Skamania County, Washington, records of April 5 through 11, 1991. The one day counts (ODC) of the jail population for both Multnomah and Skamania Counties were obtained from records of April 8, 1991. Data on offense seriousness (SSS Categories), exact charge, jail facility, age, gender, race, disposition, time spent in confinement and existence of additional charges, were tabulated. From this information it was possible to learn a good bit about each subject's current experience with the justice system and whether or not his or her incarceration seemed justified on the basis of offense severity. Especially interesting was the comparison of certain of these data, i.e., seriousness with age, race or gender. These and other comparisons are reported in this chapter. Before turning to the findings themselves, a discussion of the coding grid is in order.

CODING GRID

In order to extract the raw data for coding into a usable form, it was necessary to devise a coding matrix. The coded information was then entered into an appropriate database so that it could be analyzed and reported. Considerable experimentation took place prior to arriving at a final coding procedure. For example, initially all offenses attributed to each booked person were included in the tabulations. This resulted in 126 offenses charged

against 70 individuals booked into the jails on the first selected day. However, it was soon discovered that these additional charges simply clouded the issue of severity or degree of criminality. Put simply, it made many of the subjects' conduct look worse or distorted on the Statutory Seriousness Scale (SSS). Multiple charges may appear on an inmate's booking record or on the jail population list for several different reasons. The multiple charges may be permutations of a single basic crime or in some cases the offender may simply have committed more than one offense during a single incident or series of incidents. In one instance an inmate was charged with 65 counts of theft, forgery, aggravated theft and probation violations. It is not known whether the offenses allegedly took place on one day or over a period of time. About half of these offenses took place after the individual failed to turn himself in after adjudication of the other charges. The levying of multiple charges has been described as a police tactic to induce pleas or confessions, although there was no direct evidence in this research of such a practice. Often, the additional charges carried a much less serious SSS rating than the primary charge.

By removing additional charges from the coding grid and listing only the most serious one, together with a supplemental variable indicating that additional charges existed, it is believed that a clearer picture of each

offender's criminality was obtained. However, an unfortunate result of this necessary operational modification was that by eliminating the lesser charges from a booked individual's record, the frequency of appearance of many lesser offenses on the Charge List was reduced, or in some cases eliminated. This partly explains why there were so few or no charges listed for seriousness rating categories 7 through 15, which represent lesser misdemeanors and ordinance\infraction violations.

CHARGE DISTRIBUTION

Let us examine the range of primary charges lodged against the 1306 jail inmates who had been booked or were incarcerated. The Charge List, presented in Table XVIII, was constructed to show the extent and frequency of criminal acts together with the Statutory Seriousness Scale (SSS) rating for each offense. The SSS was presented in Table XVII and indicated a truly wide range of primary charges.

The data in Table XVIII show that serious offenses were fairly evenly distributed throughout each of the urban and rural jail populations. Of course, overall numbers of inmates varied a great deal between the two jail systems. For example there were 1162 inmates in the Multnomah County Jail System (MCJS) on April 8, 1991, the day that was selected to study the one day count of jail population and 1139 of whose records were used in this research, while only

20 inmates were incarcerated in the Skamania County Jail (SCJ). (Since 43 of the inmates booked on April 5, 1991 were still incarcerated on April 8, 1991, they were not counted a second time as ODC Jail Population. Their elimination from the jail population count of 1182 avoided the possibility of a "double count" when all jail inmates, both bookings and ODC Jail Population figures, were tabulated. Thus, the number of ODC Jail Population inmates actually studied in this research totaled 1139). Similarly, there were 69 persons booked into the Multnomah County Jail System on April 8, while only one person was booked into the Skamania County Jail on that day. With the two days of booking records utilized from Multnomah County, numbering 85 on the second day, April 5, 1991, together with 13 bookings for the selected week (April 5-11, 1991) from Skamania County, the total number of booked individuals from the two jail systems who appeared in this study was 167. A review of totals for other days not included in this research revealed that MCJS and SCJ daily booking rates were usually fairly stable, but could number as many as 100 for the MCJS and as many as six for the SCJ.

The booking records for the selected period were the first to be examined and analyzed. The 167 persons who were booked had collectively been charged with 91 separate primary crimes. Table XVIII lists these charges, (charge number 1-90 and 152 which was added later), together with

Statutory Seriousness Scale ratings and frequency of occurrence. Later, analysis of the jail population records revealed an additional 61 offenses, which had not previously appeared among the booked persons, as being the primary reason for incarceration. The reader should remember that only the most serious charge made against a multiple-offender was listed, and that charge was added to the charge list in the order of appearance on the booking or jail population record. For example, there were six SSS charges rated 1 (most serious) within the 91 booked charges first analyzed, while fifteen additional SSS level 1 offenses appeared within the additional 61 offenses charged to those individuals who made up the ODC Jail Population.

There were 50 individuals held in detention under offense number 78, US Marshal Hold. The actual offense committed by these persons was not clear from the jail records and when not identified as a Felony Hold, the lesser, misdemeanor SSS rating was assigned. It is not uncommon for jail records to be less than clear, for as it was pointed out on more than one occasion in the Sourcebook, some facility records do not distinguish the difference between the various details of many entries. Thus, it was often necessary to interpret what was meant by the entries on some records and it is more than likely that some of these, listed as misdemeanors, were actually felony offenses.

Table XIX indicates that 44 of the 91 (48.4 percent) primary charges lodged against the booking sample for the various jails had to do with felonies of one kind or another. Further, of the primary charges in the case of the ODC sample, 51 of those 61 were, felony charges. Only seven charges with an SSS rating of less than a felony were noted within charges 91 through 151 and were lodged against only eighteen inmates in all from the ODC sample. In all, only 17.3 percent of the charges against the ODC group of 1139 inmates were less than felony. These data suggest that in the six-jail population under study here, relatively serious offenses characterized most of the jail residents. Put another way, these findings present a picture that diverges rather markedly from Irwin's characterization of jails being filled with members of the rabble who have committed petty crimes or no crimes at all.

While Table XVIII indicates how each of the 152 listed charges fit within the Statutory Seriousness Scale, Table XIX shows the number of charges that were credited to each SSS Rating.

How many booked and jail population persons fell into the various SSS categories (primary charge)? To answer this question as well as address the issue of overall seriousness, Tables XX and XXI and Figure 3 show the offense seriousness of jail inmates. Most significant

TABLE XVIII

CHARGE LIST WITH SSS RATINGS AND FREQUENCY
OF OCCURRENCE FOR BOOKED AND
ODC JAIL POPULATION

<u>OFFENSE IN ORDER OF APPEARANCE</u>	<u>SSS SCALE</u>	<u>No. of CASES</u>
1 Failure to Pay Fines	6	3
2 Driving While Suspended	6	10
3 Driving under Influence of Intoxicants	6	83
4 Switched Tags	12	1
5 Felony Driving While Suspended	3	31
6 Using Invalid License	6	34
7 Theft II	6	16
8 Resisting Arrest	6	3
9 Possession of a Controlled Substance II	3	74
10 Burglary II	3	32
11 Criminal Mischief I	3	12
12 Sex Abuse II	3	3
13 Unauthorized Use of a Motor Vehicle	3	77
14 Unauthorized Use of a Motor Vehicle*	3	2
15 Burglary I	1	51
16 Possession of a Controlled Substance*	3	32
17 Assaulting a Police Officer	6	1
18 Assault IV*	6	4
19 Resist Arrest*	6	1
20 Theft II*	6	2
21 Burglary I*	1	11
22 Intimidation I*	3	1
23 Driving Under Influence of Intoxicants*	6	5
24 Felony Driving While Suspended*	3	2
25 Distribution of a Controlled Substance 2**	2	79
26 Contributing to Delinquency of a Minor	6	2
27 Menacing	6	5
28 Criminal Mischief I*	3	2
29 Robbery II	2	7
30 Attempted Possession\Controlled Substance II	6	1
31 Burglary II*	3	5
32 Possession of a Controlled Substance I	2	31
33 Distributing a Controlled Substance 1	1	69
34 Menacing	6	1
35 Assaulting a Police Officer	6	5
36 Harassment	7	2
37 Disorderly conduct	7	1
38 Minor In Possession	15	1
39 Forgery I	3	26
40 Negotiating Bad Checks	6	1
41 Reckless Driving	6	4
42 No Insurance	12	1

TABLE XVIII

CHARGE LIST WITH SSS RATINGS AND FREQUENCY
OF OCCURRENCE FOR BOOKED AND
ODC JAIL POPULATION
(continued)

43	US Marshal Hold (Escape)	4	1
44	US Marshal Hold (Drug Charges)	5	12
45	Public Indecency	6	2
46	Possession of Gambling Records I	3	1
47	Assault IV	6	26
48	County Hold (Gambling)*	10	1
49	Furnishing False Info To a Police Officer	6	4
50	Escape III	3	1
51	Trespass II	8	2
52	Assault III	3	2
53	Trespass I	6	4
54	Criminal Mischief II	6	1
55	County Hold (Criminal Mischief)	10	1
56	Fail to Perform Duties of a Driver (Prprty)	6	2
57	Ex Con in Possession of a Fire Arm	3	6
58	Robbery I	1	1
59	Carrying a Concealed Weapon	7	1
60	Possession of Marijuana Less than 1oz	15	1
61	Prostitution	6	10
62	Robbery II	2	15
63	Fugitive (Burglary)*	3	3
64	Manufacturing a Controlled Substance 1*	1	6
65	Failure to Appear*	10	4
66	Probation Violation (Unknown Reason)	10	1
67	Deliver Imitation Drugs	6	3
68	Manufacturing a Controlled Substance 2	2	10
69	Attempted Unauth. use of a Motor Vehicle	6	1
70	Fugitive	4	10
71	Driving While Suspended*	6	2
72	Theft I	3	41
73	Aggravated Theft I	2	3
74	Parole Violation (Unspecified Felony)	4	63
75	Robbery III	3	5
76	USM Hold (Weapons Possession)m,	5	1
77	Misdemeanor Driving While Suspended	6	1
78	US Marshal Hold (Unknown Charges)	4or10	50
79	Rape I	1	13
80	Assault II	2	19
81	Unlawful Camping	15	1
82	Robbery III*	3	9
83	Custodial Interference	3	1
84	Angling Violation	15	1
85	Forgery II	6	1
86	County Hold (Contempt)	10	5
87	Possession of a Controlled Substance I*	2	14

TABLE XVIII

CHARGE LIST WITH SSS RATINGS AND FREQUENCY
OF OCCURRENCE FOR BOOKED AND
ODC JAIL POPULATION
(continued)

88	Assault I	1	11
89	Unlawfully Obtaining Public Assistance	3	1
90	Attempted (Att) Theft I	6	1

Note: Charges 1 through 90 were the primary ones made against the 167 booked individuals in the study. Later, many of these 90 charges, together with charges 91 through 151, were tabulated from the analysis of the records of the general ODC Jail Population. Charge 152, a Skamania County Booking was added when it was found that Washington State levies a separate charge against those persons who have failed to appear on more than one occasion to answer to a traffic violation. Thus, the total number of primary charges that were tabulated from booking records was 91.

91	Att Distribution of Controlled Substance I	2	2
92	Aggravated Murder	1	5
93	Attempt to Elude (Vehicle)	6	1
94	Theft I*	3	9
95	Attempted Assault II	3	5
96	Motor Vehicle Violations\ Habitual Offender	3	20
97	Distribution of a Controlled Substance 2*	2	12
98	US Marshal Hold (Bank Crimes)	4	7
99	Forgery I*	3	9
100	Escape II*	3	2
101	Attempted Burglary I	2	3
102	Felony Hold	4	1
103	Attempted Murder	1	13
104	Unlawful Racketeering	1	3
105	Conspiracy to commit Robbery I	1	1
106	Murder (Washington)	1	3
107	Theft of a Motor Vehicle (Washington)	3	3
108	County Hold for another Authority	4or10	6
109	Theft 2 (Washington)	3	2
110	Fugitive PCS 2 (Washington)	3	1
111	Negligent Homicide	3	2
112	Sodomy I	1	14
113	US Immigration Hold	10	3
114	Mistreatment I	3	5
115	Sodomy II	2	3
116	Kidnap I	1	8
117	Sexual Assault (Washington)	4	1
118	Sex Abuse I	3	11
119	Sex Abuse II*	6	1
120	Attempted Rape II	3	1

TABLE XVIII
CHARGE LIST WITH SSS RATINGS AND FREQUENCY
OF OCCURRENCE FOR BOOKED AND
ODC JAIL POPULATION
(continued)

121	Sodomy III	3	2
122	Attempted Rape I	2	2
123	Attempted Aggravated Murder	1	2
124	Theft III	8	4
125	Tampering with Physical Evidence	6	1
126	Fail to Perform Duties of a Driver (Injury)	3	3
127	Manufacturing a Controlled Substance I	1	4
128	Failure to Appear I	3	2
129	Giving a Bribe	2	1
130	Att Manufacture\Controlled Substance II	1	1
131	Restraining Order Violation	4	3
132	Unauthorized Departure	10	1
133	Conspiracy (Con) to Commit Theft I	3	1
134	Escape II	3	2
135	Arson I	1	3
136	Escape I	2	2
137	Manslaughter II	2	1
138	Att Possession of a Controlled Substance I	3	1
139	Con to Distribute Controlled Substance II	2	3
140	Manslaughter I	1	2
141	Robbery I*	1	3
142	Murder	1	8
143	Attempted Robbery I	2	1
144	Assault II	2	1
145	Promoting Prostitution	3	1
146	Compelling Prostitution	2	2
147	Distribution of a Controlled Substance 1*	1	4
148	Fugitive (Assault-Washington)	2	1
149	Sale and/or Exhibition of Child Sex	3	1
150	Con to Distribute Controlled Substance I	1	1
151	Reckless Endangerment	6	1
152	Failure to Comply (Washington)	6	1
153	No Charge	16	2

Notes: N = 1306

Note: * Entry indicates a parole or probation violation, revoked recognizance or a hold for another authority, based upon the original charge. Entry number 153 (no charge) was added, in the interest of accuracy, as it had been listed upon the Skamania County Jail Population Report.

TABLE XIX
DISTRIBUTION OF CHARGES FROM BOOKINGS
AND ODC JAIL POPULATION

<u>SSS Category</u>	<u>Booked Charges</u>	<u>Jail Pop. Charges</u>	<u>Total</u>	<u>Percent</u>
1 Class A Felony	6	18	24	15.7
2 Class B Felony	9	13	22	14.4
3 Class C Felony	23	20	43	28.1
4 Unspecified Felony	4	3	7	4.6
5 <u>Unclassified Felony</u>	<u>2</u>	<u>0</u>	<u>2</u>	<u>1.3</u>
Felony Charges	44	54	98	64.1
6 Class A Misdemeanor	31	5	36	23.5
7 Class B Misdemeanor	3	0	3	2.0
8 Class C Misdemeanor	1	1	2	1.3
10 Unclassified Category	6	1	7	4.6
12 Class B Infraction	2	0	2	1.3
15 Unspec Vio or Ord	4	0	4	2.6
16 <u>No Charge</u>	<u>0</u>	<u>1</u>	<u>1</u>	<u>.6</u>
Non-felony Charges	47	8	55	36.0
Total Charges	91	62	153	100.0

Note: Number of Charges = 153. Number of charged persons = 1306. Table XIX reflects the number of charges that fell within the various categories and does not reflect the number of times each charge was made.

in Table XX and Figure 3 is the large number of offenses within the booked population, (46.7 percent) that were felony offenses, while just over half (53.9 percent) were misdemeanors or less. Stated another way, over 90 percent of those booked into the jails under study had committed or were accused of offenses that rated as Class A Misdemeanors or above. These numbers seem hardly representative of an oppressed rabble class whose only crime was that of being offensive. Put another way, nearly half of the bookings were for felony charges, while many of the "less serious" misdemeanor charges were for such acts as drunken driving, assault, bad check writing, drug possession or theft. It seems likely that many citizens would consider these offenses to be chargeable and punishable.

In his study, Irwin reported that his sample of misdemeanor offenders consisted entirely of persons charged with petty crimes, most of which would apparently warrant SSS ratings of 7 or less (Class B Misdemeanor or lower). But in the present study, of the 76 various misdemeanors appearing in the bookings, the vast majority, fully 97 percent, rated as "Class A" Misdemeanors. Even if the ordinance violations and unknowns were counted as misdemeanors, the percentage of more serious, Class A offenses would reach 75 percent of the total.

In Chapter V, it was noted that in order to obtain a broader base of information from Skamania County, one week of Skamania County booking record material was processed instead of the two days as was done for Multnomah County. Only one booking had been observed during the two-day booking period, April 5 and 8. Not surprisingly, this single booking, when combined with the Skamania County Jail Population, had a small impact on the overall distribution of charges which ranged in seriousness similarly to those of Multnomah County. When the 12 additional bookings were added to the Skamania County totals, the overall proportion of felonies decreased by 2.1 percent, while the number of persons booked on misdemeanor charges increased by 2.9 percent. Stated another way, 85 percent of Skamania County bookings were for misdemeanors and when more inmate records were examined, the overall seriousness of the alleged lawbreaking was reduced. While not significant enough to alter the overall results of the research in any way, this result did tend to confirm part two of the working hypothesis, at least in this case, by showing that a rural jail contained inmates more likely to be booked on misdemeanor charges than more serious felony charges. Here, it is the direction of the difference that is significant rather than the size of the difference.

TABLE XX
DISTRIBUTION OF BOOKED OFFENDERS
BY STATUTORY SERIOUSNESS SCALE
(SSS)

<u>SSS Category</u>	<u>No.of Offenders</u>	<u>% of Total</u>
1 - Class A Felony	11	6.6
2 - Class B Felony	11	6.6
3 - Class C Felony	48	28.7
4 - Unspecified Felony	3	1.8
<u>5 - Unclassified Felony</u>	<u>5</u>	<u>3.0</u>
Total Felonies	78	46.7
6 - Class A Misdemeanor	74	44.3
7 - Class B Misdemeanor	1	.6
8 - Class C Misdemeanor	1	.6
10- Unclassified Misdemeanors	11	7.2
<u>15 - Unspec Vio or Inf</u>	<u>2</u>	<u>1.1</u>
Total Non-Felonies	89	52.2
Totals	N=167	99.9%

Note: Unspecified charges are those which are listed in the Revised Statutes as ones of unspecified nature to be determined by the charging authority while Unclassified charges are those which could not be accurately classified due to various record keeping anomalies or, in the case of charges levied by other authorities, do not carry an exact state equivalent.

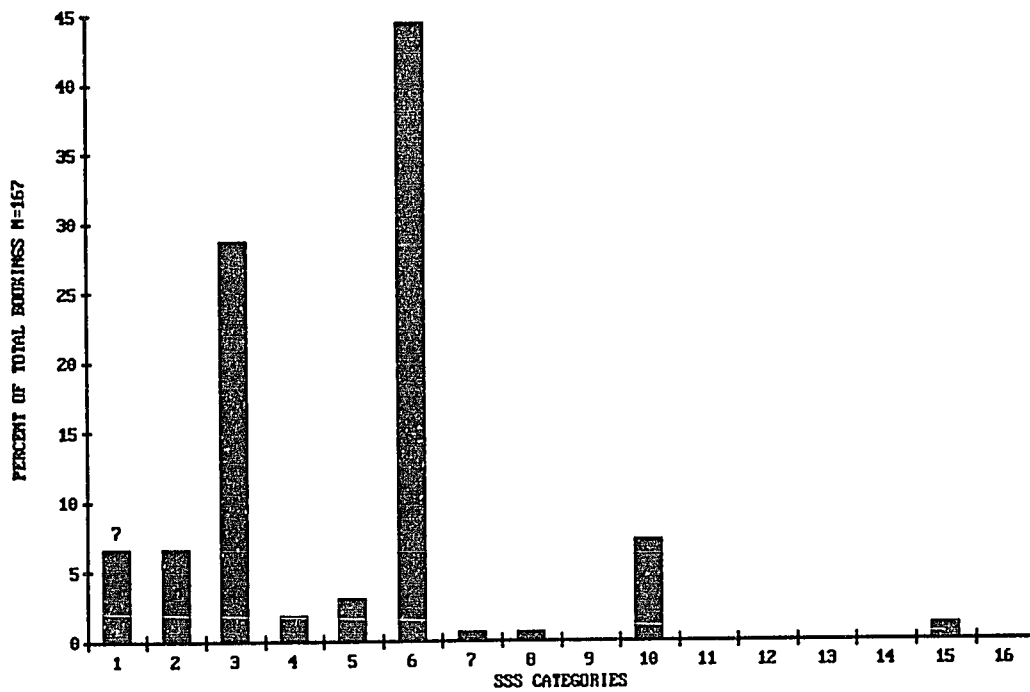


Figure 3. Bookings by offense seriousness.
This figure illustrates the percentage of
persons booked in each category of the
Statutory Seriousness Scale (SSS). N=167.

Figure 3 portrays the concentration of bookings in category 3 (Class C Felonies) and 6 (Class A Misdemeanors).

Next, consider Table XXI showing the number of serious violations charged against those who were members of the general jail population. The data in TABLE XXI and Figure 4 are even more divergent from Irwin's than those in Table XX in that they suggest even more conclusively that the majority of inmates in jail are there because they have been involved in serious crimes. Of those in this group, fully 82.5 percent were charged with or were otherwise jailed for felony crimes. Only 17.5 percent of the one day count of jail inmates were incarcerated for lesser causes, i.e. misdemeanors, violations of ordinances or traffic infractions or, in the case of two Skamania County inmates, no charge at all. (These two persons had been placed in custody in order to protect themselves and the public from their inebriated state. This may well be an instance where the jail, in a rural area, was used as a device to manage "offensive persons!")

The large number of serious offenders in jail calls into question the accuracy of Irwin's generalizations. Also noteworthy is that over 72 percent of the ODC group and 38 percent of the booked group had multiple charges lodged against them. In all, 893 of the 1306 inmates studied had multiple charges, bringing to 68.4 percent the overall multiple charge rate.

TABLE XXI
DISTRIBUTION OF JAIL POPULATION OFFENSES
BY STATUTORY SERIOUSNESS SCALE (SSS)

<u>SSS Category</u>	<u>No. of Offenders</u>	<u>% of Total</u>
1 - Class A Felony	262	23.0
2 - Class B Felony	199	17.5
3 - Class C Felony	381	33.5
4 - Unspecified Felony	88	7.7
<u>5 - Unclassified Felony</u>	<u>9</u>	<u>.8</u>
Total Felonies	939	82.5
6 - Class A Misdemeanor	136	12.0
7 - Class B Misdemeanor	2	.2
8 - Class C Misdemeanor	4	.4
10 - Unclassified Misdemeanors	56	4.9
<u>16 - No Charge</u>	<u>2</u>	<u>.2</u>
Total Non-Felonies	200	17.5
Totals	N=1139	100%

Note: See note in Table XX.

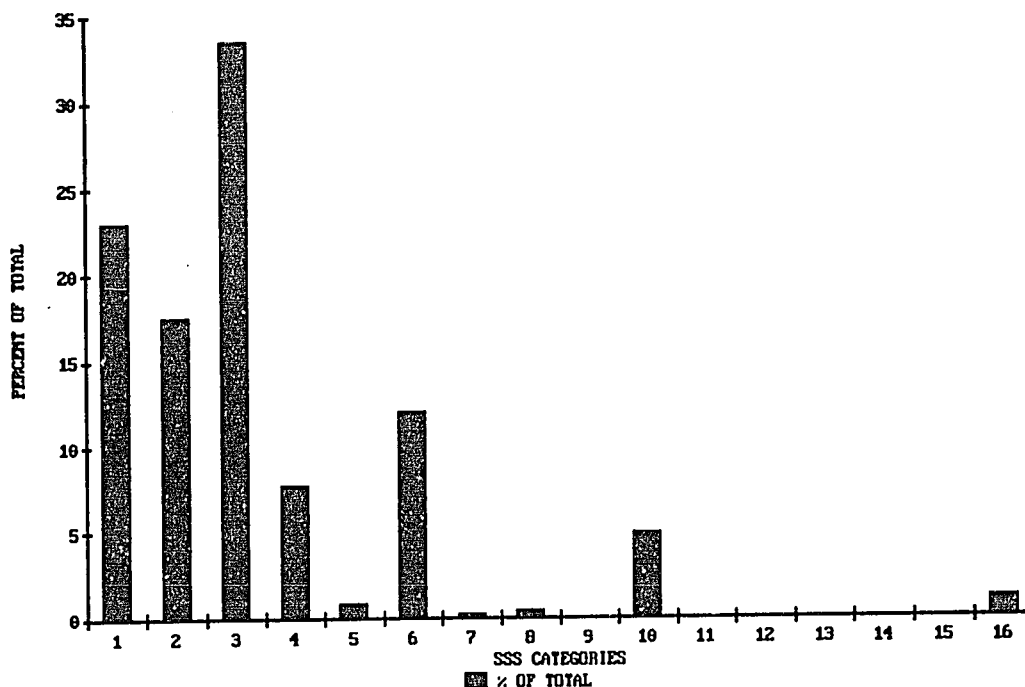


Figure 4. ODC jail population by offense seriousness. This figure illustrates the percentage of inmates in the ODC jail population appearing in each category of the Statutory Seriousness Scale (SSS).
N=1139

Not surprisingly, the ODC Jail Population involved proportionately more persons charged with relatively serious offenses than did the booked group. Even though there were many offenders incarcerated in jail for misdemeanors, the majority of those housed in the six jails under study did not appear to be a group of petty offenders. The general jail population did not appear to be a group that had been victimized and incarcerated solely for being "offensive," or persons whose offenses were minor and who were victims of an organizational desire to manage the disreputable and detached refuse of society.

CHARGE DISPOSITION

After an alleged lawbreaker has been charged and booked into the jail, he or she is most likely to be concerned with how the booking will be resolved and when and if he or she will be released. The most common form of release is "released to own recognizance" (ROR), whereby the offender promises to appear in court or at some other appointed place at an appointed time. Release on bail is also common, but requires a money bond which can often times be difficult to procure. Neither jurisdiction under study had a program, similar to that reported by Klofas (Chapter II), directed at loaning money to offenders to be used for bail. Aside from being "released without charge" (only one occurrence of this was observed when, through mistaken identity, the wrong

person had been charged), ROR and bail, the only other form of release without court appearance is by being "cited and released" (given a ticket) where it is expected that a fine will be paid. Citing has become quite common, allegedly as a result of jail overcrowding, but is usually accomplished before, or in lieu of, booking. When these forms of release are not deemed appropriate, custody then becomes the customary disposition.

The manner in which these dispositions were utilized by the two jail systems under study also differed from those described by Irwin. In his study, he reported that the charges brought against both the felony and misdemeanor arrestees were dismissed about half of the time. In Multnomah and Skamania Counties over 71 percent of those who were booked were subsequently placed in custody and bound over for trial! In examining the disposition of 1306 primary charges brought against the "Who's in Jail?" group, one is struck by the relationship of charge disposition to the seriousness of the offenders actions. Since seriousness is mainly what this study was assessing, the fact that over 70 percent of those arrested and booked were kept in custody seems a significant finding.

Table XXII indicates the disposition of the booked offenders.

TABLE XXII
DISPOSITION OF BOOKED OFFENDERS

<u>SSS Category</u>	<u>Bailed</u>	<u>ROR*</u>	<u>Cited</u>	<u>Custody</u>	<u>XFRD**</u>
1 - Class A Felony	0	0	0	11	0
2 - Class B Felony	1	0	0	9	0
3 - Class C Felony	1	11	2	32	2
4 - Unspec. Felony	0	0	0	3	0
5 - Unclass. Felony	0	0	0	5	0
6 - Class A Mis.	6	23	0	45	0
7 - Class B Mis	0	1	0	0	0
8 - Class C Mis.	0	1	0	0	0
10 - Unclassified	0	1	0	10	1
15 - Unspec Vio	0	1	0	1	0
Total N = 167	8	38	2	116	3
Percent of Total	4.8%	22.8%	1.2%	69.5%	1.8%

Note: *ROR= Released on own recognizance.

**XFRD = Transferred.

In only two cases out of 167 bookings (1.2 percent) were offenders cited after they were booked, as contrasted to Irwin's group of misdemeanants and felons, 18 percent of whom were cited and then released after booking. It is not clear what accounts for the difference between Irwin's findings and those in this research. However, it may be that the Oregon and Washington criminal justice systems do business differently or that changes have occurred in methods of operation involving arrest and confinement of alleged offenders since Irwin's study took place. Whatever the explanation, the difference in disposition between the booked group and Irwin's sample suggests that his findings are not valid for jails everywhere.

Another insight as to why Irwin's experience in San Francisco seems to be different from that described here was noted by Flynn (1983) in her discussion of contemporary jail conditions. She pointed out that the size and composition of jail populations in specific areas reflect a number of factors additional to local crime rates or the demographic characteristics of the surrounding community. Statute variations as well as divergent law enforcement and court practices or differential use of alternatives to incarceration may bear heavily on the numbers of arrests and jailed persons. Aside from those factors, Flynn also noted (1983) that harsher laws and enforcement of those laws can move offenders out of the jail and into the penitentiary.

Presumably one function of jails is to move serious lawbreakers out of the mainstream of society.

TIME SERVED

Just as there were large differences between Irwin's findings and those in this study with respect to charges and dispositions, similar discrepancies were noted in the time served prior to charge disposition. According to Irwin, the majority of his subjects spent little time in jail, 63 percent having spent less than 24 hours in custody. By contrast, the majority of the booked inmates in this study group, over 67 percent, spent longer than a day in jail after booking. Surprisingly, of this group, nearly as many misdemeanants as felons spent longer than a day in jail. But not unexpectedly, felons as a group were incarcerated for the longest periods of time. In some cases, the time spent was calculated by observing the distance between booking and scheduled arraignment, or by how much jail time had been levied on an offender who was allowed to turn himself or herself in at a later date.

Initially, the research plan was to closely monitor the time spent in custody in order to determine whether or not there might be evidence of discrimination against one group or another resulting from the release or processing of one group of lawbreakers more quickly than another. However, no evidence of this practice emerged. Instead, it appeared

that if a person was to be released, this was accomplished as quickly as possible with no preference or penalty given to any group over another. Table XXIII shows the time spent in custody for each of the SSS Categories. A caveat is in order regarding this table and these data: some of the incarceration periods were "guess-ti-mates," given various ambiguities in the jail records. The time shown is not necessarily the total time that was, or will be, served and reflects anticipated time served until arraignment or period of sentence. In the table, time periods 1 through 4 represent six hour periods of the day and 5 through 10 represent periods of from more than a day to a year. (For a breakdown of the SSS Categories see Table XVII). Note that over half of the booked individuals, 55.1 percent, spent more than one day, but less than a week in jail. This group of 92 was made up, in large part, of those who were accused of felonies (50 inmates). Eleven individuals who were not accused felons were identified as SSS category 10 (unknown offenses, some of which may actually have been felonies). There were 30 misdemeanants in this group who spent over a day in jail. The table indicates that a total of 44 misdemeanants spent varying times over a day, even up to six months or more in jail. On the other hand, nearly a quarter, 21.5 percent of those booked spent only a few hours in jail, while over 88 percent were in jail less than a week.

DIFFERENCES AMONG JAILS

The jails to which prisoners were assigned were also scrutinized, mainly with a view toward determining whether differences were apparent in the populations of these places. While the offenders in Skamania County were housed in one county jail, those in Multnomah County were spread among five facilities.

Skamania County Jail

The Skamania County facility is one with a capacity that is greater than utilized. Since there is no jail overcrowding, all arrested offenders are booked. Between one and five bookings take place on most days, although during the two days that were initially studied only one person was booked and held. That fact led to the decision to lengthen the booking period to one week for this jail.

The Skamania County Jail population usually consists of about 15 to 20 inmates. It appears to be an excellent rural jail facility, staffed by competent, courteous deputies who treat the prisoners in a professional manner.

During an early stage of this study an interview was conducted with the Skamania County Jail Supervisor, a deputy sheriff whose duties are specifically those of jailer.

TABLE XXIII
DISTRIBUTION OF TIME SPENT IN JAIL BY BOOKED INMATES

SSS	(Time Periods)									
	1	2	3	4	5	6	7	8	9	10
1	0	0	0	0	10	0	1	0	0	0
2	1	0	0	0	7	1	1	0	0	0
3	13	4	0	0	29	2	0	0	0	0
4	0	0	0	0	2	1	0	0	0	0
5	0	0	0	3	2	0	0	0	0	0
6	18	12	1	0	30	8	2	0	1	0
7	1	0	0	0	0	0	0	0	0	0
8	1	0	0	0	0	0	0	0	0	0
9	0	0	0	0	0	0	0	0	0	1
10	1	0	0	0	11	0	0	0	0	0
15	1	0	0	0	1	0	0	0	0	0
Totals	36	16	1	3	92	12	4	0	3	1
Percent*	22	10	1	2	55	7	2	0	2	1

Key to Time Periods:

1 - 0-6 hours	6 - 8-30 days
2 - 7-12 hours	7 - 31-60 days
3 - 13-18 hours	8 - 61-90 days
4 - 19-24 hours	9 - 91-180 days
5 - 1-7 days	10 - 181-365 days

Note: There were no booking entries for SSS categories 11, 12, 13 14, and 16. N = 167. *Totals do not equal 100 percent due to rounding.

Although his comments may not have been entirely accurate, his description of the Skamania County operation is worth noting as are his observations on the jail inmates.

The jailer believed that there is a frame of mind which is prevalent among certain jail residents, especially repeaters. He spoke of an "I don't care" attitude evident among many recidivists, who seem to believe that going to jail is all part of a game, that is, one of the risks of involvement in crime. Such persons, who Irwin would most likely refer to as "rabble," seem resigned to "taking a fall" and doing time in the county jail. The single most common offense grouping in Skamania County is currently one related to marijuana growing. Not many younger persons are booked for such offenses, rather, a group of hard core, "mature" persons do it until they are caught. Part of this group "pick up" on (are more prone to commit) federal crimes as they see the penalties as less severe. It was easy to agree with the jailer that this group did not seem to fit the rabble category as described by Irwin.

According to the jailer, another common type of inmate found in the Skamania County Jail is incarcerated for less serious misdemeanor violations -- driver's license problems, driving violations, drinking, abusive behavior and the like -- but who may end up with a felony violation such as escape. Many of the people in this group were alleged to have little respect for authority, have "bad reputations"

and generally were charged with thievery and kindred offenses. The deputy's description of this group sounds close to Irwin's characterization of "the rabble," but it also should be noted that the deputy was not convinced that these persons make up the large majority of jail inmates.

The jailer did believe that there may be a rabble class or group who frequented his jail but was not prepared to estimate its size. He also noted that there seemed to be a state of rebellion within this group of inmates. This led him and this researcher to the very tentative conclusion that there might be a larger "rebel" group within the jail population than a "rabble" group such as that described by Irwin.

The jailer believed that most of these "rebel" inmates were incarcerated for violations of the Statutory Reform Act (Washington) which primarily included:

- * Driving violations (the most common misdemeanors)
- * Driving while revoked (less than one year sentences)
- * Driving while revoked (1 year sentences)
- * Domestic violence
- * Game violations
- * Probation violations (60-90 days)

The Skamania County jailer did not agree with Irwin's allegation about a street-sweeping modus operandi of the police. Moreover, in several visits to the Skamania County Jail, usually during the late night hours, this researcher

saw no evidence that any street sweeping operation was in effect for the county.

Most violators, said the deputy, "get the scale," e.g., 60-90 days, 90-120 days, except for exceptional cases. That is, they are sentenced in a consistent manner within the guidelines prescribed by the state. He said that some individuals get caught up in the system and have no way to "transfer out." In other words, there seems no way for offenders and alleged lawbreakers to escape their pasts -- the court and probation system seems to haunt them and they become violators again and again and are sent to jail again and again.

The deputy spoke of occasional jurisdictional tugs-of-war in which authorities of different jurisdictions do not always work with the county as they should and the inmate, in these cases, seems to be a pawn in the game of bureaucracy.

The jailer also believed that there should be a way out of the system for repeat offenders (the rebels). These people usually do not want to face their past and he likened them to debtors not wanting to face their bills. In his words: "I believe that many members of this group get caught up in an avoidance scenario which leads to even further problems within the criminal justice system." The deputy told of advising his charges to work within the system -- with the parole officers -- "for if you don't, you'll end up

back in (jail)." Finally, he said that all criminal justice personnel should use the golden rule, insofar as possible, in dealing with violators.

Obviously, the reports of the deputy and a few visits to the jail and observations therefrom do not add up to hard evidence. For example, jailers and/or the police may not always be candid in describing the guidelines they use for performing their duties or they may honestly but mistakenly report on their behavior. Nonetheless, we cannot ignore entirely this sort of evidence about jail operations and functioning.

Multnomah County Jail System

All prisoners booked into the Multnomah County jail are processed at MCDC, where they are either housed or transferred to other facilities. As noted in Table XXIV, there are four other facilities, two used generally for longer term residents (MCCF and MCIJ), one for rehabilitation and restitution purposes (MCRC), and an older, smaller facility at the county courthouse (CHJ).

The figures in Table XXIV reflect the make up of the five jails in the Multnomah County System and are calculated from both the booked and general jail population groups.

TABLE XXIV

DISTRIBUTION OF OFFENDERS IN MULTNOMAH COUNTY JAIL
FACILITIES BY STATUTORY SERIOUSNESS SCALE (SSS)

ODC Jail Population

<u>SSS Rating</u>	<u>MCCF</u>	<u>Facilities</u>		<u>MCRC</u>	<u>CHJ</u>
		<u>MCDC</u>	<u>MCIJ</u>		
1	36	132	51	27	15
2	44	74	50	19	11
3	70	102	96	89	21
4	17	42	19	0	8
5	0	7	1	1	5
6	12	46	34	32	0
7	0	0	2	0	0
8	2	2	0	0	0
10	1	50	1	1	2
<hr/>					
No. of Inmates	182	455	254	169	62 = 1122
Percent	16.2	40.6	22.6	15.1	5.5 = 100

Booked Population

<u>SSS Rating</u>	<u>MCCF</u>	<u>Facilities</u>		<u>MCRC</u>	<u>CHJ</u>
		<u>MCDC</u>	<u>MCIJ</u>		
1	0	8	0	0	3
2	0	6	0	1	2
3	1	38	0	0	7
4	0	1	1	0	1
5	0	5	0	0	0
6	3	47	1	5	9
7	0	1	0	0	0
8	0	1	0	0	0
10	1	9	0	0	1
15	0	2	0	0	0
<hr/>					
No. of Inmates	5	118	2	6	23 = 154
Percent	3.2	76.6	1.2	3.9	14.9 = 99.8

Note: MCCF = Multnomah County Correction Facility, Troutdale
 MCDC = Multnomah County Detention Center, Portland
 MCIJ = Multnomah County Inverness Jail, Portland
 MCRC = Multnomah County Restitution Center, Portland
 CHJ = Court House Jail, Portland

The MCDC housed the largest percentage of inmates with over 76 percent of the booked offenders housed there. This represents a percentage that is more than twice that of the ODC Jail Population. On the other hand, ODC (One Day Count) jail population inmates were distributed somewhat more evenly, that is, except for that noted.

Although not shown in Table XXIV, the percentages of inmates in the five Multnomah County facilities who had been charged with Class I to III felonies (SSS Rating 1-3) were as follows: MCCF; 82 percent, MCDC; 69 percent, MCIJ; 78 percent, MCRC; 80 percent, and CHJ; 76 percent. Although two-thirds of the prisoners in all five of the jails were there on felony charges, the lowest percent was in MCDC, reflecting the fact that this is the initial destination of newly-arrested and as yet untried persons. By contrast, MCCF, with 82 percent of its inmates being felony cases, is a jail intended for persons who have been convicted and are serving sentences.

RACIAL DISTRIBUTION

Judging from the Irwin's discussion of the three variables of sex, age and race, it was expected that the latter would be the most significant, that is the one that would most likely show lopsided arrest and booking actions, if they existed. Irwin reported that minorities were markedly overrepresented in his inmate samples and that this

was indicative of overzealous police attention focused on these groups. He used only bookings in his study and concluded that fully 50 percent of the felony sample were black, while estimating that 48 percent of those charged with misdemeanors were also black. Although the racial makeup of the ODC jail population group was not included in the raw data, it was possible to formulate a picture of how the system operated with respect to race by examining the booking data, which did include racial makeup.

This information did not paint as bleak a racial picture as found in Irwin's book, although blacks were unquestionably overrepresented in the felony group. Of the 78 persons booked on felony charges, nearly 60 percent were white, 32 percent were black and 9 percent were Hispanic. This group of alleged felons also included one Native American.

Different from Irwin's findings, the misdemeanor group (which also included lesser, petty offenses such as the unknown category of offenses and infraction and ordinance violations) consisting of 89 persons, compared favorably with the general population in terms of racial representativeness, with 80.9 percent white, 14.6 percent black and 3.8 percent Hispanic. There was also one Asian but no native Americans in this group. In spite of the fact that San Francisco has a somewhat larger community of blacks, both in numbers and percentage, there is no

accounting for the difference between Irwin's misdemeanor sample and that of this study. As a matter of interest, the Sourcebook of Criminal Justice Statistics indicates that in the West about 24 percent of all inmates are black, while figures for the Northeastern region show their numbers to reach as high as 44.5 percent. It would appear then, that the findings reported here are closer to those in the Sourcebook than those presented by Irwin. Table XXV shows how booking offenses were distributed in terms of the Statutory Seriousness Scale and by race. Figures 5 and 6 indicate the breakdown, by both race and sex, of booked individuals by SSS ratings.

While it is true that the black population in San Francisco County is greater both in absolute and relative numbers than in Portland, this does not account for the significantly higher number of black offenders in Irwin's booking population. Table XXV and Figures 5 and 6 show that while nearly a third of felonies were allegedly committed by blacks, these persons were charged with less than 15 percent of misdemeanors. The Hispanic group was also arrested twice as often for felony crimes as for misdemeanors.

These data and figures further substantiate what has been said with respect to race as well as applying to gender. Tables XXVI and XXVII give a complete breakdown of race and gender for both men and women of the group of booked individuals under study which further supports the

TABLE XXV
DISTRIBUTION OF RACE BY STATUTORY
SERIOUSNESS SCALE (SSS)

<u>SSS Categories</u>	<u>White</u>	<u>Black</u>	<u>Hisp</u>	<u>Asian</u>	<u>Native</u>
1 - Class A Fel.	8	1	1	0	1
2 - Class B Fel.	3	8	0	0	0
3 - Class C Fel.	30	16	2	0	0
4 - Unspec. Fel.	3	0	0	0	0
5 - <u>Unclass. Fel.</u>	<u>3</u>	<u>0</u>	<u>2</u>	<u>0</u>	<u>0</u>
Felonies	47	25	5	0	1 = 78
Percent	60.3	32.1	6.4	0.0	1.2 = 100
6 - Class A Misd.	58	13	2	1	0
7 - Class B Misd.	1	0	0	0	0
8 - Class C Misd.	1	0	0	0	0
10 - Unclassified	10	0	1	0	0
15 - <u>Unspec Inf/Ord</u>	<u>2</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Non-Felonies	72	13	3	1	0 = 89
Percent	80.9	14.6	3.4	1.1	0 = 100
Totals	119	38	8	1	1 = 167

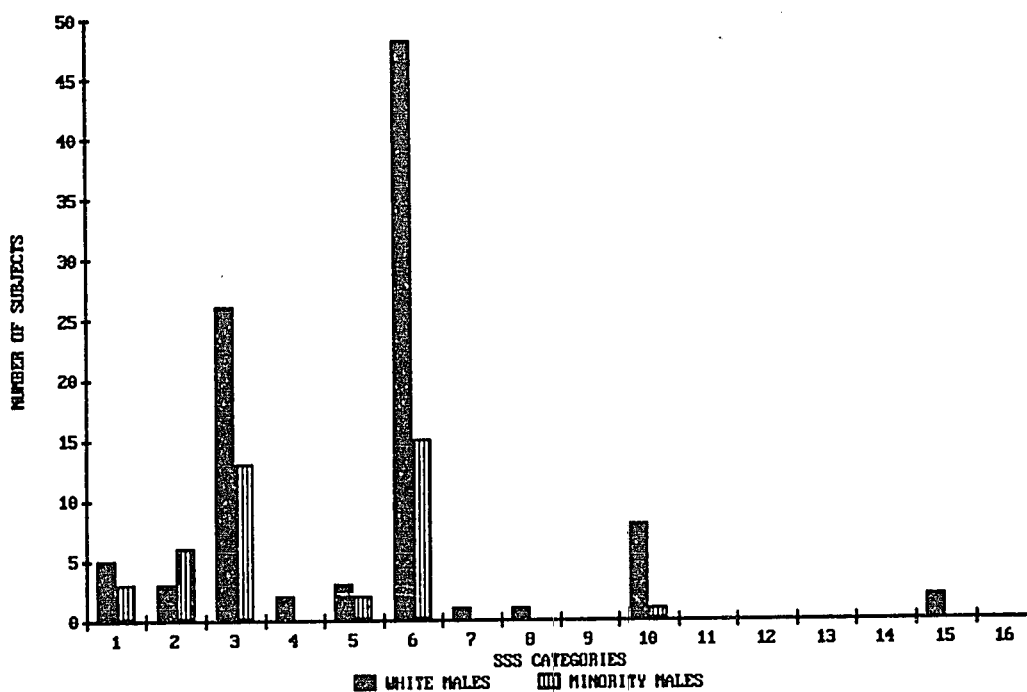


Figure 5. Bookings by race-male: white vs. minorities. This figure illustrates the involvement, by status and number, of booked males appearing in each category of the Statutory Serious Scale (SSS). N=139

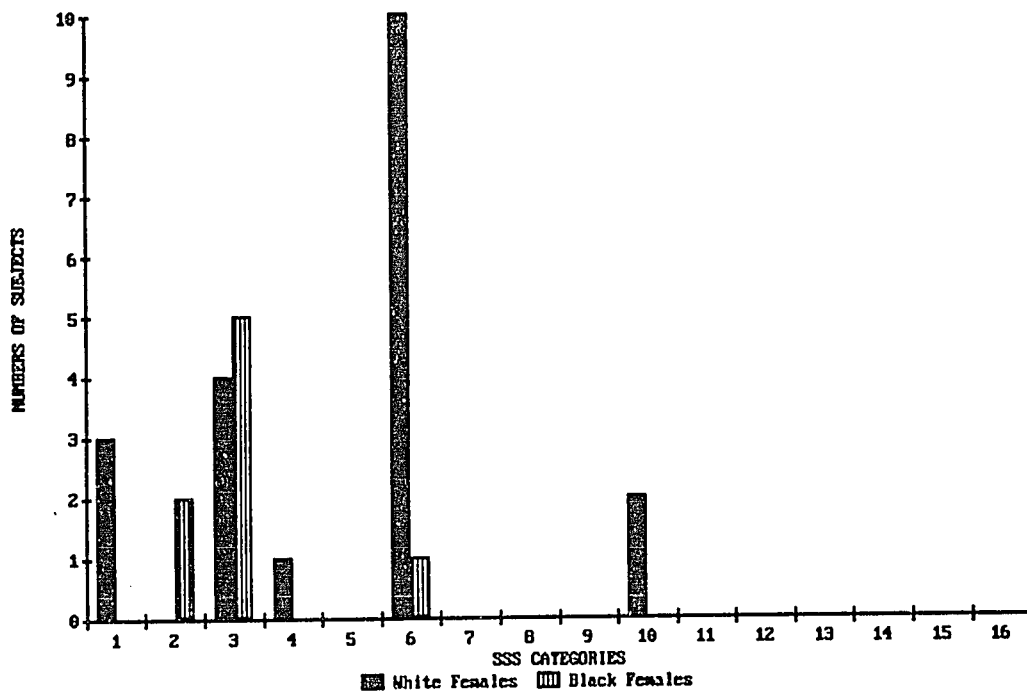


Figure 6. Bookings by race-female: white vs. black. This figure illustrates the involvement, by race and number, of booked females appearing in each category of the Statutory Seriousness Scale (SSS). N=28

conclusion that Irwin may have exaggerated the racial bias in the jailing of persons.

SEX DISTRIBUTION

The sex and offense seriousness data contained some surprises. Women seemed to appear more frequently than might be expected in three categories of offense seriousness, Class A and C felonies and Class A Misdemeanors. While it is true that offenses in these three SSS categories were more frequent than were other categories of lawbreaking, it appeared that women were still over represented in them, especially since two of the SSS categories were for more serious offenses. While no women offenders appeared in some lower rated SSS categories, Class B and Class C Misdemeanors and Unspecified Infraction or Ordinance violations, they were conspicuous by their involvement in fairly serious crime, the most common ones being drug-related. Table XXVIII shows the distribution by SSS categories of women incarcerated in the jails under study played a role in alleged lawbreaking activity.

Of the 167 bookings shown in Table XXVII, 71 percent of them were white, 23 percent were black, and the remainder were members of other racial groups. Also, in viewing Table XXVI and XXVII, it is worth noting that all of the 28 booked females were whites or blacks, with no Asians, Hispanics or Native Americans being involved. Note also that among

TABLE XXVI
RELATIONSHIP OF OFFENSE SERIOUSNESS TO SEX

<u>SSS Categories</u>	<u>Males</u>		<u>Females</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
1 - Class A Felony	8	4.8	3	1.8
2 - Class B Felony	9	5.4	2	1.2
3 - Class C Felony	39	23.4	9	5.4
4 - Unspec. Felony	2	1.2	1	0.6
5 - Unclass. Felony	5	3.0	0	0.0
6 - Class A Mis	63	37.7	11	6.6
7 - Class B Mis	1	0.6	0	0.0
8 - Class C Mis	1	0.6	0	0.0
10 - Unclass. Category	9	5.4	2	1.2
15 - <u>Unspec Vio/Ord</u>	2	1.2	0	0.0
Totals	139	83.2	28	16.8

N = 167 Bookings

TABLE XXVII
DISTRIBUTION OF RACE AND SEX BY STATUTORY
SERIOUSNESS SCALE (SSS)

<u>SSS Categories</u>	<u>White</u>		<u>Black</u>		<u>Hisp</u>		<u>Asian</u>		<u>Native</u>	
	<u>M</u>	<u>F</u>	<u>M</u>	<u>F</u>	<u>M</u>	<u>F</u>	<u>M</u>	<u>F</u>	<u>M</u>	<u>F</u>
1 - Class A Fel.	5	3	1	0	1	0	0	0	1	0
2 - Class B Fel.	3	0	6	2	0	0	0	0	0	0
3 - Class C Fel.	26	4	11	5	2	0	0	0	0	0
4 - Unspec. Fel.	2	1	0	0	0	0	0	0	0	0
5 - Unclass. Fel.	3	0	0	0	2	0	0	0	0	0
6 - Class A Mis.	48	10	12	1	2	0	1	0	0	0
7 - Class B Mis.	1	0	0	0	0	0	0	0	0	0
8 - Class C Mis.	1	0	0	0	0	0	0	0	0	0
10 - Unclassified	8	2	0	0	1	0	0	0	0	0
15 - Unspec Vio	<u>2</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Totals = 167	<u>99</u>	<u>20</u>	<u>30</u>	<u>8</u>	<u>8</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>1</u>	<u>0</u>
Percent by Race	71.2		22.8		4.8		0.6		0.6	

N = 167 Bookings

whites, women made up 20 percent of the bookings, while among blacks, women represented 27 percent of the cases.

The offense distributions of males and females is shown in Figure 7. To further clarify the role that women played in lawbreaking, Table XXVIII focuses on the offense categories into which female bookings fell. Although their numbers were low (N=28), Table XXVIII suggests that women were more frequently booked for crimes at the more serious end of the SSS. Fifteen of 28, or over half of the female bookings were for felonies of one degree or another.

Additionally, the data in this study were insufficiently detailed to allow much probing into the precise nature of the offenses for which women were booked or incarcerated, nor did they allow examination of causal processes that might be involved in female criminality. Even so, there is some hint in Table XXVIII that female lawbreaking may well be an important matter for further investigation.

AGE DISTRIBUTION

Age patterns among jail residents were not central to this study. Irwin did not give age patterns much attention, although he reported that both the young and the old are particularly susceptible to the socializing power of the jail. He asserted that the age of first arrest is a major correlate of continued criminal activity and that repeated

arrest and confinement leads to deviant behavior (1985:99). His findings (1985:120) parallel those reported by Jolin in Growing Old and Going Straight (1985), Jolin and Gibbons (1987), and Hirschi and Gottfredson (1983), that as one gets older criminal involvement diminishes. Data on age patterns that were collected in this study and shown in Table XXIX tend to substantiate their findings.

The average age of booked subjects in this research was 29.8 years and represents inmates whose age ranged from 19 to 52 years. There were only 19 booked inmates over the age of forty. Table XXIX shows the age distribution together with the number of inmates by age group. This information was cross-tabulated with the Statutory Seriousness Scale and indicates that the majority of alleged lawbreaking fell into the categories of Class C Felony or Class A Misdemeanor. Also evident is the fact that, with the possible exception of Class A Misdemeanors, the number of offenders was dramatically reduced as age increased to over forty. Indeed, only 13.2 percent of the total bookings were made against persons over 40 years of age.

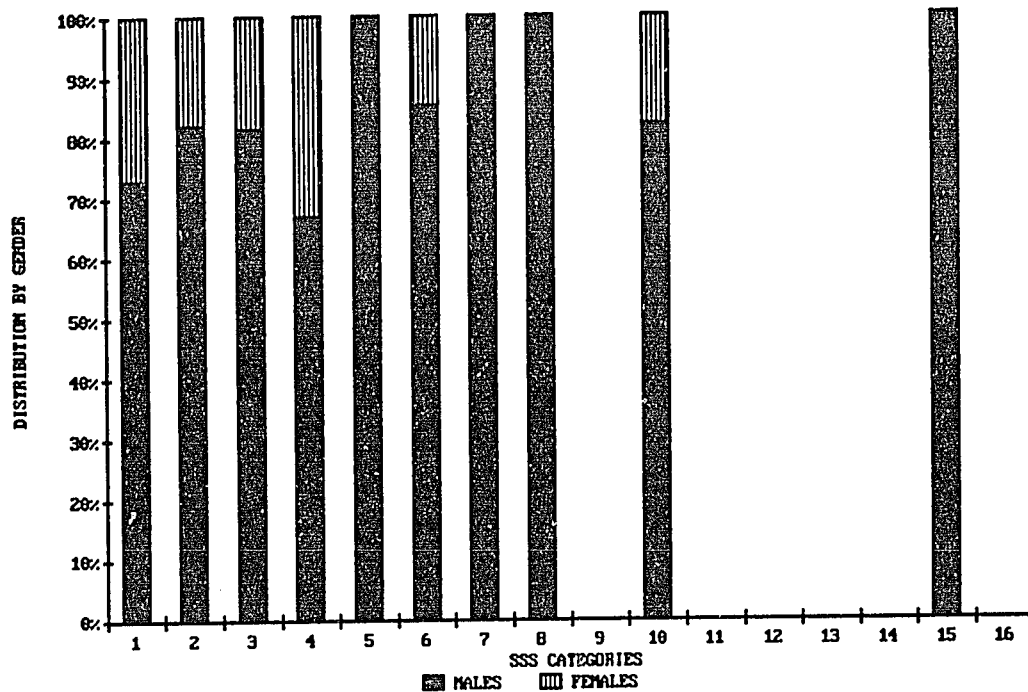


Figure 7. Bookings by gender: male vs. female. This figure illustrates the involvement ,by gender, of booked persons appearing in each category of the Statutory Seriousness Scale (SSS). N=167.

TABLE XXVIII

NUMBER AND PERCENT OF BOOKED WOMEN BY
STATUTORY SERIOUSNESS SCALE (SSS)

<u>SSS Category</u>	<u># of Offenders</u>	<u>% of Total</u>
1 - Class A Felony	3	10.7%
2 - Class B Felony	2	7.2%
3 - Class C Felony	9	32.1%
4 - <u>Unspec. Felony</u>	<u>1</u>	<u>3.5%</u>
Felony subtotal	15	53.5%
6 - Class A Misdemeanor	11	39.2%
10 - <u>Unclassified Category</u>	<u>2</u>	<u>7.2%</u>
Non-Felony subtotal	13	46.4%
Total Bookings	N = 28	99.9%

TABLE XXIX
AGE OF BOOKED INMATES BY STATUTORY
SERIOUSNESS SCALE (SSS)

<u>SSS Rating</u>	<u>Age Group</u>			
	<u>19-29 yrs</u>	<u>30-39 yrs</u>	<u>40-49 yrs</u>	<u>Over 50 yrs</u>
1	6	4	1	0
2	7	2	0	1
3	20	25	3	0
4	1	2	0	0
5	3	2	0	0
6	41	18	14	2
7	1	0	0	0
8	0	1	0	0
10	7	3	1	0
15	1	1	0	0
No. of Inmates	87	58	19	3 = 167
Percent	52.1	34.7	11.4	1.8 = 100%

CHAPTER VII

CONCLUSIONS

MAJOR FINDINGS

This study has provided a good deal of evidence that considerably more persons are arrested, booked and incarcerated in jail as a result of committing fairly serious crimes than indicated in John Irwin's book, The Jail. This study of six Northwest jails indicates that Irwin's claim about rabble members being arrested for petty or no crimes is not true for jails everywhere. Jails do not seem to be filled in the main with persons whose primary problem is their offensive behavior. The study reported that most inmates had committed (or at least had been charged with) fairly serious crimes. Approximately two thirds of the subjects in the two populations had been accused or convicted of a Class C Felony or a more serious crime and over 90% had been accused or convicted of a Class A Misdemeanor or higher. An examination restricted to the ODC jail population showed these numbers to be even higher: 78 percent had been accused or convicted of Class C Felonies or higher and fully 95 percent had been accused or convicted of offenses rating a Class A Misdemeanor or higher. These figures present a markedly different picture of offense

seriousness than the one drawn by Irwin. Although he might consider a Class A Misdemeanor such as assaulting a police officer to be a petty offense, one should keep in mind that in the two Northwest states it is punishable by a fine of \$1000 to \$5000 and a jail term of up to one year.

The research showed no bookings that resulted in a "walk," that is, bookings in which persons who were subsequently released from jail prior to court action because of unsubstantiated charges. Of course, it may well be that the police harass sizable numbers of citizens, including rabble members, on the street but do not attempt to arrest them. Indeed, a number of studies of the police in urban centers show that they often do administer informal, "on-the-street justice" to a goodly number of citizens, many of whom are members of "the rabble" (Gibbons, 1987:410-19).

Clearly, the data in this study throw no light on the informal administration of justice in the community. In only two cases, both in Skamania County, were there persons brought into the booking facility who were not formally booked for an offense. And, in those two cases, inebriated individuals were brought in and allowed to "sleep it off" for their own safety as well as that of the public. This is considered good public service in Skamania County, not bad law enforcement, and a luxury that Multnomah County cannot afford due to limited jail space.

This dissertation addressed the fact that there are large numbers of people in jail and little is known about jails and the people in them. Irwin claimed that jail populations are made up predominantly of a rabble class of inmates and, more important, that these persons have not been involved in serious offenses; however, the data reported here suggest otherwise.

The results reported in this dissertation, obtained partly from the study of the variables of age, sex, race, and level of criminality, all tend to act in concert, casting doubt on Irwin's claims. The charge distribution obtained from the booking and ODC jail population rosters showed that the offenses charged against the accused to be both wide ranging and often serious. The average age of the inmates seemed to fit with reports from others previously completed. The sex distribution of the jailed prisoners was mostly similar to data reported elsewhere, but was surprising nonetheless; not so much for the sheer numbers of female inmates, but rather, for the increasing part they appear to be playing in the region's crime scheme.

Data gathered on race showed marked differences from those reported by Irwin in his San Francisco study. While blacks were fairly overrepresented with respect to felony bookings, they were only slightly so with respect to misdemeanors. By contrast, in Irwin's study blacks made up over 50 percent of those booked.

While the jails in the metropolitan Portland area were quite full, the rural Skamania County Jail was operating under capacity and the justice system officials had the luxury of booking and detaining all who were arrested. An examination of the length of time spent in jail prior to release, if there was a release, showed no discriminatory practices in releasing one group more quickly or detaining one group longer than another. There was however, a great deal of discrepancy between these findings and those of Irwin, in that many more arrestees were detained in jails here. This fact would seem to fly in the face of Irwin's allegation that the rabble are arrested and detained in large numbers primarily for their offensiveness.

Finally, there is the fact in this study that the majority of inmates in jail had multiple charges assessed against them; one jail prisoner had over sixty-five charges listed in his current record. It is difficult to believe that nearly 900 of 1306 inmates could have so many charges made against them without there being some substance to those many charges. In the end, it must be said that the arrest, booking, and confinement scenario is quite different here than in Irwin's California.

Why are Irwin's findings so different than those noted here? Perhaps one could speculate that there is some unmeasurable impact made by the period of Irwin's career and the time gap between Irwin's study and today's scene.

However, Irwin's study is a relatively recent one, conducted in the 1980s. Perhaps the police are much better educated now than then and there is less likelihood now of hassling the rabble. Or, perhaps the courts and the justice system are more protective now than years ago, as a result of civil rights awareness. Still another possibility is that, due to recent increases in the number and seriousness of crimes, the police are restrained by the press of numbers from taking official action against and jailing petty offenders. Perhaps jails are overcrowded, and costs are too high to allow the routine incarceration of the rabble for offensiveness.

In any case, this research found two seemingly well run sheriff's departments, doing what appeared to be quite creditable work, who offered their assistance with this study. The police did not appear to "sweep the streets of the rabble and dump them in the jails" as suggested by Irwin (1985:118).

DISCRETIONARY ACTIONS WITHIN THE JUSTICE SYSTEM

Chapter IV began with the comment that a large-scale, complex, and costly research study would be required in order to probe all of the parts of John Irwin's formulation regarding the functions of jails and the social processes that take place within them. At this point, a return to that discussion is in order. The remarks to follow are

intended to suggest some of the conceptual and methodological problems that would need to be dealt with in a truly adequate study of the matters dealt with in this dissertation.

This report has indicated that Irwin's arguments about the seriousness and offensiveness of the behavior of jailed persons are fuzzy in a number of places. In the same way, some of his claims about types of persons found in jails, and the procedures he used in identifying these types, are not clear. It seems fair to say that, due to these ambiguities and problems in Irwin's study, his findings must be treated as provocative but not definitive.

The study reported here can be said to be an improvement on Irwin's in at least some respects. Newly-booked persons were studied, as were all of the prisoners in six jails in the Pacific Northwest. Also, the judgments made about offense seriousness were on the basis of an seemingly objective instrument, namely, various severity categories derived from the penal codes of the states of Oregon and Washington. One might argue that where Irwin's data were relatively "soft," derived from interviewing and other kinds of qualitative field work, the data in this study were relatively "hard."

However, the other side of the coin is that hard data of the kind utilized in this study are often, as in this case, produced by persons other than the researcher. The

Multnomah County data, in particular, were computerized records compiled by sheriff's department functionaries. Data of these kinds include only the information that the record-keepers are interested in collecting. Unfortunately, crucial information is often missing from them. The matter of racial backgrounds of the ODC group is a case-in-point in this study.

The preceding discussion of the major findings of this study suggested that it is unlikely that large numbers of persons have been booked into and incarcerated in the six jails for quite petty offenses. But while this claim appears reasonably plausible, it would be considerably strengthened if interview data had been collected from a large number of prisoners and if the accounts of the interviewees about their alleged offenses had been consistent with the legal charges against them.

Regarding this matter of legal charges versus actual behavior, it would also have been desirable to have had data reporting on the actions taken against persons subsequent to their being booked. While the data in this study indicated that 116 or 70 percent of the 167 booked cases had been held in custody, data were not available regarding the ultimate fate of the booked persons when they later appeared in court for a preliminary hearing or arraignment. Conceivably, many of these persons may have had their cases disposed of through pleading guilty to lesser charges, and in some

cases, the charges against them may have been dismissed. Data of these kinds, were they available, might provide a different picture of offense seriousness.

The commentary in this dissertation has indicated at a number of points that Irwin was on solid ground in identifying a rabble class within American urban communities. Further, there is abundant evidence from studies of police agencies to indicate that members of the rabble sometimes are on the receiving end of discriminatory law enforcement, in which they are harassed on the street or sometimes arrested and taken into custody (Gibbons, 1987:410-19). Putting the matter another way, a prudent conclusion from the police literature, Irwin's study, and from this dissertation might be that Irwin's account of jails and the one found in this study are both partially correct.

FUTURE RESEARCH

If the vessel is half full or half empty, if Irwin's thesis is to some degree on the mark at the same time that the findings of this study tell us a good bit about jails, the first order of business for future research is to develop a more finely-grained conceptualization of the nature of the phenomena to be studied. We probably need to move away from broad assertions about jails which are insufficiently attentive to the variety of factors and

processes that are involved in jail functioning. Such a theoretical conceptualization would endeavor to spell out hypotheses about the kinds of rabble who are most likely to be dealt with by the police and the circumstances in which police intervention is most likely. This conceptualization would also deal with the kinds and extent of more serious forms of lawbreaking that exist in the community and which are likely to provide an official response from the justice system, including arrest, booking, and incarceration in a jail. Finally, this conceptualization would need to be sensitive to such matters as overcharging by the police and other factors of that kind. Although the development of such a conceptualization goes beyond the purposes of this dissertation, it should be evident that what would be called for, in the way of research probing of such an argument, would be a complex study which would probably require a variety of methodological procedures, both "hard" and "soft." In the meantime, it is hoped that the reader can begin to get some purchase on jail issues from the reading of this report.

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