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IN THIS ISSUE...

MUNICIPAL JAIL REPORT

prepared by the following men:

FRED C. LEIBOLD, JOHN LOGAN, ARTHUR MARKEWITZ, and ALLAN HART, chairman of the committee, under the Social Welfare Section, STUART R. STIMMEL, chairman.

SPEAKER TODAY...

EDWIN M. WRIGHT, Washington, D.C.

No topic is announced for today, nor is Mr. Wright's official position being played up, because he is going to speak as an individual to the members of the City Club. What he says will be drawn from his own experience and thinking and he will not be submitted to censorship.

Mr. Wright was born in Tabriz, Iran, as was his brother, Paul. Much of his life has been spent in the Middle East. There and in North Africa he served during the war. When he taught at Columbia it was as a historian of that part of the world. Since the war, his work has used his knowledge of the region, its peoples and its languages.

In his private capacity he is President of the Oriental Club of Washington, D.C., and a member of the Near East Committee of the American Council of Learned Societies. Since 1942 he has published a very respectable number of articles in his field, the ones most popularly known being "History of Iran, Iraq, Syria, Lebanon and Palestine" and "Ten Eventful Years . . . 1937-46," by Encyclopedia Britannica, 1947.

Edwin Wright enjoys talking with interested and interesting people, whether they gather in his own kitchen for snacks, or in friendly fashion at luncheon tables in hotels, and people enjoy him.

This meeting must be for members only and there must be no press coverage.

NOTICE . . . Bring Bulletins for identification when you purchase ticket.

"To inform its members and the community in public matters and to arouse in them a realization of the obligations of citizenship."
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and

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MUNICIPAL JAIL REPORT
PORTLAND, OREGON

To the Board of Governors of the
City Club of Portland:

This committee was appointed on November 27, 1946, and was instructed by the Board of Governors to investigate and report on the Portland City Jail. The committee's assignment was to include a factual account of the physical resources of the jail, an estimate of its capacity in terms of its normal custodial burden, the use made of the new addition, and the general administrative practices of those in charge of the jail—this latter to include a survey of police practices and procedures with respect to the detention and confinement in the jail of the various types and classes of prisoners.

I. THE COMMITTEE'S INVESTIGATION

The committee began its work by addressing a letter to Mayor R. Earl Riley, explaining its assignment and the plans for carrying it out. A reply having been received assuring the cooperation of all city officials, the committee met with Chief of Police Jenkins, Inspector Fleming and their staff, and again received assurances of full cooperation—assurances which have been fully observed throughout the period of the committee’s study.

During the first few weeks of its work the committee made various visits to the jail, acquainting itself both with the jail facilities and with the police procedures related to its operation. These preliminary inquiries were sufficient to indicate to the committee that the jail facilities had been poorly designed and equipped when the jail was built several decades ago, and that today the overcrowding of too many prisoners into these antiquated facilities is making a bad condition immeasurably worse. In fact, the committee rather quickly reached a tentative conclusion that this overcrowding lay at the root of many of the jail’s worst features.

In this connection, the committee found that while the records being kept in the jail were apparently sufficient for most police purposes, none of the records adequately portrayed the jail's congestion. This was because while the records furnished necessary details about each individual prisoner, they did not show which prisoners, or how many of them, were in the jail at one time. It should be understood that in a jail such as this one, prisoners are both coming in and going out at almost all hours of every day and night—the releases being due to the posting of bail by arrested prisoners* as well as to the releasing of sentenced prisoners whose terms have been served.

While everyone familiar with the jail knew that it was crowded, no one could say with confidence how many arrested prisoners the jail was accommodating, and must be prepared to accommodate, on each of the various nights of each week. It seemed to the committee to be necessary to get this and other similar information in reliable form, and to break it down to show how many of the various kinds and classes of arrested prisoners—particularly, how many drunks—must be accommodated, how many sentenced prisoners serve their sentences in the jail, the lengths of their sentences, and how they are served.

To obtain the above information, the committee prepared forms, which the police department mimeographed in large numbers. The period from noon on Wednesday, March 5, 1947, to noon on Wednesday, March 12, 1947, was selected as a test period. Throughout this period the officers on duty in the jail, assisted by members of the committee, kept a detailed record showing as to each prisoner (1) his or her name, age, race, charge or charges, and (in the case of sentenced prisoners) sentence; (2) time of arrival at the jail; (3) the particular tank, cell corridor or other quarters in which first confined; (4) the time of each move to another tank, corridor or other quarters, and the place to which moved; (5) the time of release from the jail, and (6) miscellaneous data on several particular problems. These records were kept during the test period on in excess of 500

* The term “arrested prisoners” will be used in this report to refer to prisoners awaiting trial; prisoners serving time in the jail pursuant to court sentences will be referred to as “sentenced prisoners.”
prisoners. Some indication of the scope of the project is suggested by the fact that the data is recorded on more than 100 mimeographed pages, containing in all more than 2000 individual entries.

The committee spent about two months in checking, analyzing, and tabulating this voluminous data. In this work the committee, pursuant to authorization by the Board of Governors, employed a college student with training in statistics to assist it. Some of the details of the data obtained and the conclusions suggested, will be discussed later in this report, and a statistical tabulation of the data will be filed with this report. In general, the material developed during the test week provided valuable information on the jail population, threw a spotlight on various police procedures and practices in the jail, and helped the committee to formulate its conclusions and recommendations.

At about this time, two developments occurred that substantially altered conditions at the jail and affected the course of the committee's study. The first of these was an arrangement which the city made with the county, whereby the county agreed to accept at Rocky Butte Jail, without charge to the city, certain of the city's sentenced men prisoners. This arrangement, which was made possible by the fact that the county desired to operate its quarry, and was able to use city prisoners in this work, substantially reduced the number of sentenced men prisoners serving sentences in the city jail. It should be understood, however, that continuation of this very desirable decrease in the overcrowding in the jail is dependent on the desire of the county to continue to operate its quarry, and on its need for more prison labor for this purpose than its own courts supply.

The second development referred to was the death of Alfred W. Love in one of the drunk tanks in the city Jail on June 26, 1947. So much was then reported in the newspapers about this case, and so many separate investigations of it were made, that no attempt will be made here to review it in detail. However, at the time, the committee discussed the case with Inspector Fleming, and informed him that in its judgment Mr. Love's death in the drunk tank was proof of the inadequacy of the jail's admission procedures, and especially its medical facilities and procedures, rather than of incompetence on the part of the individual police officers, or even of the evils of the drunk tanks.

As a result of the Love case, the police department made a determined effort to correct the worst of the inadequacies at the jail. The officer in charge of the jail detail was transferred to other duties, and Officer Howard J. Phillips, who had formerly been in charge of the jail prisoners assigned to work as "outside trustees," was given command of the jail, later being given the title of Superintendent.

This committee made various suggestions directly to Inspector Fleming, and also conferred at length with Superintendent Phillips. The following specific recommendations were accepted substantially and are now in effect:

1. That the entire jail be given a thorough cleaning, and that it be painted and repainted wherever and as often as necessary.

2. That suitable stretcher equipment be provided for handling incoming arrested prisoners who are unconscious or semi-conscious; and that, as a bare minimum, at least these unconscious and semi-conscious prisoners be examined by the doctor on duty in the Emergency Hospital (located in the same building, on the floor below the jail), even if they appear to be suffering from nothing more than intoxication.

3. That use of the drunk tanks be discontinued immediately.

4. That at least one of the cell corridors be set aside for the accommodation of incoming arrested prisoners who are intoxicated; that the cells in this corridor be equipped for this purpose; and that the intoxicated prisoners placed in these cells be watched constantly, at least by prisoner "trusties," until they recover full consciousness.

5. That use of the detention room, known as "Tank 04," for holding arrested prisoners other than drunks overnight or for long periods during the day time, be discontinued, and that these prisoners be assigned to cells immediately on their arrival at the jail; that the detention room be used only as a waiting room, for holding prisoners for only brief periods.

6. That prisoners being held for as much as a day in the cell corridors be taken out onto the roof (which is readily accessible to the jail) for fresh air and exercise twice daily, after such wire or rope guards as may be necessary for security are installed.

7. That the shockingly dirty mattresses in use throughout the jail be replaced with new (or sterilized used) mattresses.
8. That the jail's laundry facilities be drastically enlarged and improved.
9. That the eating utensils furnished to the prisoners be replaced by more sanitary equipment.

The significance of the foregoing recommendations, which as mentioned above have been carried out since the unfortunate Love case, will be discussed later in this report.

In making its studies, the committee has had valuable and generous assistance from experts in several fields. Early in its investigation, it solicited the aid of Dr. Loren E. Kerr (then a City Club member) and his staff, and as a result, Mr. M. L. Cotta, a member of Dr. Kerr's staff, made a painstaking and thorough sanitation inspection of the jail. Mr. Cotta's able report has been discussed with the police officials, and his conclusions and recommendations have been substantially adopted by the committee.

Daring the latter part of the summer the late Mr. Sheldon Brumbaugh, A.I.A., an architect whose studies of jail design and organization won him national recognition, came to Portland at the committee's invitation and spent many hours examining the jail and conferring both with the committee and with police officials.

The committee has conferred on several occasions with various Portland doctors, obtaining their advice and assistance in reaching conclusions on the knotty problem of providing proper medical care for jail prisoners at a minimum of expense.

Finally, mention should again be made of the fact that the police department officers have aided and assisted the committee in many ways, responding promptly to the committee's requests and accepting the committee's suggestions and recommendations almost in toto. The committee feels it has had excellent cooperation from the department.

II. DESCRIPTION OF JAIL FACILITIES AND PROCEDURES

A. Admission and Detention Procedure, Arrested Men Prisoners

Admission Procedure. When police officers arrest a man within the city limits, they bring him to the police headquarters building at southwest 2nd and Oak Streets, place him in the jail elevator, and take him to the jail's receiving desk on the fifth floor. There they deliver custody of their prisoner to the jail officers.

While the arrested prisoner is standing in front of the receiving desk, the jail officers search his person and take from him all of his personal belongings, including his money. They itemize these on a receipt form, place them in an envelope with the owner's name on it, and put the envelope under lock in the adjacent safe. The itemized receipt is given to the prisoner if he is sober. If he is drunk it is retained at the desk so that it cannot be taken from him by other prisoners. At the same time the officers obtain the information which they will later use in preparing the "Prisoner's Record Card," this information including the prisoner's name, address, occupation, age, the charge or charges against him, the arresting officer's name, and the date and hour of arrival at the jail. (In the past, charges have been made that prisoners' money and belongings have been stolen from them at the receiving desk. The committee found reason to believe this no longer occurs, if it ever did.)

If a man is obviously injured, or if he complains of being ill and convinces the officers that his complaint is serious, or if he is unconscious or semi-conscious, he is taken to the Emergency Hospital, which is located immediately below the jail, on the fourth floor of the same building. A doctor and at least one nurse are on duty in this hospital twenty-four hours a day. However, the doctor ordinarily sleeps at night when possible, and the jail officers and the nurse usually will not waken him unless the need is clear.

If a prisoner is arrested for violation of a state law, or if he is charged with violating a city ordinance but the arresting officers suspect that he may also have committed a more serious offense, they request an investigation of him by the detective division. The automatic effect of this request by the arresting officers under the jail rules, is that the prisoner is denied the privilege of bail, and also the privilege of using the telephone or other means of getting word to persons outside the jail, until the detectives complete their investigation and notify the jail officers that the "hold" on the prisoner may be released. Thus until this hold is released, the prisoner is in effect held in jail "incommunicado." Also, if the charges which the arresting officers place against a prisoner include the one of being drunk, jail rules require that the prisoner be denied the bail privilege for three hours, and that during this period he not be permitted to use the telephone.

If the arresting officers neither charge a man with being drunk nor ask for an investigation of him by the detective division, he is ordinarily permitted to use the telephone immediately upon his arrival at the jail, if he desires to do so, to notify his family, his
friends, an attorney, a bail bond broker, or any one else of his arrest. He is also permitted to put up cash bail, or to talk and make his own arrangements with a bail bond broker or with any other visitor to the jail. In this connection it may be mentioned that the names of all of the licensed bail bond brokers are conspicuously posted on the wall by the receiving desk. So far as the committee was able to observe, the jail officers made no attempt to suggest a preference for any one of them. The amount of bail which may be required in routine cases depends upon the charges against the prisoner, and is fixed in most cases by a printed schedule which the municipal judges have adopted, thus eliminating some of the more serious abuses in connection with bail bonds. There is said to be an understanding among the professional bail bondsmen that in ordinary cases their fees will be ten percent of the amount of the bond, with a minimum of five dollars; but it is known that several of the more reputable bondsmen sometimes reduce these charges in order to help needy prisoners in whom they have confidence.

A prisoner who is permitted to make bail, and who is financially able to do so, ordinarily leaves the jail freely within a few minutes after he has been brought in. While a record of his arrest is kept in the jail, he never becomes, for any practical purpose, a part of the jail population.

**Detention Procedure, Drunks.** Prior to the reforms that were carried out during the summer of 1947, it had long been the rule and the practice to take an incoming arrested prisoner who was charged with being drunk from the receiving desk to one of the drunk tanks, and to leave him there for a minimum of three hours. It was the charge that was the controlling factor, not the prisoner's condition; no matter how sober a prisoner appeared upon his arrival at the jail, he had to go into the drunk tank if the arresting officer charged him with being drunk. And, what was supposed to be a three-hour period ordinarily turned out to be considerably longer. During the test week the committee found six hours to be the average duration of a drunk's detention in the drunk tanks.

While use of the drunk tanks has now been discontinued, it seems proper to describe them briefly here, in order to make clear what was wrong with them. The jail had three of these tanks. One, identified as Tank 01, was 12 feet by 15 feet, 6 inches. The second, Tank 02, was 12 feet by 20 feet. And the third, Tank 03, was 14 feet by 16 feet. They should be visualized as bare rooms with steel-faced, windowless walls and with removable wooden slats covering their concrete floors. One was wholly unheated, and the other two had small hot air vents that were much too small for rooms of this size. Each tank had a toilet and a faucet in the wall, but no furniture. The doors from each tank leading out to the hall were heavy steel plate, rather than the usual barred doors. When these solid steel doors were closed, as they were whenever the tanks were in use, those inside were entirely sealed in and cut off from the rest of the jail. During the night hours especially, the tanks were dimly lit and filled with nauseating smells. In the winter they were too cold and in the summer they were too hot.

When an incoming prisoner was to be placed in one of these tanks, the officer would open the tank door long enough to enable the prisoner to enter, and then would close it after him. Inside, the other prisoners would ordinarily be sitting or lying on the slats in all kinds of positions. Many would still be sleeping, but some would be awake and restless. If the tank was crowded—and it became so almost every night—even a sober prisoner would have had a hard enough time finding a spot for himself on the crowded floor, and intoxication naturally increased the hazards in most cases. In fact, as an incoming prisoner climbed over the other prisoners, it was easy for him to step or even to fall on one or more of them. Since tempers were apt to be short in the drunk tank, fighting not infrequently ensued. Homosexuality and petty thievery also occasionally produced trouble. With the heavy doors closed, brawling in the tanks was not likely to be heard by the officers outside. Even if they heard it, the officers could do little about it, because one or even two officers could not safely venture alone into a room full of 15 or 20 angry and belligerent prisoners.

In short, the drunk tanks were not only unpleasant and degrading for those placed in them, they were also filled with dangers, both to the prisoners and to the jail officers, and they tended to perpetuate the very evils which public morals most condemn.

Today, with use of the drunk tanks discontinued, incoming arrested prisoners charged with being drunk are handled in a substantially better manner. In order that this new procedure may be understood, an explanation of the arrangement of the cell corridors seems necessary.

The jail has eight cell corridors, four being on the fifth floor proper and the remaining four being directly over the others on a mezzanine level. On each of these levels there are two corridors facing the windows in the front of the building, and the cells served by these front corridors have daylight and ventilation. The other four corridors, two on each
level, are in back of the front corridors. The cells served by these back corridors have no
daylight and their ventilation is poor. Doors consisting of vertical bars, kept locked
except when in actual use, control passage to and from each corridor. The four corridors
on the left side (two up and two down) provide access to twelve cells each; the four back
corridors on the right side (also two up and two down) provide access to six cells each.
Thus the jail has a total of 72 cells. Each of these cells is 6 feet, 10 inches long by 4 feet,
6 inches wide, with an 8 foot ceiling, except that there are four double cells, each of which
is 6 feet wide. There is a built-in toilet bowl at the back of each cell, and each cell has an
upper bunk and a lower bunk (except the double cells, each of which has two lower). The
lower bunks consist of 2 inch planks that are 6 feet long and 20 inches wide; the upper
bunks consist of iron frames supporting a rigid steel fabric. Each bunk is provided with
a mattress, a mattress cover, and a blanket. There are doors made of bars at the entrance
to each cell, but during the daylight hours these are ordinarily left open, the occupants
of all the cells in each corridor thus being free to intermingle.

When the use of the drunk tanks was discontinued, the two back corridors on the
lower level (that is, on the fifth floor itself) were set aside for the accommodation of the
intoxicated prisoners. One of these was a twelve-cell corridor; the other a six-cell corridor.
In the twelve-cell corridor, the upper bunks in each cell were raised and fastened against
the wall, and the lower bunks were entirely removed. A mattress with a waterproof
mattress cover on it, together with a blanket, was placed on the floor of each cell. As thus
equipped, each of these cells now accommodates a single intoxicated prisoner, thus avoiding
the dangers which arise when more than one drunk are crowded in together. The
danger of injury to the prisoner is held to a minimum by placing his mattress on the floor.
Moreover, the doors from the cells to the corridor are kept locked when the cells are in
use. Bright lights are kept burning all night in the corridor, and a prisoner trusty patrols
up and down the corridor, watching for any sign of illness or other emergency.

As soon as an intoxicated prisoner has sobered up enough to be able to take reasonable
care of himself, he is moved to a cell in the six-cell corridor mentioned above. The bunks
in the cells in this corridor have been left in place, and no attempt is made to keep the
prisoners in this corridor under constant observation, although closer attention is paid to
them than is possible elsewhere in the jail. Most of these prisoners sleep quietly until
their intoxication has entirely worn off. They are then moved into one of the other cell
corridors, and thenceforth are handled in the same manner as the prisoners who were
sober upon their arrival at the jail.

It must be recognized that the above procedure for handling intoxicated prisoners is
far from perfect. In the first place, incoming intoxicated prisoners are sometimes boisterous
and belligerent, and it is not always easy to get them into a cell. In fact, the narrow
passageways and the heavy steel bars and other equipment in the cell corridors
substantially increase the danger of injury both to the intoxicated prisoners and to the
officers. A second objection is the lack of drains in the individual cells, making the essential
daily clean-up job very difficult. At the present time this clean-up job is being attended
diligently and in a satisfactory manner, but any slackening of effort in this respect
will result in an extremely unsanitary condition. In the third place, using these cell corri-
dors for handling the intoxicated prisoners has a disturbing effect on all of the other
prisoners in the cell corridors. A noisy drunk keeps the entire jail awake at night and
is almost as much of a nuisance during the day.

Nevertheless, despite the foregoing objections, the new system is a substantial im-
provement over use of the drunk tanks. It is the best that the present jail facilities permit.
The committee therefore believes that it should be continued on a permanent basis,
until an entirely new jail can be built.

Detention Procedure, Non-Drunks. Prior to the reforms put into effect during the sum-
mer of 1947, arrested prisoners not charged as drunk were taken from the receiving desk
(after they had been searched and questioned) to a room similar in many respects to the
drunk tanks. This room, known as the detention or waiting room, sometimes called
Tank 04, is 18 feet by 18 feet. It differs from the drunk tanks in that it has three outside
windows, whereas the drunk tanks are practically windowless. The door leading from it
to the hall consists of vertical bars, rather than steel plate. The detention room is furnished
with several wooden benches, instead of being entirely bare of furniture. Also, the de-
tention room is adequately heated.

In this room almost all arrested prisoners other than the drunks used to spend their
first night in the jail; and the drunks were brought into this room when their period of
detention incommunicado in the drunk tanks had expired. As a result, this detention
room frequently became excessively crowded; there were occasions during the test week
when the committee's records show as many as 33 men confined in it at once, for hours at a time, with hardly enough room on the floor (let alone on the wooden benches) to sit down. It is of course apparent that there could be no segregation of prisoners in such circumstances.

Today, an incoming arrested prisoner who arrives at the jail in a sober condition is taken directly from the receiving desk to a cell in one of the corridors. Thus the extremely bad overcrowding in the detention room is avoided, and the prisoners are provided with a bunk and a blanket during their first night in jail; and at least some segregation is possible.

**B. Confinement of Sentenced Men Prisoners**

*Procedure.* In routine cases, arrested prisoners who are charged with violating a city ordinance and who arrive at the jail on a given day or during the following night (up until 6 a.m.), go to trial before the municipal court at 9:30 the next morning; or if their cases are being investigated by the detective division, they go before the municipal court at that time and their cases are continued by the judge. Prisoners charged with violating state laws appear before the municipal court for a brief hearing at 2:30 on the afternoon of the day following their arrival at the jail and their cases too are continued. Prisoners being investigated, and who therefore go to court only to have their cases continued, return on a later date for a trial, or, in the case of those charged with a felony, for a formal preliminary hearing.

Prisoners who go to trial and are acquitted, or against whom the charges are dropped, are released promptly after the court proceeding; and prisoners who are convicted but sentenced only to a fine, and who can and do pay their fine in cash, are likewise released. All of the others (and this means most of those going to trial before the municipal court), return to the jail either as arrested prisoners still under investigation or as sentenced prisoners. It should be mentioned that the municipal court is not in session on either Saturday or Sunday, hence prisoners arrested after 6 a.m. on Friday (when the Friday court docket is closed) do not get to court until Monday. The week end accumulation of arrested prisoners thus ordinarily provides the weekly peak total.

When they return from court at about 11:30, men prisoners who have been sentenced for violations of city ordinances are ordinarily placed in the waiting room, or in one of the former drunk tanks that has been cleaned up and made available for this purpose. There they are served the jail's noon meal, and they remain in this room until assigned elsewhere late in the afternoon. Men prisoners returning from court in the afternoon after being sentenced for violations of state laws also wait in the waiting room for an interval.

The assignments given to sentenced men prisoners depend upon the charges on which they were convicted and upon the lengths of their sentences. In the first place, all men convicted on charges of violating state laws automatically are assigned to Rocky Butte, to be confined there as county prisoners. This applies to men convicted on such charges as petty larceny, contributing to the delinquency of a minor, driving while drunk, and the like. It may be noted that it has always been the practice to send these state cases to the county for confinement; that is, insofar as these cases are concerned, the assignment to Rocky Butte did not originate with, and is not dependent upon the arrangement made during the spring of 1947 between the city and the county.

The remaining prisoners are those convicted of violating city ordinances, such as the "after hours" ordinance, the ordinance creating the offense of being drunk in a public place, the ordinances against disorderly conduct, vagrancy, and the like. It is these prisoners for whom the city itself is responsible, and they are the ones who have always made up the city jail's load of sentenced prisoners. They are usually referred to as "city prisoners" as distinguished from the county or state prisoners.

Under the terms of the temporary arrangement entered into between the city and the county during 1947, the city is permitted to send to Rocky Butte any of these city prisoners who (a) have more than 30 days to serve, and (b) who are physically fit for work in the county's rock quarry. Note that the city is not required to send to Rocky Butte all of its sentenced prisoners who meet these two tests; it is merely permitted to do so. During recent months, the number of city prisoners serving their sentences at Rocky Butte have averaged between 80 and 100 men at all times.

Most of the city's sentenced prisoners who remain at the city jail are assigned to duties as "outside trustees." When a prisoner is assigned as an outside trustee and reports to the trustees' quarters, he is required to take a shower and clean up his clothing. When this has been done, he is issued a clean blanket and mattress cover, and he is then ready
for work. Outside trustees are frequently given labor assignments at places far from police headquarters. Thus, while some of the outside trustees work in the jail kitchen or elsewhere around police headquarters, others of them go to the auditorium, the armory, the police garage, and elsewhere around the city. The prisoners go to these assignments and do their work on their own responsibility; no guards accompany them, and no one supervises their work; instead, reliance is placed upon the individual prisoners both to do the work assigned to them and to return to the jail when it is completed. For every day spent on such a work assignment, an outside trustee receives two days credit toward the completion of his term in jail.

There are ordinarily from 70 to 80 city prisoners serving sentences as outside trustees at a time, although at times the jail has had as many as 90 or 95 such prisoners.

The outside trustees live in two dormitory rooms on the second floor of the new Annex Building. Theirs are the only living quarters in the jail that have adequate heat and sanitary facilities; but the lighting and ventilation in these rooms is far from satisfactory. The outside trustees eat their meals in a dining room adjoining the jail kitchen, and they have three full meals a day, served cafeteria style, whereas the other prisoners get only soup at noon.

Most city prisoners who are not sent to the county and who either cannot be trusted as outside trustees or for some other reason are not given this coveted assignment, are assigned as “inside trustees.” The inside trustees do the jail’s internal housekeeping work. They mop the floors and wash the walls, serve the meals and wash the dishes, launder the blankets, aid in handling newly-jailed arrested prisoners, and do various similar tasks. They have considerable liberty of movement around the jail, but do not leave the fifth floor. The inside trustees, like those working outside, receive two days credit toward completion of their jail terms for each day spent on a work assignment. Ordinarily, there are about 20 prisoners working in the jail as inside trustees.

Until the present temporary arrangement with the county was placed in effect, from 65 to 75 sentenced prisoners regularly served their terms in the jail’s cell corridors. This sometimes meant remaining in the same cell corridor for months on end. These prisoners had no work to do and no reading material or other facilities for passing the time. They got neither fresh air nor exercise. The serving of long terms in small cells in circumstances such as these was so demoralizing and destructive in its effect upon the prisoners that it should never have been tolerated by the city. Fortunately the present arrangement with the county has decreased the number of city prisoners compelled to serve their jail terms in the cell corridors to an average of about 10 or 15 at a time, most of whom are either too sick or too old to object to the close confinement to which they are thus subjected, or too untrustworthy to be assigned to trusty duties.

C. Women Prisoners

Women’s Quarters. The women’s quarters are on the fifth floor, in a section separate from the men’s quarters. The women’s section consists of an office, two dormitory rooms, a day room, two drunk cells, a padded cell, and service facilities.

One of the dormitory rooms is 15 feet by 46 feet and contains five triple deck beds and three double deck beds; the other room is 16 feet by 21 feet and contains twenty double deck beds. Beds are equipped with sheets, blankets and bedspreads.

Since the women prisoners are not permitted to remain in the dormitories during the day, they are all compelled to spend all of every day in a single room, called the day room. This room, which is approximately 16 feet by 25 feet is furnished with chairs and several small tables. During the war, congestion in the jail was so great and the seating facilities in this room so limited that there were times when some of the prisoners had to remain standing, even at meal times. At present, the seating facilities in the room appear adequate, but the inability of the women to find any privacy is a frequent source of friction.

The two drunk cells at the rear of the women’s section are similar to the cells in the corridor now set aside for intoxicated men prisoners; that is, the cells are not equipped with bunks, the mattresses being placed directly on the floor. The adjoining padded cell is similar except for the padding on the walls.

A single bath room, equipped with a toilet, a bath tub and a sink, serves all of the women prisoners. A small kitchen enables them to reheat the meals brought to them from the main jail kitchen on the first floor of the Annex.

Procedure. An arrested woman is brought on the jail elevator to the fifth floor and is taken through the front of the men’s section to the matron’s office, in the women’s section.
There, records similar to those maintained in the men’s section are prepared, and the prisoner’s belongings are taken from her. The procedures as to medical attention and as to bail are similar to those in the men’s section.

Upon completion of the admission formalities, an arrested woman prisoner intermingles with the women serving sentences; that is, she is assigned a bed in one of the dormitory rooms and joins the other prisoners in the day room. Women who are intoxicated when they arrive at the jail are placed in the drunk cells until they become sober.

The arrested women prisoners go to court on the morning following their arrest, the procedure being the same as with the men prisoners. Upon their return from court to serve sentences, women prisoners are provided with and required to wear a clean uniform.

During the test week, the number of women prisoners in jail at once ranged from 18 to 28. However, there appears to have been some reduction in load in the women’s quarters in recent months.

On most days, trusty assignments are given to about 13 of the women prisoners. These assignments include various housekeeping duties, the ironing of the jail uniforms, some sewing, the preparation of certain record forms for the police, and other like matters. All of these duties are normally performed within the women’s quarters, although occasionally a woman prisoner is sent over to the Women’s Protective Division, on the second floor of the Annex Building, to do cleaning work. As in the case of the men prisoners, the women trustees get two days credit toward completion of their time in jail for each day spent on a work assignment.

III. DISCUSSION AND CONCLUSIONS

A. The Jail Staff

When the committee began its study, Acting Lieutenant John Pittinger was in command of the jail. The jail staff consisted of Lieutenant Pittinger as commanding officer, 3 sergeants (one for each shift), and 12 patrolmen (four per shift). It was Lieutenant Pittinger and his staff whose efforts and cooperation made possible the detailed study of jail procedures conducted by the committee during its test week in March, 1947.

After the unfortunate Love case, Officer Howard J. Phillips was put in charge of the jail with the title of superintendent, a newly-created position carrying pay equal to that of a captain; and, at his request, the number of patrolmen assigned to duty in the jail was increased to 16. Superintendent Phillips, together with Inspector (now Chief of Police) Fleming, should be credited with the very substantial improvement in conditions at the jail during the period of the committee’s study.

(Shortly after the committee completed its work at the jail, Superintendent Phillips died of a heart attack. Lieutenant William A. Robson has been appointed his successor.)

It was the committee’s observation that many police officers dislike assignment to duty in the jail, and as a result there sometimes is a tendency to give this assignment as a mild discipline. The committee does not believe this has occurred recently, and in fact the committee has been well impressed by the caliber of most of the officers working in the jail.

It is of course apparent that it would be better to entrust administration of the jail to a staff of specially trained penologists. But it is equally apparent that this is virtually impossible, in a city such as Portland. But this lack of trained penologists need not mean poor administration of the jail. If it is recognized that the handling of a great variety of prisoners in close confinement is one of the police department’s more difficult responsibilities, and if officers are assigned who are both trained and competent in ordinary police duties and also cognizant of the fact that the prisoners, however low their estate, are nevertheless human beings and entitled to be treated as such, the jail will be well enough administered.

B. The Jail Facilities

Few people realize the enormous difficulties which confront police officers in the organization and operation of a jail in such a metropolitan center as Portland has become in recent years. These difficulties would be imposing if the police had adequate facilities for dealing with them; without such facilities, the problems are staggering indeed. That is the situation in Portland.

A city jail today is a receiving center not only for all those unfortunates whose conduct attracts attention and for whom no other disposition is immediately apparent, but also
for real criminals. As the American Prison Association points out in its "Manual of Correctional Standards" (1946):

"Not all of the human beings who pass through the jails are derelicts and petty thieves; they also receive the most dangerous types of criminals and must hold them for trial for weeks or months. A jailer can never be sure, moreover, that some inoffensive appearing man arrested on a minor charge is not wanted for armed robbery or murder in a distant state. The average jail may be called on to handle everything from a crippled beggar to an insane murderer. Every range of intelligence, every kind of offense, and every type of disease has its representatives. The sick, the helpless, the young, the senile, the feebleminded, the insane, the innocent, the guilty, the first offender, and the hardened, experienced criminal, are the jail's grist."

In the present Portland jail facilities, all of these different kinds of prisoners must be crowded together upon their arrival at the jail, in a few corridors of identical two-man cells, all located in a single room. There is no space for separate facilities in which to place the sullen and dangerous hardened criminals, the violently insane, the homosexuals, the noisy drunks, the tubercular, the syphilitic, or indeed the eighteen-year-old first offenders; all of these must go together in the main cell corridors.

Further, within these main cell corridors, all of these different types of prisoners must be paired off and confined together in two-man cells — which most prison authorities condemn as being the worst of all possible arrangements. Thus, in its "Manual of Correctional Standards," the American Prison Association, speaking of city and county jails, says with respect to this point:

"Cells should be for one person only and doubling up should never be practiced. If cells for more than one person are planned, they should be large enough for three or four."

Similarly, in the "Minimum Jail Standards" published by the California State Board of Corrections (1946), it is "recommended that all cells be designed for the use of one prisoner each."

But perhaps the worst feature of the cells in the present city jail is their size. The American Prison Association's "Manual," quoted above, states that each one-man cell should be at least 5½ feet wide by 7 feet deep, thus having a floor area of 38½ square feet, and should be equipped with a toilet and wash bowl, a bed and bedding, a table and chair or bench, an adequate light, a shelf and mirror, and a locker or cabinet. The California State Board of Corrections specifies an even larger minimum size for one-man cells, calling for a width of 6 feet and a depth of 7½ feet, which means a floor area of 45 square feet; and the California Board recommends that each cell be equipped with a bed-spring frame, bracketed to the wall, a prison-type toilet and wash bowl, a small shelf-type table, a wall bracket seat, a small shelf, and a few hooks for towels and clothing.

In contrast to the above minimum standards for one-man cells, the two-man cells in the Portland jail are 4½ feet wide and 6 feet 10 inches long, thus having a floor area of only 30½ square feet. In other words, Portland's two-man cells are 21% smaller than the minimum recommended by the American Prison Association for one-man cells, and are 33-1/3% smaller than California's minimum size one-man cell. And, of course, the Portland two-man cells are barren of any of the equipment or furnishings normally regarded as standard, there being no room in them for anything except the upper and lower bunks and the built-in toilets in the rear. Indeed, these cells are so small that one occupant must either get in to his bunk or get out of the cell entirely when the other desires to walk from the front of the cell to the toilet at the rear.

It is true that to mitigate somewhat the evils above described, the present jail administration ordinarily leaves the doors from the individual cells into their respective corridors open during the days, so that the prisoners are free to move up and down the length of their corridor, and have access to the faucets and sink at the end of the corridor. But this practice has its own disadvantages, particularly in permitting all of the prisoners in a given corridor to intermingle. No real segregation or isolation of particular types of prisoners is possible in such circumstances.

During the committee's test week in March, 1947, the eight cell corridors were accommodating a weekly peak load, usually on week ends, of approximately 47 arrested prisoners and approximately 72 sentenced prisoners, or a total of 119. Today, the fact that many of the City's sentenced prisoners serve their sentences at Rocky Butte has decreased the number of sentenced prisoners in the cell corridors, but at the same time the abandonment of the use of the drunk tanks has increased the number of arrested prisoners to be found
there. Moreover, since one twelve-cell corridor and one six-cell corridor are set aside for the initial accommodation of intoxicated prisoners, and another six-cell corridor is used for the confinement of the sentenced prisoners who cannot be sent to Rocky Butte and who are not physically well enough, or are not sufficiently trustworthy, for assignment as trustees, the daily load of arrested prisoners must now be accommodated in only five corridors, three of these being twelve-cell corridors and two having only six-cells each.

These five corridors, having a total of 48 cells, must accommodate all of the arrested prisoners being held in the jail, including the drunks after they are fully sober. The total number of such prisoners varies from hour to hour, and from day to day, reaching a peak on the week-end. It is this peak load for which provision must be made. The following are typical week-end peaks:

<table>
<thead>
<tr>
<th>Date</th>
<th>Number of Prisoners</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sunday, October 19</td>
<td>95</td>
</tr>
<tr>
<td>Sunday, October 25</td>
<td>74</td>
</tr>
<tr>
<td>Sunday, November 2</td>
<td>88</td>
</tr>
<tr>
<td>Monday, November 3 (a holiday)</td>
<td>92</td>
</tr>
<tr>
<td>Sunday, November 9</td>
<td>75</td>
</tr>
</tbody>
</table>

Since the maximum capacity of the 48 available cells (assuming two men must continue to be assigned to each cell) is 96 prisoners, it is apparent that the present load is filling the corridors up to the full limit of the jail's capacity.

This fact is particularly significant when it is remembered that the present arrangement with Multnomah County is only temporary, and may be discontinued whenever the Multnomah County officials conclude that it is no longer advantageous to the county. If this arrangement should be terminated, so that accommodations would again have to be found at the city jail for an additional 60 or 70 sentenced city prisoners, the city will face an immediate crisis of no small proportions. But even if the arrangement with the county is perpetuated, the city's normal growth will soon make it utterly impossible to continue to get along with the present jail.

The foregoing paragraphs should be sufficient to make it clear that the present jail facilities are far below minimum standards of design and arrangement, and they are grossly inadequate for the present prisoner load, even with the prisoners crowded together two to a cell in cells of sub-standard size.

But there are other deficiencies that should be mentioned, too. For example, the jail's electrical and plumbing facilities are deficient both quantitatively and qualitatively. There are no facilities at all for laundering the prisoners' socks, underclothing and other personal items, except the sinks which the prisoners use also for shaving, brushing their teeth, etc.

As has been mentioned before, the jail kitchen is almost a full block away, in a different building.

Another serious fault in the present facilities is the lack of space for administration. The receiving desk itself, which is the jail office and headquarters, is located in the foyer in front of the elevators. Thus all of the processing connected both with admission to the jail and release from it takes place in the foyer. This same foyer, through which prisoners and visitors arriving at the jail or leaving it are constantly passing, is also used—for lack of other space—for the daily police line-ups. Also, during visiting hours both men and women visitors visiting with men prisoners stand in the foyer, there being no room for chairs, and converse with the prisoners taking place through a screen opening into the room housing the cell corridors. Thus no privacy whatsoever is available in the administration of the jail.

The truth is that Portland's present jail facilities are nothing more than a small town lock-up, of the kind that a community of eighty or ninety thousand persons might expect to have to provide; and these facilities are sub-standard even for such a small lock-up. The jail is both antiquated and inadequate. However it may have been judged at the time it was constructed, today it is something of which this city should be heartily ashamed.

The jail architect whom the committee consulted advised, and the committee agrees, that to undertake to remodel the present facilities would be an extravagant futility. Merely to install modern lighting and plumbing fixtures would be prohibitive in cost. And the basic problem in the jail is lack of space—something which no amount of remodeling could supply. We believe that Portland urgently needed entirely new jail facilities as long as twenty years ago. Since then, the city has been living on borrowed time so far as this problem is concerned. During the war years, it tolerated absolutely inexcusable conditions of insanitation, disease and inhumanity. At the present time the temporary and
uncertain arrangement with Multnomah County makes it possible to “get by” with shockingly sub-standard facilities. It is the committee’s conclusion that Portland must build entirely new jail facilities in the very near future.

While it is not within the scope of this committee’s assignment to work out in detail the types of new jail facilities which the city needs, a few comments and suggestions may be in order.

To begin with, the high cost of downtown real estate is in itself a sufficient reason for suggesting that the city’s principal jail facilities should be located on the outskirts of the city. In such a location, it would be possible to design adequate cells, dormitories and other quarters for all of the prisoners; to arrange these so as to permit segregation and isolation when these are needed; and to provide medical facilities, including hospital or semi-hospital wards for the sick, the aged, and the mentally deranged. Further, in such a location it should be possible to find work with which to occupy the prisoners who are physically qualified for it. In this connection, it is proper to point out that while farm and gardening work is suitable and desirable for many jail prisoners, it would be unwise to rely on the ability of such prisoners to make a farm operation profitable, because the city jail receives very few prisoners who have had any substantial experience or other background in farm work. The city should not expect a jail farm to be self-sustaining.

In addition to its principal jail on the outskirts of the city, Portland also needs a downtown jail. However, this should be merely a gathering point, to which persons arrested in the downtown section could be brought quickly and in which they could be held until a group could be taken out together to the principal jail. It should be rare that a prisoner would remain in the downtown jail for more than a few hours.

The downtown jail should be located conveniently both to the police headquarters and to the municipal court. It should be equipped with one-man cells of adequate size, grouped in small corridors or other units so as to permit a maximum of segregation. It should have its own hospital or semi-hospital facilities, because it will be the first to receive and have responsibility for the sick, the injured, the intoxicated, the doped, and the mentally deranged among the arrested prisoners. But its medical facilities need be sufficient only for preliminary examinations, and for observation pending transfer to the principal jail on the outskirts of the city.

It must be recognized that such a combination of jail facilities as those above recommended will cost the City of Portland a substantial initial investment, and will entail an operation and maintenance cost far in excess of what is being spent on the present jail facilities. The committee feels, however, that such investments are inevitable as a city increases in size and outgrows facilities that were perhaps sufficient in an earlier day; and we believe that location of Portland’s principal jail on the outskirts of the city will result in savings that will more than offset the added costs involved in building a really adequate downtown jail. So far as the higher operation and maintenance costs are concerned, the committee feels that the present jail administration is on such a skimpy basis as not to provide a fair basis of comparison; and that the costs that would be incurred in the kind of jail facilities here recommended are no more than a city of close to half a million persons should expect to have to bear.

One alternative should be mentioned. The suggestion is sometimes heard that the city and Multnomah county should consolidate their jails; and while this committee has not investigated the matter carefully, it would seem evident that economies could be effected by such a consolidation. The particular merit of this suggestion, if suitable arrangements could be worked out with the county, is that the county already operates what is understood to be an adequate down town jail, located in the county courthouse; and its Rocky Butte jail is said to be a first class institution. This committee believes that the city might well investigate the advantages of offering the county substantial financial inducements as a basis for some kind of cooperative use of these two present county jails.

D. Cleanliness and Sanitation

Much progress has been made during the period of the committee’s study in cleaning up the jail and making it more sanitary, at least in part as a result of the committee’s inquiries and recommendations.

The minimum sanitary requirements in an old jail building of this character are the constant painting and re-painting of the floors, walls and ceilings; the even more constant mopping of the floors and washing of the walls and ceilings, and sweeping of the floors in between moppings; and frequent and generous use of a DDT or similar spray. The cost of the materials necessary for such a basic sanitary program is relatively small, and
prisoner labor can and should be used for almost all of it. Thus there is little excuse for falling short of this basic minimum at any time.

It is the committee's opinion that at the present time a satisfactory job is being done in keeping the jail within the above requirements. A crew of prisoners has been kept busy with paint brushes most of the time in recent months, with clearly apparent results throughout the jail. The floors are being swept and mopped often and thoroughly enough so that the committee has found little to criticize on its recent visits to the jail. The walls are washed occasionally. The claim is made that DDT has now entirely eliminated cockroaches and other similar pests, and the committee has seen nothing to lead it to doubt this. While wishing to commend these good results, the committee feels that an effort should be made to increase the frequency with which the floors, walls and ceilings are repainted.

Until quite recently, the mattresses used throughout the jail were among its worst features. All of them had been in use for years, in circumstances which inevitably gave them hard wear, without having once been cleaned in any manner. They had become so greasy and grimy with dirt and filth as to be revolting in appearance and a menace to the health of those compelled to use them. This committee strongly urged that all of these mattresses be replaced immediately. This has now been done, and as a result the mattresses now in use throughout the jail are clean and sanitary. Further, a more careful use of mattress covers is helping to preserve this satisfactory condition. It is to be hoped that the police will continue to recognize the importance of keeping these new mattresses clean, and of replacing them from time to time, so that the conditions which the committee found when it commenced its investigation will never again occur.

Each bunk in the jail is supplied with a mattress cover and a blanket. These are laundered periodically by a crew of prisoner trustees. The practice is to pick up the mattress covers and blankets from a given group of bunks each day, and to replace them with clean ones; on the next day, those from the next group of bunks are taken, and so on, until the circuit of all of the bunks has been completed. In corridor 1, in which incoming drunks are placed, the mattress covers and blankets are changed daily. Elsewhere in the jail, however, the clean mattress covers and blankets issued to a group of bunks one day will remain on them until the laundry crew completes its circuit of the jail and gets back to where it started.

For many years, the mattress covers and blankets were "washed" in an open metal tub or vat into which a valve admitted steam under pressure. This steam treatment hardly qualified as real washing of the articles. Further, the "clean" articles were dried in a dark, furnace-like closet, and then were stored on the floor of another dark closet. The police officers in charge of the jail recognized the inadequacy of these facilities and procedures, and the new washing machine and the drying machine now in use were placed on order early in the committee's investigation. When the new machines were finally ready to be placed in operation, a custodial employee was hired to handle them, assisted ordinarily by a prisoner trusty. It is estimated that the laundry crew now completes its round of all of the bunks in about a week, so that each mattress cover and blanket is now washed about every seventh day.

But while the new equipment has improved the handling of the mattress covers and blankets, the committee feels that the present procedure is still far from satisfactory, because an incoming prisoner does not get clean articles, but instead must take and use what he finds on the bunk assigned to him. Since these may have been on his bunk for many days, they will have been used by many prisoners since their last washing, and may have accumulated not only considerable dirt, but also germs and infections. The dangers inherent in this unsanitary practice are substantial because so many of the jail's prisoners are afflicted with diseases of various kinds. Obviously, little could be done to remedy this situation while the jail's laundry facilities were inadequate; but with this latter inadequacy corrected, the next step should be to issue clean mattress covers and blankets to each incoming prisoner. The committee strongly urges that this be done.

Throughout the jail the plumbing facilities are of an antique variety. Some are so unsanitary that they would not be tolerated by the city's own building inspectors. Drinking fountains are nothing more than up-turned faucets. In the drunk tanks these were so constructed that a person taking a drink had to press his face against the wall in order to get close to the water. Many of the faucets did not have basins, so that the water simply splashed and accumulated on the floor, though this has now been corrected at some of the faucets as a result of the committee's criticisms. Some of the toilets are cracked and stained. In each cell corridor, one sink serves all of the prisoners, both for their personal hygiene and for washing their clothing. In the inside trustees' quarters, an old-fashioned
1. Fifth floor lobby: receiving desk in rear, elevators to street at right, entrance to cell corridors at left. This is jail’s only administrative office. Here, while trusty prisoners shuffle around with mops and brooms, and with the food cart dispensing meals, incoming prisoners are received and processed. Detectives, bailbondsmen, attorneys and other visitors come and go, conferring with prisoners. Lobby is also used for all police line-ups.

2. Cell corridor. Sliding doors on left are entrances to twelve 2-man cells. Sink and shower at rear. Note laundry hanging on bars.

3. Sink and shower in cell corridor, serving 24 men for laundry as well as other purposes. Up-turned faucet is only drinking fountain.
4. Typical 2-man cell. Officer Morton, right shoulder touching wall, shows cell's width.

5. Idle cell prisoners become "jail house lawyers." Facilities for employment, recreation and exercise are needed.
6. Inside trusties' quarters, on fifth floor mezzanine level, accommodates about 25 men.

7. Metal sink in inside trusties' quarters. Used for washing tableware (left), also for lavatory and laundry purposes.

8. Food cart, in which all meals are brought from kitchen, almost a full block distant.

9. Mop sink in service room should be replaced immediately.

10. Dormitory room in women's quarters. Some beds are triple deck. Clean sheets, blankets and bedspreads are supplied.

11. Women prisoners' day room. Here all women prisoners must spend all of every day. Lack of privacy often causes friction.
12. Drunk tank (no longer in use as such) used to be almost empty during days; was crowded, and filled with nauseating smells at night. Tank had no windows. Door was of steel plate. Ventilator provided only heat.

13. Plumbing in drunk tank was disreputable. Note drinking fountain; prisoner placed face against wall when drinking.

14. Detention tank, now used only as waiting room, formerly used to hold all incoming prisoners who were not drunk.
single sink made of sheet metal, supplemented by a metal pail for rinse water, is all that is available for washing all of the tableware and dishes used by all of the men prisoners on the fifth floor. This same metal sink also is used by the trusties for lavatory and personal laundry purposes. In addition to the foregoing, some of the plumbing fixtures are broken or worn.

Replacement of most of the plumbing facilities in the jail would be desirable, but probably would involve an expense that would be prohibitive. However, it should be possible to install adequate drinking fountains, and a modern double sink in the inside trusties' quarters, and to repair all worn or broken fixtures, and the committee feels that these steps should be taken at once.

The sanitary engineer who made a study of the jail at the committee's request reported that the jail kitchen, which is located on the first floor of the new Annex Building, is generally in satisfactory condition. However, he noted that some outer openings are unscreened; that the kitchen wall showed some staining; that bulk foods in sacks and covered metal containers should be placed on raised platforms to facilitate floor cleaning; and that provision needs to be made for flushing all trays and dishes before placing them in the dishwashing machine.

The committee was advised that all prisoners working in the kitchen and in the outside trusties' dining room receive a medical examination before reporting for these assignments.

Food is brought from the kitchen to the jail facilities on the fifth floor, a distance equal to almost a full city block, in a metal-lined wooden cart. Since the route from the kitchen to the elevator includes some distance out of doors, and since service to the various parts of the fifth floor facilities must necessarily be slow, it may be doubted that the meals are anything more than lukewarm when they reach the prisoners.

When the committee began its study, the fifth floor men prisoners were served their meals in enamel and tin bowls, with tableware of the same kind. Much of this equipment was cracked and stained, and in noticeably unsanitary condition. The committee recommended that it be replaced immediately, and this has now been done. The new equipment is made of stainless steel, and appears to be satisfactory.

There is a marked difference between the food served to the trusties and that served to prisoners in the corridors. Favoritism is shown the outside trusties even over the inside trusties.

The outside trusties receive fruit, cereal and coffee as the base for daily breakfasts; whereas the inside trusties receive fruit only occasionally and the corridor prisoners seldom receive any. The standard dinner and supper menu includes meat (or substitute) and potatoes (or starch substitute), vegetable, bread, coffee and pudding or similar dessert. Both the outside and inside trusties receive the entire list but the outside trusties often receive two vegetables other than potatoes, plus meat whereas the inside trusties have one vegetable and usually meat. The corridor inmates get meat only once or twice a week and never more than one vegetable. Their principal diet is starch. The committee feels that these differences are wrong, and recommends that all prisoners receive a sound and balanced diet.

D. Jail Procedures

It is the opinion of the committee that in most respects the methods and procedures employed at the city jail are as good as the available facilities and personnel permit. On three points, however, further discussion of the jail procedures is appropriate. These are: the admission procedure; the "incommunicado" procedure; and the trusty procedure.

Admission Procedure. One of the jail's most serious and even dangerous deficiencies is the failure to make a medical examination, preceded by a bath and general clean-up, a required part of the admission procedure applicable to every incoming prisoner.

A very large proportion of the jail population are persons whose ways of life have exposed them to a variety of diseases, and who have had so little medical attention that they either do not know of their own afflictions or have no understanding of what can and should be done about them. Others among the prisoners are suffering from injuries, of more or less seriousness, or from epilepsy or other similar conditions. To thrust such prisoners into the cell corridors without any kind of a medical check, is contrary to elementary standards of public health and sanitation.

The notorious cases in which injured prisoners have died in the drunk tanks have served to call public attention to the evils of the drunk tanks; but these cases did not
result so much from these evils as from the failure to subject the prisoners to medical examinations upon their arrival in the jail. An injured prisoner who today is thrust into a cell (the trunk tanks having been abandoned) without discovery of his injury, and who dies in his cell for lack of proper medical care at the jail, will die just as ignominious and unnecessary a death, and will bring upon the police department and the city itself just as much odium, as was the case with the prisoners who died similarly in the drunk tanks in former times. Recurrence of such a case as the unfortunate Love case of last summer can only be prevented by the provision of adequate medical facilities and procedures at the jail.

But medical examinations of incoming prisoners are needed not only to promote discovery of the occasional injured prisoner who needs emergency care. Such examinations are equally necessary in order to find the prisoners with contagious diseases or other hazardous conditions. The committee studied the case of one prisoner who while occupying a cell in one of the corridors was suffering from tuberculosis in an actively contagious state. This man's condition happened to come to the attention of several of the jail officers, and, because of their perseverance, a hospital was ultimately found where he could receive proper care. But there was and is no way of knowing how many other prisoners may be suffering from equally infectious cases of tuberculosis, or who may have bad colds, or who are afflicted with contagious skin conditions, or other easily spread infections. Without proper medical care, these prisoners are a menace to the entire jail population.

Prisoners assigned to work as trustees in the jail kitchen, or on other jobs requiring them to handle food or cooking or eating utensils, are given a blood test before they begin these duties; and these blood tests frequently disclose the presence of venereal or other diseases, for which treatments are then arranged. But while these tests are valuable so far as they go, they are given to so few of the prisoners that they can hardly be deemed an answer to the problem here under discussion.

Careful consideration has convinced the committee that the only adequate means of meeting these problems is to require as a part of the admission procedure that every incoming prisoner (1) take a shower and (2) receive a brief medical examination before dressing again.

The most important reason for recommending that a shower be required of all incoming prisoners is that many, probably most, of the prisoners need the bath badly; and a shower certainly will not hurt those whose need is not so urgent. When men live together in as close quarters as seems unavoidable in a jail, personal cleanliness is absolutely essential to the maintenance of minimum sanitation standards. But there are other reasons too. Not infrequently, incoming prisoners have lice or other similar pests on their persons and clothing, a fact which now may not be discovered until after the prisoner has been in jail for several days and has not only made a nuisance of himself but also has created a real health menace for the other prisoners. Moreover, there are cases in which incoming prisoners have open wounds or other injuries which now are not discovered and treated as quickly as they should be. One case came to the committee's attention in which an intoxicated prisoner was in such filthy condition upon his arrival at the jail that both the jail officers and the other prisoners stayed as far away from him as possible, and when an attempt was made the next morning to require him to clean himself up, it was found that he had a broken arm. And finally, a shower is desirable, if for no other reason, simply as a means of facilitating a medical examination of the prisoners.

It is not the committee's thought that a thorough and exhaustive medical examination is required. Probably a check for injuries and for obvious signs of illness will suffice in most cases, with additional steps taken when the circumstances indicate a need for them. A blood test of every incoming prisoner would be desirable, if laboratory facilities can be provided. In any event an examiner with medical training should determine each prisoner's condition and need.

The question may well be asked whether such a medical examination is necessary in every case; whether, that is, it would be sufficient to give such an examination only when there was some indication of a need for it. But that is the system that is now and has long been in use at the jail, and it has one great weakness: it calls upon the jail officers to decide when the doctor is to be called. Police officers are not qualified to make this decision. They make no claim to medical training, and should not be called upon for medical judgments. Indeed, in dealing with incoming prisoners at the jail it is frequently hard even for a qualified doctor to determine what ails a prisoner, if anything. Experience shows, too, that when this decision is left to the jail officers, there is a natural tendency to avoid disturbing the doctor except when the need to do so seems plain to the officer.
The only sure way of enabling a medically trained examiner to see every prisoner who, in fact, needs medical attention, is to require him to see all of the prisoners.

The committee has been informed that a shower and a medical examination are routine steps in the admission procedure in many city jails. The American Prison Association’s “Manual of Correctional Standards,” takes the position that in city and county jails the need for adequate medical facilities needs more emphasis than almost any other single thing, and the Manual points out:

“Short term institutions usually have a far larger proportion of prisoners in need of medical attention than long-term institutions. They receive vagrants, drug addicts, alcoholics, and other prisoners of the derelict type, crippled, blind, and senile misdemeanants, insane and epileptics, those with active or incipient tuberculosis, syphilis with open lesions, and so on, as well as those who are suffering from ordinary ailments or from the effects of malnutrition, exposure and neglect.”

The Manual suggests as a minimum program, even in smaller jails, (1) the examination of newly admitted prisoners, (2) the provision of treatment insofar as facilities permit, and (3) the segregation of those with contagious and infectious conditions. It is clear, therefore, that this committee’s recommendations do not go beyond accepted standards for jails of this type.

The question remains, are the committee’s recommendations on this matter practicable?

A requirement that every incoming prisoner take a shower upon his arrival at the jail would not encounter serious difficulties. Shower facilities could be installed in one of the former drunk tanks, probably Tank 02, at a nominal cost. Incoming prisoners could wait in the waiting room for their turn at the shower; and they could undress as well as take their showers in the shower room. Prisoner trustees could guide the new arrivals through this procedure, so that the present staff of jail officers would not have to be enlarged.

One practical problem in this connection would be encountered in cases where the prisoner’s own clothing was “lousy,” or too soiled to be put on again after the prisoner’s bath. A supply of jail-owned clothing would undoubtedly have to be maintained for these cases. But the jail already has a small supply of such clothing, and an additional supply that would be sufficient for these purposes could undoubtedly be obtained with an investment of a few dollars; probably a few dozen army surplus overalls and an equivalent supply of under clothing and socks, would suffice. No attempt should be made to supply such clothing to all incoming prisoners, but only to those whose own clothing cannot properly be worn again if it has been washed. In these cases the prisoner’s clothing, and also the jail-supplied garments presumably could be readily laundered in the new washing machine which is now in operation in the jail.

A more difficult problem is presented by the committee’s recommendation that every incoming prisoner be given a medical examination. As a basis for discussing this problem, it seems desirable to describe the jail’s present medical facilities more carefully.

As was explained earlier in this report, the jail itself has no medical facilities, but it has access to the city’s “Emergency Hospital,” which is located on the fourth floor of the same building — that is, just below the jail. The principal role or function of this “hospital” is as a first aid station serving all members of the public at all hours of the day and night. During the day-time hours especially, it receives and gives care and attention to many persons who suffer injuries or illnesses.

The medical staff of the Emergency Hospital consists of one full time salaried doctor, who is on duty at the hospital during normal day-time office hours, and a staff of registered nurses. In addition, the city employs a panel of young doctors from the County Hospital, who alternate for night duty at the Emergency Hospital; that is, on successive nights these doctors alternate, one being on duty one night, another the next, a third the next, and so forth. These night-duty doctors report at the Emergency Hospital at 5:00 p.m. They remain in the hospital all night, but are permitted to go to bed and sleep there during most of the night; the hospital nurse will awaken them only if she believes an emergency justifies her in doing so. The night doctors are paid modest salaries, probably because of their privilege of sleeping most of most nights.

The Emergency Hospital is operated and controlled by the City Health Bureau, and its staff therefore is not subject to the rules, regulations and orders of the police bureau. Nevertheless, so far as the committee could discover, the hospital staff apparently cooperates with the jail officers in most respects, and furnishes the prisoners with such attention and care as its personnel and facilities permit. In the past, difficulties have sometimes arisen because of the reluctance of the hospital nurse to awaken the night doctor during the middle of the night. Since the jail officers were not in a position to
insist that the doctor be awakened, they sometimes had to defer the medical attention which they believed a prisoner needed immediately. But since the Love case, the committee understands that this kind of delay has occurred less frequently. Moreover, the hospital's doctors now make a round of the jail each morning and evening, dispensing aspirin and other moderate remedies and advising prisoners who complain of not feeling well. Similar assistance is provided within the hospital at other times during the day or night if a prisoner complains of being sick and the jail officers have time to take him down to the fourth floor.

One other service is rendered to the jail. Shortly after the Love case last summer, the jail obtained a rolling stretcher, so that incoming prisoners who are semi-conscious or unconscious can be handled in a more suitable manner. When this stretcher became available, instructions were given to the jail officers to bring every semi-conscious or unconscious incoming prisoner to the Emergency Hospital before bringing him to the jail. The practice is for the officers to stop the elevator at the fourth floor and wheel the prisoner directly into the hospital; there the doctor checks him over and decides what should be done with him. So far as the committee knows, this desirable practice is still being followed.

Returning now to the committee's present recommendation that each incoming prisoner at the jail be given a medical examination, the question now to be considered is whether this recommendation is practicable.

It seems clear at the outset, that with the Emergency Hospital staff and facilities so accessible, it would be unwise and unnecessary for the jail to obtain a medical staff of its own. So long as the two city institutions are located so close together, there could be no justification for such a duplication. The question, therefore, is whether or not the Emergency Hospital staff could give the proposed medical examinations to incoming prisoners.

The committee believes that the day-time doctor could give these examinations at the jail during his hours of duty, without the necessity of obtaining any additional medical personnel either in the hospital or in the jail. True, during the day-time hours the hospital has its largest load of non-jail patients, and the doctor is frequently busy with these patients. But fortunately these day-time hours are the jail's slack hours. During its study of the jail load in the test week in March, 1947, the committee found that only the following numbers of prisoners arrived at the jail during the hours stated:

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<td>8</td>
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</table>

From this table it is evident that the number of prisoners who would have to be examined during the days would rarely if ever be large — the largest number in any day indicated by the above table being 15. It is to be remembered that the type of medical examination which the committee is recommending would be brief, each examination probably taking only a few minutes. Furthermore, it was the committee's thought that incoming prisoners could wait in the jail's "waiting room" until the doctor was free to come up from the fourth floor to examine them. They could then take their showers and be examined. In this way the day-time examinations could easily be worked into the hospital staff-doctor's schedule.

But the committee thinks it is equally clear that the one doctor now on duty at the hospital during the night hours could not alone give the proposed medical examinations to incoming prisoners, and at the same time continue both to handle the hospital's non-jail night business and also get some sleep himself. It must be admitted, therefore, that insofar as the night hours are concerned, the committee's recommendation would necessitate the employment of additional personnel at the Emergency Hospital. Probably a second doctor on duty each night would suffice. While one of the doctors slept, the other
could certainly give the proposed medical examinations in the jail and could take care of the small amount of non-jail business that the hospital has at night.

If other doctors on the resident staffs of the various hospitals in the city could be interested in this employment, it is believed that the city could obtain all of the additional staff it would need for an additional $2000 per year, which sum is an estimate based on the salaries now being paid to the hospital's present night doctors. But if this proves not to be feasible, the committee believes that in most cases a fourth year medical student would be qualified to give a minimum type of medical examination. Such a student would have completed most of his essential training, and would be able to check the incoming prisoners for routine matters; and he could awaken the hospital doctor and obtain his advice whenever a new and puzzling situation presented itself.

The only serious argument against the committee's recommendations on this point is based on the added cost to the city—an added cost, by the way, which would go on the Health Department's annual budget rather than on the police department's budget. The committee regards the advantages in favor of its recommendation as far outweighing this one disadvantage.

The Incommunicado Practice. In an earlier portion of this report, reference was made to the practice of holding prisoners "incommunicado" in the Portland jail. Strictly speaking, any arrested or sentenced prisoner is held incommunicado whenever he is prevented from communicating with persons outside of the jail. In the case of arrested prisoners, however, there is involved as a further factor the denial of their bail privilege.

In the Portland jail, prisoners are held incommunicado in two situations. The first of these has to do with the handling of persons charged with an offense involving drunkenness. It is to be noted that it is the charge against the prisoner which governs, not his actual condition as to intoxication or sobriety. This distinction is important. Many persons arrested on a charge of being drunk, sober up rather quickly when they are arrested and taken to jail, but under present rules this does not exempt them from treatment as drunks.

It has long been believed by the police that persons arrested on charges involving or including drunkenness should be forcibly held in the jail in a kind of protective custody, for at least three hours. In order to accomplish this, police rules require the jail officers to decline to accept any offered bail money from these prisoners during their first three hours in jail, and to prevent them from using the telephone or any other means of communicating with persons outside of the jail during the same period. Formerly, these prisoners spent this waiting period in the drunk tanks, and the prisoners' incommunicado status was likely to continue until the officers found an opportunity to transfer them to other parts of the jail; this frequently, or even ordinarily, meant that the incommunicado status continued all night, not just for three hours. During its test week in March, 1947, the committee found that the average period for which drunks were held incommunicado in the drunk tanks was six hours, rather than three hours. Now, however, with use of the drunk tanks discontinued, the three hour waiting period is less frequently extended.

The second situation in which prisoners are held incommunicado in the Portland jail occurs when the detective division of the police department is requested to make an investigation. Such an investigation is always made if a prisoner is arrested on a felony charge or on a state misdemeanor charge; for example, if the arresting officers have enough evidence at the time of the arrest to charge their prisoner with robbery or with larceny, it will follow as a matter of course that they will instruct the jail officers to "hold" the prisoner for investigation by the detective division. Also, the arresting officers sometimes pick up a man only on a city misdemeanor charge, such as vagrancy, or drunkenness, or "after hours," when in fact they suspect he may have committed a serious offense, or may be wanted for such an offense by the police of another city; in such a case, too, the arrest slip is commonly marked "hold for investigation" by the detective division.

Whenever the arresting officer (or anyone else) requests the detective division to investigate a prisoner, police rules require the jail officers to hold the prisoner incommunicado until the investigation has been completed. That is, the prisoner's bail money, if he offers it, is disregarded, and the prisoner is prevented from telephoning or otherwise communicating with bail bond brokers, an attorney, members of his family, friends or anyone else outside of the jail. Unless in the meantime the detectives complete their investigation and notify the jail that the "hold" may be released, the prisoner remains in jail in this incommunicado status until court time on the day following his arrest. When this committee began its investigation, prisoners under investigation who were arrested on city charges did not go down to court until the "holds" on them were released. Several months ago, however, Judge Quillen required that these prisoners be brought down to court at the usual time on the morning following their arrest, and this is the current
practice. Prisoners under investigation who are under arrest on state charges, whether of felonies or misdemeanors, are ordinarily brought down to court on the afternoon following their arrest. In all of these cases, whether city cases in the morning or state cases in the afternoon, the detectives apply to the court for a continuance until a specified future day, which is ordinarily far enough ahead to give the detectives ample time to complete their investigation. Ordinarily this continuance is granted, and the prisoners then return to the jail, where they remain incommunicado until the detectives notify the jail that the investigation is completed. It should be noted that while these prisoners are in the vicinity of the court room they have access to a telephone, and sometimes use it to call an attorney or a relative or friend. Except for this one opportunity, however, they are unable to get messages to persons outside of the jail.

On March 12, 1947, the committee made a spot check of the jail records, and found that 40 of the prisoners then in the jail had been under investigation, and so had been held incommunicado, following their arrest. Of these 40 prisoners, two were held incommunicado for only 3 hours, and all of the others were held in this status for substantially longer periods, running up to 10 days. A tabulation of this data is as follows:

<table>
<thead>
<tr>
<th>No. of Prisoners</th>
<th>Hours Held Incommunicado</th>
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<tr>
<td>2</td>
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<td>4</td>
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<td>6</td>
<td>25 to 48</td>
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Thus, half of the 40 prisoners were held incommunicado for more than 24 hours; the average for all of them was 51 hours; and several were so held for periods ranging from about a week to about 10 days.

After obtaining the above data, the committee made its criticisms of the incommunicado practice known to the police, and the department shortly adopted several corrective measures. In the first place, the jail officers themselves now notify the detective division whenever the arresting officers (or anyone else) request an investigation, thus avoiding the delays that used to occur when the arresting officers had the sole responsibility for notifying the detectives. In the second place, a greater effort is apparently now being made to enforce a long standing rule that the detectives to whom a given case is assigned at least begin their investigation before the end of the shift during which the request for investigation is received. And finally, at the start of each shift the jail officers now prepare a list of all prisoners in the jail still under investigation, and a copy of this list goes to the detective division as a reminder of all pending cases. The result of these measures has been to shorten the average duration of the incommunicado status, particularly by eliminating the cases in which this status was continued for inexcusably long periods. The committee made a recheck of the jail records on December 14, 1947, and found both a smaller number of prisoners who had been investigated following their arrest, and a shorter average duration of the incommunicado status. Only 19 prisoners in jail on this date had been so held, for the following periods:

<table>
<thead>
<tr>
<th>No. of Prisoners</th>
<th>Hours Held Incommunicado</th>
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<tbody>
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<td>10</td>
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<td>3</td>
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<td>47</td>
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<td>2</td>
<td>67</td>
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The two prisoners still under investigation at the time of the above check were charged with the Olds, Wortman & King robbery. In view of the serious nature of this charge, a longer investigation of them was to be expected. It will be observed that only 4, or ap-
approximately 20%, of the above 19 prisoners were held incommunicado for more than 24 hours, and the average duration of this status was 18.5 hours.

In the case of the prisoners charged with drunkenness, the three-hour incommunicado status is defended on two grounds. In the first place, it is pointed out that if an intoxicated prisoner were permitted to bail out, either by putting up his own bail money or by calling a bail bond broker or a friend as soon as he arrived at the jail, he would be out on the street again while still drunk; he would then make the same nuisance of himself that led to his original arrest, and he would also run the risk of injuring himself and of losing his "right to bail" in the future. In the second place, it is said that if an intoxicated prisoner were permitted to use the telephone at once, he would annoy his family and friends, and even distant acquaintances, with middle-of-the-night pleas for bail money or other assistance. For these reasons, it is said to be better for all concerned to hold the intoxicated prisoner incommunicado until he sobered up, which is estimated to require at least three hours in most cases.

The committee agrees that a prisoner who arrives at the jail in such an intoxicated condition that he cannot be regarded as mentally responsible, should not be released on bail until he has sobered up. To insist that such a prisoner is immediately entitled to the bail privilege granted him by law would be to prefer the law's letter to its purpose. Indeed, it could perhaps be said that until such a prisoner has sobered up, he is not in condition to make a responsible offer of bail. In any event, the police should no more turn an intoxicated man back out onto the street than they should one who has been drugged or who has suffered an epileptic attack.

But while the committee agrees that really intoxicated prisoners (not merely those charged with being drunk) should be held in jail until they sober up, it does not agree that they should be held incommunicado for a three-hour period, or for any time at all. Access to the means of communicating with persons outside of the jail should be denied only upon the strongest justifications. No such justifications can be advanced here. Certainly the protection of the city's more sober citizens from nuisance calls late at night is no justification at all. The police have no way to judge whether a particular intoxicated prisoner's family or friends will be annoyed by his call from the jail, or whether they will be relieved to learn of his safety. In any event it surely is not necessary to bar all prisoners charged with being drunk from all use of the telephone, in order to protect a few sober citizens from nuisance calls late in the night.

In the case of the prisoners held incommunicado while the evidence against them is being investigated, the principal justification advanced is that police efficiency and effectiveness is thereby increased. There can be no doubt that holding prisoners incommunicado facilitates police investigations. So long as a prisoner remains in jail, he is readily available for questioning, whenever the detectives in charge of his case find it convenient to talk to him; whereas if the prisoner could promptly obtain his release on bail, the detectives would either have to complete their investigation in haste, before the prisoner bailed out, or take their chance on being able to find him again after he left the jail. Moreover, a prisoner who is held incommunicado cannot tip off his confederates on the outside even as to his own arrest, let alone as to the nature and direction of the police investigation.

But while the incommunicado practice has these undoubted advantages in terms of greater police efficiency, the committee regards its dangers and disadvantages as even more significant and persuasive. The crucial fact is that the police have an incommunicado prisoner entirely at their mercy. His arrest may have been groundless; his detention may be illegal, and while in jail he may be grievously mistreated—yet, unless he can tell persons outside of the jail of his predicament, he is helpless. The right of a prisoner to protest his arrest and detention, and to make his protest heard, is one of the cornerstones upon which civilized criminal procedure must rest.

In a so-called police state, arrested persons are purposely held incommunicado so that their families and friends may not know where they are and what is happening to them, and so that the formality of charges, and even of trials, can readily be dispensed with. Even in our own country, the purpose of the incommunicado practice, where it is sanctioned, frequently is to provide a protective screen behind which to hide the third degree and other police abuses. The committee saw no evidence of third degree practices in Portland, although it made no special inquiry as to such matters, since these were regarded as beyond the scope of the assignment. But the committee did find some evidence of occasional use of the incommunicado practice by the Portland police for other illegal purposes. Furthermore, the committee feels that the Portland police in some cases use the incommunicado practice as a substitute for an adequate pre-arrest investigation. It is apparent that it is much easier to arrest a man suspected of a serious offense on a minor
charge, and to hold him in jail incommunicado while the serious charge is investigated, than it is to investigate the serious offense in advance and then make the arrest only if the evidence justifies it.

The argument that the incommunicado practice makes for greater police efficiency and effectiveness can be made, and has been made, in defense of other curtailments of the rights of prisoners. Clearly, the police could be much more efficient and effective if they could dispense with the present legal requirements for a valid arrest; habeus corpus petitions frequently interfere directly with police investigations; indeed, the third degree is itself the most efficient way to force a prisoner to confess. But it is the committee’s understanding that in Anglo-American procedure, some measure of police efficiency is sacrificed in order to preserve the rights of the individual who is charged with crime.

No judicial decisions have been found squarely holding the incommunicado practice to be illegal. This may be accounted for in part by the difficulty to be encountered in getting the detention incommunicado before the court. The usual means of challenging an unlawful arrest or improper detention is by habeus corpus, which of course is unavailable to the incommunicado prisoner so long as he remains incommunicado. It is interesting to note, however, that the United States Supreme Court in a number of recent cases has made plain its own condemnation of the incommunicado practice. Attention is directed particularly to the opinions in the following recent cases: Ward v. Texas, 316 U.S. 547; Ashcraft v. Tennessee, 322 U.S. 143, 327 U.S. 274; Malinski v. New York, 324 U.S. 401; Haley v. Ohio, 92 L. Ed. 239; Von Moltke v. Gillies, 92 L. Ed. 286.

Insofar as the denial of access to bail is concerned, one need go no farther than the statutes of Oregon to find the correct legal answer. Section 26-1604, Oregon Compiled Laws Annotated, expressly declares that except in first degree murder cases, a defendant is entitled to be admitted to bail “as a matter of right.”

To summarize, it is the committee’s view that basic considerations of political and civil liberty demand that persons arrested and held in jail be given ready access at all times to telephones and other means of communicating with persons outside of the jail; because only by being thus enabled to make their protests heard when protests are necessary, can such persons preserve the minimum rights given to them by law. This right to protest, and to make the protest heard, is so fundamental and so important in our legal system that it must be zealously guarded, even at the expense of some inconvenience to the police and some loss of police efficiency. Where necessary, the police can to some extent supervise and control a prisoner’s communications with outsiders; but they should never attempt to bar him altogether from such communications. For these reasons, the committee concludes that the Portland police should promptly discontinue what remains of the incommunicado practice in the city jail.

The Outside Trusty System. So far as the committee knows, it is unique in jail administration to regularly send sentenced prisoners out around a city to perform odd jobs, not under guard and not even under supervision, in the hope and on the assumption that they will voluntarily do the jobs assigned to them and then return dutifully to confinement in the jail. On first impression, this practice might appear to subject the people of Portland to further criminal acts by men from whom they should be protected. In fact, however, this fear is probably unwarranted, because the jail officers do not ordinarily assign dangerous criminals to work as outside trustees. But there are other objections which can be made.

It is, of course, easy for an outside trusty to “escape”; all he has to do is to fail to return to the jail at the appointed time. Here, too, the principal safeguard is that the jail officers try not to give this assignment to prisoners who cannot be counted on to return. The actual record in this respect is not too good. With an average of sixty to seventy prisoners working as outside trustees each day, the escapes during November and December, 1947, and January, 1948, were the following:

<table>
<thead>
<tr>
<th>Month</th>
<th>Number</th>
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<tbody>
<tr>
<td>November</td>
<td>10</td>
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<td>December</td>
<td>8</td>
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<tr>
<td>January</td>
<td>4</td>
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</table>

Total: 22

Undoubtedly there would be even more of these escapes if they were not for the fact that the jail is the best or even the only home some of these men have, and the fact that many of them know that for one reason or another they are likely to be back in the jail again in the future, at which time they will again hope to be assigned as outside trustees. They are thus inclined to protect their good reputations with the jail officers.

The real questions about the outside trusty system seem to the committee to be, first,
whether it is a good policy to use these prisoners in what amounts to compulsory and uncompensated labor on jobs other than the jail's own internal housekeeping; second, whether this is a desirable form of "punishment" for sentenced prisoners; and third, whether, if it is desirable, the present procedure for selecting the prisoners to be so assigned is adequate.

Examination of the work assignments given to outside trustees shows that the list includes a number that are jail housekeeping jobs; they are assigned to outside trustees (rather than inside trustees) because the prisoners performing them have access to the city streets and hence to their liberty, instead of being confined to the fifth floor, as are the inside trustees. The full list of job assignments on a typical day follows:

**JOB ASSIGNMENT**

- Cooks in the jail kitchen ........................................... 16
- Assistants in the new jail laundry .................................. 2
- Assistant for Headquarters Building Engineer .................. 1
- Painters (Painting work in the jail and elsewhere in the Police Headquarters Building) .................. 6
- Police Clubroom in basement of Annex Building (general clean-up work) .................................. 2
- Police parking lot (wiping police cars, sweeping parking lot and sidewalks) .................................. 5
- Precinct 1—(General clean-up work around precinct headquarters) .................................. 4
- St. John's precinct (same as above) .................................. 2
- Harbor Police (same as above; also cutting firewood) ............ 2
- Police Garage (clean-up work; also riding on tow cars to aid in handling towed cars) .................. 4
- Municipal Auditorium (general clean-up work) .................... 4
- Armory (same as above) ............................................. 3
- Emergency Hospital (same as above) .................................. 2
- City Health Bureau's 3rd Street Clinic (same as above) ......... 1
- City-County Clinic, 10th Street (same as above) .................. 1
- George White Service Center (same as above) ..................... 7
- Janitors, outside trustees' quarters in Annex. (These men are kept more or less busy in their own quarters, and are the reserve that is drawn on when special jobs require additional assignments) .................................. 12

In addition to the above regular assignments, which are made every day, outside trustees are frequently used for special jobs. Most of these are unobjectionable; for example, the traffic bureau sometimes uses several outside trustees in moving street blocks and other similar work at parades, and the City Hall occasionally asks for several men to help on such tasks as the moving of office equipment. There have been instances, clearly not to be approved, in which trusty labor has been used for private purposes; but this apparently has occurred infrequently, and is opposed by the jail officers themselves.

It is evident from the above list that many outside trustees are used in and around the jail and other police buildings, under some police supervision, on jobs for which "free" labor probably would not be employed. The committee feels that the use of trustees on such jobs is permissible. The painting work and the work of the police garage more nearly resemble private employment, but the committee does not regard this as an objection to these jobs, at least insofar as the tasks are directly related to administration of the police department and are performed directly under police supervision.

The janitor work at outside institutions is more objectionable, even in the case of municipal or city-county facilities. At the municipal auditorium, for example, and at the armory, the prisoners do their work — such as it is — at the direction of persons who might easily take undue advantage of what is essentially slave labor. It is the committee's opinion that the use of trusty labor on these jobs should be discontinued, unless such labor can be performed under the observation and supervision of a responsible jail officer. It is even more objectionable to use trustees at such an institution as the George White Service Center. This Service Center, while presumably operated on a non-profit basis and for a wholly worthy purpose, still is distinctly a private institution. Without at all questioning either the worthiness of the Service Center's functions or its financial need,
the committee nevertheless believes that neither it nor any other private charitable or non-profit organization should be subsidized by the use of compulsory labor from the city jail.

Turning now to the question as to whether the outside-trusty system is a desirable form of punishment for sentenced prisoners, it should first be stated that the committee is fully convinced of the desirability of keeping every physically fit sentenced prisoner employed on useful work projects. Insofar as the outside trusty system accomplishes this, it is clearly a desirable form of punishment.

But very few of the regular outside trusty work assignments meet this test. The committee knows that on some, and suspects that on most, of these assignments, the prisoners do little real work, spending their time instead in listless puttering. We need only watch the men wiping the cars in the police parking lot to be convinced of this. Several factors explain this laxness. In the first place, it must be remembered that a large percentage of the prisoners assigned as outside trustees (under present procedures) are elderly men, or alcoholics whose capacity for work has been materially lessened by age and liquor. Such prisoners as these cannot work vigorously at heavy manual labor. In the second place, since the jail facilities do not include factories or shops in which better organized and more regular work assignments would be available, the jail officials have had to devise their own make-shift substitutes. And in the third place, not enough police officers have been or can be made available to provide proper supervision for the prisoners who are given these less satisfactory assignments. But, whatever the explanations, the fact remains that the outside trusty system can hardly be regarded as a good employment program.

The committee feels that the system’s only real justification and its true function, apart from the work assignments directly concerned with administration of the jail itself, is as a modified parole system for the human derelicts who are its principal beneficiaries.

As has been previously explained, most sentenced prisoners who are in jail for serious misdemeanors are convicted on state charges, and are assigned to the county’s Rocky Butte jail as a matter of course; and under the present temporary arrangement between the city and the county, city prisoners whose violations of the city ordinances appear more serious, or whose conduct or demeanor indicate that they could not be trusted as outside trustees, are also sent out to the county. As a result, it is principally the so-called drunks, the repeaters, who are known to the jail officers to be harmless and dependable, at least when sober, who are assigned as outside trustees.

In some ways it seems anomalous that these repeaters, with many prior convictions, usually for vagrancy, drunkenness or the like, should be favored with assignment as outside trustees, the most desirable (from the prisoners’ viewpoint) of all of the jail’s available assignments; whereas, for example, eighteen-year old youths, in jail for the first time, are usually sent out to Rocky Butte, there to mingle with a much more sophisticated and hardened group of petty criminals and serious offenders. But the jail officers are probably correct in their assumption that most such youths would run away if given the liberties enjoyed by the outside trustees; so that until the city develops an adequate jail of its own, it must perforce continue to send these young prisoners out to the county.

So long as the city cannot provide an adequate work program for all of its sentenced prisoners, but is able to send those who are less dependable out to Rocky Butte, and so long as proper medical treatment for all alcoholics is not available, the committee has concluded that the outside trusty system, with certain modifications, is a reasonably satisfactory means of handling chronic drunks and other similar minor offenders. These prisoners cannot be “reformed” or rehabilitated by more severe confinement — indeed, what they need is medical and psychiatric treatment, rather than confinement; yet they are not a menace, only a nuisance, to society. They are the city’s responsibility, and at the present time the city has no more adequate means of providing for them. In these circumstances, it is not improvident or contrary to any standard of public morals, for the city, by means of this modified parole system, to provide them a temporary haven from time to time, and the kind of puttering work which is the only employment of which they are capable.

The above conclusion with respect to the suitability of the outside trusty system for the handling of the city’s drunks is based upon the assumption that, for the present at least, the police must continue to handle persons whose only offense is intoxication.

Notwithstanding the foregoing, the committee believes, as indicated in a preceding paragraph, that outside trustees should not be assigned to work, whether within the jail.
or out of it, that cannot be and is not supervised by responsible police officers, preferably by those on the jail staff itself.

Also, the committee recommends that the outside trustees, and also the inside trustees, should be furnished with and required to wear a jail "uniform", that is, something in the nature of denim coveralls or other standardized and well-marked clothing. Such a jail uniform is desirable for several reasons. It will be easily laundered, probably in the jail’s new laundry facilities, and hence will permit enforcement of higher standards of personal hygiene. It will avoid wear and tear on the prisoners’ own clothing, and so should be welcomed by them. Its plain markings will discourage escapes, since persons wearing them will be readily identified as jail prisoners. At the same time, such marking will tend to deter the use of trustees otherwise than under police supervision. The committee’s brief inquiries indicate that a uniform consisting of underwear, trousers, jacket and belt could be purchased for about $7.00. Since about 200 such uniforms would be needed, an initial outlay of $1,400.00 would be required.

There remains for discussion the question as to whether the present procedure for selecting the prisoners for assignment as outside trustees is adequate. It is important that all possible precautions be taken in making these assignments. The community must be protected from some types even of petty offenders, and these should not have the liberty granted to trustees. Also, from the prisoners’ viewpoint, assignment as an outside trusty is a much-coveted privilege; the trustees are provided with three full meals a day, with good beds in reasonably good quarters, and with substantial liberty. Good jail administration requires that the privilege of this assignment be distributed as fairly and as wisely as possible.

At the present time this discretion and judgment is exercised by the officer who also has general charge of the daily work assignments of the individual outside trustees. After a group of city prisoners is sentenced by the municipal court in the morning and returns to the jail about noon, this officer picks out the familiar names, and checks his records to see which of these men have proved dependable during prior terms in jail. As a general rule, prisoners sentenced to more than 60 days are likely to be sent to the county, unless the assigning officer believes a particular prisoner to be especially deserving or trustworthy; and as a general rule, prisoners sentenced to less than 90 days are kept at the jail, except that those known to be undependable are ordinarily sent to Rocky Butte. Prisoners who are not known to the assigning officer are kept in cells at the city jail overnight until the assigning officer can interview them, usually the next morning, and make a decision as to their eligibility for assignment as outside trustees.

The committee found no evidence that racial or religious considerations enter into outside trusty assignments.

The principal objection to the present assignment procedure is that there are no rules fixing standards of eligibility for selection as outside trustees, and hence no reliable means assuring even-handed and uniform treatment for all prisoners. The present assigning officer appears to be doing a competent and conscientious job, but if he were assigned to other work in the police department, his successor might have entirely different views as to the selection of outside trustees. And even conceding the present officer’s good intentions, it would be difficult indeed for him to give equal consideration to all of the newly-sentenced prisoners whose assignments he controls.

For these reasons the committee recommends that an attempt be made to formulate a set of rules indicating what prisoners are to be eligible for assignment as outside trustees, and within the eligible group, what factors will be considered as favoring such an assignment and what factors will tend to preclude it. Rules should also be prepared stating what conduct by an outside trusty will lead to forfeiture of this assignment. While it must be recognized that rules such as these can be little more than guides, and reliance must still be placed on human judgments, nevertheless it seems to the committee that with gradual improvement as they are used, such rules can help to standardize these judgments and so to promote uniformity in the administration of the system.

IV. RECOMMENDATIONS

The committee’s recommendations may be recapitulated as follows:
1. The city’s present jail has long since been outgrown, and entirely new facilities are urgently needed. The committee strongly recommends that the mayor and city council take steps immediately looking toward the construction of such facilities.
2. So long as the present jail remains in use, the city should make every effort to perpetuate the arrangement now in effect with Multnomah County whereby a substantial number of the city’s sentenced prisoners serve their sentences at Rocky Butte.
3. The drunk tanks should never again be used, as such. The present method of handling intoxicated prisoners, as described in the above report, should be continued, but care should be taken to see to it that the cells and equipment used by the intoxicated prisoners are thoroughly cleaned as often as necessary.

4. The jail’s plumbing and electrical equipment should be modernized so far as this is practicable, and this should at least include installation of proper drinking fountains throughout the jail.

5. Upon his arrival at the jail, each incoming arrested prisoner should be required to take a shower, and should then be given a brief medical examination.

6. Also, each incoming arrested prisoner should be issued a clean mattress cover and blanket upon his arrival at the jail.

7. The practice of holding prisoners incommunicado should be entirely discontinued, but proffered bail should not be accepted from prisoners who are intoxicated until they are sober enough to be responsible for their own actions.

8. Rules should be developed for the guidance of the officers responsible for selecting sentenced prisoners for assignment as outside trustees, and these rules should be constantly re-studied and improved upon. The outside trustees should not be assigned to non-police duties or to police jobs on which they cannot be supervised by police officers; supervision of the work of the outside trustees should be the responsibility, at least indirectly, of the officers on the jail staff. The outside trustees should be furnished with city-owned uniforms, and should be required to wear them while working.

9. Jail diet should conform to nutritional standards, and since sentence is limited to jail confinement and not type of diet, adequate food should be served equally to all prisoners.

Respectfully submitted,

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John Logan
Arthur Markewitz
Allan Hart, Chairman

Approved by Stuart R. Stimmel, Section Chairman, Public Welfare, May 3, 1948, for transmittal to the Board of Governors.

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