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Criminal Justice

An Overview of the System

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Section 6.1: Jails

The idea of jails has a long history, and the historical roots of American jails are in the “gaols” of feudal England. Sheriffs operated these early jails, and their primary purpose was to hold accused persons awaiting trial. This English model was brought over to the Colonies, but the function remained the same. In the 1800s, jails began to change in response to the penitentiary movement. Their function was extended to housing those convicted of minor offenses and sentenced to short terms of incarceration. They were also used for other purposes, such as holding the mentally ill and vagrants. The advent of a separate juvenile justice system and the development of state hospitals alleviated the burden of taking care of these later categories.

Today's jails are critical components of local criminal justice systems. They are used to address the need for secure detention at various points in the criminal justice process. Jails typically serve several law enforcement agencies in the community, including local law enforcement, state police, wildlife conservation officers, and federal authorities. Jails respond to many needs in the criminal justice system and play an integral role within every tier of American criminal justice. These needs are ever changing and influenced by the policies, practices, and philosophies of the many different users of the jail. Running a jail is a tough business, usually undertaken by a county sheriff. Often, much of the Sheriff's authority is delegated to a jail administrator.

Running a jail is such a complicated endeavor partly because jails serve an extremely diverse population. Unlike prisons where inmate populations are somewhat homogenous, jails hold vastly different individuals. Jails hold both men and women, and both children and adults. Most state prisoners are serious offenders, whereas jails hold both serious offenders as well as minor offenders who may be vulnerable to predatory criminals. Those suffering from mental illness, alcoholism, and drug addiction often find themselves in jail. It is in this environment that jail staff must accomplish the two major functions of jails: Intake and Custody.

Booking and Intake

The booking and intake function of jails serves a vital public safety function by providing a secure environment in which potentially dangerous persons can be assessed, and the risk these individuals pose the public can be determined.

Custody

The second major function of jails is the idea of custody. That is, people are deprived of their liberty for various reasons. The two most common of these reasons are *pretrial detention* and *punishment*.

PRETRIAL DETENTION

A major use of modern jails is what is often referred to as **pretrial detention**. In other words, jails receive accused persons pending arraignment and hold them awaiting trial, conviction, or sentencing. More than half of jail inmates are accused of crimes and are awaiting trial. The average time between arrest and sentencing is around six months. Jails also readmit probation and parole violators and absconders, holding them for judicial hearings. The major purpose of pretrial detention is not to punish offenders, but to protect the public and ensure the appearance of accused persons at trial.

According to the Bureau of Justice Statistics, there are around 3,300 jails currently in operation within the United States. This large number points to a very important fact: Jails are primarily a local concern. **Jails (and detention centers)** are facilities designed to safely and securely hold a variety of criminal offenders, usually for a short period. The wide variety of offenders comes from the fact that jails have dual roles. They hold criminal defendants waiting on processing by the criminal justice system, and they hold those convicted of crimes and sentenced to a jail term. In addition, jails hold prisoners for other agencies, such as state departments of correction, until bed space becomes available in a state prison.

The size of jails can vary widely depending on the jurisdiction the facility serves. Both geographic and legal jurisdiction must be considered. The single most important determinant of jail size is population density. The more people a given jurisdiction has, the more jail inmates they are likely to have. Many rural jails are quite small, but America's largest population centers tend to have massive jail complexes. Most counties and many municipalities operate jails, and a few are operated by federal and other non-local agencies. There has been a trend for small, rural jurisdictions to combine their jails into regional detention facilities. These consolidated operations can increase efficiency, security, and better ensure

prisoners' rights.

PUNISHMENT

A primary function of jails is to house criminal defendants after an arrest. Within a very narrow window of time, the arrestee must appear before a judge. The judge will consider the charges against the defendant and the defendant's risk of flight when determining bail. The judge may decide to remand the defendant to the custody of the jail until trial, but this is rare. Most often, a pretrial release will be granted. The arrestees may be required to pay a certain amount of money to ensure their appearance in court, or they may be released on their own recognizance.

As a criminal sanctioning option, jails provide a method of holding offenders accountable for criminal acts. Jails house offenders that have been sentenced to a jail term for misdemeanor offenses, usually for less than one year. There are many ways that jail sentences can be served, depending largely on the laws and policies of the particular jurisdiction. A central goal of incarceration as punishment in the criminal justice system is the philosophical goal of *deterrence*. Many believe that jail sentences discourage offenders from committing future criminal acts (specific deterrence) and to potential criminals about the possible costs of crime (general deterrence). Rehabilitation and reintegration are sometimes considered secondary goals of incarceration. These goals are not usually deemed amenable to the jail environment, and few programs designed to meet these goals exist. Many local jails do make a modest effort to provide inmates with opportunities for counseling and change to deter future criminal behavior, but always within the constraints of scant resources.

MISCELLANEOUS FUNCTIONS

Jails in some jurisdictions are responsible for transferring and transporting inmates to federal, state, or other authorities. Jails are also tasked with holding mentally ill persons pending their transfer to suitable mental health facilities where beds are often unavailable. Jails also hold people for a variety of government purposes; they hold individuals wanted by the armed forces, for protective custody of individuals who may not be safe in the community, for those found in contempt of court, and witnesses for the courts. Jails often hold state and federal inmates due to overcrowding in prison facilities. Jails are commonly tasked with community-based sanctions, such as work details engaged in public services.

Jail Populations

Arrestees often arrive at the jail with myriad many problems. Substance abuse, alcohol abuse, and mental illness often mean that jail inmates are not amenable to complying with the directions of jail staff. Many have medical problems, psychological problems, and emotional problems. Inmates can display the full gambit of human emotions: jail staff may see fear, anxiety, anger, and depression every day. Behaviors often mirror emotional state, and at times staff must deal with noncompliant, suicidal, or violent inmates. While inmates are in custody, the jail is responsible for their health and wellbeing.

Jails function in a role as a service provider for the rest of the criminal justice community. Jail administrators have very little discretion in who goes to jail and how long they remain in custody. Law and policy play a big role in dictating who goes to jail, as do the discretionary decisions of probation and parole officers, law enforcement, and judges. Prevalent community attitudes are also important because voters can place pressure on law enforcement and the courts to make more arrests and prosecute more offenders. When this happens, more people end up in jail.

Juvenile Detention

Many jails temporarily detain juveniles pending transfer to juvenile authorities.

Recent research by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) shows that the trend in juvenile incarceration is toward lower numbers and a move toward local facilities. The juvenile offender population dropped 14% from 2010 to 2012, to the lowest number since 1975. In the March 2015 report, it was noted that for the first time since 2000, more offenders were in local facilities than were in state-operated facilities.

The degree of security present in juvenile facilities tends to vary widely between jurisdictions. An important measure of security used in OJJDP reports is locking youth in “sleeping rooms.” Recent data indicates that public agencies are far more likely to lock juveniles in their sleeping quarters at least some of the time. A majority of state agencies (61%) reported engaging in this practice, while only a relatively small number (11%) of private agencies reported this practice. More than half of all facilities reported that they had one or more confinement features in addition to locking juveniles in their sleeping room (which usually happens at night). These security features usually consist of locked doors and gates designed to keep juveniles within the facility.

Unlike adult jails, juvenile detention takes place in a variety of different environments. According to the OJJDP study, the most common type of facility were facilities that considered themselves to be “residential treatment centers,” followed by those that considered themselves to be “detention centers.” The classifications of “group home,” “training school,” “shelter,” “wilderness camp,” and “diagnostic center” are also used. Group homes and shelters tended to be privately owned, and detention centers tended to be state-run facilities.

Key Terms


Corporal Punishment, Custody, Detention Centers, Detention Facility, Diagnostic Center, Gaol, Group Home, Intake, Juvenile Detention Center, Office of Juvenile Justice and Delinquency Prevention (OJJDP), Penitence, Prison

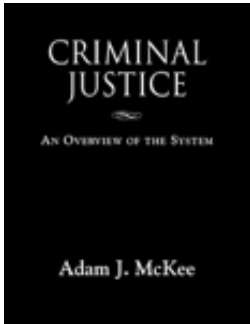
Industrial Complex, Residential Treatment Center, Shelter, Training School, Wilderness Camp

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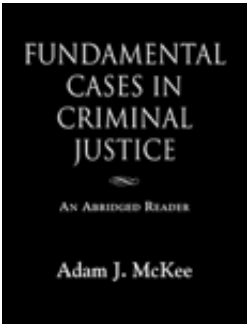
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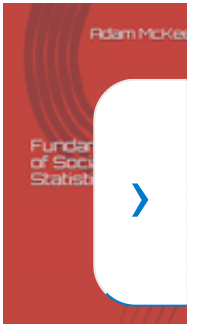





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