

CASE 1

Angela sat numbly as her sentence was read, chilled with the same sinking feeling that gripped her when she and Kate had been arrested. 30 days in jail!

What they did was just so stupid. They'd gone out for a couple of drinks after their last final, before leaving college for the summer. They were hungry, and Kate suggested going someplace really nice for dinner. Neither one could afford it, but that wasn't going to be a problem. They ordered dessert after the meal. Kate excused herself, and when dessert came, Angela told the waiter she'd better check on her friend, who might have had too much to drink. Angela slipped out the door and into the parking lot where Kate was waiting with the car's motor running. They took off, giggling over their escapade. To their dismay, two waiters and the manager blocked the exit, and shortly after, the police arrived.

Kate's parents hired a good lawyer for her, but neither Angela nor her parents had that kind of money. Kate and Angela were tried separately, and although they were charged with the same offense, their sentences were quite different. Kate's lawyer was aware of California's Pay-to-stay jail program, and had come to court prepared with a pre-arranged acceptance letter from the jail to use in the event of a conviction and jail sentence. The lawyer had made arrangements by phone by providing the charges, court, judge and case number, and contact information for Kate's employer. Kate paid \$108 cash per night for a room pretty much like her college dorm room, certainly cleaner and safer than the overcrowded and sometimes violent regular cells. Even if Angela had been aware of the Pay-to-stay program (information about the program is not universally publicized nor offered: it often must be requested by the attorney), she could not afford it. Angela was assigned a barred cell that she shared with another prisoner.

The difference between the sentences was not limited to the type of cell. Because Kate was in the Pay-to-stay program, she was allowed to leave jail during the day for work release, able to keep her summer job and continue earning income. She did have to return to jail at night, but she returned to relative quiet and privacy. Kate was able to have her laptop and mp3 player, so she could watch movies and listen to music. Angela was not allowed to leave jail at all during the 30 days, and unfortunately, lost her job because she was gone from it for a month. She wasn't allowed a computer, mp3 player, or cell phone. She was able to get a book from the library cart a few days after she was incarcerated, but before that she mostly spent her time lying on her bunk with nothing to do. The constant noise and lack of both privacy and cleanliness were stressful, but Angela's greatest source of distress was feeling unprepared to defend herself from gangs and prison violence. She didn't know how she could go a month without bathing, but she was terrified of the communal showers.

The cost per day of keeping a person in jail varies significantly from one locale to another, but runs into the tens of thousands of dollars per inmate per year. California has about a dozen "Pay-to-stay" jails that have been in operation for the past several years, purportedly providing a source of revenue for programs that benefit all prisoners.