

POPULAR GOVERNMENT

April-May, 1968

Published by the Institute of Government

The University of North Carolina at Chapel Hill



This month

Preferential taxation of farm land

Films and public officials

Some different approaches to jails and their uses

Protecting local government money

Juvenile detention in North Carolina



The cover photo shows the 16-inch guns of the U.S.S. North Carolina during the bombardment of Iwo Jima as depicted in the production "The Immortal Showboat," given nightly at the Battleship Memorial at Wilmington.

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TAXING FARM LAND:

The Market Value Dilemma

by Henry W. Lewis

[*Editor's Note: This article is taken from an address prepared for the Fourteenth Annual Farm Credit Conference sponsored by the North Carolina Bankers Association in February.*]

A plane ride over North Carolina will verify the geographic and statistical fact that much of the area of this state can be classified as farm land. If wooded land and pasture, as well as tilled acreage, are brought within the definition, the portion of North Carolina's surface which is devoted to agricultural uses is substantial indeed. In terms of assessed valuation, however, farm land thus broadly defined furnishes only about one-fourth of the property tax base in this state.¹ Each year, however, those charged with appraising farm land for taxation find this quarter of their work growing more and more difficult and controversial.

Three elements which have a bearing on the market value of farm land are widely analyzed and argued both here and elsewhere in the United States:

I. The presence or absence of forest growth, mineral deposits, and water resources.

II. The presence or absence of crop allotments.

III. The presence or absence of such locational factors as advancing urban, residential, commercial and industrial development, and limited access highways.

The first of these elements—timber, minerals, and

water—offers subject matter for separate study and must be left for another day. Some consideration of the other two value elements will absorb the time presently available.

The Tax System

Since taxation of farm land is the framework in which these factors are to be examined, it is necessary to set out a few basic truths about how property, real and personal, is taxed under the Constitution and statutes of North Carolina:

I. The Constitution of this state does not require that any property be taxed. Whether to use or authorize a tax on property is left to the discretion of the General Assembly. Furthermore, in making its choice, the legislature is free to define and describe the categories or classes of property it selects for taxation if it selects any. This is known as the power to classify. (Bear in mind that the legislature alone has this power, and it may not delegate it.)² Once the legislature decides what categories of property it will tax, it may permit a given class—farm land, for example—to be assessed or taxed on a basis lower than that used for property in general.

II. In the exercise of its authority to tax, the General Assembly has selected certain categories of intangible personal property for taxation at reduced rates by the state itself,³ and (with minor exceptions) has assigned to local units of government

1. N.C. Dept. of Tax Research, STATISTICS OF TAXATION (1964), Table 121, pp. 330-342. The most recent (1966) edition of this report does not give comparable assessment data.

2. N.C. CONST. art. V, § 3.

3. N.C. GEN. STAT. §§ 105-198 to -217 (1967).

authority to tax at full value and full rate all other property not specifically exempted by law.⁴

III. The methods, procedures, and standards to be adhered to by counties and cities in taxing property are prescribed by state law in the Machinery Act. To the county is assigned the threshold job of placing a value on the property to be taxed—a value that must be used by the cities within the county as well as by the county itself.⁵

IV. The State Constitution has nothing to say about whether property is to be valued for taxation according to market value or any other standard, but it does require that all property in a legislatively defined class be taxed uniformly by the taxing unit.⁶ Uniformity in this sense requires assessment in terms of the same value standard and taxation in accordance with the same rate throughout the unit. In the Machinery Act, however, the legislature directs county officials to appraise all property “at its true value in money,” after which—if desired—the county is permitted to assign some fraction of the appraised value as the tax assessment, so long as the same fraction is taken for all property.⁷

V. The time at which property is to be appraised for taxation is established by the Machinery Act. Personal property must be appraised each year. Real property must be appraised every eighth year (in accordance with a statutory schedule), but if individual parcels are subjected to any of an explicit list of changes between octennial revaluations, they must be reappraised for the year following that in which the change took place.⁸

The law concerning farm land appraisal

VI. In making an appraisal of real property—farm land, for example—the county officials work under rather carefully drawn statutory directives:

A. Standard uniform schedules of values must be developed and compiled in writing before any properties are appraised.⁹ (Thus, for example, typical per-acre values must be established to reflect the market value of the kinds of farm land in the county.)

B. In appraising land, the county officials must see that each parcel is visited and observed by a competent appraiser, who is required to *consider* “at least its advantages as to”

1. Location
2. Quality of soil
3. Quantity and quality of timber
4. Water power
5. Water privileges
6. Mineral or quarry or other valuable deposits
7. Fertility
8. Adaptability for
 - a. Agricultural,
 - b. Commercial, or
 - c. Industrial uses
9. The past income therefrom
10. Its probable future income
11. The present assessed valuation, and
12. Any other factors which may affect its value.¹⁰

Although the General Assembly has classified a few items of tangible personal property for preferential tax treatment, it has never removed any real property from the broad class in which all other property is encompassed. Thus, farm land has not been classified by the legislature for preferential treatment, either through reduced valuation or through reduced tax rate. And, as already noted, county and municipal authorities have no authority to classify it for treatment different from that accorded other property. To do so would raise grave questions under the constitutional requirement of uniformity.

Traditional Treatment

For proper perspective, it will be helpful to look at the State of Virginia, whose constitutional and statutory limitations in this field are similar to North Carolina's. Addressing a 1967 conference in Charlottesville, the assessor of Prince William County said:

... here in Virginia we have more or less an adopted unwritten policy to keep assessments low on farm land in order to protect the farmer and keep him in business. Of course, in using this method in many areas we have lost our uniformity and equality of assessments.¹¹

Responsible and concerned North Carolina officials are generally agreed that farm land in this state is valued for taxation below the standard used for valuing commercial, industrial, and residential land—not merely farm land lying in the path of urban expansion, but all farm land.

The Prince William official continued his analysis of the assessor's problem:

Instead of one equalization problem, we have two. One is the equalization of agricultural land, and the other the equalization of developed areas. Agricultural land is assessed on the average

4 N.C. GEN. STAT. § 105-281 (1967).

5 N.C. GEN. STAT. §§ 105-294, -333 (1967).

6 N.C. CONST. art. V, § 3.

7 N.C. GEN. STAT. § 105-294 (1967).

8 N.C. GEN. STAT. §§ 105-278 to -280 (1967).

9 N.C. GEN. STAT. § 105-295 (1967).

10. *Id.*

11. Arthur L. Shoemaker, *The Appraisal of Agricultural Land*, in PROCEEDINGS OF THE TWELFTH ANNUAL VIRGINIA ASSESSORS' INSTITUTE (1967) 18.

at 25% to 30% of its true value, whereas developed areas are more in the area of 85% to 90% of true value. . . .¹²

If this analysis fits many North Carolina counties, the wonder is that litigation has been so slow to develop.

Political Interest

Consider the plight of the county authorities. Traditionally rural-minded, they acknowledge that farm land has been assessed at a fraction of its market value smaller than that used in assessing other categories of property—town-based commercial and residential real estate, for example. In the past, when most influential town dwellers owned rural land, and when the property tax take was small, open opposition to this appraisal policy was rare. Today owners of city property and industrial firms are looking with a sober eye at the tax values assigned farm land in comparison with those assigned other categories of property. (Parenthetically, the “true farmer,” so called, is worried about the prices being paid for farm land by business and professional men who are not dependent upon farming for a living.) Owners of farm land without crop allotments are observing the values assigned farms with allotments; and the owners of farm land remote from interstate highway interchanges are watching the values assigned tracts adjacent to such vital spots. County officials cannot ignore this scrutiny. Occasionally men are elected to boards of county commissioners upon their promises to deal with the farm land appraisal situation—and not always from the same point of view.

Crop Allotments

For a number of years the tobacco-growing counties have attempted to wrestle with the presence or absence of allotments as a factor in establishing farm land tax values. More than one technique has been tried—some requiring direct and recorded treatment, some cloaking the value increment in base acreage figures. It is rare that one hears the argument that the allotment has no bearing on market value. County authorities are facing the fact that they have no legal basis on which to ignore the allotment's worth in making farm land appraisals.

Just what an acre of allotment is worth—both before and since poundage limitations—and whether an acre of allotment is worth the same amount throughout a given county are valid issues for debate. (Per-acre assessments have varied widely.) Sales are not always reliable yardsticks, especially if they are infrequent or if a purchaser is buying to enlarge existing holdings. The state of tobacco's health is a factor to be reckoned with.

But the method by which the value increment attributable to an allotment is recorded on the tax records has more than technical or administrative interest. If it is recorded separately from the value assigned the bare land, a change in the allotment system between octennial revaluations would make immediate revaluation of affected farms mandatory.¹³ But if it is not recorded separately, revaluation of affected farms may be delayed until the next octennial revaluation, with obvious financial consequences for the owner.

What ways of affording tax relief to farmers have been tried?

It is sufficient to note that, in the absence of legislative action, assessors have no legal alternative to taking crop allotments into account in the appraisal of farm land for tax purposes—by whatever technique. The dollar figure to be assigned is a matter for local decision, and unless a property owner can demonstrate that the value assigned the allotment in appraising the land is wholly unrealistic, it is unlikely that the appraisal can be upset.

Tax Relief Techniques

The 1967 General Assembly saw the introduction of a bill designed to classify for tax purposes “land which is actively devoted to agricultural uses.” Under this proposal, in appraising agricultural land the assessors would have been permitted to “consider only those indicia of value which such land has for agricultural use.”¹⁴ Its potential worth for other uses could not have been taken into account. The subsidy character of this proposal and the opportunity it seemed to afford speculators no doubt contributed to its defeat, but its introduction served to demonstrate that those concerned with tax relief for farm land are acquainted with the legislature's classification power and will seek to have it employed.

In areas witnessing a growing concentration of people and businesses, more and more land is being transferred from agricultural uses to residential, business, industrial, and other essentially urban uses. Landowners who choose not to sell, and those whose farms have not quite been reached by the urban tide, are disturbed by the efforts county authorities make to carry out the tax law's full value appraisal mandate. The heart of the farmer's position is this:

13. N.C. GEN. STAT. § 105-279(3), par. e (1967).

14. General Assembly of North Carolina (1967), S. B. 532 and H. B. 1116. For an analysis of similar legislation in other states, see HADY & STINSON, TAXATION OF FARMLAND ON THE RURAL-URBAN FRINGE, U.S. Dept. of Agriculture, Agricultural Economic Report No. 119 (1967) 2.

12. *Id.*

Even if his land will bring the high figure suggested, money will not solve his problem. As a farmer he is not trained to make money from cash investment; he requires land on which to exercise his skill; such land may not be available in a suitable location at the price he can pay. Full value tax appraisal will force him to change his pattern of life.

This state's traditional attitude toward farm land appraisal has already been noted. But that pattern is changing as county after county proceeds with scheduled real property revaluations, and, increasingly, attention is being paid to the legal necessity of attempting to value all property at current market value. The proposal for preferential assessment of farm land rejected by the 1967 legislature is only one of the solutions which have been adopted in other states. North Carolina may see others tried here:

For example, a second technique for granting tax relief to farm land through legislative classification calls for tax deferral. As developed elsewhere, under such a plan the assessor is required to place two values on all farm land: (1) its value in agriculture, and (2) its value on the unrestricted market. So long as it is used for farming, the land would be taxed on the basis of its agricultural appraisal, but whenever its use is shifted, the taxes would be recomputed on the basis of its unrestricted value, and the difference would become a lien on the land and immediately collectible. (In most instances, such schemes have included a time limit on the retroactive tax liability—two to seven years, for example.) The administrative complications in such a plan would be substantial, but it would afford the desired relief so long as the land is farmed and insure that the speculator would not profit from the deferral.¹⁵

What may be the long-term implications of preferential taxation of farm land?

A third technique would require the county (or a city)—on the basis of community desire to maintain open spaces in developing areas—to make contracts with landowners under which, in return for the owner's promise to keep his land in agriculture, the county would agree to assess it for taxation as such. Still a fourth technique is strict agricultural zoning in accordance with a county or area development plan. Under these last two arrangements, the legal restraints on the use to which the farm

land might be put would, it is assumed, limit its market price and, necessarily, its tax value.¹⁶

Farm Land in Context

So long as North Carolina requires its counties and municipalities to draw on the property tax for most of their tax revenues, and so long as the responsibilities assigned local government remain undiminished—not to say increased—it is inevitable that local units must extract greater numbers of dollars from that tax.¹⁷ Admitting the strength of the farmer's case—whether he is a tobacco farmer, or one whose land is located where it is worth more for non-farm than farm uses, or one who as no special situation—thoughtful citizens have a responsibility to examine that case in a larger context. If, through classification or some other legislatively sanctioned plan, farm land is granted special consideration, it is likely that those concerned with preferential classification for business inventories will be able to press their case with greater success than heretofore. Soon good cases will be made for rental property in central city areas, for industrial real estate, and so on. If these pleas—all with special justifications—are heeded, the local tax base will be so eroded, so reduced, that the real and personal property remaining in the diminished base will be forced to carry a tax load altogether unfamiliar in North Carolina. At that point the demand for general relief from property taxes will become acute. Such relief will not be available unless different sources of tax revenue are assigned to local government or unless local government is relieved of some of the functions it has traditionally performed. Thus, the valuation of farm land for tax purposes cannot be examined in a vacuum, and proposals for affording it tax relief must be weighed with an eye to their effect on the entire state-local governmental partnership.¹⁸

16. *Id.* For an interesting report on governmental use of easements, see Howard L. Williams and W. D. Davis, *Effect of Scenic Easements on the Market Value of Real Property*, 36 APPRAISAL JOURNAL 15 (1968).

17. MUSHKIN, PROPERTY TAXES: THE 1970 OUTLOOK, The Council of State Governments (1965) 10-11.

18. In addition to the publications cited in other footnotes, the following may be consulted with profit:

a. CROUSE & EVERETT, RURAL APPRAISALS (1956).
b. Frederick D. Stocker, *How Should We Tax Farmland in the Rural-Urban Fringe?* Address before 54th Annual Conference on Taxation sponsored by the National Tax Association (U.S. Dept. of Agriculture, 1961).

c. FARM LAND ASSESSMENT PRACTICES IN THE UNITED STATES, A Research Report Prepared by the International Association of Assessing Officers with the Cooperation of the Council of State Governments (1966).

d. Four papers printed in 1967 ASSESSMENT ADMINISTRATION, Proceedings of the 33rd International Conference of the International Association of Assessing Officers (1967):

(1) William Scofield, *Economic Forces Affecting Farmland Values*, pp. 159-162.
(2) Thomas F. Hady, *The Growing Rural-Urban Controversy: Taxation of Farmland on the Rural-Urban Fringe*, pp. 163-167.
(3) Frank W. Bainbridge, *The Changing Face of Urbanization*, pp. 168-172.
(4) William P. Walker, *The Growing Rural-Urban Controversy*, pp. 173-176.

e. Joe Elliott, *Farmers Must Have Land Tax Relief*, THE PROGRESSIVE FARMER (April, 1967) 43, 68.

f. North Carolina Association of County Commissioners, Minutes of Meeting of Board of Directors and Property Tax Committee, April 30, 1963.

15. HADY & STINSON, *supra*, note 14, at 3.

PROTECTING

Local Government Money:

Some Comments on

North Carolina Fiscal Control Laws

by Paul E. Pyles

[*Editor's Note: Mr. Pyles, a certified public accountant, is on the staff of the Local Government Commission of the State of North Carolina and serves as supervisor of the Commission's Advisory Accounting Section, which has the responsibility of assisting the local governmental units of this state in all matters pertaining to accounting systems and fiscal reporting.*]

The County and Municipal Fiscal Control Acts are a friend to all who are responsible for local public money. They witness to honesty and strengthen conscience. Occasionally local government units complain that particular sections of these statutes should not apply to them. In effect they say, "This ready-made suit of laws is too tight in this spot. It cramps our style. Let out a seam to relieve us." And some counties and towns have been exempted from certain sections by special act of the legislature. Nevertheless, com-

pliance with these laws is a safeguard for both the governmental unit and its officials and employees against the misapplication of funds that often leads to embezzlement and fraud.

The County Fiscal Control Act (G.S. ch. 153, art. 10) and the Municipal Fiscal Control Act (G.S. ch. 160, art. 33), designed principally to protect public money, were enacted by the North Carolina General Assembly in 1927 and 1931 respectively. Since then they have been amended many times, primarily to provide for new trends in public demands for governmental services that were not contemplated in the original acts. Also, many local bills have been passed exempting certain units from specific sections of the law. The Fiscal Control Acts as they stand now are therefore complex and intricate. The purpose of this article is to set forth and comment on certain provisions of the law that spell out the du-

ties of the people who handle the money and the people who keep the books for counties, cities, towns, schools, and other political subdivisions of the state.

Cash Collections

Officers and employees of local governments who collect or receive money belonging to their unit are required by G.S. 153-135 (Counties) or G.S. 160-411.4 (Cities and Towns) to deposit these funds daily with the treasurer of the unit or the official bank depository designated by its governing body. Immediately after the deposit is made, the person who makes it must report the amount to the unit's accountant by means of a treasurer's receipt or duplicate deposit ticket signed by the bank depository.

As an alternate procedure, the governing body may permit a collecting officer or employee to accumulate up to \$250 before depositing it, but in any event he

must deposit all money on hand on the last business day of each month.

Failure to conform with these requirements is a misdemeanor punishable by fine or imprisonment. Violations of the statutory requirement that all incoming cash be deposited promptly and intact should not be considered mere technicalities that will make no difference in the long run. They are instead the first step down the primrose path to the everlasting bonfire. Letting a cash custodian get away with them is like inviting him to borrow from the till, and all local government officials are urged to enforce compliance with these prudent provisions of the law.

Control of Expenditures

The term "expenditures" is broader in meaning than the term "expenses," although the two are often confused. According to the National Committee on Governmental Accounting's publication entitled *Municipal Accounting and Auditing*, the word "expenditures" includes (1) expenses incurred, whether paid or unpaid, (2) payments on debt, and (3) capital outlay payments.

The first step in controlling expenditures is to require that none be made unless provision for its payment has been made by an appropriation in the budget or by bonds or notes duly authorized. This article will not deal with the statutory requirements for budgeting, but refers the reader to the excellent discussion on pages 151-243 of the Institute of Government's publication *County Finance*, by Robert G. Byrd. This passage includes a chapter on budgeting for public schools and other educational institutions.

Several other statutory provisions are directed toward control of expenditures. G.S. 153-130 (Counties) and G.S. 160-411 (Municipalities) make the use of purchase orders mandatory by declar-

ing that no contract or agreement or requisition requiring the payment of money shall be valid unless it is in writing. Furthermore, all bills or claims against the local government must be in writing. They must be approved for payment by the head of the office, department, institution, or agency for which the expense was incurred, and also by the county or municipal accountant as to availability of funds.

G.S. 153-116 and G.S. 160-409.3 state that the county or municipal accountant "shall not allow any bill or claim unless the same be itemized as to show the nature of the services rendered." It seems reasonable to assume that the term "bill or claim" as used here means invoices for goods sold or work done and payrolls for services rendered. Thus the laws controlling the expenditure of public money provide substantially the same means employed by private enterprise for this purpose.

Accounting for Public Money

G.S. ch. 160, art. 20, entitled "Accounting Systems," reads:

Accounting systems shall be devised and maintained which shall exhibit the condition of the city's assets and liabilities, the value of its several properties and the state of its several funds. Such systems shall be adequate to record in detail all transactions affecting the acquisition, custodianship, and disposition of values, including cash receipts and disbursements. The recorded facts shall be presented periodically to officials and to the public in such summaries and analytical schedules as shall be necessary to show the full effect of such transactions for each fiscal year upon the finances of the city and in relation to each department of the city government; and there shall be included distinct summaries and schedules for each public utility owned and operated by the city. In all respects, as far as the nature of the city's business permits, the accounting systems maintained shall conform to those employed by progressive business concerns and approved by the best usage. The governing body shall have power to employ accountants to assist in devising such accounting systems.

When this law was passed in 1917, all progressive business concerns were using double-entry systems of accounting. The legislature obviously intended that such systems also be used in cities until something better could be developed, even though the term "double entry" did not appear in the statute.

To clarify the general objectives of the 1917 statute, the County and Municipal Fiscal Control Acts laid down more specific rules relating to accounting systems. First, they specified the funds that must be maintained as separate segments of the accounting system. (The term "fund" as defined in these acts means "a sum of money or other resources segregated for the purpose of carrying out specific activities or attaining certain objectives and constituting an independent fiscal and accounting entity.") Second, they describe (G.S. 153-116 and G.S. 160-409.3) the duties of the county or municipal accountant:

He shall keep or cause to be kept a record of the date, source, and amount of each item of receipt, and the date, the payee or contractor, the specific purpose, and the amount of every disbursement or contract made; and shall keep or cause to be kept a copy of every contract made requiring the payment of money.

Reporting Financial Condition

In these same sections (G.S. 153-116 and G.S. 160-409.3), the Fiscal Control Acts say also that the county or municipal accountant shall, as often as he may be directed by the governing body, file with the governing body a complete statement of the financial condition of the county or municipality and its subdivisions, showing the receipts and expenditures of the different offices, departments, institutions, and agencies.

The annual financial reports of all the counties in the state for the fiscal year 1966 have been submitted to the Director of Local Government. These, plus the re-

Table I
1966 Audit Reports Submitted to the Director of Local
Government by Counties and Municipalities

	Counties	Cities and Towns
Audit Reports on File and Prepared by		
Certified Public Accountants	99	310
County Accountant	1	—
Others	—	2
Total Audit Reports	100	312
No Audit Reports on File	—	117
Total	100	429

ports for cities and towns, are shown in Table I.

Of the 117 municipalities for which no audit reports have been submitted, 110 are towns with a population under 1,000 in 1960. Twenty - six have outstanding bonds or notes. All towns that do not report independent audits are required to submit semiannual statements, as provided under G.S. 153-30, "showing financial conditions and financial operations on forms prescribed by said Director of Local Government."

Some of the towns with no audit reports are not in compliance with the provisions of G.S. 160-401.1, which state that "[if] any person upon whom the powers and duties of the municipal accountant are imposed and conferred is a tax collecting officer of the municipality, it shall be the duty of the governing body to require all his books and accounts to be audited at least annually by a certified public accountant. . . . This statute may seem burdensome to many small towns, particularly those with only one part-time clerk who functions as both auditor and tax collector in addition to his other duties. However, to avoid noncompliance with the law and to close an obvious loophole, the town board should either use an outside auditor for an annual audit or assign the duties

of the tax collector to someone other than the town accountant.

What Happens When the Fiscal Control Acts Are Violated?

There are provisions in the Fiscal Control Acts to punish those who violate the law. For some violations, the sequence of events is like this: (1) The certified public accountant auditing the unit's books or examining its financial statements in the course of his routine auditing procedures finds evidence of violation. (2) The independent auditor discusses the preliminary evidence with the unit's top official—the mayor or the city manager, or the chairman of the board of county commissioners or the county manager. (3) This top official authorizes the auditor to examine further to find out how flagrant the violations are (or how long they have occurred, how much money is involved, and whether the violations are subject to civil penalties, criminal penalties, or both. (4) The results of the special investigation are then presented to the mayor or the chairman of the board of commissioners, as appropriate.

If the violations are deemed subject to criminal punishment, it is the duty of the mayor (G.S. 160-412.3) or the chairman of the board of commissioners (G.S. 153-139) to report to the district solicitor

for "all facts and circumstances showing the commission of any offense as defined herein, and it shall be the duty of the solicitor to prosecute." Although not spelled out in the statutes, the solicitor's first step is to weigh the evidence and decide whether criminal prosecution should be undertaken. He may ask the governing body to provide help by engaging the services of a private prosecutor or by calling for the assistance of the State Bureau of Investigation, or both.

The Fiscal Control Acts state that if any official or employee shall *willfully* violate any part of the Act, or shall *willfully* fail to perform any of the duties of his office, he shall be guilty of a misdemeanor, and also shall be liable for all damages caused by his violation or failure.

Many sections of the Fiscal Control Acts hold public officials personally liable for damages in instances where willfulness need not be proved. In such cases, the evidence should be presented by the local unit to the bonding company on the offending official's fidelity bond, as support for a claim against the bonding company, to recover the amount of damages suffered by the unit.

Needless to say, the offending official or employee should be relieved from the duties of his office. It then becomes necessary to find a capable, conscientious, honest person to replace him. Such people are hard to find, and like almost everything else, their price is going up.

Credits: Cover photo courtesy of Hugh Morton. All other pictures by Ted Clark. Layout by Lois Filley.



HANDS and FACES

INSTITUTE SCHOOLS

1

Hands and faces. Some quiet and contemplative, some alive and argumentative, some puzzled or amused. Even hands speak. —All interested in whatever is going on in their school or conference. We know the names of some of these hands and faces. Others we do not know. But we are pleased at the reception they are giving the material they receive here at the Institute.

2



3



4





5



6

and CONFERENCES

Hands and faces. 1. Lindsay Everett and Clifford Bampton, Wildlife Supervisors School. 2. Public Finance Officers. 3. Probation In-Service Training School. 4. Public Finance Officers. 5. Utility Management School. 6 Magistrates School. 7. John Voorhees, Raleigh City Planning Department, who spoke at the Historic Preservation Seminar. 8 and 9. N. C. Tax Collectors Association.

7



8



9



MORE HANDS and FACES



5



1



4

More hands and faces. 1. County accountants. First row: Clyde F. Jones of Chatham, D. F. Reed of Perquimans, and Ralph Hunter of Washington. Second row: Estelle Wicker of Moore and Rossie Whatley of Brunswick. 2. Purchasing school. Charles Pooey, administrative assistant to the Lenoir city manager, and Garland Atkins, Lenoir garage superintendent. 3. Public Finance Officers. Bob Stipe of the Institute and Ronald Scott of the State Planning Task Force. 4. School Board Members. Mrs. George Hutchinson, Stokes County School Board, and Mrs. E. K. Gravelly and Mrs. Tom Dill of the Rocky Mount City School Board. 5. Dick McMahon of the Institute staff teaching in the In-Service Probation Training School.

3



2



The USE of FILMS in TEACHING

PUBLIC OFFICIALS

by Elmer Oettinger

[*Editor's Note: This address was prepared for presentation at the annual meeting of the Society of Cinematologists, New York University Television Center, March 30, 1968. The author is an Institute faculty member whose fields include the mass communication media. He has also been affiliated with the Department of Radio, Television, and Motion Pictures at the University of North Carolina at Chapel Hill.*]

Time was when I showed my classes *Potemkin*, *Birth of a Nation*, *Nanook of the North*, *The Informer*, *Citizen Kane* and *Open City*. Now I show *Eye of the Beholder*, *Production 5118*, *The Inner Man Steps Out*, and *All I Need Is a Conference*.

The difference in titles reflects a difference in students. The faces no longer are those of young, eager undergraduates, studying film and seeking university degrees. They are, rather, those of mature public officials, usually with less interest in the cinema, met in short courses to increase their competence and awareness in serving the public.

These officials are not interested in frames, shots, or angles. Their concern is with public law and government. They see films as a teaching device and gear themselves to look and listen for substance. They are, for the most part, able, intelligent, dedicated men. Included among them are judges, city and county attorneys, city managers, city and county board members, accountants, educators, law enforcement personnel, and state legislators and administrators. Although, by and large, they may not be able

to define and analyze film art, they usually recognize it. No doubt they are aware that often the better the film as art, the more effective it tends to be as instruction. Usually they see in teaching films not merely procedures and techniques which are useful in public service but also sets of values to which a public servant can adhere.

Huge Range of Teaching Films Available

The titles of educational films are legion. They fill catalogues. They are listed and cross listed—alphabetically and by subject matter; cited by year, by length, by producing company, by distributor. A brief and sometimes inadequate plot or story line usually appears in the catalogues. To make the best selection possible for our specific teaching purposes would require almost continual previewing of “educational” motion pictures. I, and my colleagues, do preview many films. Even so, our ultimate selections must come from a very limited acquaintance with the literally thousands of films available for teaching purposes.

The availability of a wide range of filmed or taped television programs adds to both the potential and the problem. Some are extremely useful documentaries. In many instances television shows tend to be talk and more talk. Sometimes the quality of the content is obscured by a static production. As debate, lecture, and discussion take over, the art of the film is lost. And I find myself wishing that more makers of teaching films had a sense of film art

comparable to those who make the best entertainment and documentary films distributed on the world market. On the other hand, I have not infrequently wished that a clear sense of values, inherent in many of the teaching films, somehow could be translated more often into the popular film of the entertainment world.

Again, I have caught myself yearning for some source of expert, objective criticism and analysis of teaching films comparable to those readily available in certain newspapers and magazines for entertainment films. The numbers of teaching films are so great, and their increase so rapid, that astute selection is difficult. Let's say we need a good film on city planning. There, in one listing, we find *Cities, How They Grow; City; A City is Born; Levittown; Living City; and Three Steps to Start*. Other listings augment this number tenfold: *No Time for Ugliness, The Resistant Seed; Small Town, U.S.A.* Then we try films listed as relevant to community life: *The Detached Americans; Hangman; Parable*.

Would we like to give officials in the field of education something to think about? We might try *Still Achieving, Still Pursuing; In Webster Groves; Operation Headstart; Dropout; Segregation in the Schools; or The Three R's Plus*. Members of library boards may be interested in *Librarian; Library Story; Not by Books Alone; Books for All; or The Art of Telling Stories to Children*. So we look at them—or some of them.

Obviously, public officials need to communicate with the public. In addition to *Eye of the Beholder, Production 5118*, and others designed to probe written and oral communication, these titles are available—and they are only a small sample of the total: *Getting the Facts; Getting Yourself Across; Making Yourself Understood; More Than Words; Person to Person Communication; and The Man Who Knows It All*. Attorneys, registers of deeds, and other officials are concerned with the domestic relations law. On the subject of marriage and divorce, they might be shown *I Do; It Takes All Kinds; Choosing Your Marriage Partner; How Much Affection; Jealousy; Early Marriage; or In Time of Trouble*. We teach officials concerned with water resources. They might find profitable such films as *Good Riddance; Nature's Plan; Man's Problem; Water; or Water for Dry Land*.

There are films on local government: *Community Governments, How They Function; Defining Democracy; Centralization and Decentralization*. There are films on federal government: *President; Congress; Supreme Court; Vice Presidency*. There are films on state government: *The Ayes Have It*. There are films on citizenship: *Are You a Good Citizen?; Citizenship in Action; Citizenship and You*. There are films on the Constitution: *The Great Rights; With Liberty and Justice For All; Due Process of*

Law Denied; The Women Get the Vote; The Bill of Rights in the United States. If we prefer, we can show a whole series on decisions: *The Constitution in Action*. Titles include *The Constitution and Employment Standards; The Constitution and the Labor Union; The Constitution and the Right to Vote; The Constitution and Censorship; The Constitution and Military Law; The Constitution: Who's Interpretation?* Or we might try the *Blessings of Liberty* series. It includes films on *Freedom of Speech; Freedom of the Press; Freedom of Religion; Rights of the Accused; Fair Trial; Equal Rights; and The Bill of Rights*. And we find many films on the courts, ranging from such standards as *Basic Court Procedures; Building Political Leaderships The Role of the Supreme Court; and The Court Reporter; Pre-trial Conference; Decision for Justice; Man on Trial; Storm Over the Supreme Court; Story of a Trial; Sunrise on a Dirty Face; Trial by Jury; and You. The Jury*.

Another series concerns *The Criminal Man*. In this group are such films as *The Criminal; The Born Criminal; The Anthropomorphic Criminal; The Ethnological Criminal; The Alcoholic Criminal; and The True Criminal*. There is a series on civil rights: *Freedom of the Press; Understanding the Law; Justice Under the Law; and Of Human Rights*. Name Unknown is a film about illegitimacy. George Stoney's *All My Babies* is a fine example of a soundly crafted film on unmarried mothers and welfare; his series on law enforcement combines realism and know-how. We can find simple films in *Office Courtesy; Meeting the Public, and Office Etiquette*. We come across films with psychological and sociological bases. On the subject of social groups, there is the well-known *Harvest of Shame; and High Wall; and Neighbors*. Certain films are useful in the teaching and study of child welfare—films such as *Chance to Live; Assignment Children*.

The Losers concerns the narcotics habit; *Klu Klux Klan; The Invisible Empire* deals with race problems and law enforcement. *The Newcomers* relates to poverty. The television documentary *Bulldozed America* has to do with natural resources and conservation and development.

Among the films and television documentaries which we have found most useful in our teaching of judges, attorneys, law enforcement officers, and others concerned with the judicial process are *Criminal Justice in the United States* and *The Rights of the Accused*. The former is an NBC television documentary; the latter, a televised debate by the University of Michigan Television Center. The documentary on criminal justice, narrated by Chet Huntley, is a thoroughly competent production. *Rights of the Accused*, on the other hand, features Professor Yale Kamisar and three other members of the Michigan law faculty in a debate on recent Supreme Court decisions.

The Dangerous Years serves us well in our courses dealing with juvenile delinquency; *Every Hour, Every Day* and *The Thin Blue Line* have proved to be worthwhile documentaries on police. *Under One Roof* is a sensitive study of over-population problems. *John Augustus* is extremely helpful to probation officers and other corrections officials.

The North Carolina Fund, a statewide anti-poverty organization which predates the federal program, has, under the direction of two graduates of the University of North Carolina Department of Radio, Television, and Motion Pictures, produced three exceptional short films. The first deals with the Economic Opportunity Act; the second, entitled *Questions*, raises and meets head-on objections to economic opportunity programs; the third, *No Hand-outs for Mrs. Hedgepeth*, breathes film life into the story of a woman who, though impoverished, maintains her personal dignity and independence.

Films are produced with skill and artistry in the field of city and regional planning. Such films as *A Is for Architecture*; *Suburban Living: Six Solutions*; *Plan for Prosperity*; and *Pandora's Easy-Open Flip-Top Box* shows craft and style. This is not too surprising when it is considered that both *Suburban Living: Six Solutions*, dealing with the urban sprawl problem, and *A Is for Architecture* were produced by the National Film Board of Canada. Under an interesting title, *Pandora's Easy-Open Flip-Top Box* in fifteen minutes presents problems of environmental planning and design, including air and water pollution. One of the most cinematically sound series we use is *Lewis Mumford on the City*. This series is comprised of six films which survey subjectively but with taste and film sense the city in history, showing urban styles and development.

Our sessions for education officials provide viewing of such teaching films as *Fight for Better Schools*, *Design of American Public Education*, and *They Beat the Odds*. The last is an especially interesting portrayal of race problems.

Suggestions for Improving Distribution of Teaching Films

To preview and review many of these films is to be able to form certain judgments. Here are some conclusions, based on our experience: (1) Every teaching film should come with no less than two to three pages of background material on the film, together with questions for class discussion. No teacher worth his salt is apt to follow questions so provided to the letter, but their availability together with background information would provide a helpful adjunct for teaching purposes. Our discussions are as important as the showing of the film. (2) Two copies of materials should be sent with the film so that evaluation of the film, so often requested, can be made both for the producer or rental agency and

for the user to retain in his file. (3) Long leaders advertising the audio-visual bureaus which control the films should be removed from the beginning of films and inserted at the end. As things stand, film users bypass the leaders by setting the film up ahead of time. (4) Film libraries and rental agencies should be more thorough in taking poor prints off the market. Many teaching films arrive in bad shape. It is not unusual to find broken leaders and splices, often at the beginning of the film. (5) Confirmations should be sent sooner by rental agencies or film libraries. Many times the order is sent early; the film and sometimes the confirmation arrive late. (6) Word of new films needs to be disseminated more rapidly. A clearinghouse could, through organizational and other sources, provide immediate word on films in production and films just released. Such a service would permit much more rapid and efficient planning for showing films in the classroom. (The State Library and UNC Audio-Visual Bureau provide service here, and their updating is valuable). (7) More popular entertainment films need to be put on sixteen sooner and made available at minimum cost. (8) Research and a constant evaluation and reevaluation process requires much more planning and prescience by those who have responsibility for the use of the cinema in official and civic education. (9) A continuing effective liaison and a dialogue between those responsible for teaching film to public officials and community leaders need to be established and vigorously pursued.

Usefulness of the Entertainment Film for Teaching Purposes

Inevitably the question must arrive as to the usefulness of the entertainment film in teaching public officials and other non-film students. Two answers appear to the general question: (1) Certain Hollywood or foreign films can be used to great advantage in teaching public officials, and some are. (2) More thorough investigation needs to be made of the possibilities, and there is reason to believe that considerably greater use could be made, of all or portions of entertainment films in teaching. For instance, we show the segment of *Twelve Angry Men*, beginning after Henry Fonda makes his personal decision on the verdict, as part of our teaching of "the decision-making process." After the officials view the film, we ask them to work out ideas as to how the other jurors will react and ultimately accede to his view. We call their attention especially to questions of motivation and the order of accession. The film provides an excellent study of group process as well as decision-making. Although we have not yet tried them, I suspect that we might find *The Magnificent Yankee* a valuable adjunct to our teaching on the courts; *Anatomy of a Murder*, *Beyond a Reasonable Doubt*, and *Compulsion* useful in the

teaching of criminal law; *Advise and Consent* illuminating, at least in part, with regard to the federal legislative process; and *The Best Man*, were it available, revealing as to elections. Obviously these are only selected examples.

If and when new films can be offered to the classrooms sooner, a public purpose will have been served. *A Man for All Seasons*, although removed in time and locale, can have realistic impact on modern questions of political and social morality and ethical conduct. A number of entertainment films can be valuable in the matter of race relations. *Guess Who's Coming to Dinner*, to name only one of the most recent, has relevance for a consideration of social mores, marriage and facets of domestic relations, and family law.

The theme of human relations is served remarkably well in a few short minutes by an imaginative cartoon film such as Ian McLaren's *Neighbors*, as useful to officials as to students of the film. Consideration of the political epic and legislative process need not begin with a teaching film or with *Advise and Consent*; even so simple a presentation as *Mr. Smith Goes to Washington* could have utility.

Conceivably certain films could be used to illustrate facets of education; in this connection such diverse films as *The Children's Hour* and *Blackboard Jungle* come readily to mind. On the other hand, the typical Hollywood version of American education would appear to have little use in teaching—not even the musical *Good News*, with its little song teaching French to the athlete. Nor would such little memories as an epic entitled *The High School Hero*, a late 20's silent film in which the hero, accidentally shorn of his Roman toga during the inevitable high school play, cried out in living caption: "O filii mei boni belli!"

So often our teaching involves not merely factual and legal information but also perspective. We often deal with the gap between ideals and realities. This is true whether the field is education or criminal justice. Out of such themes can come great film art. At a time when police need instruction in human relations and the democratic process; when city, state, and federal officials with executive or legislative responsibilities need new guidelines and resources; when judges are confronted with a virtually new code of criminal procedure and reinforced mandates for equal justice and the rights of man; and when broader-based citizen understanding and participation in government are essential to a whole nation of first-class citizens, the need for creative, idea cinema to further facilitate and illuminate this vast effort and directions is apparent.

The makers of the teaching film—despite limitations of budget, casting, and directing—are challenged. On the other hand, some entertainment films constructed with superb artistry seem to lack values that would make them suitable for teaching

purposes. For the film takes its significance not only in movement and color and form and line, in composition and judicious cutting, in imagination and suspension of disbelief. It also partakes of the tradition of the drama. It usually uses the structure of the play at least so far as theme or plot are concerned. If cinema diverges from the standard structure of a play, it nonetheless retains story line, recognition scenes, and crisis and climax in treatment, and, like it or not, it borrows from the old doctrine so evident in the plays of Aeschylus, Sophocles, and Euripides on through the Elizabethan drama of Shakespeare to Ibsen, Shaw, O'Neill, and Arthur Miller: the casting of a mirror upon life, reflecting humanity with all its flaws, its hopes and dreams, its masks and folklore and yet, ultimately, with its goals, purposes, and ideals. Out of the latter are born themes—teaching themes—which, however incidentally, pervade and flavor films. Surely D. W. Griffith recognized this when he wrote that out of Hollywood's roots in "dung and mire" would grow "beautiful blossoms."

The Question of Reach and Grasp in Films

It is customary to dismiss the Depression film as escapist. Yet, in some, freshness and sincerity in writing and treatment and a willingness to deal in blunt, caustic terms with contemporary problems unmistakably were present. That the cinema is much more complex today in form and treatment, and deals with many more sophisticated ways, in no way negates the point. A film of courage must have standards which the audience is called upon to feel deeply, think about, and respect. That sort of film, carefully conceived and artistically wrought, has a central niche in the realm of enlightenment. To argue that art must appeal essentially to basic human emotions cannot alter the corollary that depth of intellect helps to inform and elevate that emotion. Only the synthesis of feeling and thought can produce the catharsis of great cinema. Characters must grow in self-recognition and awareness as the result of conflict with powerful opposing forces. When they do, theme and high purpose combine. For instance, for teaching purposes is desired growth or high purpose in *Bonnie and Clyde* or *The Graduate*?

I cannot help speculating on how I would possibly use *Bonnie and Clyde* or *The Graduate*—if they were available—in our courses for public officials. Is it enough to say that these were not intended as teaching films? Is it enough to suggest that in transitional times, values may be presented transitionally and ambiguously? The problem is that, regardless of film artistry, if the dice are too loaded in theme and characterization, the picture is doubtful guidance for persons entrusted with public

responsibilities. The sympathy for the criminal protagonists in *Bonnie and Clyde* would not set well with law enforcement officers or others involved in the courts, nor would any corruption of fact and perspective. The value of *The Graduate* to education officials, political and social scientists, domestic relation experts, and others who would have a natural interest is diminished by the unrelieved weakness and ineptness of the parents and the boarding-house keeper and the unremitting sympathy and approval for the young couple, however empty and unpromising their attitudes and values.

The point is not that film ever should abort theme or standards in the interest of some ethical or moralistic purpose. Cinema has both right and responsibility to establish its own sense of values. Anyone who has ever studied or analyzed scenario writing, or knows the roots of drama, is aware that the dice always are loaded in some degree by the writer as an inevitable concomitant to the formulation of plot and theme.

The danger, it seems to me, is that in transitional times our grasp in film entertainment may exceed our reach in truth and integrity of themes and characterization. Craft, technique, the understanding of film art advance at a rapid pace. Evidences are all about us. However, with the exception of race relations films, it seems that characterization, theme, substance, breadth and depth of rapidly advancing thought and idea—all important to most films—often lie fogged in the morass of transitional uncertainties. Protagonists, in such cases, tend to lack growth, and themes want cogency and clarity.

The Generation Gap in Film Treatments and Audiences

The well-known fact is that the motion picture continues to cater to those under 25 years of age who form a majority of the audience. Public officials on the other hand are almost without exception over 25. For that matter, so are voters. Louis Harris finds that most voters do not go the polls until they are married and settled, with families, and that usually comes in the mid-twenties. The generation gap is evident in film audiences. Watching *Bonnie and Clyde* as part of a university audience, I could sense student identification with the principals. They rooted for the success of every anti-social, criminal exploit and escape; applauded the shooting of the papier-mâché banker, law enforcement personnel, and other innocent persons; and booed the father of C. W. Moss when he turned Bonnie and Clyde in to the law. The over-all undergraduate reaction was in accord with that of the student seated behind me who, when the father conferred with the Texas ranger, murmured: "Son of a —!"

The older generation is less sanguinary. Judicial, legal, legislative and law enforcement officials are

advertent to the report of the President's Commission on Law Enforcement and Administration of Justice. They are aware of its call for "a revolution in the thinking" of the American people. Many of them concede faults and inadequacies in our law enforcement. A number work with the rehabilitation process. Some subordinate the punishment concept in corrections. Most are familiar with the detrimental impact of the split home, the absent father, the working mother, of the effect of poverty and ignorance and irresponsibility on those who turn to crime. They are not qualified as film critics and they would admit it. Yet, these officers and officials, and especially those concerned with the judicial process, might be expected to be bothered by the theme, characterization, approach, and perspective of *Bonnie and Clyde*. I think it is fair to say that they logically might feel that whatever the artistic achievement of the film, its effect is to create a sense of sentimental sympathy for criminals, an aura of excitement and gay adventure about crime, a bland disregard for human life and values, and an utter disrespect for the elements of law and justice in our society. When a newspaper article recently quoted a boy and girl who had robbed a bank as proclaiming that they had got the idea from *Bonnie and Clyde*, more than one officer of the law must have shaken his head knowingly and said: "There'll be more."

Some older officials have observed that the film couple "weren't at all like the real Bonnie and Clyde," and have wondered, as have some critics, about the responsibility to truth of artists who purport to portray history. It is almost as though some film makers take seriously Mark Twain's comment: "I regard the truth as being so precious that I have decided to use it as little as possible."

The Graduate can be viewed by officials with less emotional involvement. But once again criticism arises from the weighted contrast between the ineffective, prosaic, shallow, and, in one case, nymphomaniac, shadowy, straw parent and the full-blown, sensitive, forbearing, and human boy and girl. Life can be, as Mike Nichols makes it, a cross-section of comedy and tragedy spread, ironically and grimly, across a multicolored canvas. Parents can be remiss and deeply flawed, and *are*, even and notably in the affluent society. So *The Graduate* weights its scales, as does *Bonnie and Clyde*, for youth. Has not the film, like the ancestor theater, always done it? The cry of "O lost!" no longer belongs alone to Thomas Wolfe and the 30's; or to Hemingway and Fitzgerald and their generations of the 20's; or to Steinbeck and his Okies heading west; or to World War II or Korean War veterans seeking to re-establish themselves with family, trade, and peaceful society.

In matter of fact, the Depression youth and the citizen-soldier of the 40's rarely looked upon himself as lost. He tended to be an independent soul with fire and affirmation in his eyes and determination in his spirit. And he operated usually, despite the temptation of conflicting philosophies, within a framework of clear, pragmatic values—politically, socially, economically, idealistically. Some of youth today, sighting new horizons, both sees itself as "lost" and blames its elders for not endowing it with a better sense of values and a better society. That is new only in the breadth, context and potential for social change. In the battle of emerging peoples everywhere and the struggle for equality of citizenship, opportunity, employment, housing, and free social intercourse, youth finds evidence of failure by his elders and a cause for his generation. Yet youth too gropes for values and finds the quest frustrating and elusive. Having rejected traditional prevailing value systems, the search turns to elusive new substance from which to form the flesh, bone, and marrow of a new world.

Somehow, the Graduate seems as lost as those supposed relics of the 30's, Bonnie and Clyde. He is in revolt against the sterile society of his elders, but he is at loose ends, following his graduation from college. Throughout his strange hegira, he faces the temptations of older women and younger with amazing naivete and both the blind materialism of the affluent society and the blind revolt of the university campus with remarkable personal alienation, winding up in successful revolt from something he does not understand to something he does not understand.

The Split Set of Values in Films

It is this uncertainty of values, of intellectual content, which distinguishes such films as *The Graduate* and *Bonnie and Clyde* from the teaching film. Even the alleged background of the Graduate can be challenged. "To behave as he does," one newsman says, "he would have to be a loner." He could be bright, but he couldn't be the captain of the track team or managing editor of the student paper, as the script labels him. Such a boy would be more extroverted, less introverted; he would have male friends and things to do and places to go. He would not be so much without purpose or direction when he graduated." Whatever the validity of that judgment, I can vouch—as one who recently attended the seventy-fifth anniversary reunion of a university newspaper—that the parade of returned editors, managing editors, columnists, and reporters turned up not one whom I could recall as naïve or conceive to have been lost in the manner of the Graduate, whatever his generation or time of life. The news-writing breed simply does not seem to be constituted like the motion picture character. And while attorneys may well be subject to as many mistakes in public

and private life as others, I find that some can not swallow the domestic feebleness and incompetence of the supposedly successful lawyer parents who are the fathers in *The Graduate*. The general feeling is that the dice were loaded to the point of incredibility. Even if, as the romantic poet said, to be young is very heaven, there must be clear stars in those heavens to grasp at, not merely mirages.

The question is not simply one of generation gap in films. That gap can be traced back to Menander's *The Arbitration*, through Shakespeare's *Romeo and Juliet* and *King Lear* to O'Neill's *Ah, Wilderness*. It was with us in play and song long before the films first flickered, and it will be with us so long as humankind remains. The problem is one of providing real antagonists rather than strawmen to create stronger conflicts with the youthful protagonists. It may be claimed that the source of conflict lies in weakness in the social structure and the public credo and that society itself is the antagonist. It is true that many young people are rebelling against selected values in the flawed society of their elders. Yet society as an antagonist needs to be symbolized in terms of strong, not weak, characters. Thus, it has been from the origins of the social drama. Consider, for example, Gerhart Hauptmann's *The Weavers* or Lillian Hellman's *The Little Foxes*.

Part of the gap here relates to the credibility to be given conflicting senses of values. The gulf yawns between traditional values which public officials tend to adopt as bases for public service and the rejection of these values and the quest for new values by youthful segments of society, whose cause is reflected thematically in recent motion pictures. The entertainment film casts its lot with youth, its hero and patron. The educational film, even those directed primarily to high school and college audiences, tends to emphasize more traditional values. The teaching film for adults almost always presents its information within a frame of familiar, accepted values.

Perhaps the split is not so wide as it seems. Clearly some dichotomy exists. Certainly it needs to be explored further in terms of specifics. It may be too much to expect time alone to bring a greater synthesis of the higher art of the entertainment film and the clearer perspective of the teaching film. A movement to establish a better liaison between the makers of both types of cinema and film teachers, critics, and curators could bring about a greater exchange of ideas and talent for the gain of all.

JAILS

REGIONAL JAILS in NORTH CAROLINA? YEA or NAY

by Allan Ashman

Since 1933 there has been statutory authority for any two or more units of local government in North Carolina to agree to jointly construct, finance, and operate a jail.¹ However, no county or city in the state has ever established a regional confinement facility of any type pursuant to this authority. Increasingly, those active in corrections throughout the nation have been advocating the use of regional detention facilities as a possible means of solving some of the persistent problems plaguing local misdemeanor corrections. This study will set out a few of the reasons that have been advanced both in support of and in opposition to the use of regional detention facilities.

Initial Considerations—What Kind of Regional Jail?

Before discussing the advantages or disadvantages of regional jails, it is important to define the kind of jail we mean. For example, a regional jail might house (1) only those offenders awaiting trial or sentence, or (2) only those prisoners sentenced to short terms (perhaps thirty days or less) and those awaiting the outcome of their appeals, or (3)

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¹ N.C. GEN. STAT. § 153-53.7 (Supp. 1967).

ALTERNATIVES to PRESENT USES of the JAILS

by Douglas R. Gill

The present jail system serves many purposes. It may be used to prevent the disappearance of people until further legal action is taken against them, to restrain people from committing acts that would be dangerous, to punish people, and sometimes, it seems, to keep people even when none of these purposes are being served. The people confined in jails for these purposes include the following: criminal suspects recently arrested and waiting for transfer to a county jail; criminal suspects awaiting trial; criminal suspects awaiting appeal of a lower court conviction; convicted offenders serving sentences or awaiting transferral to a prison; drunks and alcoholics being "dried out"; juveniles; and mentally ill persons.¹ The search for alternatives to jail is a process of finding acceptable ways to handle these individuals while accomplishing the same purposes for which they are held in jail.²

The following paragraphs briefly suggest some of

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¹ For more detailed information on numbers of prisoners in some of these categories, see A PRELIMINARY STUDY ON JAILS IN NORTH CAROLINA, Appendix C (1967). Occasionally, a person may also spend time in jail if found in contempt of court or, in some cases, for avoiding the payment of a civil judgment.

² Alternatives to the use of jails for the confinement of alcoholics will be discussed in a special study to be prepared for the Jail Study Commission on alcoholics and the jails. Alternatives to the use of jails for confining juveniles will be treated in a special study on juveniles and the jails.

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both those people awaiting trial and those serving sentences or awaiting the outcome of individual appeals, with the people awaiting trial held separately from the rest of the jail population. Of course, if a regional jail houses only those persons who are serving sentences or awaiting the outcome of their appeals, separate facilities must be made available to hold those awaiting trial who are unable to post bond. Hopefully, these facilities need not be elaborate in design or function.

Similarly, decisions must be made at the outset whether a regional jail will house in separate and appropriate quarters special prisoners such as the mentally disturbed, the alcoholic, the narcotic addict, and the juvenile. Regardless of what kind of a regional jail is planned, the physical separation of persons awaiting trial from those serving sentences or awaiting the outcome of their appeals and the separation from the general prisoner population of special prisoners would seem to be the initial and, perhaps, primary objectives of a regional jail. Ultimately the kind of regional jail that is developed depends upon the nature of the prisoner population to be housed in the facility. A basic survey of prisoner population would not only determine, to a considerable extent, the limitations of a regional jail as to size and total population to be handled but would indicate the limitations required for proper prisoner segregation.

For example, Myrl Alexander, the director of the Federal Bureau of Prisons, has pointed out that it would be foolish and wasteful to plan a jail with all inside security cells when it is widely recognized that the majority of prisoners housed in jails are minor misdemeanants charged with the less serious offenses such as drunkenness, traffic violations, and non-support.² Yet a study of the basic needs of a regional jail will always reveal that a limited number of offenders are serious and dangerous criminals who require the most secure cell facilities.³ Alexander estimates that ordinarily not more than 20 per cent of a jail population under the most extreme circumstances will require maximum security.⁴ However, it would seem that if a regional jail does not house persons awaiting trial, the percentage of prisoners requiring maximum security may be slightly higher.

2. ALEXANDER, *JAIL ADMINISTRATION* (1957) 284.

3. *Id.* at 284, 285.

4. *Ibid.*

Since security cells are by far the most expensive inmate housing space, according to Alexander, a regional jail might well consist primarily of secure individual rooms in a building equipped much like a clean third-class hotel with a resulting savings to the taxpayer and with no measurable increase in the danger to the jailer or the community.

Another important factor to be considered in planning a regional jail, with regard to the jail's design, is the type of treatment program to be conducted at the jail. Workshops, recreation activities, chapel, dining rooms, and other special programs in a regional jail would require such a facility to be very different from institutions planned, like our typical jails, strictly as places of close custody and punishment.

Ideally, a regional jail should be located as near as possible to the community and the court where the accused are to be tried and the convicted are to have their appeals heard. Practically, decisions will have to be made with regard to where regional jails are to be located and how much money actually can be expended at the local level. One factor acknowledged by most correctional authorities is that from both the standpoint of capital expenditures and operating costs, a small institution is much more expensive to build and to operate than a larger institution on a per capita, per prisoner basis.⁵ For example, a county jail where there are usually six to ten persons awaiting trial might require a capacity of twenty to accommodate peak loads. This would mean that for an average population of roughly nine persons, the unused capacity might be more than one-half the jail's total capacity.⁶ A regional jail serving a wider geographic area with a broader population distribution probably would cost less to build and operate on a per capita, per prisoner basis.

The Arguments for a Regional Jail

There seems to be almost unanimous agreement among correctional authorities that some kind of regionalization of misdemeanor corrections is necessary if there is to be progress at the local level in the disposition of the less serious offender.⁷ Some authorities advocate that regional jails be operated, or at least supervised, by the state because they feel that all jails—regional or otherwise—should be brought under the administrative control of correctional agencies and that this is more likely to happen under state control than under a fragmented local system.

5. *THE CORRECTIONAL INSTITUTIONS AND SERVICES OF CONNECTICUT* (1966) 31 (report prepared by the American Foundation Institute of Correction).

6. *Id.* at 32.

7. See *PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, TASK FORCE REPORT: CORRECTIONS 79-80* (1967).

Regional Jails . . .

The National Council on Crime and Delinquency (NCCD), in its survey of corrections prepared for the President's Crime Commission, underscores the dilemma of local corrections in the United States. Most rural counties in America, it observes, are not able to afford the personnel, facilities, and services that a good short-term institution needs, and the urban and metropolitan areas are not able to spare the space or provide the needed type of work and training projects required for sound jail programs.⁸ Also, the NCCD survey notes that generally, throughout the country, jail management remains in the hands of politicians and that so long as this situation persists it will be only by accident that jail administrators have the requisite interest, ability, and experience in correctional administration. The survey laments the fact that an operation such as running a jail, which requires skillful, full-time direction, will continue to be only one of many responsibilities and interests of sheriffs and county commissioners or other elected officials and that necessary administrative continuity will still be threatened or denied by the uncertainties of re-election.⁹

The American Correctional Association's (ACA) *Manual of Correctional Standards* adopts the view that, ideally, jails should be used only for detention of prisoners awaiting court action and those few short-sentence prisoners who require maximum security.¹⁰ The ACA would have other short-sentence prisoners housed in special institutions such as farms, camps, or workhouses that can provide full employment, remedial services, and constructive leisure-time activities. Although this kind of correctional approach costs more than the traditional means of handling jail populations and probably much more than most counties or cities can afford, the ACA suggests that an institution serving several jurisdictions might be able to draw on the resources of all the participating units of local government and by consolidating funds, personnel, and administration offer a planned correctional program for short-term offenders.¹¹

In North Carolina some kind of regionalization of local detention facilities would seem to be the only practical means to get the diagnostic and treat-

ment programs needed in jails and to provide the funds for facilities and staff to make such programs meaningful. Working within such a framework, the development of local work-release programs, the expansion of probation at the local level, and the development of half-way houses or pre-release centers for misdemeanants might be hastened.

Finally, one other argument for regional jails that makes a great deal of sense is that the function of jails—that is, the effectiveness of their programs and services and the solution of their problems—must be considered as requisite parts of a total, balanced correctional system.¹² If one adopts this reasoning, it matters less that jail administrators may be politicians than that all jails function within a broad administrative framework geared to the achievement of specific goals in keeping with comprehensive, long-range plans. Similarly, to one advocating this approach it matters less that jails be, in whole or in part, local institutions than that all of them have equitable access to the resources that are necessary for them to perform their functions effectively. Ultimately, under this view it matters less that operating costs for a jail are high than that jail inmates obtain maximum benefit from the experience of their commitment and that, thereby, taxpayers receive their money's worth.

The Arguments Against a Regional Jail

In spite of the promise that regional jails hold for the improvement of local misdemeanor corrections in North Carolina, they must first overcome several obstacles. Perhaps the most formidable obstacle impeding the progress of regional jails in North Carolina is the great size of the state and its basically diffuse, rural population. Other states that have either implemented a system of regional jails or are contemplating doing so are smaller and more compact than North Carolina and require only a few regional jails to serve their populations' needs.¹³ Also, these smaller states have relatively dense population centers ideally suited as locations for regional jails.¹⁴ North Carolina, on the other hand, stretches for more than 500 miles from the Outer Banks to the Smoky Mountains and would require many regional jails to serve its citizens adequately. Also, the lack of many dense population areas and large urban centers in North Carolina would mean, generally, that a regional jail would be serving several rural counties, which would place a premium upon finding a suitable and practical geographic location for a regional facility.

8. "Corrections in the United States," *Crime and Delinquency* (January, 1967) at 155.

9. *Ibid.*

10. *MANUAL OF CORRECTIONAL STANDARDS* (1959) 46. (Issued by the American Correctional Association.)

11. *Ibid.*

12. See Richmond, "The Jail Blight," *Crime and Delinquency* (April, 1965) at 141.

13. See Ashman, "State Jail Administration in the United States" (Special Study B, prepared for the Jail Study Commission), Institute of Government, 1968.

14. *Ibid.*

Regional Jails . . .

Another related argument against regional jails involves the time to be consumed by local law enforcement agencies in transporting prisoners between regional jails, local lock-ups, and courts. This would appear to be a particularly acute problem in the far eastern and far western sections of North Carolina, where relatively few people inhabit a large area. It is argued that additional manpower for sheriff's departments and rural police forces would be necessary to permit them to free men from normal patrol functions and courtroom obligations to transport prisoners.

However, it would appear feasible wherever regional jails are contemplated to devise schedules that would permit local law enforcement officers to be relieved from transporting prisoners and, at the same time, utilize existing local detention facilities more efficiently. For example, if there were a regional jail, a local lock-up or jail might, in cooperation with the regional jail, act as follows: (1) select a period—let us say 72 hours—that would be the maximum time desired to hold an individual in that kind of local facility; (2) determine the numbers and kinds of people who would require removal to the regional jail, such as those who are sentenced or appealing along with those awaiting trial in a superior or lower court; and (3) work out an appropriate schedule for the pick-up and delivery of those who require removal to a regional jail approximately once every 72 hours, using personnel employed by the regional jail for that specific purpose rather than local law enforcement officers.¹⁵

Another problem—no less formidable than the practical, logistical ones created by the size of the state and its essentially rural population—is how to overcome local jealousies and fears of elected county officials concerning the loss of prerogatives rooted in the county system. Financing and staffing a regional facility will require cooperation between counties and to a certain extent removing the jail as a political issue. However, the struggle for consensus among participating units of local government may, in some instances prove futile without some kind of federal or state government assistance and incentive. Whether in the form of federal planning grants or funds for pilot projects or state subsidies and matching grants, such

¹⁵ One problem with a possible schedule for the pick-up and delivery of prisoners who are temporarily detained in local facilities and who are to be housed in a regional jail is the difficulty in determining how the pick-ups and deliveries can be made to coincide with an individual's time of trial.

financial assistance would do much toward reducing local frictions and furthering the establishment of a regional jail.

Factors to be Considered in Planning Regional Jails

Assuming that several counties, either with or without state assistance, make the determination that they shall join together to establish a regional detention facility to hold those awaiting trial, sentenced offenders and those awaiting appeal, it would seem advisable for those counties to make a careful analysis of population flow through the several existing county facilities over a period of years as a basis for projecting future jail needs. Most likely the factors to be considered would be peak loads in the several jails, with daily average populations broken down into several population groups such as adult males, adult females, and juveniles and into the kinds of sentences being served by those in jail and awaiting trial in addition to operating practices that affect the jail's population.

One of the most difficult factors is analyzing the population of a given community or region for a period of years and projecting jail needs on the basis of future population over this period. Such projections of future community needs vary with each community depending upon the rate of general population growth, with the nature of its population, and with consideration to any new or recent factors that would affect the rate of future jail commitments. For example, if a given community has recently developed new probation services on the local level or more liberal policies with regard to the use of bond or release on recognizance of persons awaiting trial, such factors must be considered. In any case, wherever a regional jail is contemplated, a study must be made that intelligently estimates the jail's population for the years ahead.

Editor's Note: These two articles on regional jails and alternative uses of jails, plus the article on juvenile detention on page 23, come from an Institute research project for the Jail Study Commission created by the 1967 General Assembly. These articles and the others in the series will eventually appear as a book.

Alternatives . . .

(Continued from page 17)

the possibilities that conceivably could be employed as alternatives to some of the present uses of our jails. The descriptions are not elaborate, and in some cases the alternatives mentioned may not be in use in any other state, but rather are only speculative. There is no systematic discussion of advantages and disadvantages of each, and mention of a possible alternative does not indicate any judgment that it is either theoretically or practically preferable to the present use of jails.

Alternatives to Jailing Reliable Persons Unable to Make Bail

Studies of the bail system in the United States indicate that many people are held in jail awaiting trial despite the lack of necessity to prevent their disappearance, restrain them from committing dangerous acts, or punish them. Rather, they are held only because, in the absence of money to afford bail, there are no procedures to free them from jail until the time of their trials. These studies indicate that freeing the poor but reliable people without bail would reduce the jail population without negating any of the functions that jails are meant to serve. North Carolina has enacted legislation³ that permits the release without bail of reliable persons awaiting trial. The legislation has not been in effect long enough to determine whether it will be used, or, if it is used, whether it will reduce the populations of jails.

A distinct but related alternative is to use the summons more extensively. This device, authorized in some circumstances by North Carolina law,⁴ is essentially a warrant that does not require that the defendant be taken into custody, but only commands his appearance in court at a given time. Like unsecured pretrial release, it is used only for those defendants whose appearance in court can be relied upon. It avoids the necessity for any pretrial custody of the suspect.

Alternatives to Jail Sentences for Convicted Offenders

It seems that most convicted persons serving sentences in jail were unable to pay the fines cus-

3. N.C. Sess. Laws 1967, c. 581.

4. G.S. 150-20 (1965) authorizes the issuance of a summons in all cases of misdemeanors when there is "reasonable ground to believe that the person accused will appear in response to the same."

tomarily exacted for the offenses of which they were convicted. That is, if they had had money, they would never have become jail inmates. An alternative to jail for these persons would be to fine them as would be customary for a defendant with money, but permit them to pay the fine in installments or to have the installments deducted from their regular wages.⁵ This technique would also permit the continued employment of those who would otherwise lose their jobs because of their absence while serving a sentence.

Another alternative to having convicted offenders serve sentences in jails would be to confine them in facilities devoted exclusively to convicted offenders. This would permit differentiation in treatment between the offender who has been judged guilty and the presumably innocent defendant awaiting trial.

Alternatives to Extended Nonsentence Imprisonment in Jails

Occasionally, persons may spend months or even years in jails awaiting either trial or appeal of their cases. Some of these prisoners might be released under different bail procedures or their wait reduced by taking special care to speed up the process.⁶ Some extended waiting, however, especially when a case is being appealed, seems unavoidable, and release for some would never be possible because they committed capital crimes or because they are highly unreliable. Some means other than jail for continuing the detention of such persons might be considered both because of the limited facilities of jails for maintaining minimum conditions of welfare for persons confined for an extended period and because extended confinement under jail conditions might either impair subsequent attempts to rehabilitate them or weaken their attitude toward the law.⁷

Two alternatives to extend confinement in jail, in cases in which some confinement is necessary, are these: (1) confine these prisoners at existing facilities used for sentenced offenders, particularly those of the Department of Corrections;⁸ (2) develop new facilities particularly designed for this purpose, perhaps in only one or two locations, to be used for the entire state.

5. This method is widely employed by many North Carolina judges at present. A variation of the practice is to continue the case until the defendant raises money to pay the fine.

6. See the column to the left, which mentions these possibilities.

7. See Richmond, *The Jail Blight*, 11 CRIME AND DELINQUENCY 132, 133 (1965).

8. North Carolina law authorizes a county to maintain a "house of correction" for vagrants and persons guilty of misdemeanors [N.C. GEN. STAT. § 153-9 (25) (1964)] and a district prison farm jointly with adjoining counties [N.C. GEN. STAT. § 153-199 -208 (1964)]. Facilities of the Department of Corrections include both Central Prison, used only for felons, and various outlying prison camps, used for both felons and misdemeanants.

Alternatives . . .

Alternatives to Keeping the Mentally Ill in Jail Until Confinement

North Carolina law provides⁹ for custody, before they are committed to a state hospital for observation and treatment, of allegedly mentally ill persons who are likely to be dangerous. This custody is permitted by the statutes to be in "a nonmedical facility used for the detention of individuals charged with or convicted of penal offenses" only in emergencies and on order of the clerk of court. The law also provides¹⁰ for the detention of persons believed to be suddenly violent and dangerous, but only in suitable places "of nonpenal character." Despite these laws, however, it seems that jails frequently are used to confine mentally ill persons until they are committed to state hospitals.

Alternatives to this use of the jails include development of separate facilities for the temporary confinement of such mentally ill persons at several locations, development of the capacity of existing health institutions to handle patients of this sort, or development of a system of immediate transportation of such persons to more distant facilities appropriate for their detention. The use of any of these alternatives would of course necessitate the adaption to use of the new method of confinement by the official who takes the mentally ill person into custody.

Alternatives to Jailing Less Reliable Persons

In addition to the methods that have been employed to determine the reliability of jailed suspects pending trial and to facilitate their release if they seem quite likely to reappear for trial, other more complex arrangements for the release of defendants whose likelihood of reappearing is less if simply released have been investigated.¹¹ These alternatives include devices such as the following: release with required check-ins with probation officers or other officials at regular intervals during the period of release; release into the custody of a trusted, private third party such as an attorney, employer, or minister; and release during the daytime alone, with return to the jail at night, similar to North Carolina's work-release program.

9. N.C. GEN. STAT. § 122-61 (1964).

10. N.C. GEN. STAT. § 122-59 (1964), as amended by N.C. Sess. Laws 1967, c. 24.

11. D. FREED & P. WALD, *BAIL IN THE UNITED STATES: 1964*, at 73-77 (1964).

Reducing Period of Use of Jail While Retaining Its Present Functions

Even when it is necessary to hold people in jail for any of the purposes mentioned above, it may be possible to reduce the amount of time that such persons spend in jail, and thus reduce the total population of the jails. Examples of how this reduction in time could be achieved include the following: docketing court cases so as to permit first consideration to those cases involving defendants who are waiting in jail for their trials;¹² expediting the appeals of defendants who are unable to obtain bail while the appeal pends; expediting the commitment of mental patients who remain in jail between the time of their being taken into custody and their transferral to a hospital; and expediting the transferral of convicted offenders from jails to prisons.

12. G.S. 7-731 (1953) covers generally the docketing of cases for superior court criminal terms, but makes no mention of special consideration of docketing cases of jailed defendants. Although the judge may legally, under this section, call cases for trial in the order he desires, it seems that practically the solicitor controls the order of cases. Most solicitors, it is believed, consider the defendants' confinement in determining the order of cases.



Book Review

THE MAKING OF A GOVERNOR: THE MOORE-PREYER-LAKE PRIMARIES OF 1964. James R. Spence. Winston-Salem: John F. Blair, 1968. \$1.95.

This is a brief, chronological, and interestingly written account of the 1964 Democratic primary for the governorship of North Carolina. Appendices list the county managers for the three candidates and tabulate by county the votes each received in the first and second primaries. It is to be hoped that Mr. Spence (a lawyer and banker in High Point) or someone inspired by his work will write similar accounts of the campaigns of 1968 and future years.

-J.L.S.

JUVENILE DETENTION

in NORTH CAROLINA

by Mason P. Thomas Jr.

[*Editor's Note: the author, formerly a Wake County juvenile court judge, is the Institute's specialist in public welfare and juvenile courts.*]

Historical Background

The juvenile court movement developed in the United States in the early 1900's to protect children from the stigma of criminal courts, jails, and penal institutions. There was much public concern about children being confined in local jails along with adult offenders.

Juvenile court laws in most states require that delinquent children be detained in a separate facility known as a juvenile detention home. A juvenile detention home might have the following features: (1) a building designed to provide secure custody which is separate from the jail where adults are confined; (2) a program of education, recreation, and other activities appropriate for children; (3) a staff with sufficient training to observe the child during his period of detention so that staff findings may be used to develop a diagnostic evaluation of the child to help the juvenile court provide appropriate treatment.

Basic Law

G.S. 110-30 provides in part:

No child coming within the provisions of this article shall be placed in any penal institution, jail, lockup, or other place where such child can come in contact at any time or in any manner with any adult convicted of crime and committed or under arrest and charged with crime. Provisions shall be made for the temporary detention of such children in a detention home to be conducted as an agency of the court for the purpose of this article, or the judge may arrange for the boarding of such children temporarily in a private home or homes in the custody of some fit person or persons subject to the supervision of the court, or the judge may arrange for any incorporated institution, society or association maintaining a suitable place of detention for children for the use thereof as a temporary detention home.

G.S. 110-30 was amended by the 1967 General Assembly to allow jail detention of children in specified circumstances. Any judge exercising juvenile court jurisdiction may order temporary detention of a child in any section of a jail which is so arranged that a child detained there cannot converse with, see, or be seen by other jail inmates under two conditions: (1) if there is sufficient need for secure restraint of a child in the opinion of the judge; (2) if there is no other adequate facility available.

Purpose of Detention

A juvenile detention facility provides a resource for a juvenile court to hold an alleged delinquent child in secure custody pending a hearing on the merits of his case. Good professional practices suggest that a juvenile detention facility should not be used routinely for all children alleged to be delinquent; it should be used only in those cases where secure custody of the child is required for the protection of the community (or for the protection of the child himself).

A juvenile detention home might be used by a juvenile court in the following circumstances:

- (1) where an alleged delinquent child is likely to get into further difficulty following his apprehension and prior to a hearing on the merits of his case;
- (2) where a child has run away from home, or an institution, and needs to be held in secure custody pending arrangements for his return;
- (3) where a delinquent child has been committed to a training school and needs to be held in secure custody pending admission to the institution;
- (4) in rare instances, to protect a child from an

adult who poses a threat to the child's safety.

Procedure for Detention Placement

G.S. 110-27 allows a juvenile court to endorse a detention order upon the juvenile court summons directing a law enforcement officer to take a child into custody and place him in a detention facility.

In actual practice, the need for detention care often arises at night or on weekends when the juvenile court is not in session. Thus, most detention orders are issued without a hearing based on information from a law enforcement officer or some other person who brings a child to the attention of the juvenile court. Frequently such orders are verbal and are never put in the form of a written order. Sometimes, in practice, juvenile court judges delegate this authority to a probation officer.

The North Carolina juvenile court law does not establish criteria as to which children should be detained. It leaves this decision in the discretion of the judge. The juvenile court law also does not limit the time a child may be held in detention without a hearing (a rather common feature of the juvenile court laws of other states.) The use of detention varies considerably within the state, depending upon the availability of a facility and the philosophy of the judge exercising juvenile jurisdiction.

Administration of Detention Programs

G.S. 110-30 provides in part:

In case a detention home is established as an agency of the court it shall be furnished and carried on as far as possible as a family home in charge of a superintendent or matron who shall reside therein. The judge of the juvenile court may, with the approval of the State Board of Public Welfare, appoint a matron or superintendent or both and other necessary employees for such home in the same manner as probation officers are appointed under this article. . . .

Availability of Juvenile Detention Homes in North Carolina

There are seven juvenile detention homes within the state, located primarily in urban counties. They are:

Buncombe County Receiving Home, Asheville
Durham County Youth Home, Durham
Forsyth County Youth Center, Winston-Salem
Gaston County Juvenile Detention Home, Gastonia
Guilford County Juvenile Detention Home, Greensboro
Mecklenburg County Juvenile Diagnostic Center, Charlotte
Wake County Detention Home, Raleigh

These seven detention facilities vary considerably—in the quality of their programs, their philosophies, the adequacy and qualifications of their staff, their efforts to provide secure custody, the adequacy of their respective budgets, and the adequacy and age of their physical plants.

Role of Local Government

The seven available juvenile detention facilities are supported entirely by county government. There are no federal, state, or municipal funds involved in providing for physical facilities or supporting their programs. These programs are designed primarily to provide detention care for residents of the county involved. Sometimes, a county will agree to keep children from other counties for a daily fee, particularly if there is no detention facility available in the county needing the detention service.

Role of the State

Although the state does not provide financial support for any detention care programs, it does provide the following services:

(1) *Approval of Staff.* The State Board of Public Welfare has

authority under G.S. 110-30 to approve staff appointments by the judge exercising juvenile court jurisdiction.

(2) *Program Consultation.* Staff from the North Carolina Department of Public Welfare visit juvenile detention homes and consult with them on their program planning.

(3) *Standards and Training.* The 1967 General Assembly rewrote the laws relating to jails and juvenile detention facilities. This legislation strengthens the authority of the State Department of Public Welfare in relation to standards and training.

The Commissioner of Welfare is to develop standards governing juvenile detention facilities in consultation with specified organizations representing local government and law enforcement and designated state departments (Correction, Health, Mental Health, Insurance). These standards are to be effective by January 1, 1969, after approval by the State Board of Public Welfare and the Governor.

The new law requires semiannual inspection of juvenile detention facilities, with written reports to the responsible county. The Commissioner has authority to close a juvenile detention facility that does not meet the standards if the responsible unit of local government does not take appropriate corrective action.

The new law requires continuous supervision of children confined in a detention facility. There must be a specified plan for their medical care. Sanitarians from public health departments now have a legal responsibility to inspect sanitary conditions in juvenile detention facilities and their kitchens.

The Commissioner of Public Welfare is responsible for providing training for juvenile detention

home personnel, using existing educational resources and in consultation with officials of local government and law enforcement and the Department of Correction. The new law requires such training as a condition of employment in a juvenile detention facility.

Problems for the Future

Questions relating to juvenile detention for the future remain unanswered. These are a few that come to mind: (1) How can a

juvenile detention facility for children needing secure custody be made available throughout North Carolina? (2) What are the appropriate roles of state and local government in relation to juvenile detention? (3) Could juvenile detention facilities be provided on a regional basis, using perhaps the present superior court judicial districts as regional boundaries? (4) Should our juvenile court law be more specific in relation to which children go into

detention, procedures for ordering detention, limitations on the period of time that a child may be detained without a hearing, etc? (5) How can the policy recommendations of the Jail Study Commission relating to juvenile detention be coordinated with the North Carolina Courts Commission, which is planning to rewrite the juvenile court law and will inevitably consider some of the same policy questions relating to juvenile detention?



Book Review

NORTH CAROLINA POLITICS: AN INTRODUCTION. By Jack D. Fleer. Chapel Hill: University of North Carolina Press, 1968. 165 pp., \$4.95; paper, \$2.95.

In the brief compass of five chapters, Professor Fleer has performed a useful service for all who are interested in the nominating and electing processes in this state. (Candidates, civics classes, and League of Women Voters, take note.) The publication date is timely, and the statistical information presented is as fresh as the sources afford. The fact that the author had to rely on unofficial sources for much of the most interesting data emphasizes the need for North Carolina's official election agencies to maintain more comprehensive statistics. (Within the last two years the State Board of Elections has been moving in this direction.)

The chapter comparing Republican and Democratic party organization and activity fills a long-unmet need. Similarly, the discussions of intraparty contests and the growth of interparty competition contain helpful contemporary insights.

In response to Professor Fleer's request for criticism, it seems to this reader that his book would be materially strengthened by transferring all judgmental conclusions to the final "Summary and Conclu-

sions," where they would be clearly labeled. Their presence in, for example, the campaign expense re-

ports (p. 82) weakens what in other respects are most useful factual accounts.—H.W.L.

NEW BOOKS IN THE FIELD OF GOVERNMENT

- Alderman, R. K., and Cross, J. A. *The Tactics of Resignation: A Study in British Cabinet Government.* Library of Political Studies. New York: Humanities Press, 1968. \$1.50.
- Barbour, Floyd B., ed. *The Black Power Revolt.* Extending Horizons Books. Boston: Porter Sargent Publisher, 1968. \$5.95.
- Boles, Donald E. *The Two Swords: Commentaries and Cases in Religion and Education.* Ames, Iowa: The Iowa State University Press, 1967. \$10.95.
- Chase, Samuel B., Jr. *Problems in Public Expenditure Analysis.* Studies of Government Finance. Washington, D. C.: The Brookings Institution, 1968. \$6.75.
- Coleman, James S., et. al. *Equality of Educational Opportunity.* Washington, D. C.: United States Government Printing Office, 1966. \$4.25.
- Dasgupta, Sugata. *Social Work and Social Change.* Extending Horizons Books. Boston: Porter Sargent Publisher, 1968. \$6.95.
- Fite, Harry H. *The Computer Challenge to Urban Planners and State Administrators.* The American University Technology of Management Series, Vol. 2. Washington: Spartan Books, 1965. \$5.25.
- Fleer, Jack D. *North Carolina Politics: An Introduction.* Chapel Hill: The University of North Carolina Press, 1968. \$4.95.
- Hunter, Rixie. *The Checkerboard Corridor.* Winston-Salem: John F. Blair, Publisher, 1967. \$5.95.
- James, Howard. *Crisis in the Courts.* New York: David McKay Company, Inc., 1967. \$5.50.
- Jones, Roy, E. *The Functional Analysis of Politics: an Introductory Discussion.* Library of Political Studies. New York: Humanities Press, Inc., 1968. \$1.50.
- Lindholm, Richard W., ed. *Property Taxation USA.* Madison: The University of Wisconsin Press, 1967. \$7.95.
- Lomas, Charles W. *The Agitator in American Society.* Englewood Cliffs: Prentice-Hall, Inc., 1968. \$2.95.
- Lynton, Rolf P., and Pareek, Udai. *Training for Development.* Homewood, Illinois: Richard D. Irwin, Inc., and The Dorsey Press, 1967. \$8.00.
- Marsden, Philip. *The Officers of the Commons, 1363-1965.* New York: Hillary House Publishers, Ltd., 1966. \$6.00.

The Institute June Calendar

Superintendents of Schools	4-5
City and County Planners	7
N. C. Association of Legal Secretaries	7-8
Basic Real Estate Appraisal School	10-14
Wildlife Recruit School	10-29
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Schedule of Schools and Conferences

Law Enforcement Training

Schools and Conferences	Date	Location	Area Consultant
Jail and Detention Service	June 4 - June 6	Lexington	Rumple
State Parole Officers Retraining	June 5 - June 6	Raleigh	Carraway
Jail and Detention Service	June 18 - June 20	Morganton	Rumple
Jail and Detention Service	June 25 - June 27	Clyde	Rumple
Introduction to Police Science	Sept. 9 - Oct. 4	Goldsboro	Langston
F. B. I. Administration	Oct. 7 - Oct. 11	Wilson	Langston
Supervision for Police	Oct. 14 - Nov. 8	Wilson	Langston
Criminal Investigation	Jan. 6 - Jan. 31	Wilson	Langston
Introduction to Police Science	Feb. 10 - March 7	Wilson	Langston
Supervision for Police	Mar. 24 - April 18	Wilson	Langston

NORTH CAROLINA STATE BOARD OF EDUCATION
Department of Community Colleges