

Report No. 14

REPORT ON  
A STUDY OF JAILS IN NORTH CAROLINA

North Carolina  
Legislative Research Commission

Raleigh

1967

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## Introduction

In the fall of 1966, this Commission decided to have a study made of the jails maintained by the counties and cities of North Carolina. Our purpose was to determine whether legislative action on this subject is needed. We requested the Institute of Government to do this study.

The Institute of Government filed its report with this Commission on January 20, 1967. It is entitled A Preliminary Study of Jails in North Carolina. This report reviews in detail the laws governing the administration, financing and inspection of local jails. The report also reviews existing jail conditions, summarizes the jail programs of other selected states, and outlines several approaches and alternatives which the General Assembly might consider in dealing with the problems of jail administration in North Carolina.

We have directed that this report be made available to members of the General Assembly, to county commissioners (the chairman in each county), to sheriffs, to appropriate municipal officials, and to others who have an interest in jail conditions. We commend this report to the attention of all these officials, especially to the members of the General Assembly.

## Findings

We find that local jails constitute one of the most neglected

areas of governmental responsibility in North Carolina. This finding is based upon our own knowledge, on reports made to us by the State Inspector of Correctional Institutions of the State Board of Public Welfare, and on the findings contained in the study prepared by the Institute of Government.

The jail situation might be summarized as follows: The public is not particularly interested in jails; it does not understand who goes to jail and why they are put there. Further, the public does not understand current bail practices and their effect upon jail populations.

Complex problems of local government are involved in any study of jails. Many jails are located in old, unsafe, or insecure physical facilities. The quality and number of jail personnel are inadequate. Salaries are too low and training is inadequate. Local governments vary greatly in their need for jails, depending upon the variation in their jail populations, and in their capacity to finance the construction of jails and jail programs. The administration and financing of a jail in county government is divided between the sheriff and county commissioners. The quality of jail programs varies considerably among the 236 units of local government which maintain jails.

At present, the role of the State (through the State Department of Public Welfare's inspection of local jails) is advisory. There are no mandatory jail standards. One jail

inspector cannot inspect adequately 236 units of local government. The enforcement procedure is awkward and ineffective.

There are other problems which include the lack of needed medical care for jail inmates, poor sanitation, and differences in the quality and quantity of food served in local jails. Jails are used inappropriately for mental patients, alcoholics and children. There are also difficult policy questions involved in defining the proper role of State and local government in jail administration.

We have not had sufficient time to study properly these complex problems. We have, therefore, decided not to attempt to recommend specific policy changes. Since policy questions must be decided before proposed legislative changes are drafted, we do not recommend specific legislation for consideration by the 1967 General Assembly.

The 1967 General Assembly will have more time to consider jail problems and the closely related subject of bail practices (recommendations from the North Carolina Bar Association to the General Assembly on bail practices are expected). We urge that the General Assembly carefully study existing jail conditions in the context of bail practices.

#### Recommendations

We recommend that the members of the General Assembly give careful study to the report entitled A Preliminary Study on Jails in North Carolina. We further recommend that the General

Assembly enact legislation which it may consider appropriate to improve local jail conditions.

APPENDIX

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LEGISLATIVE RESEARCH COMMISSION

Text of 1965 Statute Creating Commission, Defining its Duties, Etc.

General Statutes of North Carolina

Article 6B.

Legislative Research Commission

§ 120-30.10. Creation; appointment of members; members ex officio.--

There is hereby created a Legislative Research Commission to consist of five senators to be appointed by the President pro tempore of the Senate and five representatives to be appointed by the Speaker of the House. The President pro tempore of the Senate and the Speaker of the House shall be ex officio members of the Legislative Research Commission. Provided, that when the President of the Senate has been elected by the Senate from its own membership, then the President of the Senate, shall make the appointments of the Senate members of the Legislative Research Commission, shall serve ex officio as a member of the Commission and shall perform the duties otherwise vested in the President pro tempore by §§ 120-30.13 and 120-30.14. (1965, c. 1045, s. 1.)

§§ 120-30.11. Time of appointments; terms of office.--Appointments to the Legislative Research Commission shall be made within fifteen days subsequent to the close of each regular session of the General Assembly. The term of office shall begin on the day of appointment, and shall end on the date when the next regular session of the General Assembly convenes. (1965, c. 1045, s. 2.)

§ 120-30.12. Vacancies.--Vacancies in the appointive membership of the Legislative Research Commission occurring during a term shall be filled for the unexpired term by appointment by the officer who made the original

appointment. Vacancies in the ex officio membership shall be filled for the unexpired term by election by the remaining members of the Commission. Every vacancy shall be filled by a member of the same house as that of the person causing the vacancy. (1965, c. 1045, s. 3.)

§ 120-30.13. Cochairmen; rules of procedure; quorum.--The President pro tempore of the Senate and the Speaker of the House shall serve as cochairmen of the Legislative Research Commission. The Commission shall adopt rules of procedure governing its meetings. Eight members, including ex officio members, shall constitute a quorum of the Commission. (1965, c. 1045, s. 4.)

§ 120-30.14. Meetings.--The first meeting of the Legislative Research Commission shall be held at the call of the President pro tempore of the Senate in the State Legislative Building. Thereafter the Commission shall meet at the call of the chairmen. Every member of the preceding General Assembly has the right to attend all sessions of the Commission, and to present his views at the meeting on any subject under consideration. (1965, c. 1045, s. 5.)

§ 120-30.15. Employees; contracts for clerical services and assistance.--The Legislative Research Commission may employ and fix the compensation of such personnel as the Commission may deem necessary for the execution of the functions of the Commission. The Commission may contract with any public or private agency or institution for clerical services, and for assistance in performing research studies or collecting information. (1965, c. 1045, s. 6.)

§ 120-30.16. Co-operation with Commission. -- The Legislative Research Commission may call upon any department, agency, institution, or officer of the State or of any political subdivision thereof for such facilities and data as may be available, and these departments, agencies, institutions, and

officers shall co-operate with the Commission and its committees to the fullest possible extent. (1965, c. 1045, s. 7.)

§ 120-30.17. Powers and duties.--The Legislative Research Commission has the following powers and duties:

- (1) Pursuant to the direction of the General Assembly or either house thereof, or of the chairmen, to make or cause to be made such studies of and investigations into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner.
- (2) To report to the General Assembly the results of the studies made. The reports may be accompanied by the recommendations of the Commission and bills suggested to effectuate the recommendations.
- (3) Upon completion by the clerks of the Senate and House of their duties after the close of each legislative session, to assume custody of all equipment, records, materials and supplies in the possession of the clerks. Immediately prior to the convening of the next session, the Commission shall transfer all equipment, materials and supplies to the clerks of the respective houses.
- (4) When the General Assembly is not in session, to authorize the expenditure of funds appropriated to the General Assembly for the purchase, repair or maintenance of furniture, equipment, materials and supplies, and to contract for services needed by the General Assembly. (1965, c. 1045, s. 8.)

§ 120-30.18. Offices; per diem and allowances of members; payments from appropriations. -- The facilities of the State Legislative Building shall be

available to the Commission for its work. The members of the Commission, including ex officio members, shall be paid such per diem, subsistence and travel allowances as are prescribed by law for State boards and commissions generally. All payments for purposes authorized by this chapter shall be paid by the State Treasurer upon written authorization of the chairmen of the Commission, from funds appropriated to the Legislative Research Commission or the Legislative Council, except that expenditures authorized under § 120-30.17 (4) of this chapter shall be paid from funds appropriated to the General Assembly. (1965, c. 1045, s. 9.)

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