

**Report of the Committee on the
Advisability of Creating A
Department of Public Safety
to the
Legislative Research Commission
of the
North Carolina General Assembly**



State Legislative Building
Raleigh, North Carolina 27602

Members of the Committee on
The Advisability of Creating a
Department of Public Safety

Senator N. Hector McGeachy, Jr., Chairman

Senator John R. Boger, Jr.

Senator Vinson Bridgers

Senator Joe K. Byrd

Senator Albert J. Ellis

Senator L. P. McLendon, Jr.

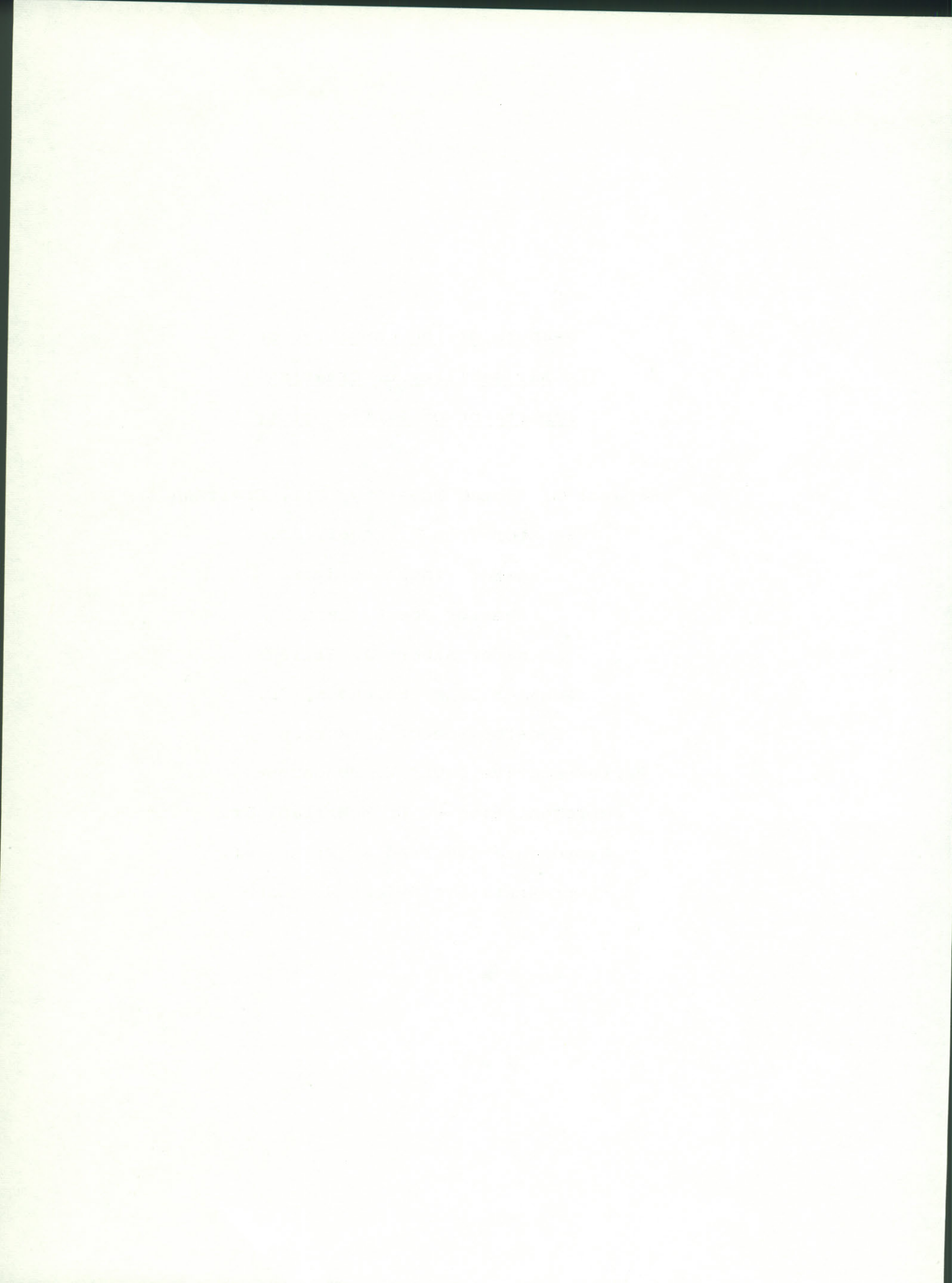
Senator Robert B. Morgan

Representative David W. Bungardner, Jr.

Representative R. D. McMillan, Jr.

Representative Fred M. Mills, Jr.

Representative Dwight W. Quinn





North Carolina
Legislative Research Commission
STATE LEGISLATIVE BUILDING
Raleigh

February 15, 1969

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PRESIDENT PRO TEMPORE, SENATE
EARL W. VAUGHN
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Senator Herman A. Moore and
Speaker Earl W. Vaughn, Co-Chairmen
Legislative Research Commission
State Legislative Building
Raleigh, North Carolina 27602

Gentlemen:

The Senate of the 1967 General Assembly adopted a resolution directing the Legislative Research Commission to study the advisability of creating a state department of public safety which would contain the State Bureau of Investigation, the State Highway Patrol and other state law enforcement agencies. The Commission appointed the following persons to constitute a committee on the advisability of creating a department of public safety: Senator John R. Boger, Jr., Senator Vinson Bridgers, Senator Joe K. Byrd, Senator Albert J. Ellis, Senator L. P. McLendon, Jr., Senator Robert B. Morgan, Representative David W. Bumgardner, Jr., Representative R. D. McMillan, Jr., Representative Fred M. Mills, Jr., Representative Dwight W. Quinn and Senator N. Hector McGeachy, Jr., Chairman.

The committee submits herein the unanimous report of the Commission's Committee on the Advisability of Creating a Department of Public Safety to the Legislative Research Commission. The committee wishes to take this opportunity to thank Dr. Preston W. Edsall, Professor Emeritus, Department of Politics, North Carolina State University, for his great assistance in compiling the materials included in this report and preparing them for publication.

Respectfully,

N. Hector McGeachy, Jr.
Chairman

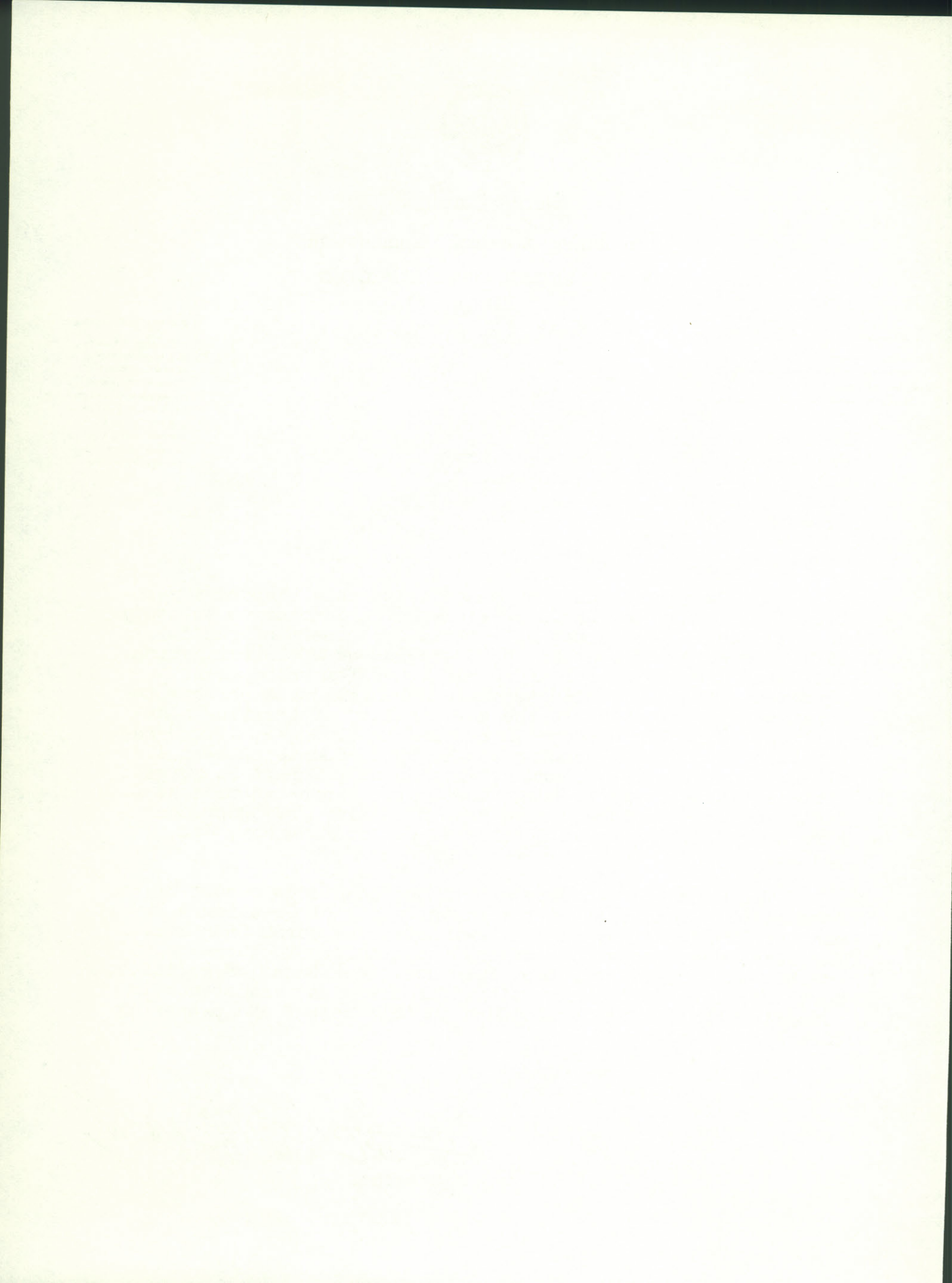


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1. Introduction

On June 23, 1967, the Senate adopted SR 696 directing the Legislative Research Commission to examine the advisability of creating a Department of Public Safety which would contain the State Highway Patrol, the State Bureau of Investigation and other state law enforcement agencies. The objectives, as usual in such consolidations, were coordination, efficiency, and economy, but they explicitly excluded the establishment of a State Police Force. To carry out the mandate of the resolution the co-chairman of the Legislative Research Commission appointed a committee consisting of four LRC members: Senators McGeachy and Ellis, Representatives Mills and Quinn and seven others -- Senators Boger, Bridgers, Byrd, McLendon and Morgan and Representatives Fumgardner and R. D. McMillan. Chairman McGeachy during and following the first meeting of the full committee appointed subcommittees (1) to study possible mergers of state agencies, (2) to contact former Directors of the Department of Administration, and (3) to study law enforcement organizations in other states.

The Committee was assisted from time to time by Institute of Government Director John Sanders, IOG Assistant Director L. Poindexter Watts, Executive Director Charles E. Clement of the Governor's Committee on Law and Order, and Dr. Preston W. Edsall, professor-emeritus of politics at North

Carolina State University. Dr. Edsall prepared a memorandum entitled "A Department of Public Safety for North Carolina?" He also submitted another memorandum on "Law Enforcement in South Carolina with Emphasis on SLED -- State Law Enforcement Division" and made an oral report to the committee on the recently established Florida Bureau of Law Enforcement. Each of these reports raised basic questions that would have to be answered if a public safety department were to be established in this State.

Senator Morgan also visited SLED and made a trip to Minnesota, where he conferred with law enforcement officials. He reported to the subcommittee on law enforcement in other states and took the subcommittee on a tour of the cramped headquarters of the State Bureau of Investigation in the Justice Building.

Information thus obtained was considered by the subcommittee on other states and a number of recommendations were made. These are set forth in the minutes appended to this report. As will be noted, they contain negative suggestions concerning the establishment of a Department of Public Safety and positive suggestions concerning the improvement of the SBI and the ultimate consolidation of certain investigative functions now performed by the Departments of Motor Vehicles and Insurance in the SBI.

At meetings of the full committee previously held the committee discussed numerous aspects of the problem confronting it. It became evident that steps were already underway to make

early improvements in communication facilities as a result of the recommendation of the Governor's Committee on Law and Order. The Governor's Committee also envisioned a thorough study of law enforcement in North Carolina using professional assistance from outside. Such a study would go far beyond anything the Legislative Research Commission could accomplish with the limited resources and in the limited time available to it. Therefore our committee adopted certain resolutions in support of the proposals of the Governor's Committee and somewhat limited its actions for the immediate future. The resolutions referred to accompany this report, and the minutes and other papers are available for examination.

Our study has resulted in numerous findings of fact, and, based on these findings, we are making a number of recommendations. These follow.

2. Findings of Fact

1. Departments of Public Safety have been established in approximately 20 states, and other states are considering their creation. These departments vary widely in scope of authority, in organization, and in relationship to the chief executives. They are intended to insure coordination of effort and to achieve economy by eliminating unnecessary overlapping and duplication.

2. The law enforcement activities of North Carolina are dispersed among a very long list of state, county and

municipal agencies. Those clearly within the purview of this study were deemed to be (1) two units of Motor Vehicles Department, namely the Highway Patrol and the Division of License and Theft; (2) the State Bureau of Investigation, which is located in the Justice Department; (3) the Arson Division of the Insurance Department; (4) the Division of Enforcement of the Board of Alcoholic Control; and (5) the Division of Enforcement of the Wildlife Resources Commission.

3. When the above-mentioned agencies were approached, they expressed their readiness to cooperate with the committee in its study and their desire to be present and to be heard if the committee were to hold hearings. They asserted that inter-agency cooperation was good, and with one noncommittal exception, looked with disfavor upon the creation of a Department of Public Safety.

4. Although the studies by this committee and its subcommittees fail to reveal any general lack of dedication or competency on the part of state law enforcement personnel, they do reveal that weaknesses in the present system exist (1) in that some agencies are inadequately financed, (2) in that inter-agency coordination and communication is imperfect, and (3) in that dispersal inevitably produces some duplication of function and equipment. Therefore the committee is of the opinion that in the end, but probably not immediately, some consolidation will become necessary. Indeed the committee observes that consolidation within the State Bureau of Investigation of the investigative activities now vested in the License and Theft

Division of the Motor Vehicles Department and in the Arson Division of the Insurance Department would be a rational action.

5. Our study shows that North Carolina lacks an effective, high-speed communications system or network serving the entire law enforcement complex and that there is no tie-in with the computerized service of the National Criminal Information Center.

6. Another notably deficient area is to be found in the State Bureau of Investigation. Not only is the Bureau short of personnel to the point at which agents work large accumulations of overtime and essential laboratory work is often long delayed, but also it has insufficient headquarters space for its essential operation and generally no office space for its supervisors and agents in the field. Operating often with old automobiles and deficient radio and other equipment for its field work, it functions below the capabilities of its devoted personnel.

7. Our studies brought us into contact with the work of the Governor's Committee on Law and Order. This agency, originally established by Governor Dan K. Moore in 1965, was given statutory status in 1967. It is now an applicant for a planning grant from the Law Enforcement Assistance Administration, which is authorized to allocate funds appropriated by Congress to carry out the objectives of the Omnibus Crime Control and Safe Streets Act, approved June 19, 1968. We believe that the planning and subsequent research carried on by the Governor's

Committee (with expert assistance such as that now being furnished it by the Franklin Institute Research Laboratories) will produce invaluable information concerning the future organization and operation of law enforcement agencies in the battle against crime at all levels in this State. This information should be available to the General Assembly of 1971 and may become available, at least in part, to the Legislative Research Commission during the interim between the 1969 and 1971 biennial sessions.

8. The training of new personnel and the advanced and specialized training of experienced personnel are essential in these times. Services are currently performed in these areas by the Institute of Government, by the State and Federal Bureaus of Investigation, the Highway Patrol, by some municipal police departments, and increasingly by some of our institutions of higher education including our community colleges. North Carolina has, however, no police academy such as has been established in some states. For example, South Carolina's State Law Enforcement Division (SLED), currently operates a Police Academy using classrooms in its new Broad River Road headquarters and residential accommodations in its adjoining barracks. SLED also sponsors a Law Enforcement Training program for local law enforcement personnel in over 200 public school buildings throughout the State. Closed circuit educational television, the principal instructional vehicle used, brings this program close to the homes of local officers thus reducing time, travel, and

subsistence costs in addition to the other gains that result from good training.

3. Recommendations

In view of our findings of fact, we recommend

1. That the Legislative Research Commission make no recommendation to the 1969 General Assembly concerning the establishment of a Department of Public Safety.

2. That the Commission support the proposal of the Governor's Committee on Law and Order calling for the establishment of a high-speed, computerized police information and communications network (commonly referred to as PIN) which would be kept in continuous operation so that the State may take full advantage of modern sophisticated technology in meeting the immediate, pressing and imperative needs of law enforcement.

3. That the Commission strongly recommend that, in connection with PIN, the General Assembly authorize a tie-in with the computerized service of the National Criminal Information Center.

4. That the Commission endorse the proposals of the Governor's Committee on Law and Order as set forth in its application for a Law Enforcement Assistance Administration Planning Grant, dated December 19, 1968, and communicate its endorsement to the Governor, the General Assembly, and the Law

Enforcement Assistance Administration of the United States
Department of Justice.

5. That the Commission urge the Governor and the General Assembly to face the necessity of strengthening the State Bureau of Investigation (1) by providing adequate headquarters office and laboratory space and also field offices for its agents, (2) by increasing the number of agents and laboratory personnel in order to meet promptly the demands for investigative and laboratory work, (3) by providing SBI personnel, whether in the laboratory or in the field, with the best possible tools and equipment to carry on their work (4) by providing each agent with a late model car in extremely good mechanical condition and sufficiently inconspicuous to comport with the confidential nature of the agent's work, (5) by equipping each car with the latest in communications equipment so that agents can readily be in contact with their colleagues, the Bureau headquarters and other law enforcement officers and agencies, (6) by providing agents with any equipment essential to their safety and efficiency in any type of work these times make necessary, (7) by authorizing each agent to use his SBI vehicle for any private personal trips he may make within the state while off duty so that he may be readily contacted via his radio in times of necessity, (8) by keeping the Bureau headquarters open 24 hours a day, 7 days a week, utilizing an officer-of-the-day system for this purpose, and finally, (9) by creating the office of Assistant or Deputy Director and providing that the Director or

his Assistant or Deputy shall always be on duty or within reach so that urgent matters may be handled with dispatch.

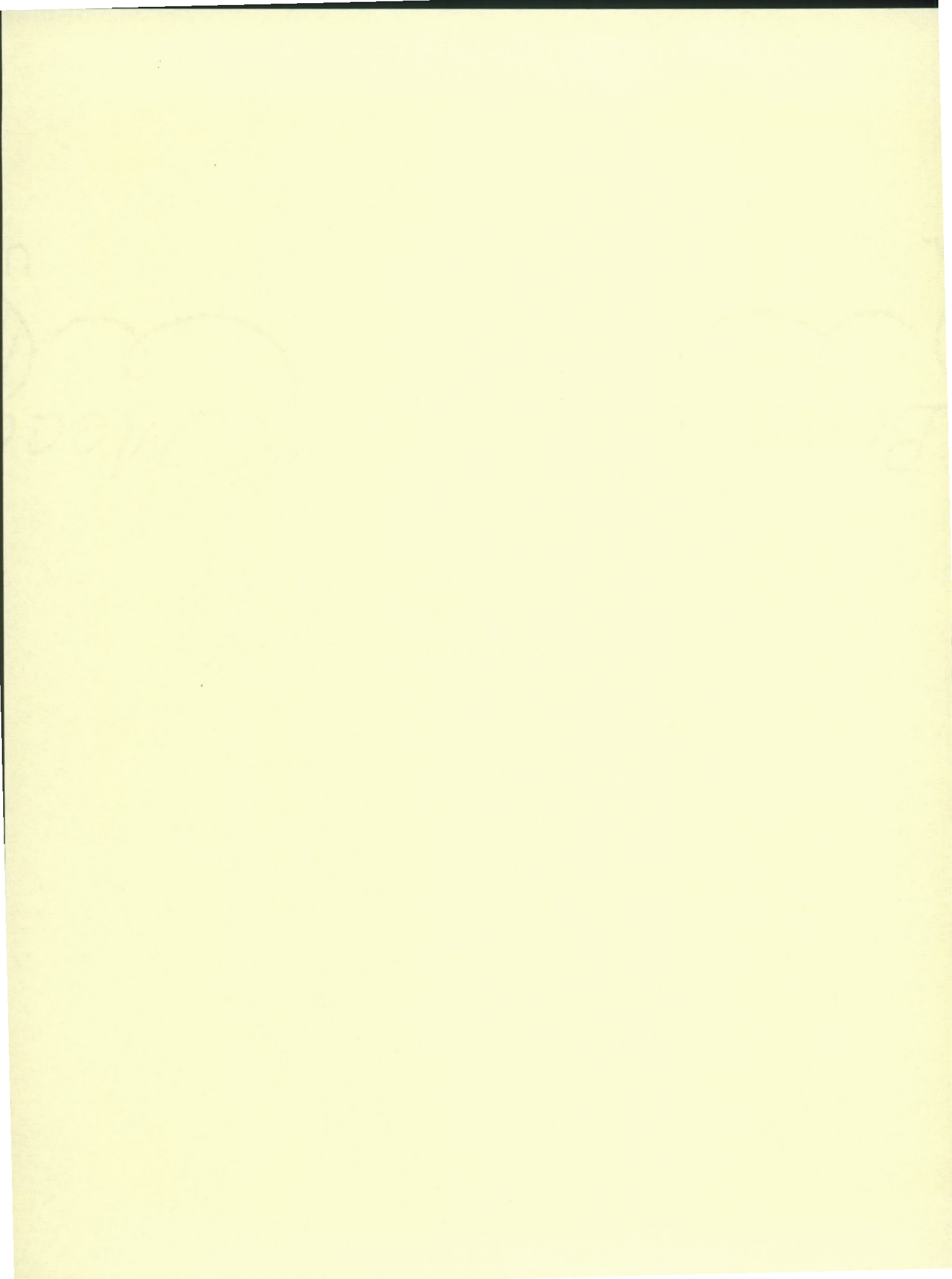
6. That the Commission endorse the ultimate transfer of the theft investigative functions of the Motor Vehicles Department and the arson investigative functions of the Insurance Department to the State Bureau of Investigation, but that these transfers await the improvement of the SBI along the lines indicated above.

7. That the Commission recommend the development of a more comprehensive training program than now exists. Such a development should utilize and encourage what has been and is currently being developed, but it should not stop there. Serious consideration should be given to the establishment of a North Carolina Police Academy, and to the development of a police training program utilizing public school classrooms and closed circuit television as has been done in South Carolina under the sponsorship of SLED.

8. Finally, we recommend that the 1969 General Assembly direct the Legislative Research Commission to continue its study of the desirability of the consolidation of public safety activities under the general jurisdiction of one department and to cooperate in any way possible with the Governor's Committee on Law and Order to the end that law enforcement may be improved in this State. In this connection, we recommend that the LRC employ competent research staff to assist it in this and other tasks. Should the recommendation of

the Constitution Study Commission that the number of executive agencies be reduced to twenty-five find favor with the General Assembly and the voters, a continued LRC study of law enforcement consolidation would become even more important.

APPENDIXES



A RESOLUTION DIRECTING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ADVISABILITY OF CREATING A DEPARTMENT OF PUBLIC SAFETY.

Be it resolved by the Senate:

Section 1. That the Legislative Research Commission is hereby directed to make a comprehensive study of the advisability of creating a State Department of Public Safety which would contain the State Bureau of Investigation, the State Highway Patrol, and other state law enforcement agencies. The Commission shall conduct its study with the view of determining whether or not the centralization of state law enforcement agencies under one department would eliminate over-lapping activities, eliminate duplication of functions and facilities, and provide increased coordination and more effective law enforcement at less cost. The purpose of this Resolution is not to create a state police force but to coordinate state law enforcement agencies.

Sec. 2. This Resolution shall be in full force and effect upon its adoption.

INTRODUCED BY: Senator McGeachy

Appendix 2

INSTITUTE OF GOVERNMENT
The University of North Carolina
at Chapel Hill

MEMORANDUM

TO: David Warren

FROM: Dexter Watts

DATE: October 18, 1967

SUBJECT: List of State Law Enforcement Officials

You requested that I provide you with a list of all State law enforcement officers. This is easier said than done. When we discussed the matter, we decided that I should give you only the officials with power of arrest. Even this has turned out to be difficult, as there are a number of essentially custodial employees with arrest power only as to certain inmates or on particular premises. What I shall do, then, is put down all statutes I found that conferred arrest power and let you do the weeding out. I cannot guarantee I found all the statutes there are, but I made a fairly comprehensive search. In almost every case there is a limit on the subject-matter jurisdiction of

State law enforcement officers. Comment will be made when I think it may be helpful.

<u>Officer</u> (By Department)	<u>Statute</u>	<u>Comment</u>
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Board of Paroles:

Any parole officer	148-61.1 (b)	The statute permits "any peace officer or parole officer" to arrest a parolee upon revocation of parole.
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Department of Agriculture:

Gasoline and Oil Inspectors	119-32	G. S. 119-23 indicates that the cooperative duties of employees of the Department of Revenue (see G.S. 119-25) do not extend to enforcement activities.
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Superintendent of Weights and Measures, his deputies, and inspectors	81.12	
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Officer (By Department)

Statute

Comment

Department of Archives and
History:

Special peace officers

121-10

Concerned with violations
on or relating to prop-
erty under control of
Department

Department of Conservation
and Development:

Commissioner of Commercial
and Sports Fisheries and
his inspectors

113-136

For definition of the
word "inspectors" used
in G. S. 113-136, see
G. S. 113-128.

Forest rangers

113-55

The "forest rangers"
in G. S. 113-49 are
private guards and not
state employees.

Officer (By Department)

Statute

Comment

Special peace officers for
lands and waters under
control of Department

113-28.2

These primarily consist
of park rangers.

Department of Correction:

Custodial officials

Common Law; G. S. 148-40 broadens
148-40

the common law rule
that a custodian may
recapture an escapee
and permits any
citizen to capture
escaped convicts
under the Depart-
ments jurisdiction.

Department of Insurance:

Commissioner of
Insurance and deputies

69-2

Concerned with arson
and wilful burnings

<u>Officer (By Department)</u>	<u>Statute</u>	<u>Comment</u>
		and fraud connected with such acts.

Department of Motor

Vehicles:

Officers of State 20-49;

Highway Patrol 20-183 (a);

20-188

Weighing station officers 20-183.10;

105-449.50

Anti-theft officers, safety 20-49

inspection supervisors,
and other officers of Dept-
artment assigned to
enforcement duties

John H. Kerr Reservoir

Development Commission:

<u>Officer (By Department)</u>	<u>Statute</u>	<u>Comment</u>
Special Officers 143-286		Authority limited to lands and waters under control of the Commission.
National Guard and State Defense Militia:		
Commanding officer of unit	127-106	May arrest for trespass on property under unit's control or for any interfering with or molestation of troops when on duty.
Any member	127-106.1	When called out by Governor, members "shall" have such power of arrest as may be reasonably necessary to accomplish the purpose for which they have

<u>Officer (By Department)</u>	<u>Statute</u>	<u>Comment</u>
		been called out."
Naval Militia:		
Commanding officer of unit	127-106	Same power as commanding officer of National Guard unit. See above.
North Carolina School for the Deaf:		
Special policemen designated by the superintendent or or business manager	122-33	Jurisdiction limited to the grounds of the school.
North Carolina Wildlife Resources Commission:		
Wildlife protectors and other employees of Commission assigned to	113-136	For definition of the word "proctector" used in G. S. 113-136, see

Officer (By Department)
enforcement duties

Statute

Comment

G. S. 113-128.

Office of Governor:

Director of General
Services and special
peace officers
designated by him

129-4 (6) ;

129-4 (7)

Concerned with
violations in, on, or
with respect to public
buildings and grounds
in Raleigh maintained
by General Services
Division.

State Banking Commission:

Bank examiners

53-121

State Board of Alcoholic
Control:

Special peace officers

18-39.2;

18-116.5

These are generally
known as State ABC
Officers--to distinguish

Officer (By Department)

Statute

Comment

them from the ABC
officers in the employ
of county and city ABC
Boards.

State Board of Juvenile

Correction:

Any employee of any school, 134-109
institution, or agency under
control of Board.

May apprehend
runaways. This power
is additionally given
to any peace officer,
any official of the
welfare department, and
any person designated
by the superintendent
of the school,
institution, or agency.

Any person issued a
commitment by the
board of managers of

134-31

Commitments may issue
'for girls violating
conditions of parole

<u>Officer</u> (By Department)	<u>Statute</u>	<u>Comment</u>
the State Home and Industrial School for Girls		or conditional release. The commitment may also issue for escapes, but the broader provisions of G. S. 134-109 may here make a commitment unnecessary.
Any officer of Dobb's Farms upon request of its board of directors	134-45	Return of girl on parole to custody. Power to return parolees may also be granted to others by the rules of the board.
Agents of the board of Morrison Training School	134-81	Power to retake parolees upon failure to comply with any requirement of parole.

<u>Officer (By Department)</u>	<u>Statute</u>	<u>Comment</u>
Any officer of State Home and Industrial School for Girls, Stonewall Jackson Manual Training and Industrial School, Eastern Carolina Industrial Training School for Boys, Morrison Training School, and State Training School for Negro Girls--as to conditionally released inmates of each respective school.	134-84.8; 134-85	Apprehension and return of former inmate authorized upon written revocation of conditional release. This power is also given to any peace officer sent the written revocation.

State Bureau of Investigation:

Director and his assistants 114-15

State Department of Mental Health:

Special policemen designated 122-33 Jurisdiction limited to

<u>Officer (By Department)</u>	<u>Statute</u>	<u>Comment</u>
by the superintendent or business manager of each hospital and training school under the supervision of the Department.		the grounds of the hospitals and training schools.
Special peace officers designated by the Department for John Umstead Hospital	122-98	Jurisdiction limited to grounds of the hospital and adjacent territory under control of Department.
State Ports Authority:		
Special policemen	143-224 (d)	Territorial jurisdiction not clear, as 1965 revision eliminated phrase restricting such officers to Authority grounds and harbors and seaports under Authority's juris-

Officer (By Department)

Statute

Comment

diction.

Miscellaneous State Agencies
and Institutions:

Special policemen for
" (any educational
institution or hospital,
whether State or private,
or any other State
institution...."

74A-2 (b)

G. S. 74A-1 authorizes
application to the Gov-
ernor for appointment.

G. S. 74A-2 (b) sets
the territorial limits
of these policemen.
There is no subject-
matter limitation.

Appendix 3

205 Woodburn Road

Raleigh, N. C., 27605

12 January 1968

Senator N. Hector McGeachy, Jr., Chairman
Subcommittee to Study Creating a
Department of Public Safety
Legislative Research Commission

Dear Senator McGeachy:

The accompanying memorandum attempts to survey in an organized way the contents of a file given me by Mrs. Benton.

Perhaps some of the documents (especially those attempting critical examinations of the public safety departments in other states) should be made readily available to your colleagues. Notable in this class are those concerning Alaska, Arkansas, Illinois, Iowa and Utah and the Texas Research League's report to the Texas Public Safety Commission entitled The Texas Department of Public Safety: Its Services and Organization. Although this report was made in 1957, it should be read carefully if you decide to establish a public safety department in North Carolina. In any case a reading of the summary

appearing on colored pages at the outset would be useful in your work.

May I also suggest that Mr. Walter Anderson, the former SBI Director, who seems to have believed there was a case for consolidating investigative functions, be approached for any ideas he may have. I know also that, as SBI Director, he was much interested in the development of college level training for law enforcement personnel. Some effort in this direction was made by the North Carolina State University Division of Continuing Education for the benefit of the Raleigh police. I believe you know what our community colleges are doing or propose to do in this field. You are also familiar with the contribution regularly made by the Institute of Government. I think also that Professor Albert Coates has a forthcoming study that should be helpful in this aspect of your problem.

I have always been impressed by the effective way in which the Department of Motor Vehicles has done its job. It is already the locus of enough functions to justify the term Department of Motor Vehicles and Highway Safety.

What I have tried to do in the accompanying memorandum will, I hope, serve at least as a guide to the file Mrs. Benton turned over to me.

Sincerely yours,

/s/ Preston W. Edsall

January 12, 1968

Memorandum

To: Senator N. Hector McGeachy, Jr.

From: Preston W. Edsall

Subject: A DEPARTMENT OF PUBLIC SAFETY FOR NORTH CAROLINA?

Note: The following memorandum is based mainly but not quite wholly on materials found in the file of papers turned over to me just before Christmas.

SR 696, introduced on June 16, 1967, and passed by the Senate on June 23, calls for "a comprehensive study of the advisability of creating a State Department of Public Safety which would contain the State Bureau of Investigation, the State Highway Patrol, and other state law enforcement agencies." The general purpose is to determine whether such a centralization "would eliminate overlapping activities, duplication of functions and facilities and provide increased coordination and more effective law enforcement at less cost. The purpose is not to

create a state police force but to coordinate state law enforcement agencies."

Previous use of term "public" safety in North Carolina.-The Budget over a period of years has associated the terms "Public Safety" and "Regulation." The 1967-69 Budget Report, page xiv, the "A" Budget, pages 59-102, and the "B" Budget, pages 19-37, deal with the following agencies: The Adjutant General, the Civil Air Patrol, the Civil Defense Agency, the Department of Motor Vehicles, the Utilities Commission, the Insurance Department, the Labor Department, the Industrial Commission, the Board of Alcoholic Control, the Agriculture Department, the Banking Commission, the Burial Association Commission, the Barber Examiners Board, the Cosmetic Art Board, the Opticians board.

If responsibility for public safety is defined as the function of safeguarding persons and property from the hazards of war, disaster, violence, crime, and sheer carelessness, then there are (as distinguished from "regulatory" activities) "public safety" activities to be identified in at least six of the agencies and boards listed above. Notably missing from the above list are (1) the State Bureau of Investigation, which appears with other units of the Justice Department in the Budget under the heading "General Administration", (2) forest protection and certain other activities of the Department of Conservation and Development, and (3) several functions of the Wildlife Resources Commission, for example "The enforcement of laws and regulations

pertaining to the registration and safe operation of water craft on the territorial waters of the State". If the authority to make arrests were taken as a basis of selection, a total of more than 20 agencies would be involved at least to some extent in the catch-all clause "other state law enforcement agencies" used in SR 696. See memo of Dexter Watts of the Institute of Government, Oct. 18, 1967.

Departments of Public Safety in other states. -- Departments bearing the name "Public Safety" exist in 19 states (see letter and list from William Haddon, Jr., M.D., Director, National Highway Safety Bureau, U. S. Department of Transportation, Nov. 20, 1967.) Numerous states, including some of those having Public Safety Departments, divide public safety functions among several departments, e.g., State Police, Motor Vehicles, Highway, Highway Safety, etc. Obviously North Carolina is among these.

Some information regarding the Public Safety Departments in Alaska, Arkansas, Georgia, Kentucky, Illinois, Iowa, Michigan, Texas and Utah is contained in the file of materials concerning SR 696. This information is uneven both in quantity and quality, and to be useful, requires supplementing in every case. In addition sources of information mentioned in Director Haddon's letter may prove helpful.

At least two patterns of administrative organization exist in the limited number of examples contained in the file: Certain states have a board at the top to whom an appointive director is responsible; others have a single head holding his office by appointment of the governor.

Georgia and Texas, for example, use boards. (1) Georgia law establishes a Department of Public Safety to consist of the Governor as chairman and the Attorney General, the chairman or executive officer of the Highway Department, the Comptroller General and two members appointed by the Governor from among the sheriffs and peace officers of Georgia. The Department of Public Safety appoints a Director to supervise and control all divisions and employees of the Department. (2) Texas vests control of its Department in a 3-member Public Safety Commission. The Commissioners, who are appointed by the Governor, serve 6-year overlapping terms - one is appointed every other year. Among the Commission's duties is the appointment of a Director and an Assistant Director. The Director "acts with the Commission in an advisory capacity, without vote."

Administrative organization of Departments of Public Safety. -- The scope of the responsibilities of these departments varies from state to state. It may be useful to illustrate scope by listing units in a few instances:

Georgia subordinates the Director to the Board of Public Safety. In addition to the Deputy Director, the following divisions or bureaus are under the Director's immediate supervision: State Patrol, Drivers License, Investigation, Treasurer, Safety Responsibility and Revocation, Adjutant Personnel, Crime Laboratory, and Police Academy. Under the Deputy Director are the divisions of Motor Vehicle Inspection, Accident Reporting, Safety Education, Firearms Licensing, and Communication. (see organization chart accompanying Director R. H. Burson's letter, December 5, 1967.)

The Texas Department has more comprehensive duties than does Georgia. Says the Guide to Texas State Agencies: "The statutory duties of the department include the formulation of plans for the enforcement of criminal laws and traffic and safety laws of the state, the detection and apprehension of law violators, and promoting education of state citizens in public safety and law observance. By directive of the Governor, it formulates plans for internal security and civilian defense in wartime and disaster control and relief in peacetime. These duties involve the setting up and operating defense police mobilization and air raid warning systems; aircraft warning services; communication, transportation, evacuation, and related undertakings, and the investigation of alleged subversive activities." To perform these duties the Department is organized in 14 divisions each headed by a chief who is responsible to the Director: Accounting, Statistical, Identification and Records,

Communications, Intelligence, Education, License and Weight, Texas Rangers, Texas Highway Patrol, Drivers License, Safety Responsibility, Motor Vehicle Inspection, Internal Security, and Narcotics. In addition the Department has a Personnel Office. Brief descriptions of the functions of each of these divisions and of the Personnel Office appear in the Guide from which the previous quotation was drawn.

Kentucky's Department of Public Safety, which is headed by a Commissioner appointed by the Governor, is organized into the following divisions: Administrative Services, Accident Control (which works "closely with the Governor's Committee for Traffic Safety," now a statutory body), Boating, Driver Licensing, Fire Prevention, and State Police. It is believed that a Division of Motor Vehicle Inspection has been added. (See Toward a Safer, Better Kentucky Annual Report, Department of Public Safety for Fiscal Year 1965-66, and Ky. Rev. Stats., Ch. 17. Functions included in the Department were transferred in some instances from the Departments of Insurance and Revenue and the former independent agency status of the Kentucky State Police was terminated. (KRS 17.020). The Commissioner chairs a Public Safety Advisory Committee appointed by the Governor.

Alaska's Department of Public Safety is headed by a Commissioner appointed by the Governor and, according to information furnished by the U. S. Department of Transportation, encompassed the following divisions: Fire Protection, Civil Defense, Weights and Measures, and State Police. The Division of

State Police contained five sections: Enforcement, Service, Records and Identification, Driver License and Safety Responsibility, Training and Personnel. For the most part, the Alaskan organization appears to have followed the pattern set forth in the document found in part in the LRC file used in preparing this memorandum and entitled "Proposed Organization of the Executive Branch, State of Alaska, 1958, XII:6.14. A notable exception, however, is the inclusion of a Division of Weights and Measures, which the proposed organization recommended including in the Department of Labor and Commerce. The peculiar problems of our largest and least populous state led the authors of the proposed organization to discuss the establishment of 3 regional divisions. Some further comment on Alaska is made subsequently.

Illinois assigns its Department of Public Safety a wide functional scope: State police, narcotics control, criminal investigation and identification, fire marshall's office, boiler inspection, and prisons and parole. Documents in the LRS file refer to the State Police and to the Division of Highway Patrol; apparently Arvid Hammers, the author of the Illinois Legislative Council document "Organization of Public Safety Functions in 12 leading States." (ILC File 6-611, Nov. 20, 1967.) equates the terms state police and highway patrol. Certainly the most unusual feature of the Illinois Department of Public Safety is its inclusion of prison and parole administration.

Utah's "Little Hoover Commission" study, made in 1966, recommended a change in scope and name. Public Safety Services

would be put under a Commissioner appointed by the Governor and serving at his pleasure. He would have subordinate to him Departments of Highway Patrol, Motor Vehicles, and Defense, headed by the Adjutant General. Also in Public Safety would be the Fire Marshal and also the Office of Civil Defense. Three councils; Civil Defense, Fire Prevention, and Safety would advise the Commissioner. Some rearrangement of functions of the pre-existing Department of Public Safety was recommended. (The analysis of the "Little Hoover Commission Report" of 1966 contained in the LRC file is limited and more information concerning Utah may be needed.)

Michigan may have changed from a Department of State Police to a Department of Public Safety (see Dr. Haddon's list accompanying his letter); at all events the department includes a Civil Defense Division and the Civil Defense Advisory Council and also a Fire Marshall Division and a State Fire Safety Board. The Michingan code, 16.252-16.258, and the organizational chart indicate a Director, appointed by and serving at the pleasure of the Governor. The central headquarters has two divisions; Executive and Public Affairs, and two bureaus: Staff Services and Field Services, each of which is divided into divisions. (See LRC file - Michigan. This file also contains Executive Order 1965-13 issued by Acting Governor Milliken establishing the Department of State Police.)

Louisiana's Department of Public Safety dates from 1952, in which year the Department of State Police, the Board of

Directors of the State Fire College, and the Safety Commission of Louisiana were consolidated. Functions of the consolidated department as of 1964 included the following: Department of State Police, the Board of Directors of the State Fire College, and the Safety Commission in Louisiana. The resulting department was charged with the responsibility of (1) maintenance of peace and order as involved in the services of the police patrol, (2) highway traffic control and highway safety, (3) issuance of driver licenses and keeping records on licensees' accidents and traffic violations, (4) advising and instructing the people on accident prevention, (5) the enforcement of regulatory provisions of law, (6) police and fire training where applicable to use by the state, and (7) administering the financial responsibility laws of the state. In the same year the department contained the following divisions: Financial Responsibility, Drivers license, Driver training, and State Police. (Information concerning Louisiana is drawn from the table accompanying the letter of Dr. William Haddon, Jr., of the U. S. Department of Transportation, Nov. 20, 1967, and from a memorandum prepared by the Research Department of the Arkansas Legislative Council for its Committee on Roads and Highways, January 13, 1964.)

Arkansas has a Research Department of its Legislative Council which prepared a memorandum entitled "Motor Vehicle Departments, Departments of Public Safety and Similar Agencies in the Several States." (Memo. addressed to the Committee on Roads and Highways, ALC, contained in the LRC file). While this memorandum is useful in connection with motor vehicle problems

and their history, it chiefly concerns highway safety problems and virtually equates public safety and highway safety. The memo says, for example, that if a department "is centralized as to (1) the issuance and supervision of driver's licenses, (2) maintains central drivers records and uses such records in a disciplinary program of evaluating driver performance, and (3) is charged with the enforcement of motor vehicle laws, with major emphasis being placed on promotion of highway safety and violation-free driving, then it would fulfill the major requirements requisite to a public safety department. (Underscoring mine.) Administration of financial responsibility laws, periodic motor vehicle inspection, driver safety and similar programs would be additional duties usually placed under the administration of a public safety department."

Three useful tables appear in the memorandum. No. 1 on page 3 and No. 3 on pages 9-14 identify the agencies in each of the 50 states in which the four previously mentioned functions of motor vehicle programs are administered. Since all four are vested in North Carolina's Motor Vehicle Department it would (by the standards of the Arkansas memorandum) be entitled to be called a department of public highway safety.

However, beginning on page 7 of the Arkansas memorandum, a somewhat broader version of public safety department functions appears. Reference is made to the Georgia, Texas and Alabama departments and some detail is given concerning the Louisiana department, which is taken as typical. (See

previous Louisiana paragraph.) The memorandum then sets forth six basic elements common to most such departments, elements which "define a 'Department of Public Safety' and distinguish it from other types of administration:

1. There is usually a central department under the direction of one appointed officer;
2. Divisions are established within the department and charged with supervision of specific programs such as driver licenses, law enforcement, etc.
3. The central department is charged with the responsibility of coordinating the different programs with emphasis on safety;
4. Provisions are made for central records to aid policing activities;
5. Methods are derived for more effective assessments of penalties for various traffic violations, i.e., the point system for suspension or revocation;
6. Much emphasis is placed on educating the public about the problems involved in motor vehicle safety, and attempts are made to provide specific

education to the novice driver and the careless and reckless habitual offender."

Iowa's Department of Public Safety, as it was in 1966 and as it was proposed to reorganize it, is discussed in a document headed "Administrative Organization of the Executive Branch, State of Iowa, Part II." Created to bring under one administration "several law enforcement functions relating to highway safety, the operation of motor vehicles, investigation of crime, and internal security of state government" the department in 1966 was headed by a commissioner and contained the following divisions: Highway Patrol, Criminal Investigation, Fire Protection and Investigation, Radio Communication, Motor Vehicle Registration, Motor Vehicle Financial and Safety Responsibility, Operation and Chauffeurs' Licenses, Motor Vehicle Dealers' Licenses, and Safety Education, and the Iowa Reciprocity Board. According to the document relied upon, several legislatures had paid little attention to the "internal organization requirements of the Department" with the result that legislative actions had produced "separate entities, sometimes with overlapping and duplicated purposes."

The proposed reorganization was intended to overcome these weaknesses and to relieve the department of "responsibilities foreign to its basic purposes" and more properly belonging elsewhere in the executive branch, for example "the function of licensing and regulating motor vehicle dealers." The transfer of some functions to the Public Safety Department

was recommended, for example the operation of vehicle weigh stations and the enforcement of reciprocity regulations from the Highway Commission. The Commissioners of Public Safety and of Highways and the Chairman of the Commerce Commission would serve ex officio as a negotiating committee for interstate reciprocity, but the administration of the agreements would be wholly in Public Safety. As proposed to be reorganized the Department would consist of the Office of the Commissioner and the following divisions: Patrol, Registration and Licenses, Special Investigation, Fire Prevention, and Administrative Services. Responsibilities of each division are described briefly in the document and a helpful organization chart based on the proposed plan is included. (A photocopy of the Iowa Code, Chapter 80: Department of Public Safety, is also included in the LRC file.)

Problems and Attitudes in North Carolina

The preceding summary of information concerning several existing public safety departments reveals a number of questions that will have to be answered by the LRC sub-committee.

1. Is "public safety" a convenient label for a department of law enforcement or is it a concept involving other activities as well? The resolution seems to suggest the former but certainly does not forbid the LRC from considering such matters as the inclusion of military and civil defense activities. A scanning of the foregoing pages gives some hint of what possibilities of inclusion exist.

2. If such a department is proposed, how shall it be headed and organized? Should the head of the department be appointed by the Governor? Or by a board? If by a board, should the board be composed wholly or in part (as in Georgia) on an ex officio basis, or should it be made up of appointive members as in Texas? Should the members have fixed terms, overlapping terms, or serve at the Governor's pleasure? Should the head appointed by the Governor or the board serve a fixed term or at pleasure? Iowa uses (or used) a 4-year term; but the 1966 proposal for reorganization (see earlier section on Iowa) recommended gubernatorial appointment and service at the pleasure of the governor. Alaska's comparable document (see section on Alaska) observes that because "policing is essentially an executive function it is recommended that the Commissioner be appointed by the Governor. Such direct executive control will eliminate the need for a police commission and consequently fix responsibility for State public protection on two persons: the Governor, directly responsible to the people for his actions, and the Commissioner of Public Safety, directly responsible to the Governor for full performance of his duties. There need be no intermediate body to compound administrative functions and duplicate direct overhead administrative control." Utah's Little Hoover Commission also dropped the fixed term idea and recommended the establishment of a cabinet level post of "commissioner of public safety services" who would serve at the pleasure of the Governor. (See document cited in section on Utah.) Twentieth century principles of public administration certainly would look with disfavor on popular election of a

commissioner of public safety. What, if any, advisory councils or committees should be provided?

To what extent should legislation prescribe the internal structure of a new department and to what extent leave this problem to be solved in the executive branch? Certainly where transfers of existing units and functions are involved, the statute must be clear and the same applies to the allocation of any hitherto unauthorized function. Beyond this point there is something to be said for flexibility within the executive branch and the new department.

3. Are there evidences of overlapping or diffusion in the organization of public safety functions in North Carolina that would be eliminated if a department of public safety were created? Would these functions be performed more efficiently if brought into one department? Would local law enforcement and public safety officials find their tasks easier? The writer cannot answer these questions because the papers in the LRC file do not lead to any immediate conclusion; however some communications in the LRC file need mention at this point.

Only one document in the LRC file makes any specific suggestions for consolidating scattered functions. This came on November 29, 1965, from SBI Director Walter F. Anderson, who wrote in response to a general invitation from LRC Co-chairman Robert E. Morgan to agency heads for suggestions. Director Anderson pointed out that investigatory functions were found in

at least seven different agencies and suggested that some combination might produce better service at less cost. The SBI, he said, was studying its own operations and potential. After some delay the LRC invited Mr. Anderson to take up the subject with the other agencies mentioned in his letter and furnish the LRC a substantive report. On July 21, 1966, Mr. Anderson replied that "circumstances will prevent me from making any investigation of any other State Investigative Agencies or a report to the Legislative Research Commission."

On October 25 and 26, 1967, Senator McGeachy, in his capacity as LRC subcommittee chairman looking into the public safety department ideas, addressed identical letters to the Commissioners of Insurance and Motor Vehicles and to the Director of the Board of Alcoholic Control, the Wildlife Resources Commission, and the SBI. SR 696, he said, was intended "simply to see if creating such an agency would contribute to more efficiency, greater financial savings and more coordination of activity. Our study could very well prove that our present system is desirable. The committee would like to have your ideas and suggestions or any data you might have on the subject. I shall be glad to hear from you and enlist your cooperation. Our committee plans to hold public hearings at some future date, and should you desire to be heard, I should like to know this also." The LRC file delivered to me contained answers from all but Insurance Commissioner Edwin S. Lanier.

The replies indicated willingness on the part of the writers to cooperate with the subcommittee and to appear at a public hearing. They also indicate doubt that the creation of a department of public safety is desirable. Said SBI Director Myron H. McBryde (Nov. 9) "We ... are not aware of any overlapping of activities, nor any duplications of functions and facilities. We are all interested in financial savings in all our endeavors, and concur with your intentions to promote such in all Departments. However, as a final observation, we feel it is very important to the Governor's policies surrounding Law and Order that a State Department of Public Safety not be created."

Motor Vehicle Commissioner Ralph L. Howland (Oct. 31) commented on the diversity of administrative organization for enforcing motor vehicle laws in the different states and the problem of determining statistically what is best. The trend, he said, "has been toward consolidating all agencies charged with any phase of motor vehicle law enforcement into one central department." He then showed the breadth of his department's responsibility and argued against any action that would move the Highway Patrol to any other agency as likely to create the kind of difficulties that SR 696 seeks to identify and remove. Furthermore, Commissioner Howland maintained the Highway Patrol is not a State Police force, but is limited to the enforcement of the motor vehicle laws.

ABC Director Ray B. Brady replied (Nov 22) that he had no definite ideas or suggestions for the subcommittee but was "in

the process of making inquiries and at least reviewing the status of enforcement personnel and their activities in this department." Mr. Brady alone expressed no opinion concerning the wisdom of creating a new department.

Executive Director Patton of the Wildlife Resources Commission (Nov. 1) said that the Commission might be of some help on account of its long "experience in enforcing laws and regulations controlling the activities of several hundred thousand hunters, fishermen, and boaters." He discussed the self-supporting aspect of much of the Commission's law enforcement and safety work and provided an organization chart and a copy of the list of September 1967 prosecutions. Like most of his fellow respondents to Senator McGeachy's request, he reported that "we have some reservations at this time about the advisability of incorporating the Wildlife Resources Commission's law enforcement facilities with other law enforcement agencies under a single law enforcement department."

Presumably one of the criteria for the creation of a department of public safety would be more effective coordination with county and municipal law enforcement and public safety agencies. Apparently with this test in mind Senator McGeachy wrote as follows to Sheriff W. G. Clark of Cumberland County and asked (Nov. 18) the benefit of his experience and knowledge. "This is a study of the structure of state government. There is no authorization to study or recommend additional jurisdiction of any department but only to see whether or not it would be more

efficient and convenient to have one department with a number of the law enforcement agencies combined under it. It has been suggested that it would be more convenient to the sheriffs to be able to go to one identification bureau and one office to obtain any information desired. A question has been raised as to whether or not it is best to have the arson and fraud division under the Commission of insurance, the theft division under the Motor Vehicles Department, the Highway Patrol under the Motor Vehicles Department, the SBI under the Attorney General, or whether it might be more efficient to combine some or all of these, together with possibly some other state law enforcement agencies under one department. The question being whether this would provide better training and coordination and whether or not it would be simpler for the sheriffs to contact one place for information. "No response was found in the LRC file.

Lieutenant Governor Robert W. Scott (Dec. 7) replied to a letter from Senator McGeachy asking his opinion on SR 696. "On the surface of it, the idea seems okay" he said, and added that the establishment of a police academy "for training all state law enforcement officers as well as giving assistance to local police officers for training ... might well be operated by a Department of Public Safety."

Appendix 4

205 Woodburn Road
Raleigh, N. C., 27605
20 April 1968

Senator N. Hector McGeachy, Jr.
Chairman, Subcommittee on the
Creation of a Public Safety
Department
Legislative Research Commission
State Legislative Building
Raleigh, N. C.

Dear Senator McGeachy:

The accompanying memorandum presents a body of information concerning law enforcement in South Carolina. Most of this information was gathered in Columbia on March 25 and 26, during interviews with the South Carolina officials who are mentioned in the first paragraph of the memorandum. They appeared to be very frank in explaining their operations and expressing their views.

My memorandum is very largely devoted to the organization, functions, and inter-agency relations of the South

Carolina Law Enforcement Division. It may well be that this agency, which fulfills the role played in North Carolina by the SBI but has more comprehensive functions and significantly different practices, could provide a model for improving law enforcement in this state. You will recall that Representative Quinn, during one of the subcommittee meetings, suggested this as a possibility.

If we were to adopt the SLED model in North Carolina and to use the SBI as a starting point, there would have to be an expansion of functions and a shift from the Department of Justice to the Governor's Office, for SLED comes directly under the Governor.

Whatever you may think of South Carolina's organization, the interest shown training programs by SLED, by the Highway Patrol, by local police departments, and by the University of South Carolina commends itself to your subcommittee's special attention. I mention the matter here and there in the memorandum and devote a section exclusively to it (see pages 8-10). I also append a brochure describing a statewide program utilizing closed circuit educational television.

There are one or two other matters not covered in this memorandum to which my attention has been drawn. These I plan to submit at a later date.

Sincerely yours,

/s/ Preston W. Edsall

Preston W. Edsall

MEMORANDUM

To: Senator N. Hector McGeachy, Jr.

From: P. W. Edsall

Subject: LAW ENFORCEMENT IN SOUTH CAROLINA WITH
EMPHASIS ON SLED -- STATE LAW ENFORCEMENT
DIVISION.

The following memorandum is based mainly on a series of interviews with the following South Carolina officials: Henry Lake, the director of the Legislative Council, who also serves as advisor to Governor McNair; Chief J. P. Strom of SLED, lt., J. L. Gasque, administrative assistant to Chief Strom; Capt. W. R. Cauthen of the Columbia City Police Department; Col. P. F. Thompson, commander of the Highway Patrol; and Col. Fred C. Craft, director of Civil Defense. I am especially grateful to Mr. Robert H. Stroudemire, director of the Bureau of Governmental Research and Service of the University of South Carolina, with whom I consulted and who arranged my schedule of appointments in Columbia. I also talked with Mr. Allen Harmon of the University's extension service, whose efforts to conduct an educational program for law enforcement officers have attained considerable success and whose program hopefully will survive the competition of the ETV program now being sponsored by SLED.

From my two days of interviews certain conclusions emerge concerning the situation in South Carolina as it related to the problem before your subcommittee:

First, no one with whom I talked thought the establishment of a Department of Public Safety of the type under consideration here was desirable for South Carolina. All thought the present organization, while calling for continuous improvement, was working well. Cooperation is good as recent experience has demonstrated. To create a new department to house South Carolina's law enforcement agencies, it is argued, would interpose a new administrative level with problematical shifts in emphasis and possible slowdown in action.

Second, the Governor of South Carolina has full authority to mobilize state law enforcement agencies -- especially SLED and the Highway Patrol -- to meet emergencies. SLED is a division of his Office and is therefore subject to his control at all times. Therefore it serves as a central coordinating agency in many matters, both routine and exceptional. Generally speaking, it is only in situations involving crowd control that the Governor's role is more than nominal, for cooperation is an everyday matter in ordinary law enforcement.

South Carolina's Law Enforcement Division

SLED dates from the year 1947. Its longtime chief is Col. J. P. Strom and its central offices are in a new building on Broad River Road about eight miles from the State House. The

officer strength is 50 men, 13 of whom (together with a small clerical staff) are at the central headquarters. At headquarters there are several departments -- administrative, criminal, liquor, arson, chemical, ballistics, polygraph, bloodhounds, extradition, and communications. Agents stationed at headquarters, including Chief Strom and Lt. Gasque, head one or more of these departments.

SLED headquarters is open for business 24 hours a day, 7 days a week. Either Chief Strom or Lt. Gasque is in Columbia every weekend. There is a rotating officer-of-the-day system under which an agent serves as OD for a week and has an assistant on weekends. Whenever an agent is away from his post for private business or an off-duty weekend, he is expected to use his official car because its equipment enables constant communication with him.

SLED agents are normally recruited from the ranks of experienced law enforcement officers. They receive special training for their work (see the section on Training). An agent normally begins at a base salary of \$6,500 a year and advances automatically to \$8,000. Beyond this point there is a merit system for advancement. In addition, each agent receives an estimated \$300 clothing allowance. He is also furnished an automobile which he is expected to use for private as well as

official transportation. As had already been noted, each car is equipped with a two-way radio communication to insure ready communication with headquarters and other state and local law enforcement agencies. Thus an off-duty or vacationing officer is immediately available for duty in case of emergency.

SLED's Functions: Present and Prospective

SLED is primarily an INVESTIGATIVE agency somewhat similar to our State Bureau of Investigation. Great emphasis was put on its investigative role. General competence as an investigator is the first requirement of an agent; specialization comes second. All SLED's departments except extradition involve investigation, and most of its staff functions -- that is, the work performed at the Broad River headquarters for state and local law enforcement agencies -- are aspects of the investigative process. This applies to criminal records and identification, ballistics, chemical, and polygraphic work quite obviously.

SLED's agents have the general power of PEACE OFFICERS and as such can deal with offenders whose violations of law take place in their presence. In general, however, they do not make arrests when other officers are in a position to do so. Although they are continuously using the highways, they do not engage in traffic control. Of course a SLED officer would take charge in an accident situation until the arrival of a Highway Patrolman or an authorized traffic officer. As plainclothes officers, SLED

agents are not well suited for traffic work; neither are they specialists in it any more than traffic officers are specialists in investigation.

SLED performs a variety of LABORATORY SERVICES for law enforcement agencies throughout the State. As has been noted, it maintains a chemical laboratory, a ballistics department, and a polygraphic department. These highly specialized services are beyond the resources of most county and small city law enforcement departments.

As a COMMUNICATIONS CENTER serving law enforcement agencies generally, SLED's role is impressive. A teletype network connects the Broad River headquarters with all parts of the state and handles out-of-state communications. Statewide two-way radio communication is likewise maintained between cars operated by SLED, Highway Patrol, and local law enforcement cars, including SLED's helicopter. SLED has recently become affiliated with the National Criminal Information Center (NCIC). Requests for information stored in the NCIC computer can be sent out and receive almost instantaneous response. For example, an instance involving a teletype request from a distant part of the state was sent out by SLED to NCIC, and a reply was received and dispatched to the field in a total of eighty seconds.

During my visit to the Broad River headquarters, I also witnessed an impressive demonstration in the ballistics department, saw the chemistry laboratory, was aware that

polygraphic tests were in progress, and learned something minimal but interesting about SLED's record system.

ARSON cases fall under SLED's jurisdiction and are the special departmental responsibility of Lt. Qasque. The Division has no responsibility for preventive aspects of the fire problem. These fall under the Fire Marshal, whose office is attached to the General Services Administration.

LIQUOR law violations present an area of divided authority. Enforcement of laws concerning legitimate or "stamped" liquor come under the newly established Alcoholic Beverage Control Commission. SLED is concerned with "white liquor". To increase its efficiency in investigating white liquor production, SLED uses a helicopter, which serves also to transport prisoners being EXTRADITED from other states. On the occasion of my visit to the Broad River headquarters, the helicopter was on such a mission.

The cases handled by SLED come from a variety of sources, for example automatic referral of communications addressed to the Governor and direct requests from other law enforcement agencies, chiefly local. Included are the investigations of prospective administrative personnel antecedent to state employment and of cases reaching SLED from undercover informers. Among the most delicate of SLED's tasks is that of handling complaints that local law enforcement officers are remiss in the performance of their duties. Here SLED serves in a

sense as an "ombudsman" and then, if need be, as an alternative law enforcer. I gather that instances in which the Division goes beyond the embudsman role are few indeed.

SLED agents average about 20 cases each as of any particular day. Some of these cases are active for considerable periods; others are disposed of expeditiously. Some require laboratory work at the Broad River headquarters; some do not. Some are the personal responsibility of Chief Strom himself, who heads the criminal and liquor departments in addition to his general administrative responsibility.

The newest function of SLED is in the TRAINING field. The Division has trained its own personnel in the past and is just now beginning a Law Enforcement Training project utilizing closed circuit television for the benefit of law enforcement officers in all parts of the State. Equally ambitious is the plan to establish at the Broad River headquarters a full-scale Police Academy. These projects are discussed more fully in a later section of this memorandum.

SLED and Other Law Enforcement Agencies

My impressions, gathered at the other agencies I visited, are that relations between them and SLED are good. The two agencies that shared crowd control with SLED in the recent episode in Columbia spoke well of the cooperation. Both felt that, in certain aspects of their work, separation continues to

be desirable. Certainly I found no evidence of any desire on SLED's part to get into traffic control problems or to interfere with or supplant the training programs of the Columbia Police Department.

While it would tax the credulity of your subcommittee to be told that there are no rough edges in the relationship between SLED and the county and city law enforcement agencies throughout South Carolina, I think you can believe that these agencies appreciate the assistance SLED provides in investigative work and the specialized services provided at the Broad River headquarters. Likewise there is evidence that the emerging leadership of SLED in the training field is well received, although other going-concern training programs are not likely to be abandoned at once.

Some friction must inevitably develop in those instances in which SLED follows up complaints against local law enforcement or the lack of it. The Division has developed a technique for handling these complaints that is designed to avoid unnecessary embarrassment to those complained against.

Law Enforcement Training in South Carolina

Because of the interest that has become evident in our state in providing training for law enforcement officers, a brief look at the South Carolina training programs seems desirable. Heretofore such training has not been centralized in any true

sense. For example SLED and the Highway Patrol have provided their own training. The Columbia Police Department has its own full-time training officer, Lt. Wilbur, who conducts an in-service program. The extension service of the University of South Carolina also provides a training program for any local law enforcement agencies when requested. This program is under the direction of Allan Harmon of USC and was highly praised by Capt. Cauthen of the Columbia Police Department.

As indicated earlier, a statewide program of Law Enforcement Training is being initiated by SLED. This program has the endorsement of Governor McNair and the South Carolina Sheriffs' Association, the South Carolina Law Enforcement Officers' Association, the South Carolina Police Chiefs Executive Association, the South Carolina FBI National Academy Associates, and the Southern Police Institute Associates. Five members from each endorsing association constitute a training committee to supervise the project.

This program will use the closed circuit facilities of the South Carolina Educational Television Network to reach some 210 public schools throughout the state. "No one", says the brochure covering the program, "except those watching at these schools can view FTV closed circuit programs. For this reason, complete privacy is assured law enforcement officers. Any subject may be discussed and any method and technique shown without fear of its reaching the criminal element of society." Coordinating the program is the responsibility of Fleming Mason,

a former FBI agent and captain in the Highway Patrol. He and "other experts from South Carolina and throughout the nation will serve as instructors." The brochure, a copy of which is attached to this memorandum, discusses the content of the program.

The program, it is asserted, "will save the counties, cities, and ultimately the state millions of dollars" by reducing travel and subsistence costs of officers making long trips for training purposes, by cutting court costs that result from poorly prepared cases, by reducing the number of civil suits involving officers, and by preventing crimes and saving lives.

In addition to this ETV program, SLED is preparing for the establishment of a South Carolina Police Academy to be located at the Broad River headquarters. Classroom space is to be provided in the new building and barracks are available nearby. This academy will provide training over an extended period for selected law enforcement officers from all parts of the state. At the time I left Columbia, funds had not yet been appropriated for the proposed academy.

The establishment of these SLED dominated programs will supplant neither the training program of the Columbia City Police nor the University's extension activities, if I was correctly informed. The new programs will, however, supplement the existing ones. The Highway Patrol's program will continue independently. This program is designed to train prospective recruits and last nine weeks. As many as 200 men may be

involved. Of these only a fraction complete the course or receive appointments. Traffic control and its related problems are considered at the headquarters of both the Patrol and SLED to be inherently different from other types of law enforcement.

Value Laboratory Tests



Because laboratory tests are extremely valuable to all officers and are often the deciding factors in solving cases, instruction will be given as to results which may be determined by these tests. Many a murder or rape case has been solved under a comparison microscope or in a test tube—thus, of-

ficers will receive basic information which they must have in order to furnish the crime laboratory with evidence for examination.

The Art of Interrogation



Realizing that solving a case and ultimately its final disposition in court often rests on the officer's ability to properly question witnesses and suspects, a unit on interrogation is planned. He will be taught how to extract information which he needs to build his case, and, at the same time, come with-

in the law in his manner of questioning. Methods and techniques of this aid will be fully shown and explained.



Preparation of Cases

Proper preparation of cases for court will be explored in detail. Moot trials will be conducted to show officers the correct way of preparing cases and presenting evidence. Particular attention will be focused on utilizing information found at crime scene searches and results of scientific tests.

COSTS OF PROGRAM

An initial sum for the program has been approved by the South Carolina State Budget and Control Board which reviews and approves all financial requests from State agencies.

The only major costs involved are those for the development of the video taped programs and printing of material to be distributed to all officers.

WILL SAVE MONEY

It is estimated that this program will save counties, cities, and ultimately the state, millions of dollars by:

1. Substantially reducing travel and subsistence costs officers may have spent traveling great distances outside their territories for routine or specialized training. Officers are now able to drive several miles to a school within their territories and receive the latest information in their profession.

2. Cutting court costs. A poorly prepared case, lack of evidence, etc., from officers can cause a case to be dismissed from court or may result in the guilty being adjudged innocent. Even so, the expense involved in a trial, no matter what the outcome, must be paid. Therefore, a case that is dismissed because of error in the officer's preparation of his case, or some missing link in evidence, represents money wasted and causes unfavorable public reaction. The major hazard in having a case dismissed for the above reasons is that criminals may go free to commit the same, or more serious crimes.

3. Reducing the number of civil lawsuits involving officers. Suits for breaches of any laws are both embarrassing and expensive. Specific instruction in the many laws will keep officers better informed and thus in a much better position to avoid lawsuits.

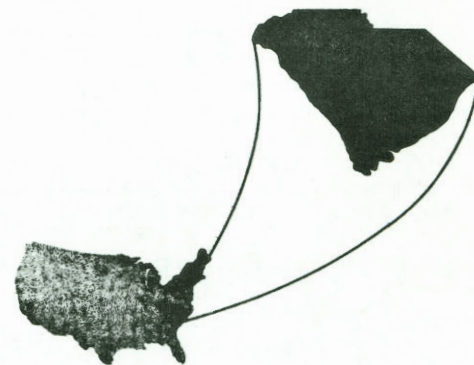
4. Preventing crimes and saving lives. Each year, millions of dollars are lost as a result of crime, not to mention human lives on which no price tag could possibly be placed. Up to date law enforcement training will further provide officers with their greatest weapon in the constant fight to curtail crime—knowledge.

For Further Information Contact:
LAW ENFORCEMENT ETV TRAINING PROGRAM
2712 Millwood Avenue
Columbia, S. C.

LAW ENFORCEMENT TRAINING

VIA CLOSED CIRCUIT ETV

NATION'S **1st** STATEWIDE PROGRAM BEGUN IN SOUTH CAROLINA



Conducted by
SOUTH CAROLINA LAW ENFORCEMENT
DIVISION

Endorsed by

- South Carolina Governor Robert E. McNair
- South Carolina Sheriffs' Association
- South Carolina Law Enforcement Officers' Association
- South Carolina Police Chiefs Executive Association
- South Carolina FBI National Academy Associates
- Southern Police Institute Associates

FIRST IN THE NATION

With nationwide attention being focused more and more on the rising crime rate, South Carolina has taken a revolutionary approach in law enforcement training which is the first of its kind anywhere in the United States.

A statewide law enforcement training program began September 20, 1965 utilizing the closed circuit facilities of the South Carolina Educational Television Network.



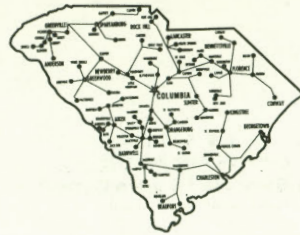
A ceremony in the office of South Carolina Governor Robert E. McNair (seated) officially marked the beginning of the massive continuing education program for law enforcement officers. Shown left to right are J. P. Strom, Chief, South Carolina Law Enforcement Division; P. F. Thompson, President, South Carolina Law Enforcement Officers' Association; D. E. Hilton, President, South Carolina Sheriffs' Association; Fleming Mason, Training Coordinator; and C. L. Dowd, President, South Carolina Police Chiefs Executive Association.

HOW WILL IT BE DONE?

The South Carolina Educational Television Network's statewide closed circuit system reaches approximately 210 schools. Every officer is within a few miles of one of these schools. Therefore, by going to the nearest public school at a scheduled time, all officers may receive the same information.

No one, except those watching at these schools, can view ETV closed circuit programs. For this reason, complete privacy is assured law enforcement officers. Any subject may be discussed and any method and technique shown without fear of its reaching the criminal element of society.

Each program will be broadcast several times and on different days to allow for shift changes and other duties of officers.



Each dot on the map indicates a location having at least one school equipped to receive closed circuit ETV.

COORDINATORS

Fleming Mason, a former FBI agent who has concentrated his efforts during a major portion of his career in the training field, will serve as statewide coordinator of the program. Mason is also a former captain of the South Carolina Highway Patrol. He, along with other experts in various fields of law enforcement from South Carolina and throughout the nation, will serve as instructors.



Fleming Mason

A coordinator, who is also an officer, has been designated for each school where closed circuit programs will be shown. He makes arrangements to have the school open at broadcast time and serves as follow-up discussion leader. Prior to each program, he receives a guide as to program content and anticipated questions, with answers. In addition, he distributes printed material taken from the program so that officers may have quick references for later use.

Five members from each of the Associations endorsing the program have formed a Law Enforcement ETV Training Committee to supervise the project.

PROGRAM CONTENT

A wide range of topics will be covered in this continuing law enforcement training program.

The statewide coordinator, along with the Committee, area coordinators, and members of the ETV Network, plan a basic curriculum of various units of in-

struction. Each unit may consist of more than one program. For example, the unit on "Collection, Preservation and Identification of Evidence" will require more than one program since there are many kinds of evidence, each calling for special methods and techniques.

Well in advance of each program's being recorded on video tape at the ETV Center in Columbia, details as to the instructor, methods of presentation, types of visuals necessary to clarify points, and follow-up material for those in the classrooms will have been determined.

Types of programs include the following:

Collecting and Preserving Evidence

Since collecting and preserving evidence is essential to effective law enforcement, the program includes a unit designed to acquaint each officer with basic and advanced techniques in these sciences. Proper methods of preserving footprints and tire prints, dusting and lifting latent fingerprints, proper handling of firearms and other evidence for laboratory examination are but a few of the topics planned.



ADDENDUM TO SLED MEMORANDUM

On reading over the preceding memorandum, I note two or three points concerning the functions of SLED that should be added.

1. To the paragraph concerning ARSON (Page 5) it should be noted that the 1967 appropriation bill directed that one officer "should be assigned exclusively to the duty of investigating and determining the origin of forest fires."

2. All security personnel at public buildings other than those at correctional and mental health institutions were placed under the chief of SLED. This does give SLED a small uniformed force of value in normal policing of building and grounds and in CROWD CONTROL, a function, mentioned in several places in the memorandum. Command of the security police in public buildings, together with the location of SLED in the Governor's office, presumably gives SLED a command position in such situations as the Orangeburg march on the State House.

3. SLED also has the function of licensing private investigators. This fits logically into its investigative role.

4. As an investigative agency, SLED is not infallible, as is shown by the case of Roger Dedmond, which is described in the Charlotte Observer of March 17, 1968.

Appendix 5

Chairman McGeachy during and following the committee meeting of February 1, 1968, appointed the following subcommittees, as follows:

1. To study the merger of state agencies; Representative Dwight W. Quinn, and Representative Fred M. Mills, Jr., co-chairmen, Senator Joe K. Byrd.

2. To contact the present and former Directors of the Department of Administration: Representative R. D. McMillan, Jr., Chairman, Senator Albert Ellis, Senator L. P. McLendon, Jr.

3. To study law enforcement organization in other states: Senator John R. Boger, Jr., Chairman, Senator Vinson Bridgers, Senator Robert B. Morgan, Representative David Bumgardner.

No formal reports were filed by these subcommittees, their views being instead expressed during meetings of the entire committee. However the minutes kept by Mrs. Patricia A. Benton, LRC Secretary, amount to a report by subcommittee number 3. These minutes appear as Appendix 9.

Appendix 6

LIST OF PERSONS CONTACTED REGARDING THE PROPOSAL TO CREATE A DEPARTMENT
OF PUBLIC SAFETY

Mr. William Reed, Commissioner
Bureau of Law Enforcement
Tallahassee, Florida

(Dr. Edsall has talked with him
also, by phone)

Mr. Daniel L. Shakler, Associate Dir.
Office of Law Enforcement Assistants
Department of Justice
Washington, D. C.

Professor Gladys M. Kammerer, Dir.
Bureau of Public Administration
University of Florida
Gainesville, Florida

Major Norman Pemrenke
Baltimore Police Department
Baltimore, Maryland

Mr. H. W. Alderman, President
N. C. Police Executives Ass.
Tarboro, N. C.

Mr. Clyde P. Patton, Exec. Dir.
Wildlife Resources Commission
Raleigh, N. C.

Mr. Ray B. Brady, Director
Board of Alcoholic Control
Raleigh, N. C.

Mr. Myron H. McBryde, Director
State Bureau of Investigation
Justice Building
Raleigh, N. C.

Sheriff W. G. Clark
Cumberland County
Fayetteville, N. C.

Mr. Morris Collins, Director
Institute of Government
University of Georgia
Athens, Georgia

Mr. Arthur Brandstatter, Dir.
School of Police Administration
College of Social Services
East Lansing, Michigan

Mr. William H. Franey
Director of Highway Safety Div.
International Assoc. of Chiefs of
Police
Washington, D. C.

Mr. Charles E. Clement, Exec. Dir.
Governor's Law and Order Committee
Raleigh, N. C.

Honorable J. Edgar Hoover, Director
Federal Bureau of Investigation
Washington, D. C.

Commissioner Ralph L. Howland
State Department of Motor Vehicles
Raleigh, N. C.

Colonel R. H. Burson, Director
Department of Public Safety
Atlanta, Georgia

Mr. Glenn Lovern, Commissioner
Department of Public Safety
State Office Building
Frankfort, Kentucky

Honorable Dan K. Moore
Governor
State of North Carolina

Lt. Governor Robert W. Scott
Raleigh, North Carolina

The Honorable Earl Faircloth,
Attorney General
State of Florida
Tallahassee, Florida

Mr. Robert E. Johnson, Exec. Dir.
Texas Department of Public Safety
Austin, Texas

The Honorable Alan Boyd
Secretary of Transportation
Washington, D. C.

The Honorable Edwin S. Lanier
Commissioner of Insurance
Raleigh, N. C.

In addition to the persons listed above, letters were also sent to legislative research agencies or councils in other states requesting information relative to this study.

Among former North Carolina administrative officials contacted were the following:

Judge A. Pilston Godwin, Jr., former director, Department of Motor Vehicles.

Messrs. David S. Coltrane (now deceased) and Edward L. Rankin, Jr., former directors, Department of Administration.

Mr. Walter F. Anderson, former director, State Bureau of Investigation.

South Carolina officials interviewed by Dr. Edsall in Columbia, S. C. on March 25 and 26, 1968.

Mr. Henry Lake, Director, S. C. Legislative Council.
Chief J. P. Strom, S. C. Law Enforcement Division. Lt.
J. L. Gasque, Chief Strom's Administrative Assistant.
Capt. W. R. Cauthen, Columbia City Police Department.
Col. P. F. Thompson, Commander, S. C. Highway Patrol.
Col. Fred C. Craft, S. C. Director of Civil Defense.
Mr. Robert H. Stoudemire, Director, University of South
Carolina Bureau of Governmental Research and Service.
Mr. Allen Harmon, USC's Extension Service.

Appendix 7

RESOLUTION

A RESOLUTION ENDORSING THE POLICE INFORMATION AND COMMUNICATIONS NETWORK PROPOSED BY THE GOVERNOR'S COMMITTEE ON LAW AND ORDER.

WHEREAS, the Legislative Research Commission designated a committee to study the law enforcement needs in North Carolina, and

WHEREAS, this committee has determined that the collection, organization, storage, retrieval and dissemination of police information is basic to the effective and efficient performance of the police task and to the protection of life and property of all citizens of North Carolina, and

WHEREAS, this committee has determined that one of the greatest needs in law enforcement in North Carolina is a state-wide land communications network, and

WHEREAS, on April 30, 1968, the Governor's Committee on Law and Order endorsed plans to establish a high-speed computerized police information and communications network which

will answer the communications and information needs of law enforcement in North Carolina.

BE IT NOW RESOLVED, that this committee recommends to the Legislative Research Commission that it support, advocate, and recommend the immediate development, establishment, installation, and continuous operation of a state-wide police information and communications system which will take full advantage of modern sophisticated technology to meet the immediate, pressing and imperative needs of law enforcement in North Carolina.

Adopted this the 27th day of June, 1968 at Raleigh, North Carolina.

N. Hector McGeachy, Jr.

Chairman

Appendix 8

RESOLUTION TO REQUEST STUDY OF STATE LAW ENFORCEMENT AGENCIES

WHEREAS, the Legislative Research Commission designated a committee to study the advisability of creating a Department of Public Safety; and

WHEREAS, this committee during the past few months has been making studies of the duties and overlapping responsibilities and duties of the various law enforcement agencies of this State; and

WHEREAS, the studies of the committee fail to reveal that there is any general lack of dedication and competency of State law enforcement personnel in North Carolina but that there is a real need for improved organization and financing; and

WHEREAS, numerous persons interviewed by the committee who have had experience and knowledge in the field of law enforcement in North Carolina have expressed the firm opinion that weaknesses do exist in our present State law enforcement agencies and their relationship to each other in that there is a lack of adequate financing of certain agencies, a lack of coordination and of communication between agencies, a lack of central responsibility, duplication of function and equipment a

lack of adequate statewide communications among State agencies and a need for a centralized computer system; and

WHEREAS, the task of making a thorough study of law enforcement in this State with a view of recommending changes is a mammoth undertaking which should be made by people who have more time and are more experienced in making such a study than the members of this committee; and

WHEREAS, recently federal funds have been made available to finance such a study; and

WHEREAS, it would be for the best interest of the people of North Carolina to have a thorough study of the State law enforcement problems made by professionals or specialists who are qualified to conduct such a study;

NOW, THEREFORE, BE IT RESOLVED by this committee that it be recommended to the Legislative Research Commission that application for federal funds under the provisions of the omnibus Crime Control and Safe Streets Act of 1968 be made for the purpose of retaining services of a suitable and reputable agency to make the study above mentioned and to make its recommendations as soon as practicable.

Above resolution was by motion duly made, seconded, and
unanimously passed on June 27, 1968.

Appendix 9

SUBCOMMITTEE MEETING

"Other States"

The Committee to study the Feasibility of Creating a Department of Public Safety

December 20, 1968

The Subcommittee studying what other states are doing toward merging law enforcement agencies met Friday, December 20, 1968. Those present were Senator John Boger, Chairman of the subcommittee, Representative David Bumgardner, and Senator Robert Morgan.

The committee discussed at length the report submitted by Dr. Preston Edsall on the material received from several states as to the operation of their law enforcement agencies.

Senator Morgan reported on his visits to Minnesota and South Carolina. Dr. Edsall had also presented the committee with a report on SLED (name of South Carolina agency). Senator Morgan stated that Dr. Edsall's report was excellent, and accurately summarized the operation of SLED.

Senator Morgan was very impressed with the physical plant of the agency. Their laboratory facilities are excellent and every effort should be made to improve the laboratory facilities of the SBI in North Carolina. Senator Morgan made several references to length of time required for the SBI to process laboratory tests -- blood work, photography, ballistics. This delay is apparently not the fault of employees but due to the shortage of personnel and lack of space and equipment to perform efficiently the necessary experiments.

The excellent communication facilities of SLED were commended. The organization of law enforcement in Minnesota is very similar to North Carolina. They, too, are far ahead of our State in communications. Senator Morgan questioned officials in both states regarding the mandate of the Resolution under which this study is being conducted and both states cautioned against any concept of a state police organization.

At this point in the meeting, Senator Morgan took the committee on a tour of the SBI. All members agreed that some reorganization must take place to increase efficiency. Enlargement of building facilities, personnel and equipment is of prime importance.

After lunch, Dr. Preston Edsall was invited to meet with the committee for the purpose of writing a report for submission to the entire committee.

It was the consensus that from experience and advice from other states, and the committee's own investigation, that a Department of Public Safety should not be created.

It is the recommendation of this committee that the Arson Division, now under the Insurance Department, and the Auto Theft Division, under the Motor Vehicles Department, should be centralized within one law enforcement agency, and it is further recommended that the central agency be the SBI. We caution, however, that these changes should not be effected until there is an improvement in the SBI of building facilities, additional personnel and improved equipment.

From our investigation of law enforcement in other states, and as soon as feasible within the SBI, we strongly recommend the following improvements:

(1) Bureau should be staffed twenty-four hours a day, seven days a week. There should be a system of a rotating officer-of-the-day. When the Director is not available, an assistant director should have authority to act in an emergency.

(2) The cars used by agents should always be in extremely good mechanical condition and should contain the latest in communication equipment so that headquarters as well as other state and local law enforcement agencies could be in immediate contact.

(3) The laboratory services of the SBI must be improved. With the present facilities, personnel and equipment the SBI cannot provide the type of specialized services needed by law enforcement agencies throughout the State.

(4) We endorse the Police Information Network (PIN) which will be presented to the 1969 General Assembly for consideration. We urge immediate affiliation with the National Criminal Information Center (NCIC). For agents to do their job well, we must provide the necessary resources. Lack of communication with other law enforcement agencies does not lend itself to efficient law enforcement.

(5) A strong program of training for agents and perhaps an extension of this training to other law enforcement officers could be inaugurated.

The committee reiterated that many of these recommended changes would have to wait until appropriations and reorganization are effected, but certainly the above goals should be some of the ultimate aims.

Patricia A. Benton, Secretary

The laboratory results of the 211 cases in
the year 1914 are presented in the following table.
The table shows the age of the patients, the sex,
the duration of the disease, the symptoms, the
course of the disease, and the results of the
treatment.

The following table shows the results of the
treatment of the 211 cases. The table shows
the number of cases that were cured, the
number of cases that were not cured, and the
percentage of cases that were cured. The
percentage of cases that were cured is 78.2%.

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