

# Number Of Children Under 16 Illegally Held In Jail Decreases

By A. LAURANCE AYDLETT

The number of children under 16 years of age illegally held in jail has shown a continual decline during the past 10 years, chiefly because of the efforts of the State Board of Public Welfare in cooperation with local law enforcement and governing officials and county departments of public welfare in finding other methods of handling youthful delinquents.

From a high of 1,231 children reported by 83 counties in 1936, the total recorded in the fiscal year 1946-47 had dropped to 325 reported by 92 counties. The reporting counties are listed as the average number reporting monthly during the year since the statutes provide that units of local government must file jail records with the State welfare agency.

Welfare officials said this week that they expected the current year to show an average of 96 counties reporting monthly, but, of course, could not predict the total number of children that would be confined temporarily in the county jails until other provisions could be made for them. It is hoped that the downward trend of recent years will be continued.

That portion of North Carolina's child welfare laws which sets up special courts before which delinquent boys and girls are given informal hearings by a juvenile judge expressly declares that no child coming within the provisions of the article shall be placed in any jail, lockup, or other place where he may come in contact with adult criminals.

### —Segregation From Adults Required—

This Section 110-30 of the General Statutes has been construed by the State's attorney general to mean that a child under 16 years of age cannot spend even a short

time in a place where older law-breakers are confined if there is any possibility of contact between the two.

Further than that, the attorney general has declared that law enforcement officials who confine children in such places are themselves violating the law. Because many counties do not have modern facilities for temporarily holding children until final disposition is made of their problems, some county officials in the past have disregarded this construction of the statute.

Welfare officials, both State and county, have recommended specialized boarding homes or detention homes where young offenders can be held for a short time. Several communities have made such provision for care of these boys and girls and are finding that the time, effort, and money going into the development of such facilities have been more than repaid by the improvement in the behavior and attitudes of the children.

The philosophy of North Carolina's juvenile court law is that children are not criminals but develop delinquent tendencies through many unwholesome conditions in their daily lives. Thus they should not be treated as criminals but rather as boys and girls who will behave better if given proper training and supervision and if the community provides resources to meet their special needs.

Under this philosophy the hearings of young delinquents before the juvenile court set up in each county and before the special city juvenile courts in many communities are not open to the public and are conducted in a manner far removed from normal court trials.

### —Decline During Wartime—

With juvenile court officials and local law enforcement officers cooperating in bettering the juvenile delinquency situation, the decline in the number of children jailed continued even during the war years when, in many instances, both parents were away from home many hours a day.

Counties that reported no child-

ren under 16 years of age held in jail during the 12 months ending last June 30 at the close of the fiscal year 1946-47 were: Alamance, Alexander, Alleghany, Ashe, Avery, Beaufort, Bertie, Camden, Carteret, Chatham, Cherokee, Cleveland, Currituck, Dare, Duplin, Gates, Harnett, Haywood, Hoke, Hyde, Jackson, Montgomery, Moore, Orange, Pamlico, Pasquotank, Rockingham, Samp-

son, Stokes, Swain, Tyrrell, Union, and Washington.

The remaining 66 counties reported from one to as many as 19 children placed in jail. Not included in this picture, however, are the city jails and local lockups which, as yet, do not make such reports to the State welfare agency. How many children of less than 16 are paced for a few hours in these places is not known.

The State's juvenile court law gives the juvenile courts broad authority in handling cases of delinquency. The occasional instances in which children are charged with felonies—crimes carrying, upon conviction, a sentence of 10 years or more in the State prison—are outside the final jurisdiction of the juvenile court.

Often, however, preliminary hearings are held by the court in these instances before the child is brought into the Superior court for criminal trial.

Dispositions by the juvenile

court in children's cases may be modified at any time and court and welfare officials try to watch with care the progress of every delinquent in an effort at redirecting his behavior toward socially accepted patterns.

In urging further development of specialized boarding home facilities for delinquent children, Dr. Ellen Winston, commissioner of public welfare, pointed to the Supreme Court decisions in which the juvenile court law is involved. As long ago as 1920 the Court declared that "no child dealt with under the provisions of the act shall be placed in any penal institution or other place where they may come in contact, at any time or manner, with adults convicted of crime or charged with it."

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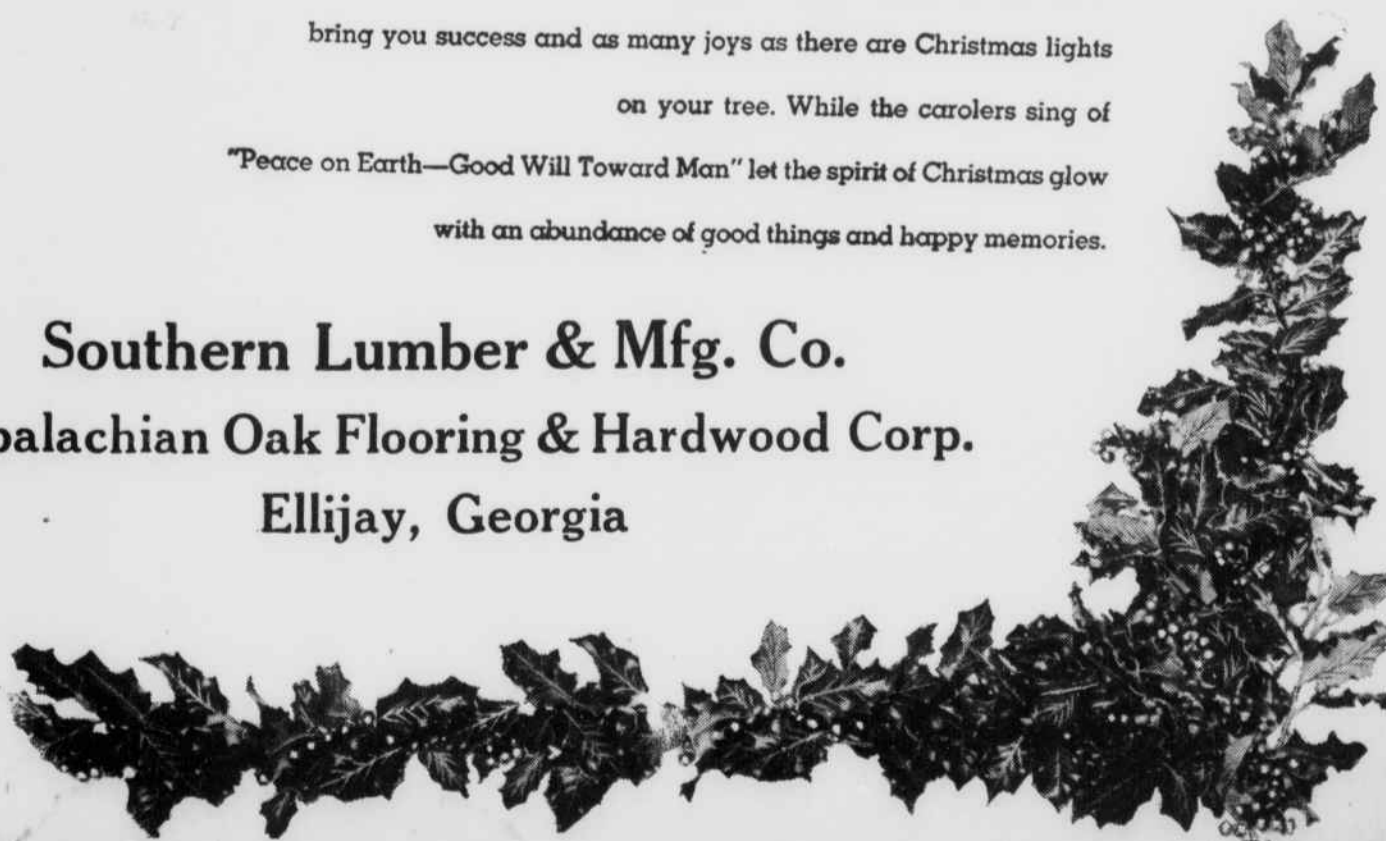
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