



An Interview with Aaron Johnson Secretary of Correction

Aaron Johnson, 53, became North Carolina's Secretary of Correction on Jan. 7, 1985 when he was appointed to the post by Gov. James G. Martin. Johnson had been a member of the Fayetteville City Council since 1979 and was Mayor Pro Tem at the time of his appointment.

A native of Willard in Pender County, Johnson graduated from Shaw University with a Bachelor of Arts in 1957 and did graduate work at Shaw University and at Southeastern Theological Seminary. He was pastor of Mount Sinai Baptist Church in Fayetteville for 25 years and has been active in civic and political affairs. A former member of the N.C. Good Neighbors Council, Johnson was a delegate to the 1980 Republican National Convention and has served as president of the Fayetteville Ministerial Association and the Fayetteville Civic Association. Associate Editor Jack Betts conducted this interview on Oct. 14, 1986.

What is the primary mission of the Department of Correction? Is it to punish offenders, protect the public, rehabilitate offenders, or what?

The primary mission of the Department of Correction is to promote public safety by carrying out criminal sentences imposed by the courts. We must protect the public from those who break the laws, particularly those who commit crimes of violence. And second, the Department of Correction's role is to impose court sanctions on those who break our laws, to punish them. And finally,

in our role of rehabilitation, we attempt to help those inmates who are capable of reforming themselves to ultimately return to society as productive citizens.

Why do we put so many people in prison in North Carolina?

Historically, this has been a state that is very hard on crime, and it is a state that sends criminals to prison rather than allowing them to continue committing those crimes. And the fact is that North Carolina sends some offenders to prison for offenses which would not draw a prison sentence in other states. These include many misdemeanants as well as those who commit nonviolent crimes such as crimes against property. A number of states do not admit misdemeanants and nonviolent offenders into state prisons. These offenders are counted in local jail populations and other community programs.

You seem to be saying there are certain crimes for which we should not send offenders to prison. What sort of offenses are those?

There are a number of different types of crimes or offenses for which prison may not indeed be the best way to handle the situation. For example, the driving-while-impaired laws send to prison many inmates, but not all of those inmates necessarily should be imprisoned. Some of them should, of course, but for others there are better ways to handle them, such as work release programs and alternatives to incarceration.

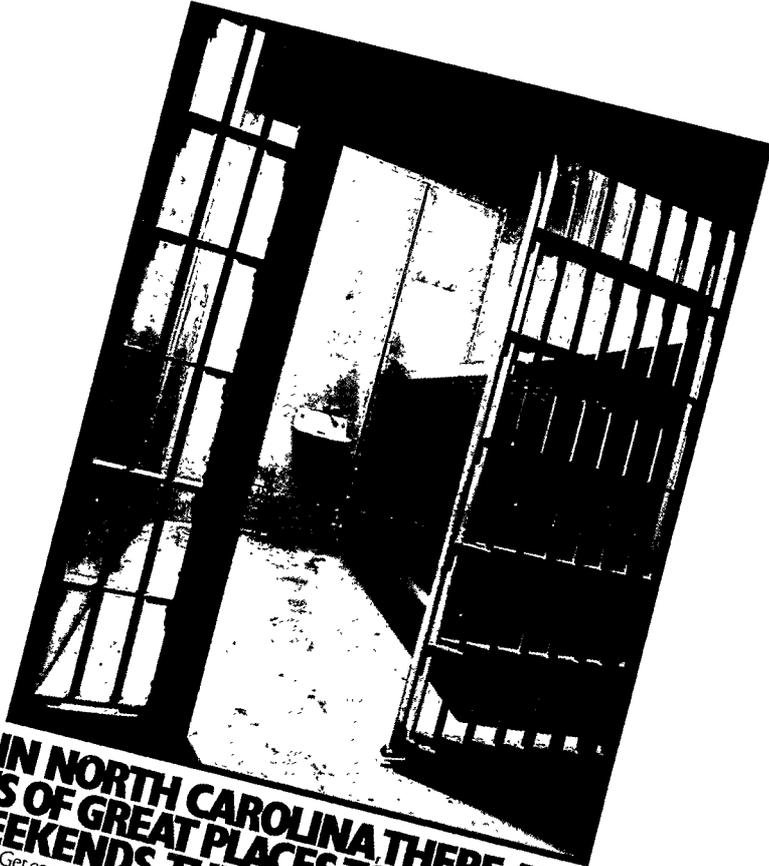
Our sentencing laws are not the only reason for prison overcrowding, of course. We also have another problem, and that is our resources. This department historically has been underfunded. We could probably live with the underfunding if there were not so many other restrictions put on the department, and when I talk about restrictions, I refer to such things as the restrictions on work release, for example. There are all kinds of restrictions that we have to operate under. First, we have no controls over population. We must accept court commitments to the system. Second, each inmate admitted must be provided humane conditions of confinement. Funding restricts the agency from doing all that could be done to provide the desired level of services. And frequently, operational adjustments are necessary. All this makes the development of strong correctional policy difficult.

It sounds as though one of the things you're saying is the correction system in North Carolina could use more flexibility and more alternatives to deal with offenders, given the restraints of your budget and other resources, and the restrictions you mentioned.

Yes. I'm talking about budget restrictions as well as societal restrictions. Almost everyone you meet has got some opinion about how an offender or inmate ought to be treated. There is no in-between. Two things dominate: Everyone is an expert on corrections, and every inmate is innocent. I haven't found an inmate yet who will say he was guilty.

How can the department deal with these three problems—of overcrowding, tight resources, and restrictions on alternatives?

This advertisement warns drivers of the penalty for drunk driving in North Carolina



**IN NORTH CAROLINA THERE ARE
LOTS OF GREAT PLACES TO SPEND YOUR
WEEKENDS. THIS ISN'T ONE OF THEM.**

Get convicted of drunk driving in this state, and you could lose a lot more than your license. You could lose your freedom to lock-ups on the weekends, or even longer.

DRIVE DRUNK IN NORTH CAROLINA, AND IT'S THE END OF THE ROAD.

The Governor's Highway Safety Program James G. Martin, Governor

The department has developed a long- and a short-range plan. We call it the 10-year plan, but actually it is a three-year plan, because the first three years are the most critical years. The problem we face at this very moment is the problem of overcrowding. We have pretty close to 18,000 inmates in prison, but space for 16,695. We've got over 61,000 on probation or parole. Then there are the lawsuits pending against the department. So we are faced with the challenge of coming up with a correction policy that is more legally defensible than the policy we have now. That's the background for the 10-year plan.

Did the litigation have a lot to do with the development of the 10-year plan?

Very definitely. We had to take into consideration a number of pressing needs in drawing up that plan. For instance, the state of existing facilities, some of which need to be repaired and renovated. Most of the field units were built about 40 years ago. Then there's new construction. We have critical needs for new prison beds. And there is the matter of alternatives to incarceration, and how such programs might be designed and operated.

The ultimate goal is to set standards that we can defend, and we want to get the prison population at a more manageable level than it is now. The 10-year plan will help us meet those concerns.

Is North Carolina faced with having to build more prisons because of the litigation, or is it because of these two elements—the overcrowding and the litigation? In other words, are both those factors driving correction policy toward more construction?

I think it's both. The state has done a reasonably good job in the past in building prison facilities. Central Prison is a good example. North Carolina has not waited, as some other states have done, to build new prisons. I think we have spent over \$210 million already on construction in recent years, so the state has not waited. But the population has grown so fast, until we have begun to exceed our capacity. With regards to litigation, the bottom line issue we face is a constitutional issue—whether or not we are providing humane conditions of confinement.¹ And we are attempting through the 10-year plan to set standards that are legally defensible in court.

Does North Carolina have any choice at all between building new prisons and developing alternatives to incarceration, or are we going to have to

build new prisons regardless?

We're going to have to build new prisons regardless, and do some renovation of the old prisons, regardless. We can't come up with enough alternatives to get around doing that. Current prison facilities have not grown sufficiently to keep pace with space and program demands. A balance between construction and alternatives will eventually evolve. Our problem is twofold: While alternative programs are developed, tried, and tested, the state must maintain adequate prison facilities to house inmates sentenced by the state courts.

What are the prospects for federal or other court-ordered intervention in the N.C. prison system? Is it a real threat or a paper tiger?

It is indeed a real threat. If you don't believe that, look at what has happened in other states. Alabama is a good example. They have been under a federal court order, where a Special Master was named by the federal courts to operate prisons and bring them up to standards, and they have just finally gotten out from under it. But the federal courts did take over that system, and it cost that state hundreds of millions of dollars. We in North Carolina have been fortunate in that we have not had the pressure put on us as they have in some other states.

Just last year, we entered into a consent judgment concerning prisons in the Southern Piedmont, and there are those who argue we should never enter into another one, but instead should just fight these things out in court. There are other suits—about four major suits—pending now against the North Carolina prison system. So the state has no other choice. Either we come up with a plan to maintain certain standards, or the federal courts will appoint a Special Master. And the danger of a court master is this: The state loses control of its prison system. Right now, the state has a choice—to manage its prison system better or risk losing control. If the federal courts take over, you're talking about a long process, you're talking about millions of dollars being spent, while at the same time the state could very well be forced today to turn loose a certain number of inmates because of the overcrowding situation. That has happened in some other states. There were court masters in California, Georgia, New Mexico, South Carolina, Connecticut, Mississippi, New York, and Washington State in 1985.

What would you say are the top three pressing needs of the Department of Correction? If you had a magic wand or an unlimited departmental check-

book, what would be the first thing you'd do?

The first thing I'd want done is to get the General Assembly to go along with the 10-year plan. That's the first thing, because that would satisfy a lot of the needs and solve a lot of the problems we face. The second thing I'd want done is better pay for correctional officers. They are underpaid and they need better pay and better training. And the third thing I would want is more money for more effective programs for rehabilitation, such as education and treatment. About 70 percent of our inmates are incarcerated because of some drug- or alcohol-abuse related crimes. Seventy percent or more. Obviously, we need to have better and more effective treatment programs for those who are addicted to drugs. Already, we have some inmates who are hooked on hard drugs. Right now we're looking at the drug problem, not only the use and abuse of drugs, but also the sale of drugs in our prison system. I don't know how big a problem that is in our prison system, but we know it is a problem.

Rehabilitation has taken a back seat to the other aims of correction in North Carolina, has it not?

Yes, it has. I believe very strongly in rehabilitation. Now, there are a lot of people in my profession who do not believe in rehabilitation. But I do believe in rehabilitation. And the reason why I believe in rehabilitation and think we ought to try to make it work is so that we can change an inmate's behavior and prepare that inmate to go back out and live in society.

The fact is that 90 percent of the prison population will go back out one day. And it's even possible that some of those who are on Death Row now will go back out. Right now we have 63 inmates on Death Row and we have a population of about 18,000, so all but 63 of those inmates will one day go back into society.

Do you sense that the general populace in North Carolina is demanding harsher sentences than are handed out these days?

I think there's a lot of confusion about the sentencing process. The confusion comes in that it's very hard to determine how much time an inmate will serve.

You're speaking now of the Fair Sentencing Act?

Yes, the Fair Sentencing Act. Some people say it's working fine, others say it is not. The public hears, for instance, that a judge has sentenced a defendant to 10 years in prison, and the public thinks he's supposed to serve 10 years.

And, from as little as a year and a half to maybe four years later, they see this person back on the street. Or they may see that person on work release, but all they know is that he's back on the street, and they don't know why. Nobody tells them. So there's a lot of confusion.

Now, on certain crimes, I think society is demanding stiffer and longer sentences, especially on drug-related crimes. I foresee that the prison population in the next years, with law enforcement cracking down on pushers, I foresee that population growing. That will create a different set of problems for us, in that we will have big-time pushers in our population, and that's a whole different animal.

Do you anticipate that private prisons could handle much of the overcrowding problem in North Carolina, or even any appreciable portion of it?

We only proposed three private prisons, and those private prisons would be used for treatment, work release, rehabilitation, and restitution programs. They would be minimum security facilities for non-violent prisoners. Now, that would do two or three things for us. It would help us as far as overcrowding is concerned, and it would help us with another problem, the lack of treatment for those who are addicted to drugs. And the most important benefit that could be derived from a private contract is that it would not cost the state any construction money. That's the important thing, I think. It's the cheapest way to provide new construction and additional bed space.

What are the prospects for it in the 1987 General Assembly?

I really don't know. I was taken aback really when the 1986 General Assembly took away the authority of the Secretary of Correction to enter into a private contract.² It had been a long-standing historical authority. We are going to fight for that authority and for the proposal to authorize private prisons and for the rest of the 10-year plan.

What we need from the General Assembly is a long-term commitment. Of course, the legislature says it can't go any farther than a two-year commitment, but when we go to court we must have a plan with long-term solutions. We've got to show more than just good faith. □ □

FOOTNOTES

¹ U.S. Constitution, Eighth Amendment: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

² Chapter 1014, Sec. 204 of the 1985 Session Laws (2nd Session, 1986).