Behind Bars: North Carolina's Growing Prison Population

by Jack Betts

A little more than a century ago, North Carolina had no prison overcrowding problem. North Carolina didn't even have a state prison, for that matter. Trial and punishment for criminal offenses were largely a local matter: Those convicted were hung, if the circumstances warranted it, or they were punished locally. Corporal punishment was not unusual, and public stocks were used to pillory offenders for a time. Not until after the Civil War was a state penitentiary built, and it would be decades before prison units were bulging at the seams.

But bulge they do, despite the expenditure of millions of dollars in recent years in a futile attempt to keep pace with the growth in the number of North Carolinians who are put behind bars each year. By the end of December 1986, the prison population in the state's 86 prison units topped 18,000 for the second year in a row. Yet the state's prisons—many of them older by far than the inmates they house—were designed for only 16,633 inmates. Another 4,000 inmates crowd the state's 151 local jails, awaiting trial or serving short sentences. The overcrowding problems have caused inmate unrest and have led to suits in federal courts aimed at forcing the state to improve its prison system.

Overcrowding is one problem, and the state's *rate of incarceration* is another. North Carolina has long had one of the highest rates of incarceration in the nation. According to the U.S. Justice Department, the state's rate of incarceration in mid-1986 was 256 inmates per 100,000 population, ranking the state 11th highest among all states. The incarceration rate appears to be growing again after two years of slight decline in 1983 and 1984.[1] This incarceration rate continues to rise despite the fact that North Carolina has traditionally had one of the nation's lowest crime rates, 32nd in 1985.[2] (See Table 1, pp. 8-9.)

The state's overcrowding and high incarceration problems have been fairly constant in the post-World War II era. As the Report of the Commission on the Future of North Carolina noted in 1983:

"The pattern of high incarceration rates is long established, though the state was one of the last in the nation to build its first prison. After half a century of debate, construction of the first state prison was finally mandated in 1868. One of the principal arguments against it at that time was the cost of operation, but some people contended that the administration of the criminal justice system was best left in the hands of the counties. Despite these concerns, the prison system, once established, grew rapidly. By 1934, more than 7,500 inmates were confined . . . . Between 1950 and 1960, an average of about 15,000 were imprisoned each year. The number declined during the middle 1960s but began to climb again in the 1970s."[3]

Climb it did, and as a result, the state's prisons are filled beyond capacity. Taxpayers have financed costly projects to build new prisons and to replace outmoded ones. The state's lawyers are tied up in federal courts defending the North Caro-

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lina prison system against charges that the correction system violates the Eighth Amendment's ban on cruel and unusual punishment.[4] And the Martin administration and the legislative leadership are searching for ways out of this penal puzzle. But to understand how to begin dealing with the future requires a glimpse at the past.

A Short History of Corrections in North Carolina

Not long after the Revolution, the nation's first prison was set up by Quakers when they converted the old Walnut Street jail in Philadelphia into a prison. Their theory of criminal justice reform was that, instead of subjecting offenders to public humiliation or whipping, the ends of justice could be better served by locking them away in solitude to allow them to repent and rehabilitate themselves. This place of repenting—hence the word penitentiary—gained widespread public support, and most states set up central penitentiaries to house their worst offenders.

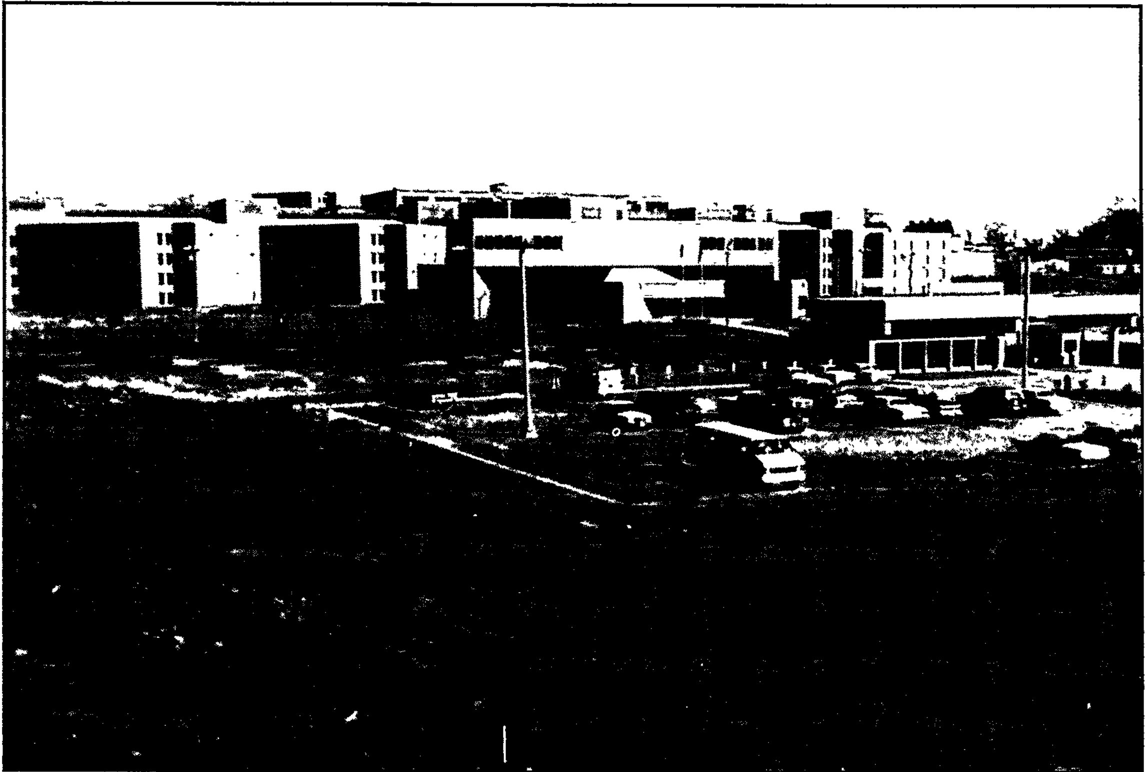
But not North Carolina. In the 18th Century, state law required counties to do only two things —to build a courthouse, and to build a jail.[5] Offenders were tried and punished where offenses were committed—at the local level. Not until 1854 did the General Assembly authorize imprisonment as criminal punishment. Even then, incarceration was only an alternative. The Constitution of 1868, adopted during Reconstruction, finally authorized construction of a "central prison" in Raleigh for those offenders sentenced to terms of a year or longer. That prison, which came to be known as Central Prison, opened in 1884 and stood for nearly a century until it was replaced by a new Central Prison during the administration of Gov. James B. Hunt Jr.

A few years after the original prison was built, the state began acquiring farmland in Halifax and Northampton counties for use as prison farms and began sending inmates to till those fields. But even by the turn of the century, county governments remained the prime custodians of prisoners, who were often sentenced to labor on public works projects of varied nature. As the need for public works projects waxed and waned, so, sometimes, did the size of the prison population. Jail inmates built county roads, dug canals, drained swamps, laid railroad track, and dammed creeks—sometimes for private contractors who hired inmate labor from the state. That practice continued until 1929, when Gov. O. Max Gardner halted the practice.

In 1933, the State Highway and Public Works Commission took over North Carolina's prison system and responsibility for every person sentenced to 30 days or longer in jail. A women's prison—known as the Industrial Colony for Women—was opened in Raleigh in 1934, a state Parole Commission began operating in 1935, and a Probation Department opened its doors in 1937. By 1939, the state had constructed permanent buildings at the old county road camps in almost every county, and today many of these old road camps survive as units of the state prison system.

Road camp of the 1930s, when state prisoners were put to work on roads by the State Highway and Public Works Commission.

N.C. Department of Transportation



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Central Prison in Raleigh, the state's largest unit, with a capacity of 800 inmates.

"The marriage of roads and prisons was one of convenience based on financial necessity," concluded the Citizens Commission on Alternatives to Incarceration, chaired by then-Court of Appeals Judge (and now an Associate Justice of the N.C. Supreme Court) Willis P. Whichard of Durham, in 1982.[6] By the 1950s, a growing body of sentiment concluded that because highway construction and prisons served different governmental functions, they ought to be managed by separate agencies. Researchers examining state prison policy, according to the Whichard report, "found a confusing diversity in the operation of different units. There was a lack of goals and coordination of policy, as the membership of the Highway Commission changed with every gubernatorial administration."

Faced with a choice of giving control of prisoners back to the counties or setting up another state department, the General Assembly in 1957 established the Department of Prisons, renamed in 1971 as the Department of Social Rehabilitation and Control, and again renamed in 1977 as the Department of Correction. But twin legacies of past policies continued—and survive today—as major correctional policy issues: First, the state retained control of thousands of inmates who *in other states would have been housed in city jails and in county lockups*. And second, the state retained many of the old county road camps as full-fledged, functioning prison units, and that's why today North Carolina has more *prison units* than any other state in the nation.

The gravity of these two factors cannot be overlooked, for they are principal elements of today's overcrowding problems and today's high rate of incarceration. By continuing to accept prisoners who in other states would be housed in local jails, the state inflates its own prison population. And it is able to accept so many prisoners, even past the point of overcrowding, because it has so many units—large, medium, and small—in which to house them.

Further changes in state prison policy have shaped today's correction system. In 1966, North Carolina instituted pre-release and after-care programs, and by 1971 had phased out inmate road work. Those work gangs would be revived on a small-scale basis in the Hunt administration, and an experiment in youth forestry camps would be proposed in 1986 by the administration of Gov. James G. Martin. In the 1970s, North Carolina's

prison problems came to the public's attention. Overcrowding, deteriorating facilities, and concerns over the cost of correction programs generated action by the General Assembly. The Legislative Commission on Correctional Programs, chaired by former state Sen. Eddie Knox of Charlotte, led to changes in sentencing that have had a salutary effect on prison overcrowding (see article on the Fair Sentencing Act, p. 42). As the 1980s began, more reforms were adopted, and the use of alternatives to incarceration began to gain legislative credence and public credibility (see article on alternatives to incarceration, p. 50).

But even with these changes, North Carolina's prison population continues to be a problem. In 1985 and again in 1986, it reached record levels. Why? As Whichard put it in an interview, "If you look at our statistics, you would have to conclude one of two things: either we have the worst people in the world, or we have relied excessively on incarceration as a remedy for criminal acts. I think the latter is the case. I don't think we have more than our fair share of bad people."

Dubious Distinctions

Nationally, more than half a million persons are incarcerated in state and federal prisons.[7] The prison population is growing at the rate of about 10 percent a year, and North Carolina is still among the leaders in terms of the number of persons it sends to jail, even though the rate of growth has slowed. According to the U.S. Department of Justice, in mid-1986, the state's prison population (in both federal and state prisons) stood at 17,596, which ranked the state third in the South (behind only Florida and Texas) and eighth in the nation, behind California (55,238), Texas (37,760), New York (36,100), Florida (29,712), Ohio (21,942), Michigan (19,437), and Illinois (19,317). See Table 1, pp. 8-9, for more.

Traditionally, North Carolina not only has one of the largest prison populations, but also one of the highest rates of incarceration—the number of prisoners per 100,000 population. In mid-1986, according to the figures computed by the U.S. Justice Department, the state's rate of incarceration was 256, the eleventh highest rate in the country.[8] Those states which have higher rates of incarceration are Nevada, South Carolina, Louisiana, Delaware, Maryland, Alaska, Alabama, Arizona, Oklahoma, and Georgia (see Table 1). The national rate of incarceration, the Justice Department says, is 210 per 100,000 population; this

"A few years ago, I worked undercover for some weeks as a corrections officer in Texas's maximum security prison. The training manual had all of the right words in it:

'Every man cherishes his dignity. Without it he is less than a man. In his dealings with inmates the correctional officer is expected to preserve that dignity. A man humiliated, shamed or degraded is a man alienated, perhaps forever.'

So how did these words carry over into action? Each field officer had twenty convicts, all attired uniformly in white, whom he ordered to bend over to start picking September's cotton at 8 a.m. None of these convicts straightened his back without permission, be it to wipe his brow, light his cigarette, or pour out his urine. Twice in the long, hot morning and twice in the long, hotter afternoon, each man got a drink of water from a metal dipper. Verbal abuse, much of it profane, poured down on the sweating line, heaviest of course on whichever man was slowest at filling his burlap bag. At day's end, the inmates stripped bare in the blazing sun at the back gate of the prison, exposed their body cavitites to the corrections staff for inspection, and ran naked across the yard to the showers and clean uniforms beyond. Somehow I couldn't get that training manual out of my head as I watched the rectal searches.

'A man humiliated, shamed or degraded is a man alienated perhaps forever.'

—John R. Coleman, president
Edna McConnell Clark Foundation

Table 1. Ranking of States by Number of Inmates, 1986, and Rates of Incarceration and Crime, 1985

State	Population Rank	Number of Inmates, 6/86	Rank	Rate of Incarceration	Rank	Rate of Crime, 1985	Rank
Alabama	22	11,326	16	273	7	3,942	35 (tie)
Alaska	49	2,343	37	282	6	5,877	11
Arizona	27	9,108	19	267	9	7,116	2
Arkansas	33	4,682	30	197	22	3,585	43
California	1	55,238	1	198	21	6,518	8
Colorado	26	3,373	32	103	41	6,919	3
Connecticut	28	6,727	23	134	35 (tie)	4,705	25
Delaware	47	2,702	34	301	4	4,961	21
Florida	6	29,712	4	253	12	7,574	1
Georgia	11	16,812	9	259	10	5,110	19
Hawaii	39	2,143	38	141	33	5,200	18
Idaho	40	1,357	42	134	35 (tie)	3,908	38
Illinois	5	19,317	7	167	26	5,299	17
Indiana	14	9,930	18	176	23	3,914	37
Iowa	29	2,867	33	100	42 (tie)	3,942	35 (tie)
Kansas	32	5,010	28	204	17 (tie)	4,375	27
Kentucky	23	5,926	25	159	27	2,947	47
Louisiana	18	14,222	11	316	3	5,564	13
Maine	38	1,293	44	91	45	3,672	42
Maryland	20	13,407	12	284	5	5,373	15
Massachusetts	12	5,702	26	98	44	4,758	23
Michigan	8	19,437	6	213	15	6,366	10
Minnesota	21	2,459	35	58	49	4,134	31
Mississippi	31	6,532	24	242	13	3,266	44
Missouri	15	10,243	17	203	19 (tie)	4,366	28
Montana	44	1,160	45	140	34	4,549	26
Nebraska	36	1,957	39	116	38	3,695	41
Nevada	43	4,282	31	448	1	6,575	5

figure ranks the United States third in the world, *behind only South Africa and the Soviet Union* in the rate of incarceration, according to the Citizens Commission on Alternatives to Incarceration.

The state's high incarceration rate has long alarmed state correction officials, who must find places for the inmates sent to prison. In the 1970s, North Carolina ranked first in its rate of incarceration. This became an embarrassment to the state, in the category of other such "distinctions" as having a high rate of infant mortality, for instance, or leading the region in hookworm disease or illiteracy. In a front page story in 1978, for example, *The New York Times* took note of

Table 1. Ranking of States by Number of Inmates, 1986, and Rates of Incarceration and Crime, 1985, *continued*

State	Population Rank	Number of Inmates, 6/86	Rank	Rate of Incarceration	Rank	Rate of Crime, 1985	Rank
New Hampshire	41	732	48	72	48	3,252	45
New Jersey	9	11,977	14	157	28	5,094	20
New Mexico	37	2,389	36	152	30	6,486	9
New York	2	36,100	3	203	19 (tie)	5,589	12
North Carolina	**10**	**17,596**	**8**	**256**	**11**	**4,121**	**32**
North Dakota	46	411	50	55	50	2,679	48
Ohio	7	21,942	5	204	17 (tie)	4,187	29
Oklahoma	25	8,960	20	272	8	5,425	14
Oregon	30	4,688	29	174	24	6,730	4
Pennsylvania	4	15,027	10	127	37	3,037	46
Rhode Island	42	1,324	43	100	42 (tie)	4,724	24
South Carolina	24	11,533	15	319	2	4,841	22
South Dakota	45	1,089	46	149	31 (tie)	2,641	49
Tennessee	17	7,129	21	149	31 (tie)	4,167	30
Texas	3	37,760	2	227	14	6,569	6
Utah	35	1,803	40	107	40	5,317	16
Vermont	48	701	49	87	46	3,888	39
Virginia	13	12,441	13	210	16	3,779	40
Washington	19	6,950	22	155	29	6,529	7
West Virginia	34	1,637	41	85	47	2,253	50
Wisconsin	16	5,436	27	113	39	4,017	33
Wyoming	50	866	47	171	25	4,015	34

Sources:
Population Ranking: U.S. Department of Commerce, Bureau of the Census, News Release No. CB85-229, Dec. 30, 1985.
Prison Population and Rate of Incarceration: U.S. Department of Justice, Bureau of Justice Statistics, News Release No. BJS 86-210, Sept. 14, 1986. Refers to rate of imprisonment per 100,000 population.
Rate of Crime, 1985: *Uniform Crime Statistics 1985*, U.S. Department of Justice, Federal Bureau of Investigation, July 1, 1986, pp. 44-50. Refers to rate of crimes committed per 100,000 population.

the state's rate of incarceration in a story headlined, "North Carolina's Leaders Worried by Blemishes on the State's Image." Now Stevens Clarke, a faculty member at the UNC-Chapel Hill Institute of Government, says that the news is not all bad. Although North Carolina's rate of incarceration has continued to grow, it has slowed down rapidly, while the rest of the nation's incarceration rate has increased, he notes.

"We are all used to hearing about how high our prison population is, and how fast it has been growing, and the federal lawsuits, and so on," Clarke told the legislature's Special Committee on Prisons in a September memo.[9] "I don't mean to

suggest that there is cause for complacency about this situation, but I'd like to pass on some good news." That news (see Table 2, below) is that North Carolina's prison population was "the third slowest-growing in the United States from 1980 to 1985, and the second-slowest growing in the South." During the six-year period, said Clarke, the number of prisoners in all states grew by nearly 53 percent, and in the South by nearly 39 percent. But in North Carolina, the number grew by only 11.7 percent—"only about one-fifth as fast as the all-states total," said Clarke. In the early 1970s, North Carolina's incarceration rate had led the nation; now it was still high and still growing, but not as high as the rates in 10 other states.

North Carolina's prison population is high despite the fact that, historically speaking, the state's *crime rate* has been fairly low. According to statistics published by the Federal Bureau of Investigation, 31 states in 1985 had higher crime rates than North Carolina (see Table 1).

"North Carolina's crime rate generally is among the lower crime rates nationally," observes Whichard, "but we are higher in terms of rates of incarceration. It would be easy to conclude that our high rate of incarceration keeps our crime rate low, but you cannot draw that conclusion if you look at the same statistics on other states. For instance, Florida has a much higher crime rate, but a slightly smaller rate of incarceration. And West Virginia has a very low rate of incarceration, and a very low rate of crime. So the analogy between the two just doesn't hold."

Two's Company, But 18,000's A Crowd

On paper, at least, North Carolina's prisons were designed to hold 16,695. But Director of Prisons John Patseavouras says that figure is, for all practical purposes, meaningless. On the day Patseavouras spoke with *Insight,* the prison system held 18,022 prisoners, close to the 1985 record of 18,044, and about 1,400 higher than the rated capacity. But, Patseavouras pointed out, the actual capacity of the North Carolina system, if the state adhered to American Correctional Association standards requiring 50 square feet of cell space for each inmate, the capacity of the N.C. prison system would be only 13,200—not counting cells now under construction by the state.

In other words, if the state complied with nationally accepted penal standards, North Carolina's overcrowding problem would sound even worse—an overflow of about 4,800 inmates. North Carolina never has conformed to ACA standards, and not one North Carolina state prison unit has *ever* been accredited by the American Correction Association. The State Auditor calculates that even if a figure of 40 square feet per inmate were used, the system's current capacity would be 14,800.[10] By any calculation, these figures are small. Even the ACA standard of 50 feet would mean inmates have an average cell space that is no larger than a medium-sized residential bathroom.

The Department of Correction, in its 10-year plan released in March 1986, projects that it will have an additional overpopulation of 5,500 in-

Table 2. Growth of N.C. Prison Population Compared to Prison Population of All States and Southern States, 1980-1985

Rate of Incarceration Per 100,000 Population	1980	1981	1982	1983	1984	1985	% Increase 1980-85
North Carolina	244	250	255	233	246	254	4.1%
Southern States	188	202	224	225	231	238	26.6%
All States	130	144	160	167	176	187	43.8%

Source: Institute of Government, UNC-Chapel Hill, Sept. 15, 1986. Based on statistics from U.S. Department of Justice, Bureau of Justice Statistics.

Note: These statistics reflect prison populations and rate of incarceration as of December 31 of each year. Traditionally, each state's prison population is at its lowest point at that time of year, due to holiday release programs.

N.C. Department of Transportation

Road gang inmates of the 1920s.

mates by 1995. That will mean a total capacity deficit of about 10,000 adequate spaces—using the ACA standard—for inmates, unless "an ambitious construction program [is] adopted which will mitigate against federal court intervention and provide for reasonable conditions of confinement within the N.C. prison system."[11]

Prisoners are housed in four types of facilities in the 86-unit state prison system:

- 47 minimum custody units, many of them the vestiges of the old county road camps;[12]
- 28 medium custody prisons;
- two combination minimum and medium custody prisons;
- four close and medium custody units;
- one close custody unit;
- one halfway house; and
- three maximum and close custody units.

The latter category includes the largest state prisons—Central Prison in Raleigh for men, N.C. Correctional Center for Women in Raleigh, and Caledonia Prison in Halifax County. The average daily prison population in these 86 units in 1985 was 16,953 inmates.[13]

But state prison units are not the only lockups in the state. Another 151 local units exist, according to the Department of Human Resources' Division of Facility Services. These units include:

- 99 county jails (including four satellite jail units in the same building as the main jail);
- nine free-standing county satellite jails;
- 41 municipal jails, most of which are small; and
- two regional jails serving multi-county areas (the Albemarle Regional Jail in Elizabeth City serves Pasquotank, Perquimans, and Camden counties, and the Bertie-Martin Regional Jail in Windsor serves Bertie and Martin counties).

In 1985, the average daily population of these 151 units was 4,075 inmates, most of whom were awaiting trial or serving short sentences.[14] In other words, an average of 21,028 North Carolinians were locked behind bars on any given day in 1985.

The specter of further overcrowding without substantial new construction is a chilling thought —especially to those who occupy the existing prison cells. In June 1986, the Office of State Auditor provided a snapshot in time of the prison population as it existed on the final day of 1985.[15] That snapshot, provided to the Special Committee on Prisons, has changed since then, of course, because the makeup of the prison population changes daily. But the breakdown of the population that day was representative of the current population today (see tables 3 and 4, pp. 12 and 13).

Of the 17,513 inmates under lock and key that day, most of them (94.3 percent) were male, and more than half were black (52.9 percent)—more than twice the percentage of blacks (24 percent) in the state's general population. Nearly 43 percent were white, and the rest were Oriental, Indian, or of unreported races. As always, most of the inmates were young, with more than 31 percent under the age of 25 and 74 percent under the age of 35. In other words, nearly three-fourths of the prison inmates were younger than 35—far out of

Table 3. Inmate Population by Race and Sex, Dec. 31, 1985

	Felons	Misdemeanants	Other	Total	Percentage of Total Inmates
Race and Sex:					
Males:					
White	5,621	1,570	—	7,191	41.1%
Black	7,436	1,434	—	8,870	50.6%
Indian	325	76	—	401	2.3%
Oriental	2	—	—	2	0.0%
Other	53	5	—	58	0.3%
Total Males	13,437	3,085	—	16,522	94.3%
Females:					
White	247	65	—	312	1.8%
Black	299	105	—	404	2.3%
Indian	16	3	—	19	0.1%
Oriental	1	—	—	1	0.0%
Other	—	—	—		—
Total Females	563	173	—	736	4.2%
Not Reported/Unsentenced	—	—	255	255	1.5%
Totals	14,000	3,258	255	17,513	100.0%

Table Prepared by Office of State Auditor

proportion to their numbers in the population in general, about 59 percent.

The high number of young people in prison may have been a direct outgrowth of the same trend in the general populace. "The 'baby boom' bulge in the general population may have contributed to the dramatic increase in the total number of criminal offenders and the prison population during the 1970s and early 1980s," notes Joseph E. Kilpatrick, assistant director of the Z. Smith Reynolds Foundation in Winston-Salem, which, with the Mary Reynolds Babcock Foundation, funded the Citizens Commission on Alternatives to Incarceration. "Based on this theory, some believe that the 'prison overcrowding crisis' will subside as the baby boomers grow older," Kilpatrick adds.

Not only were the inmates relatively young, but most had less than a high school education, and less than one-fourth of the inmates were married. Nearly 200 inmates—about 1 percent—had four years of college, and nearly 7 percent of the inmates had at least some college education —triple the rate of 1970, when only 2.3 percent of the inmates had some post-high school education.

Of the 17,513 inmates, the vast majority —14,000—were felons, compared to 3,258 misdemeanants and 255 prisoners in other categories. In other words, nearly 80 percent of the inmates were felons. But a far lesser percentage were felons serving crimes of violence. On the final day of 1985, there were 7,509 felons—43 percent of the population—serving sentences for such assaultive crimes as homicide, rape and sexual assault, and robbery. Another 1,369 inmates—8 percent—were behind bars for public order felonies including drug-related crimes, and 5,122—29 percent—were in prison for felony property crimes, including burglary, larceny and auto theft, and forgery and fraud.

Table 4. Inmate Population by Crime Category, Dec. 31, 1985

	Felons	Misdemeanants	Other	Total	Percentage of Total Inmates
Assaultive Crimes:					
Homicide	2,355	—	—	2,355	13.4%
Rape and Sexual Assault	1,568	—	—	1,568	9.0%
Robbery	2,717	—	—	2,717	15.5%
Other	869	400	—	1,269	7.2%
Total Assaultive Crimes	7,509	400	—	7,909	45.1%
Public Order Crimes:					
Drugs	1,198	80	—	1,278	7.3%
DWI	—	726	—	726	4.1%
Traffic	—	350	—	350	2.0%
Other	171	218	—	389	2.2%
Total Public Order Crimes	1,369	1,374	—	2,743	15.6%
Property Crimes:					
Burglary	3,075	447	—	3,522	20.1%
Larceny and Auto Theft	1,235	718	—	1,953	11.2%
Forgery, Checks, Fraud	633	204	—	837	4.8%
Other	179	115	—	294	1.7%
Total Property Crimes	5,122	1,484	—	6,606	37.8%
Not Reported/Unsentenced	—	—	255	255	1.5%
Total Inmates (All Crimes)	14,000	3,258	255	17,513	100.0%

Table Prepared by Office of State Auditor

Choices for Eliminating Overcrowding

These categories of crimes include non-violent and property-crime offenses for which many states do not imprison offenders. State officials generally are reluctant to enumerate which crimes should not carry active prison sentences, at least as an alternative. As Wade Barber, former district attorney in Chatham County and an advocate of appropriate use of alternatives to incarceration, puts it, "There are *some* bad check writers who ought to go to jail. But rather than defining a crime by how long we should send a person to prison, we need to determine what is the best way to punish an offense, whether it is prison, or probation, or restitution, or all of these."

Another advocate of alternatives, former state Rep. Parks Helms, puts it this way: "My guess is that we have far too many people in our prison system for 'non-violent' crimes, and that detracts from our ability to focus our attention on the serious offenders who are in fact threats to society."

Former Governor James B. Hunt Jr. warned, however, "If an alternative form of punishment will best provide that protection, we ought to use it. If prison will best protect our people, we should use prisons and build as many as we have to. My policy remains the same: that is, swift, certain, and severe punishment for the criminal."

Correction officials, including Secretary of Correction Aaron Johnson and Director of Prisons John Patseavouras, cite DWI, or Driving While Impaired, convicts as examples of inmates that might be better housed elsewhere. At the end of 1985, for instance, there were 726 misdemeanants

serving DWI sentences in state prisons. Had they been housed elsewhere, the state's prison overcrowding would have been relieved—but local jail overcrowding would have been worsened.

Still, Patseavouras points out, prison crowding could be alleviated somewhat if inmates with short sentences were not committed to state prisons. "We get more than 400 inmates a year who've been given sentences of 60 days or less. Now, I know that sounds like a small number, but it is expensive to take an inmate in, to transport them, give them all the testing that we must, file all the reports, just for a short sentence. Is that the most effective way to handle an inmate?" The prison system already processes—that is, checks in, examines, and checks out—about 18,000 persons a year. It is a time-consuming and expensive process, departmental officials point out.

More than 90 percent of the state's inmates are serving sentences of one year or longer, and the largest group of inmates is serving 10-year to life sentences (see Table 5, below, for more). Fewer than 8 percent serve sentences of less than one year; 9 percent serve one to two years; 21 percent serve two to five years; nearly 18 percent serve five to 10-year sentences; nearly 34 percent serve from 10-year to life sentences; and more than 9 percent are in prison for life sentences or are on Death Row. (These sentences do not reflect the actual time served in prison. For a description of how the Fair Sentencing Act has worked in North Carolina, see article on p. 42.)

The Martin administration has proposed a two-pronged approach to prison overcrowding— more alternatives to incarceration (see article on p. 50 for more) and more prison construction, including an experiment with three privately built prisons (see article on p. 74 for more on this point). Governor Martin proposed a 10-year plan to add 10,000 beds to the state system at a total cost of $202 million, including spending $50 million during the first three years of the plan to add 2,500 new beds and replace the decrepit Craggy Prison, a medium custody unit in Asheville generally regarded as the worst prison structure in the state. The Martin administration also proposed a diversion of up to 5,000 inmates into alternative programs, which the Governor said would reduce the number of new prison beds needed.

The costs of incarceration are startling. The Department of Correction, which employs 7,600 staff members, operates on an annual budget of $216 million. According to the State Auditor, the average daily cost per inmate in 1984-85 was $30.57.[16] The cost of operating prisons varied according to the level of custody, from a low of $22.79 per inmate for minimum custody, to $29.31 for medium custody, to $47.67 for maximum and close custody inmates. The cost varied widely depending upon the unit, too. At the new Central Prison in Raleigh, the daily cost of incarceration is $68.14 per inmate; at the N.C.

Table 5. Inmate Population by Sentence Length, Dec. 31, 1985

	Felons	Misdemeanants	Other	Total	Percentage of Total Inmates
Sentence Length:					
6 Months or Less	199	322	1	522	3.0%
6 Months to 1 Year	52	722	—	774	4.4%
1 to 2 Years	372	1,229	—	1,601	9.1%
2 to 5 Years	3,021	668	—	3,689	21.1%
5 to 10 Years	2,933	194	—	3,127	17.9%
10 Years to Life	5,771	116	—	5,887	33.6%
Life/Death*	1,603	4	—	1,607	9.2%
Not Reported/Unsentenced**	49	3	254	306	1.7%
Total Inmates	14,000	3,258	255	17,513	100.0%

* Includes inmates sentenced to death penalty.

** Includes inmates who have been convicted but who have not been sentenced by trial judge.

Table Prepared by Office of State Auditor.

Correctional Center for Women across town, it was almost half that—$35.51. In other words, to keep *one* inmate locked up at Central Prison for *one* year costs the taxpayer $24,871. More than one legislator has observed that it would be cheaper to hire a full-time probation officer to shadow a freed inmate than to lock him up and feed and clothe him.

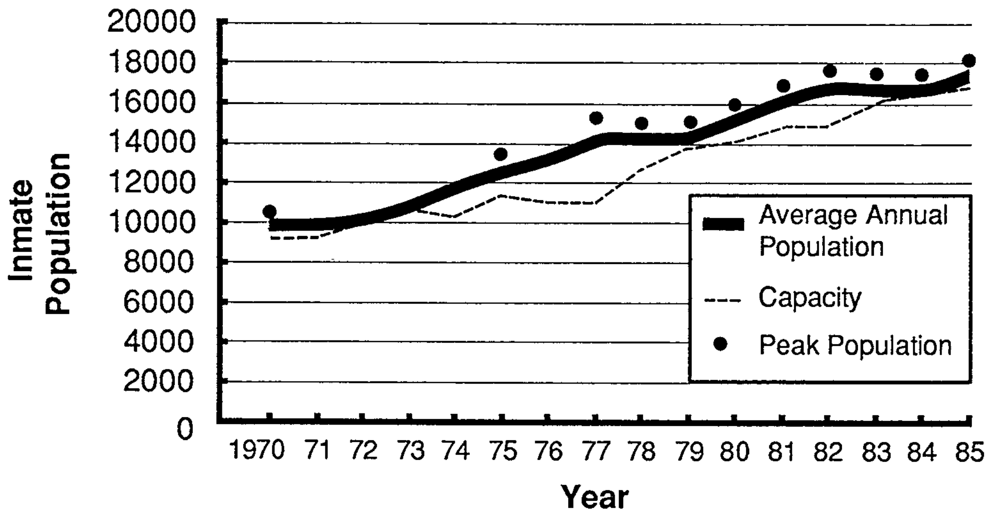
Of course, cutting the population by a few, or adding a few prisoners, will produce no substantive savings. But cutting the prison population by a significant amount could save millions by avoiding the costs of new prison construction. For instance, the 1985 General Assembly financed a consent agreement—a legal settlement to a lawsuit filed in federal court charging the state with operating inhumane prisons—to improve state prisons in the Piedmont, to the tune of $12.5 million. How is the state spending this money? The taxpayers are footing the bill for five new 100-bed dormitories, at a cost of $7.4 million—or nearly $1.5 million per dormitory, and about $15,000 per dormitory bed. And that's just for a minimum custody, dormitory-style unit. Prisons that have single cells, or maximum-custody prisons like Central Prison, cost many times that amount. The Martin administration proposes one new 500-bed institution—at a cost of $28.5 million. Average projected cost per bed? About $57,000.

Of course, projections sometimes are off the mark. The Martin administration, for instance, has projected a prison population increase of up to 22,850 by 1995 (see Table 6, below). But the State Auditor noted that the Martin administration based that projection on a continuation in the existing rate of increase, without accounting for diversion of prisoners in alternative programs and other methods of reducing prison overcrowding.[17] Thus, the State Auditor's projection is for an increase up to 19,191 prisoners by 1995—which could require

Table 6. Size of Prison Population, Actual and Projected

Year	Governor's Ten-Year Plan Projections	Governor's Revised Projections May, 1986	Actual Population	State Auditor's Report Projections
1970			9,677	
1971			9,899	
1972			9,931	
1973			10,792	
1974			11,935	
1975			12,581	
1976			13,154	
1977			14,332	
1978			14,189	
1979			14,218	
1980			15,151	
1981			16,095	
1982			16,786	
1983			16,469	
1984			16,461	
1985			17,430	
1986	18,350	18,200		18,164
1987	18,850	18,750		18,574
1988	19,350	19,200		18,776
1989	19,850	19,550		18,856
1990	20,350	19,950		18,890
1991	20,850	20,300		18,926
1992	21,350	20,700		18,968
1993	21,850	21,100		19,029
1994	22,350	21,500		19,083
1995	22,850	21,950		19,161

Sources: Office of State Auditor and Department of Correction



Source: N.C. Department of Correction, using *30 square feet* of cell space per inmate as capacity standard.

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far less new construction. (In May, the Martin administration revised its projections, lowering its 1995 estimate to 21,950—still higher than the Auditor's estimates.)

That would delight those advocates of increased use of alternatives to incarceration—particularly those who perceive that new prison construction simply confirms a corollary to Parkinson's Law—that objects tend to fill the space provided for them. As Parks Helms puts it, "The more prisons we build in response to political pressures will simply mean that we will place more people in prison. I cannot imagine a time when our citizens will allow prison space to stand vacant." Others argue the reverse—that growth in the prison population itself drives new construction. But no one argues that the financial and social costs of corrections are small.

Says former District Attorney Barber, "Prison is *the* most expensive alternative for punishing an offense, both in terms of what it costs the taxpayer, and in terms of how we are punishing the offender. Prisons should be the *last* alternative that we consider in deciding how to punish an offense."

FOOTNOTES

[1]Memo from Stevens Clarke, Institute of Government, UNC-Chapel Hill, to N.C. legislative Special Committee on Prisons, Sept. 15, 1986, based on statistics from U.S. Department of Justice, Bureau of Justice Statistics.

[2]*Uniform Crime Statistics,* 1985, U.S. Department of Justice, Federal Bureau of Investigation, July 1, 1986, pp. 44-50.

[3]*The Future of North Carolina: Goals and Recommendations for the Year 2000,* Report of the Commission on the Future of North Carolina, N.C. Department of Administration, 1983, pp. 243-244.

[4]The Eighth Amendment to the U.S. Constitution reads, "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

[5]*Report of the Citizens Commission on Alternatives to Incarceration,* Fall 1982, pp. 35-38.

[6]*Ibid.*, p. 37.

[7]U.S. Department of Justice, Bureau of Justice Statistics, News Release No. BJS 86-210, Sept. 14, 1986.

[8]*Ibid.*

[9]Clarke, p. 2.

[10]*Operational Audit Report, North Carolina Department of Correction,* Office of the State Auditor, June 1986, p. 34.

[11]*Corrections at the Crossroads, Plan for the Future,* 10-Year Plan by the N.C. Department of Correction, March 6, 1968, Part IV, pp. 1-3.

[12]The classifications of custody are defined by the Department of Correction as follows: *Maximum* custody inmates are housed in single security cells separated from the regular inmate population at secure prisons. *Close* custody inmates are housed in similar prisons, but are granted more freedom of movement and activity within the institution. *Medium* custody inmates are also under armed supervision but are assigned to field units where they live in dormitories and may work on off-site jobs, such as road squads, under armed supervision. *Minimum* security inmates are housed in field units, but are not under armed supervision. Inmates include misdemeanants and approved felons who are nearing release. Minimum security inmates may be eligible for work release, study release, and home leaves.

[13]*Operational Audit Report,* pp. 101-103.

[14]Interview with Robert Lewis, Division of Facility Services, Department of Human Resources, Nov. 14, 1986.

[15]*Operational Audit Report,* pp. 22-23 and pp. 83-107.

[16]*Ibid.*, pp. 101-103.

[17]*Ibid.*, pp. 30-32.