

Who's In Charge?

by Bill Finger and Jack Betts

WANTED: Forceful, effective leader with legislative clout. Must be willing to provide clear vision for developing a state corrections policy—building prisons, expanding alternatives, sentencing reform, and more. Timing critical. Must act now.

JOB REQUIREMENTS: Ability to transcend partisan politics while forging alliances among various state government agencies and professional groups working in the criminal justice field.

APPLY TO: N.C. General Assembly, Jones St., Raleigh, N.C. 27611

Awant ad for one of North Carolina's most pressing problems might read like this. No political leader has stepped forward with a *comprehensive* approach to corrections policy. What kind of criminal justice policies should the state be pursuing in its many programs—and who should be in charge of them?

Republican Gov. James G. Martin and his Secretary of Correction, Aaron Johnson, have released a "10-year" plan on prison policies. State government's leading Democrats, Lt. Gov. Robert Jordan III and Speaker of the House Liston Ramsey have appointed a Special Committee on Prisons. Co-chaired by Rep. Anne Barnes (D-Orange) and Sen. David Parnell (D-Robeson), this committee has reviewed many corrections issues and made numerous recommendations. The Office of State Auditor, headed by Democrat Ed Renfrow, who is elected statewide, has conducted an exhaustive series of operational audits on the entire corrections system.

Because duties are spread among at least four state government agencies, not to mention the

General Assembly and the state judiciary, can a single politician or state agency step forward with a roadmap for the future? That may be difficult, because corrections is one of North Carolina's traditional minefields. In the same way that no politician can hope to win an election by inveighing against tobacco, no Tar Heel politician can hope to build a statewide constituency by championing the issue of prison overcrowding or alternatives to incarceration. Until very recently, criminal justice issues kept politicians handcuffed. The only winnable formula for politicians addressing criminal justice issues was presenting themselves as tough on crime—as law-and-order candidates.

But the law-and-order mood is changing throughout the nation. State prisons are locking up so many people that even the most avid lock-'em-up-and-throw-away-the-key judges and politicians are beginning to endorse alternatives to incarceration. The increasing size and traditional methods of the prison systems are costing the taxpayers too much money. Politically, two conservative maxims have come into conflict—more law-and-

Table 1. Incarceration Programs in North Carolina Government

| Program ¹ | Department/Division | Activities | Statutory Authority |
|-------------------------|--|--|-------------------------------|
| Adult Prisons | Department of Correction Division of Prisons | Operates 80 adult prison units (4 for women), with a total population of about 16,100 | G.S. 148-4 |
| Youth Prisons | Department of Correction Division of Prisons | Operates 6 youth prison units (ages 14-21), with a total population of about 1,900 | G.S. 148-44 |
| Local Jails | County and Municipal Governments | Operate 151 local jails in 99 counties, with a population often exceeding 4,000. | G.S. 153A-216 |
| Training Schools | Department of Human Resources/Division of Youth Services | Operates 5 training schools with an average daily population of about 625 | G.S. 134A-6; G.S. 134A-8 |
| Youth Detention Centers | Department of Human Resources/Division of Youth Services | Funds and/or operates 8 detention centers; monitors these 8 and 3 county-run centers for compliance with state standards; average daily population of about 65 | G.S. 134A-37; G.S. 134A-38 |

TOTAL EXPENDITURES:

FOOTNOTES

¹Various state programs not shown on the chart include some functions related to incarceration. For example, the Department of Human Resources' (DHR) Division of Facility Services sets standards for local jails and licenses local jails as part of its larger licensing and standards functions (it has a separate Jails and Detention Section). Similarly, the DHR Division of Mental Health, Mental Retardation, and Substance Abuse Services (MH/MR/SAS) monitors the delivery of such services within the prison system. These services are supposed to meet standards established by the Commission for Mental Health, Mental Retardation, and Substance Abuse Services.

²Expenditures are for operating expenses only, which includes direct costs for the prison units and their pro-rata share of departmental administrative costs. Capital expenses for FY 1985-86 were \$4,561,466.

³No one keeps aggregate figures for jail expenditures. This *estimate* is calculated in this way: In FY 85-86, the state paid counties \$11 per day for men from the prison system kept in local jails (in 1986, the legislature raised the amount to \$12.50). Multiplying the average daily population in all 151 jails (4,200) times \$11 per person equals \$46,200 per day for all 151 jails, or \$16,863,000 per year. From this total, subtract the amount of state reimbursements (\$2,113,000), which yields \$14,750,000. This figure covers only operating expenses, not capital expenses.

order versus cut governmental spending.

Last year, the state spent \$223 million keeping 18,000 people incarcerated. It spent another \$48 million on community-based programs for more than 60,000 adult criminal offenders and juvenile delinquents. Meanwhile, local governments spent an estimated \$15 million incarcerating 4,200 people in 151 jails. The Department of Correction runs the adult prison system, and the Department of Human Resources operates the system for juvenile delinquents. But four different departments oversee various programs for convicted

offenders outside of prison. And who decides whether a person gets incarcerated or not? Enter the judicial branch, where 223 superior and district court judges decide through the sentencing process who goes to prison, who goes on probation, and who goes into an alternative program.

Implementing programs is only part of the puzzle. Who decides what policies these programs should follow? The Governor's Crime Commission, within the Department of Crime Control and Public Safety, supposedly serves as the major forum in the executive branch for developing crimi-

Expenditures in N.C., FY 1985-86

(7/1/85-6/30/86) (in thousands of dollars)

| Local | State | Federal | Total |
|----------------------|------------------------|-----------------|-----------|
| \$0 | \$175,735 ² | \$106 | \$175,841 |
| \$0 | \$25,822 ² | \$776 | \$26,598 |
| \$4,750 ³ | \$2,113 ⁴ | NA ⁵ | \$16,863 |
| \$0 | \$17,902 | \$1,061 | \$18,963 |
| \$0 | \$1,761 | \$0 | \$1,761 |
| \$4,750 | \$223,333 | \$1,943 | \$240,026 |

FOOTNOTES, continued

⁴This is paid by the Department of Correction to county jails for adult males sentenced to local jails.

⁵A substantial number of local jails have agreements with the U.S. Bureau of Prisons to house federal inmates on an as-needed basis. Each county negotiates a contract for its daily reimbursement rate. No aggregate totals are kept by the Bureau of Prison for these reimbursements.

nal justice and corrections policies. And the General Assembly, with its 170 members and scads of study commissions, enacts the laws and appropriates the money that ultimately control prisons and correction policy in North Carolina. But what is that policy?

You'll look far and wide and still won't find it written down under the heading of "North Carolina Corrections Policy." There are several versions, however. Under G.S. 143B-261, you can find these words: "It shall be the duty of the Department [of Correction] to provide the necessary cus-

tody, supervision, and treatment to control and rehabilitate criminal offenders and juvenile delinquents and thereby to reduce the rate and cost of crime and delinquency."

Or, if you were present at his press conference March 6, 1986, when Governor Martin issued his "10-Year Plan for the Future," you could have heard him say: "We have an opportunity today to establish a corrections policy that reflects reasonable standards, guaranteeing that criminals will not go unpunished, that punishment will fit the crime, and that public safety is enhanced."

Then there's the declaration in G.S. 15A-1340.3, also known as the Fair Sentencing Act: "The primary purposes of sentencing a person convicted of a crime are to impose a punishment commensurate with the injury the offense has caused, taking into account factors that may diminish or increase the offender's culpability; to protect the public by restraining offenders; to assist the offender toward rehabilitation and restoration to the community as a lawful citizen; and to provide a general deterrent to criminal behavior."

In 1985, a series of events triggered a major re-appraisal of N.C. corrections policies. That year, the General Assembly committed \$12.5 million to settle a class-action lawsuit against 13 prison units in the south Piedmont area, to relieve overcrowding, improve training programs, and address many other conditions (see article on page 29). Soon after, Jordan and Ramsey created the Special Committee on Prisons with a mandate to review all prison-related issues. Then in 1986, a federal court certified another class-action suit covering 48 state prison units, a suit the state is currently defending.

Just as the Special Committee on Prisons got cranked up, the State Auditor began what became a major, year-long investigation into the entire corrections field. In July 1985, after a suspicious and highly publicized death of a N.C. parolee and another person in a Myrtle Beach motel room, the Governor and Secretary Johnson asked the State Auditor to conduct an operational audit of the parole program under which the inmate had been released. Then, in a Dec. 4, 1985 letter, Jordan and Ramsey asked the Auditor to conduct a broad investigation into the entire corrections field, to "assist legislators in making the difficult decisions regarding the prison system."

With the federal courts, the Special Committee on Prisons, and the State Auditor all at work examining the prison system, the question of who does make policy came under close scrutiny. "A major challenge in examining North Carolina's

Table 2. N.C. State Government Programs for Adult Criminal Offenders and Juvenile Delinquents Not Incarcerated

| Program | Department/Division | Activities | Statutory Authority |
|--|---|---|-------------------------------------|
| I. Adults Once Incarcerated (in most cases) —“Exit Alternatives” | | | |
| Adult Parole | Department of Correction Division of Adult Probation & Parole | Supervises 3,500 parolees and operates pre-release training program and re-entry parole investigations | G.S. 15A, Art. 85 |
| Intensive Parole | Department of Correction Division of Adult Probation & Parole | Teams supervise felons in community settings; expanded in 1986 to 45 teams in 43 counties, supervising about 20 parolees (and 350 probationers, see below) | G.S. 15A-1374(b) G.S. 15A-1380.2 |
| Parole Commission | Quasi-judicial; in Department of Correction, for administrative purposes only | Grants and revokes paroles of prisoners; assists governor in granting reprieves, commutations and pardons; authorizes indeterminate-sentence release and release of youthful offenders | G.S. 143B-266 |
| II. Intensive Supervision for Otherwise Prison-Bound Adult Offenders —“Entrance Alternatives” | | | |
| Intensive Probation | Department of Correction Division of Adult Probation & Parole | Teams supervise felons in community settings; expanded in 1986 to 45 teams in 43 counties, supervising about 350 probationers | G.S. 143B-262(c) |
| Community Penalties | Department of Crime Control & Public Safety/Division of Victim and Justice Services (state grants to local nonprofit organizations) | Designed to reduce prison overcrowding; develops a community sentencing plan through local agencies for prison-bound, non-violent “H, I, and J” felons and misdemeanants; expanded from 5 to 9 programs in 1986, covering 20 counties | G.S. 143B-500 to 143B-507 |

Expenditures in N.C., FY 1985-86

(7/1/85-6/30/86) (in thousands of dollars)

| Local | State | Federal | Total |
|-------------------|--|---------|---------|
| \$0 | \$2,941 | \$0 | \$2,941 |
| \$0 | (see intensive probation below) | \$0 | \$0 |
| \$0 | \$1,562 | \$0 | \$1,562 |
| \$0 | \$705 (covers intensive parole and probation) | \$0 | \$705 |
| \$71 ¹ | \$285 | \$0 | \$356 |

FOOTNOTE

¹Includes money from businesses, individuals, foundations, and civic organizations.

system of criminal justice is the identification of all the programs that exist and the cost of operating these programs," began the final and most ambitious of the State Auditor's four separate operational audits. "The system is confusing to the offenders as well as the officials responsible for administering the programs and blending them in with the other components of the system." Released in draft form in October and in final form in December, the audit recommended a major reorganization scheme designed to address what it characterized as "fragmentation in the criminal justice system."

In a lengthy rebuttal to the draft audit presented to the Special Committee on Prisons in November, the Governor rejected the basic premise of the entire audit. "I am not convinced that this 'fragmentation,' if indeed this is an accurate term, is undesirable. Nor do I believe there to be evidence that there is excessive duplication of services." The Governor defended the performance of the three central agencies targeted for consolidation and reorganization by the Auditor—Adult Probation and Parole (Department of Correction), the community service program and alternative sentencing program (Department of Crime Control and Public Safety), and the alcohol and drug education programs (Department of Human Resources). Then he concluded: "... [R]ather than go the route of major restructuring which you propose, I believe greater interagency cooperation can resolve whatever questions of overlapping and duplication of services may exist."

This sharp debate hinged on a critical disagreement over whether the system was "broke." The Auditor wrote back to the Governor: "From our perspective, the system *is* in need of repair. It is acknowledged by all that offender services are fragmented among several state agencies. Each department logically has different agenda and priorities, as well as 'turf' to protect." But Robert Hassell, who presented the Governor's response to the Special Committee, insisted in a heated presentation, "I haven't seen the evidence that it's broke."

The attention on agency structure forced the Special Committee on Prisons, which is controlled by Democrats, to address the issue of bureaucracy. At its Dec. 16 meeting—which the two Republican committee members did not attend—Barnes and Parnell proposed moving adult probation to the Administrative Office of the Courts (which already oversees youth probation) but leaving community service in the Department of Crime Control and Public Safety, among other

Table 2. N.C. State Government Programs for Adult Criminal Offenders and Juvenile Delinquents Not Incarcerated, *continued*

| Program | Department/Division | Activities | Statutory Authority |
|---|---|---|--|
| III. Community-Based Programs for Adult Offenders | | | |
| Adult Probation | Department of Correction Division of Adult Probation & Parole | Supervises 59,300 proba- tioners, through monitoring of probation sentence and collection of fees | G.S. 15A, Article 8 |
| Community Service Work | Department of Crime Control & Public Safety/Division of Victim and Justice | Provides community service placements for non-violent offenders through four programs: Driving While Impaired (DWI), Non-DWI, Parole, and First Offender; served 35,000 people last year, 25,000 of whom were in the DWI program | G.S. 20-179.4; G.S. 15A-1343(b1)(G.S. 15A-1371(h); G.S. 15A-1380.2; G.S. 143B-475.1 |
| Alcohol and Drug Education Schools (ADETS) | Department of Human Resources/Division of Mental Health, Mental Retardation, and Substance Abuse Services | A statewide system (89 schools) designed to educate (not treat) first offender DWIs | G.S. 20-179.2 |
| DWI Substance Abuse Assessment | Department of Human Resources/Division of Mental Health, Mental Retardation, and Substance Abuse Services | Statewide screening system through 41 mental health programs, established as part of 1983 "Safe Roads Act" | G.S. 20-179(m) |
| Drug Education Schools (DES) | Department of Human Resources/Division of Mental Health, Mental Retardation, and Substance Abuse Services | Statewide education program through 41 area mental health programs for drug possession (first offenders) | G.S. 90-96 |
| Treatment Alternative to Street Crime (TASC) | Department of Human Resources/Division of Mental Health, Mental Retardation, and Substance Abuse Services | Federal program which funds 10 agencies serving 14 N.C. counties; agencies offer treatment for substance abuse for nonviolent offenders | G.S. 122C-117 |

proposals.

The Republican administration hit the roof. "At the bottom line it is political," said Secretary Johnson. "I think it is the same old strategy they [legislators] have tried to use since this administration took over, to try and take over the Gov-

ernor's authority and power to weaken the office of the governor." The committee in January 1987 backed off that recommendation, deferring action indefinitely, turning instead to another controversial proposal: a cap of 18,000 on the prison population (see p. 72 for more).

other important issues involved," says Stephanie Bass, executive director of the N.C. Center on Crime and Punishment. "We could be missing an opportunity to examine the overall goals of the system. We could improve things a great deal without changing the way the departments are set up. But the onus is really on the Governor to do that."

If the burden does lie in the governor's office, it also has fallen into the laps of the General Assembly. This year, the legislature faces questions of new prison construction, of experiments with private prisons, of expanding alternatives to incarceration, and of altering state sentencing laws. The 1987 General Assembly has the opportunity to determine precisely who makes prison policy and what that policy is. Central to deciding *that* is understanding how prison policy and programs currently work.

Asking the Right Question— What Is a Program's Function?

The bureaucratic location of a particular program is not as important as the functional relationship among programs—that is, the *purposes* of a program and how a program attempts to *accomplish those purposes*. The two major tables accompanying this article (Tables 1 and 2) divide the prison-related programs in North Carolina government by function.

Few analysts question the major alignment of the programs involved with *incarcerated* persons (see Table 1). The stickiest bureaucratic problem—dividing responsibilities for adult offenders and juvenile delinquents—was worked out in large part in 1975. That year, the General Assembly, acting against the Correction Department's wishes, transferred the youth training schools to the supervision of the Department of Human Resources, which had responsibility for other youth services. The "youth" prisons still under the Department of Correction contain inmates 16 to 21 years old, and some aged 14 to 16, if they were tried and sentenced as adults.

Questions do remain over the relationship between local jails and the state prison system. Both systems are overcrowded. In some parts of the state, the local jails house inmates specifically sentenced to the state prisons; in other parts, local sheriffs send offenders from local jails into the state system. Sentencing patterns are also important in this area, requiring, for example, that certain misdemeanants be sentenced only to local jails. For more on trends within the systems of

Expenditures in N.C., FY 1985-86

(7/1/85-6/30/86) (in thousands of dollars)

| Local | State | Federal | Total |
|----------------------|----------|---------|----------|
| \$0 | \$21,859 | \$0 | \$21,859 |
| \$0 | \$3,300 | \$0 | \$3,300 |
| \$2,286 ² | \$222 | \$100 | \$2,608 |
| \$204 ² | \$0 | \$0 | \$204 |
| \$102 ² | \$3 | \$8 | \$113 |
| \$0 | \$344 | \$143 | \$487 |

FOOTNOTE

²The source of almost all of these "local" funds are mandatory fees paid into the program by the offenders themselves.

How much energy should the 1987 legislature devote to restructuring the criminal justice bureaucracy? "As long as we concentrate on shuffling a bureaucracy around, we run the danger of losing sight of what makes our programs work, of how they relate to local government, and the many

Table 2. N.C. State Government Programs for Adult Criminal Offenders and Juvenile Delinquents Not Incarcerated, *continued*

| Program | Department/Division | Activities | Statutory Authority |
|--|---|--|----------------------------|
| IV. Community-Based Programs for Juvenile Delinquents | | | |
| Juvenile Probation and After-Care | Administrative Office of the Courts | Juvenile intake, probation, and aftercare for selected juvenile offenders | G.S. 7A, Art. 24 |
| Community Based Alternatives (CBA) | Department of Human Resources/Division of Youth Services (state grants to counties, and then to nonprofit groups) | Monitors CBA program for juveniles; promotes local needs assessment and program planning | G.S. 7A-289.13 |
| Governor's One-on-One Program | Department of Human Resources/Division of Youth Services | Develops and monitors local adult volunteer programs statewide; provides training and technical assistance | G.S. 7A-289.13 |
| | | | TOTAL EXPENDITURES: |

jails, see page 68.

In contrast to the programs related to incarceration, opinions on the array of programs for criminal offenders who are *not* locked up ranges wide indeed. Table 2 divides the major programs responsible for these persons into four areas, based on *function*: exit alternatives, entrance alternatives, community service programs, and programs for juveniles. The article on alternatives to incarceration (page 50) examines most of these programs in detail. What's important to note here is the division of the programs by function.

An "exit" alternative—called by some analysts a back-door approach—refers to the three aspects of the parole system: adult parole, the new "intensive" parole system, and the Parole Commission. Virtually every criminal offender involved with one or more of these three programs comes directly from a prison unit. Hence, as a functional system, keeping parole programs closely related to the agency in charge of the prison units themselves makes

good sense. The prison record, along with the person's sentence, controls whether (and when) he or she will be paroled.

"Entrance" alternative programs, as grouped in Table 2, are the state-funded efforts to keep *prison-bound* offenders out of the prison system and in a community-based setting. The two state programs, intensive probation and community penalties, began receiving state funding only four years ago and are still in an embryonic stage (see pages 55-62 for more on how they work, their differences, and their similarities). Currently, the Department of Correction administers the intensive probation system through its Division of Probation and Parole, but the Department of Crime Control and Public Safety administers the community penalties program, which functions through grants to local nonprofit organizations. These two programs are closely related in terms of their purpose—to keep prison-bound offenders out of prison—yet are in two different departments. Hence, a

Expenditures in N.C., FY 1985-86

(7/1/85-6/30/86) (in thousands of dollars)

| Local | State | Federal | Total |
|----------------------|----------|----------------------|----------|
| \$0 | \$9,709 | \$0 | \$9,709 |
| \$3,753 ³ | \$7,142 | \$3,787 ³ | \$14,682 |
| \$0 | \$148 | \$372 | \$520 |
| \$6,416 | \$48,220 | \$4,410 | \$59,046 |

FOOTNOTE

³For CBA programs, local (matching) funds and any federal funds are not administered through the Division of Youth Services.

specific need exists for close interagency coordination or for consolidation into one agency.

The third section of Table 2—community-based service programs for adult offenders—describes three kinds of state programs: adult probation, community service work, and four alcohol and drug-related programs (for more on these programs, see pages 63-65). These programs *alone* do not keep *prison-bound* offenders in the community but rather work in conjunction with other programs, such as intensive probation and community penalties. (Historically, probation was considered the alternative to prison, i.e., an “entrance” program. Today, however, probation *alone* rarely serves as an alternative for a *prison-bound* person.)

Probation and community service are closely related *in purpose*—to monitor the behavior of an offender to ensure that the community-based sanctions are met (community work, restitution, substance abuse education or treatments, work routines, etc.). There are important differences, cer-

tainly. Probation officers monitor the behavior of an offender out of prison, keeping track with whether the probationer completes all the conditions of a community-based sentence. Community service officers have more specific responsibilities for placing a person in a community work program and monitoring that specific work assignment, among other duties.

Last year, about 60,000 persons were on probation on a given day, and in the course of the year, some 35,000 people (many of them also on probation) went through the community service program. Yet these two major bureaucracies are based in separate departments at the state level, with separate field offices and field workers, each keeping separate files on offenders. The inherent connection of the two programs requires close coordination at all levels—state, judicial district, and individual case workers. The State Auditor’s reports focused on potential duplications in these two programs and proposed a new Division of Adult Services incorporating both these programs (and others). Officials working with the two programs involved objected strongly to any such merger. Sorting out the relationship between these two bureaucracies remains a tough but important issue for both the legislature and the Governor to address.

The four substance abuse programs in Table 2 are closely related, and all of them are monitored through the Department of Human Resources. Mostly, the programs are operated through the state’s 41 area mental health agencies, which cover the entire state. (For more on these programs, see

“...And you won your case most easily and soon you will be free

But there will be a million more who lose their liberty

Not because of what they did but what they did not do

They did not pay a lawyer or a judge to see them through....”

*—from “Respectable”
by Don McLean*

Table 3. Executive Branch Boards, Commissions, and Councils With Responsibilities for Correctional Issues

| Board, Commission or Council | | | |
|---|---|--|---|
| <i>Where Group is Housed</i> | <i>Purpose</i> | <i>Established By</i> | <i>Members Appointed By</i> |
| 1. The Governor's Crime Commission <i>Department of Crime Control and Public Safety</i> | Serves as primary advisory board for Governor and Sec. of Crime and Public Safety on crime and criminal justice matters; publishes a legislative agenda every two years and reports on various issues; administers federal grants and must have a committee for each such grant | G.S. 143B-478 | 23 - Governor 2 - Lt.-Gov. 2 - Speaker of the House 13 - Ex-officio (7 voting, 6 non-voting) ¹ 40 - Total ² |
| a. Juvenile Justice Planning Committee (22 mem.) | | | |
| b. Legislative Committee (16 mem.) | | | |
| c. Sentencing Committee (22 mem.) | | | |
| d. Victims Committee (20 mem.) | | | |
| e. Drug Assistance Committee (12 mem.) | | | |
| g. Justice Assistance Committee (7 mem.) | | | |
| h. Victims of Crime Act Committee (7 mem.) | | | |
| 2. Board of Correction <i>Department of Correction</i> | | | |
| 3. Community Resource Councils <i>Department of Correction/ Division of Prisons</i> | 86 local councils provide various services to local prison units | Sec. of Corr. Memorandum, June 13, 1985 | Governor appoints all members; minimum of nine |
| 4. Crime Victims Compensation Committee <i>Department of Crime Control and Public Safety</i> | Hears claims made by victims or dependents of deceased victims of criminally injurious conduct and sets compensation amount to be paid by offender to victim | G.S. 15B-3 (enabling legislation only; no funding) | 3 - Governor 2 - Gen. Assembly ³ 5 - Total |

page 64 and the table on pp. 58-60.)

The last section of Table 2 summarizes the main programs for juvenile offenders who are not incarcerated. Currently, the Administrative Office of the Courts, under the supervision of the Chief Justice of the N.C. Supreme Court, monitors juvenile probation and after-care issues. The Department of Human Resources Division of Youth Services administers the community-based programs for juvenile delinquents. These programs operate primarily through local nonprofit organizations. State funds go to counties, which in turn distribute the monies to the nonprofit groups.

Does Form Follow Function in Prison Policy?

It's obvious that corrections policy in North Carolina has had no primary architect. Frank Lloyd Wright would have been confused as to whether function has followed form, or the reverse, in state prison policy. The 1987 General Assembly no doubt will debate what form criminal justice programs should take, especially which departments should control which programs. The state could move in two directions, administratively—either toward expanding the Department

Table 3. Executive Branch Boards, Commissions, and Councils With Responsibilities for Correctional Issues, *continued*

| Board, Commission or Council | | Established | Members |
|---|---|--------------|--|
| <i>Where Group is Housed</i> | <i>Purpose</i> | <i>By</i> | <i>Appointed By</i> |
| 5. Criminal Justice Education and Training Standards Commission <i>Department of Justice</i> | Sets regulations and minimum standards for 1) criminal justice training schools and 2) employment, education, and training of 25,000 criminal justice officers | G.S. 17C-3 | 3 - Governor 1 - Att. Gen. 14 - Others ⁴ 7 - Ex-officio ⁵ <u>25 - Total</u> |
| 6. N.C. Sheriffs Education and Training Standards Commission <i>Department of Justice</i> | Sets regulations and standards for certification of sheriffs and deputies, training schools and programs, studies ways to improve education and training in administration of justice | G.S. 17E-3 | 1 - Governor ⁶ 11 - Sheriffs Assn. 2 - Gen. Assembly ⁷ 2 - Non-voting ⁸ <u>16 - Total</u> |
| 7. Inmate Grievance Commission <i>Department of Correction</i> | Reviews and hears inmate grievances and makes recommendations to the Secretary of Correction | G.S. 148-101 | 5 - Governor ⁹ |

FOOTNOTES

¹The seven voting members are: Governor; Chief Justice of the Supreme Court; Attorney General; Director, Administrative Office of the Courts (AOC); Secretary of Human Resources (DHR); Secretary of Correction; and Superintendent of Public Instruction. The six non-voting members are: Director, State Bureau of Investigation; Secretary of Crime Control and Public Safety; Directors of Divisions of Prisons and Adult Probation and Parole; Director, Division of Youth Services (DHR); and Administrator for Juvenile Services.

²Many of these members also serve on the various committees.

³Upon recommendation of the Lt. Gov. and Speaker of the House.

⁴N.C. Assn. of Police Executives (3); N.C. Assn. of Chiefs of Police (3); N.C. Law Enforcement Officers' Assn. (2); League of Municipalities (1); Law Enforcement Training Officers' Assn. (1); N.C. Assn. of Criminal Justice Educators (1); North State Law Enforcement Officers' Assn. (1); N.C. Assn. of District Attorneys (1); and N.C. Law Enforcement Women's Assn. (1).

⁵Att. Gen.; Sec. of Crime Control & Public Safety; Sec. of Human Resources; Sec. of Correction; Pres. of UNC; Pres. of Community Colleges; and Dir. of the Institute of Government.

⁶From a list of three nominees for the N.C. Assn. of County Commissioners.

⁷Upon recommendation of the Lt. Gov. and Speaker of the House.

⁸State Pres. of Community Colleges and Dir. of the Institute of Government.

⁹The five commission members must come from a list of 10 people nominated by the North Carolina State Bar.

of Correction to encompass nearly every state correction program, including victim services and alternatives to incarceration, or toward continued decentralization of correction programs, with duties shared by a host of agencies.

Lattie Baker, assistant secretary for Programs & Personnel Development in the Department of Correction, and former president of the N.C. Correctional Association, has studied correction policies—and administrative structures—for years. He points out, for instance, that the Department of Correction is still one of the state's youngest cabinet-level departments, and "has not yet been

recognized as a true agency." When the community penalties program was developed, for instance, correction officials argued that the Department of Correction should administer it. It went instead to Crime Control and Public Safety. "In an expansive model," adds Baker, "a Department of Correction would deal with victim programs as well as with alternatives."

On the other hand, expanding one agency to handle all correction programs does not by itself guarantee that any problems of fragmentation will be solved. Even when placed under one administrative roof, different divisions can still operate

independently, without cooperation and coordination, unless there is a well-defined policy and unless someone—the Governor or the cabinet secretary—provides firm leadership.

That's easier said than done, of course, and lately the General Assembly has taken a much stronger role in setting prison policy and directing what shall—and shall not—be done. That's largely because the legislature is dominated by Democrats, and Governor Martin is a Republican. Things were much different when Democrats were in power. For example, in 1977, Gov. James B. Hunt Jr. was dissatisfied with the state Parole Commission, then dominated by Republicans appointed by Hunt's predecessor, Gov. James E. Holshouser Jr. Hunt had only to ask the General Assembly to abolish the old Parole Commission and to create a new one, whose members Hunt would appoint, and—presto!—the state had a new Parole Commission.

After announcing his 10-year plan, Martin

attempted to set forth his own correction program to the 1986 General Assembly. Unlike Hunt, a Democrat working with a friendly legislature, Martin ran into a political gelding by the legislature. The 1986 short session did provide funding for some of Martin's proposals—including a reserve fund for replacing Craggy Prison and more money for alternatives-to-incarceration programs—but in the main, the legislature made the Governor sit tight for another year. For example, in his most highly publicized proposal, to experiment with three privately run prisons, Martin got neither cooperation nor even a thorough hearing. Instead, the legislature enacted a last minute moratorium on private prisons (see article on p. 74).

Certainly proposals before the 1987 General Assembly will be wrapped up in politics, including specifically partisan politics, which may cloud the more substantive issues involved. In addition, a major new actor has come onto the political stage—the federal court system. The federal courts could well become more involved in determining how the prisons themselves are operated, either through the implicit threats of various lawsuits or through the settlements or court rulings themselves.

A governor's administration and the General Assembly can invest substantial time and political energy in examining the criminal justice system only so many times in a decade. In the early 1980s, the legislature took a comprehensive look at sentencing issues. Now, the overcrowded prisons, combined with the litigation, have forced policymakers to look again at the system. The legislature and the Martin administration may be tempted to fight the battles through a political smokescreen, or, more optimistically, examine individual programs in a more bipartisan spirit. But either approach will fall short.

Political sentiment on criminal justice has shifted. No longer can a politician merely embrace law and order with a single-minded view of corrections policies; saving taxpayers' money with alternatives to incarceration is now equally defensible politically. Within this shifting political mood, a political leader could come forward to champion a comprehensive corrections policy, including meaningful alternatives to incarceration as well as locking up those who are a danger to society. But who will that champion be in North Carolina?

No one has stepped forward. And without a champion with clout, the corrections system may continue to go down diverging paths at the same time, with no vision of the future. □□

Standing Legislative Committees of the N.C. General Assembly with Responsibilities for Examining Prison Legislation

1. Senate Appropriations Committee on Justice and Public Safety
2. Senate Judiciary Committees (Each of the four Judiciary Committees handles substantive correction legislation)
3. House Appropriations Base Budget Committee on Justice and Public Safety
4. House Appropriations Expansion Budget Committee on Justice and Public Safety
5. House Committee on Corrections
6. House Committee on Courts and Administration of Justice

Note: The Special Committee on Prisons, established in 1985 by the Lieutenant Governor and the Speaker of the House, has made its final report to the 1987 legislature. For it to continue, the Lieutenant Governor and the Speaker must reauthorize the committee.