



**NORTH CAROLINA CENTER FOR
PUBLIC POLICY RESEARCH INC.**

News Release

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**N.C. Center Says Legislature Has Taken Only The First Steps Toward
Addressing Long-Term Prison Problems**

The recent emergency actions by the N.C. General Assembly to keep the federal courts from taking over the N.C. prison system are only the first steps toward addressing long-term prison problems, says the N.C. Center for Public Policy Research. In its quarterly magazine, North Carolina Insight, the Center today released the results of a year-long research project on state prison issues.

"The cap of 18,000 on the prison population and the new \$15 million appropriation to relieve overcrowding -- legislative actions taken earlier this month -- were important and dramatic," says Bill Finger, editor of Insight. "But they were taken in a crisis atmosphere with little real discussion. Can the legislature now move beyond emergency responses and tackle the broader, systemic issues? The legislature and the Martin administration need to link their emergency prison building program with a longer-term view of examining the location of punishment. Is it better to punish certain offenders in state prisons or county jails? Is it better to punish certain types of offenders behind bars or in community-based punishment programs? These are the crucial questions ahead," says Finger.

Only bold leadership can bring the many criminal justice agencies into a unified system, says Finger. The 18,000 prison population cap places enormous pressure on the N.C. Parole Commission to release prisoners without considering the return to criminal activity that could occur. Similarly, the legislature must address how the cap will affect the already overcrowded county jails. Finally, how does the cap of 18,000 relate to the American Correctional Association (ACA) standard for adequate prisoner space?

Currently, 18,200 inmates are in a system built to house 16,695. Using the ACA standard of 50 square feet per inmate, the capacity would be 5000 fewer -- only 13,200. The recent \$15 million legislative appropriation will add 2200 new beds. "Both Gov. Jim Martin and the General Assembly seem to be trying to avoid a potential federal court order with only bricks and mortar rather than with a comprehensive criminal justice system," says Finger.

All but nine states are currently under court order or facing litigation because of crowded or inhumane prison conditions. North Carolina has 13 prison units operating under court order, with conditions at 48 additional road camp units also in litigation at this time. Thus, 61 of the state's 86 prisons are now involved in litigation. North Carolina has more prison units than any other state, but not one unit has ever been accredited by the ACA.

"This issue of Insight delineates thoroughly all the programs of the state's punishment system and identifies the missing links," says Stephanie Bass, executive director of the N.C. Center on Crime and Punishment, a Raleigh nonprofit organization working to improve the state criminal justice system. "Insight makes us all conscious of two key words -- 'comprehensive' and 'leadership.' We've just bought time with the emergency actions. Now, there is an imperative to act."

"I had hoped that alternatives and construction bills would come together so we could look at everything as a package deal," says state Sen. Tony Rand (D-Cumberland), who chairs the Senate Appropriations Base Budget Committee. "Addressing the prison problem may well be the most important thing we do this session."

The N.C. Center for Public Policy Research studied four major interrelated issues that the General Assembly must now address: 1) the need to expand awareness and the operating capacity of entrance-level alternatives to incarceration, such as the Community Penalties Program; 2) the importance of sentencing misdemeanants to local jails or work-release situations instead of the state prison system; 3) the urgency of attempting to broaden parole to an accredited and more targeted system; and 4) the impact of changes in the Fair Sentencing Act on the prison population.

To help policymakers understand these four issues, Insight catalogues for the first time all the state prison-related programs, with expenditures at all levels of government and with the statutory authority for each program. Valuable background charts include a state-by-state comparison of prison population, total population, and crime rate; a state-by-state summary of prison litigation; and the first county-by-county breakdown* of all state-funded alternative-to-incarceration programs.

"North Carolina's crime rate generally is among the lower crime rates nationally," says N.C. Supreme Court Justice Willis Whichard in the magazine. "But we are higher in terms of rate 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 for other states." Whichard, who chaired the 1982 Citizens Commission on Alternatives to Incarceration, concludes, "The analogy between the two just doesn't hold." North Carolina currently ranks eighth in the nation in the number of inmates in its prison system and 11th in its rate of incarceration (rate of imprisonment per 100,000 population). However, its crime rate is low compared to other states (32nd).

The Center's research says that solutions like releasing all nonviolent offenders are too simplistic. For example, a drug addict who breaks into a house that happens to be unoccupied is classified as a nonviolent offender, while a 45 year-old alcoholic with no criminal record who murders his wife in a fit of passion is classified as 'violent.' "Many of us may fear the drug addict more," says Finger.

The Center recommends that state officials carefully review the prison population. The Center suggests that three types of criminals could be punished more appropriately outside the state prison system -- persons serving sentences of less than 60 days, most drunk drivers, and most misdemeanants.

* Local newspapers and broadcast media should refer to pages 58-59 of the magazine for programs in their county.

Alternatives to Incarceration. "The fledgling state programs designed to punish people in a community setting are being forced to grow up fast," says Finger. In 1983, the legislature established three major community-based programs for adult criminal offenders -- community penalties, intensive probation and parole, and community service. Community penalties and intensive probation are designed to punish felons who would otherwise go to prison. Instead of prison, the offenders are sentenced to community service, mandatory alcohol or drug treatment, and intensive supervision in their homes or a halfway house. Judges use the community service program primarily for drunk drivers; 73 percent of the 35,000 people who went through the community service program last year were convicted of offenses related to driving while impaired.

One reason that both conservatives and liberals are showing renewed interest in alternatives to incarceration is the cost of prison construction. Gov. Martin's plan to add 10,000 beds to the state system over the next ten years is projected to cost \$202 million. The General Assembly appropriated \$12 million in 1986 to comply with a federal court order to upgrade conditions in the South Piedmont region.

The average cost of building a new prison cell in a medium security prison is up to \$72,000, and the average cost per inmate in state prisons is \$31.63 per day (\$11,500 per year). By contrast, the cost per person on intensive probation or parole is \$7.13 per day (\$2602 per year) and the cost for a person on traditional probation or parole is \$1.25 per day (\$456 per year).

"These cost figures place two political beliefs shared by many in North Carolina into conflict," says Finger. "We all want law-and-order, but many want to cut government spending too." That is why leading national conservatives of both parties -- Sen. William Armstrong (R-CO), Rep. Jack Kemp (R-NY), and Sen. Sam Nunn (D-GA) -- have recently supported alternatives to incarceration. "Penal imprisonment is not always an appropriate punishment for certain types of criminal offenses," Armstrong and Nunn wrote in a recent anthology released by a national, conservative think-tank.

Misdemeanants. Only seven states, including North Carolina, send misdemeanants regularly to the state prison system rather than to local jails. The Center recommends that the legislature prohibit misdemeanants who are sentenced to less than two years from going into the state prison system. Currently, 19 percent -- nearly one of every five state prison inmates -- were convicted of misdemeanors. Most of these belong either in a work-release program or in a community-based punishment program, says the Center. To assist counties in absorbing the expected increase in misdemeanants in local jails, the Center endorses a proposal by the legislature's Special Committee on Prisons: a one-time \$20 million fund that would provide capital grants to counties to build work-release, satellite jails.

Parole. Last year, the N.C. Parole Commission released a record 11,312 inmates from state prisons and local jails. The 1987 emergency cap legislation provides the Parole Commission with the latest of several ways to expand its flexibility in choosing whom to parole. But the N.C. parole system continues to be driven by the overwhelming pressure to respond to severe overcrowding, rather than a mission to help people who have "served their time" to rejoin society.

Three important steps could assist the parole system to broaden its mission: 1) to seek national accreditation in order to identify weaknesses according to national standards; 2) to allow the parole process to review the inmate population according to the nature of the crime and risk to society; and 3) to require the parole system to incorporate existing community-based resources to assist parolees in moving back into society.

Sentencing. "Proposals before the legislature from the Governor's Crime Commission could lengthen sentences actually served by inmates and thus worsen the overcrowding problems," says Finger. Complaints that the sentences actually served are difficult to determine reflect a misunderstanding of how the landmark Fair Sentencing Act, which went into effect in 1981, is actually operating. Insight summarizes important studies by Stevens Clarke at the UNC-CH Institute of Government and concludes that sentence length is in fact predictable and that the Act has made sentences more uniform around the state and has helped hold down the growth in the prison population. The Governor's Crime Commission has recommended that the legislature restore what it calls "truth in sentencing" to the Fair Sentencing Act by eliminating "good time" and by changing the term "prison term" to "supervision term" so that a sentence term would cover both time served and time on parole. The legislature must be careful to avoid changes that will lengthen actual sentences and worsen prison crowding, says the Center.

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Copies of the Center's special issue of North Carolina Insight magazine are available for \$6.00, plus \$1.00 postage and handling if mailed. Write the N.C. Center, P.O. Box 430, Raleigh, NC 27602.

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