



NORTH CAROLINA CENTER FOR
PUBLIC POLICY RESEARCH INC.

News Release

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N.C. CENTER CALLS FOR CORRECTION AND SENTENCING POLICY COMMISSION TO DEFUSE
PRISON CROWDING CRISIS

The legislature should create a permanent Correction and Sentencing Policy Commission to seek a proper balance between prison construction and alternatives to incarceration, says the N.C. Center for Public Policy Research. The Center also released new research showing that not only are the state's prisons overcrowded, but that more than one-fourth of the 97 county jails are too.

Creation of a Correction and Sentencing Policy Commission is the Center's chief recommendation in an article in North Carolina Insight magazine re-examining correction policy and the problem of prison overcrowding. Insight devoted an entire issue to correction policy in March 1987, when a federal takeover of the state's prison system seemed imminent. Even though that threat has receded, the Center says that the underlying causes of prison crowding remain. Citizens are reporting more crimes and law officers are apprehending more suspects. That means more inmates are being channeled into state prisons and county jails. Meanwhile, state legislators keep toughening sanctions for everything from driving-while-impaired to child abuse, putting even more pressure on what is already an overcrowded system.

"We cannot build fast enough to escape this state prison and county jail crowding crisis," says Mike McLaughlin, associate editor of Insight and the author of the article on prison crowding. "We need to look at who is going to prison and why, and see if there is a more appropriate and cheaper punishment for some of these inmates. A Correction and Sentencing Policy Commission could help the state make these kinds of determinations. Right now, we have a piecemeal approach to criminal justice. We need an approach that considers the entire system. And we also need a commission to make sure that the hundreds of millions of dollars allocated to relieve prison crowding over the next few years are wisely spent."

The Center says the panel's membership should be drawn from the public and all three branches of state government. Its duties should include: 1) developing profiles of which criminal offenders should be punished by imprisonment; 2) examining the Fair Sentencing Act with an eye toward making alternatives to incarceration the presumptive sentence for some offenders who are now winding up in prison; and 3) developing Prison Impact Statements for legislation that changes sentencing or mandates prison terms for a given crime.

The numbers reveal a clear need for reforms a Correction and Sentencing Policy Commission could champion, the Center says. Since 1987, the state has relied on emergency parole procedures to keep the prison population capped at 18,000 inmates. But using American Correctional Association standards of 50 square feet of cell space per inmate, the prison system's current capacity is only 15,071 inmates. The state has pledged to spend up to \$800 million and meet the 50-square-foot standard for the entire prison system within eight years. However, it will take until 1994 just to build to the standard for the 49 prison units covered in the recently settled Small v. Martin lawsuit.

And this assumes the same crime rate, same rate of imprisonment, and no toughening of laws by the legislature. With 67 of the state's 89 prison units under or recently released from court orders that control crowding, the remaining units now are filled far beyond capacity. At Central Prison's K Dorm, for example, 117 inmates were packed into space designed for 37 during a recent tour conducted for the media to publicize crowded conditions.

Center's Research Shows County Jails Are Crowded Too

Prison crowding isn't the only problem confronting the state's criminal justice system. County officials say jails, which house primarily pre-trial detainees and some misdemeanants, are just as crowded. They worry that jail crowding problems will take a back seat to the already well-publicized plight of state prisons. The N.C. Center's analysis of jail population records kept by the state Jails and Detention Branch in the Division of Facility Services confirms that there is cause for alarm about the growing problem of jail crowding. Of the 97 county jails across North Carolina, the Center found 25 were overcrowded an average of at least one day out of every month during 1988. Counties with these conditions include Cumberland, Durham, Forsyth, Guilford, Johnston, Mecklenburg, New Hanover, Pitt, and Robeson. (See attached table for a county-by-county breakdown of jail crowding in North Carolina.)

The Governor's Crime Commission conducted a similar analysis using 1986 figures, and found only 15 jails to have been overcrowded. In 1987, the number of jails operating at or above capacity increased to 19. That means the number of overcrowded jails has increased by 67 percent in only two years.

David Jones, director of the Criminal Justice Analysis Center within the Governor's Crime Commission, says a number of factors have contributed to jail crowding. Pre-trial detainees are staying in jail longer, and more driving-while-impaired (DWI) offenders are being sentenced to jail as a result of the 1983 Safe Roads Act, says Jones. He says part of the problem can be traced directly to the state prison crowding crisis. The state has sharply curtailed the number of "safekeeper" inmates the counties can place in the state prisons for security or medical reasons before trial. Also, misdemeanants sentenced to less than 180 days now must serve their time in the county jails. That compares to 30 days under the old standard.

"Basically, it's just a situation where the prisons are overcrowded and it backs up down the line," says Jones. This is especially true, he says, when the emergency provisions of the prison cap law are invoked and no admissions or transfers from the county jails are allowed.

McLaughlin says, "The local jail crowding situation is a good example of how the problems of the correctional system are interrelated. We need to bring all of the players to the table so they can sit down and hammer out a solution that considers the impact of each change on the system as a whole. Law enforcement officers, attorneys, judges, legislators, and citizens all need to be brought into the search for a solution. A state Correction and Sentencing Policy Commission would provide a forum for developing a longer-range solution to the problem of prison crowding."

Such commissions have worked effectively in a number of states, including Minnesota, Louisiana, New Mexico, Oregon, and Tennessee, as well as the District of Columbia. Tennessee also has mandated Prison Impact Statements for legislation that affects sentence lengths or create new mandatory jail terms.

Cost alone may dictate that the new commission consider recommending an expanded role for alternatives to incarceration. For each convicted inmate on probation, the state spends about \$1.29 a day, or \$470 a year. Intensive probation -- which may be more appropriate for otherwise prison-bound inmates -- is roughly five times more expensive at \$6.54 a day. But, says McLaughlin, contrast that with the nearly \$31 a day, or \$11,300 a year it costs taxpayers to house inmates in even a minimum security prison. When you add the cost of \$25,000 per bed for construction of a new minimum security prison, or \$94,000 per bed for a maximum security prison, alternatives to incarceration are a bargain.

Evidence is mounting that there are a substantial numbers of prison-bound inmates who could be more appropriately sentenced to alternative punishment programs. For example, the legislature recently commissioned a study by Mark Corrigan of the National Institute for Sentencing Alternatives at Brandeis University. With escalating prison construction costs and high recidivism (the rate of inmates who return to prison after committing another offense), Corrigan says the public and legislators must begin to distinguish between the goal of public protection and the goal of punishment. Expensive prison beds should be reserved, he says, for offenders who represent a threat to public safety. "Punishment of low-risk offenders should be through the community," says Corrigan.

Sen. Fountain Odom (D-Mecklenburg) is skeptical of Corrigan's suggestion that the public could be educated to accept community-based sanctions for such non-violent offenders as habitual thieves. "I'd like to turn my Presbyterian Sunday school class over to you then, because after several sessions they still say, 'Build more prisons and I don't care what the cost is. We'll pay more because we want more prisons.'"

At least three studies, however, indicate that the public is receptive to punishment options that do not include traditional imprisonment. The Fall 1982 North Carolina Citizens Survey, conducted for the state by the Center for Urban Affairs and Community Services at North Carolina State University, found 88 percent of respondents would favor placing offenders convicted of non-violent crimes in supervised community group homes with restitution programs. Only 39 percent of respondents favored spending more tax money for building more prisons to relieve what was even then a looming crowding crisis.

A 1986 poll commissioned by the North Carolina Center on Crime and Punishment initially found nearly half the respondents thought community punishments were a good idea for nonviolent repeat offenders. But that number increased to 85 percent when respondents were given a set of facts about prison overcrowding and community punishments, including cost comparisons of prisons versus alternatives. This finding is similar to the conclusions of a Public Agenda Foundation study in Alabama -- that participants would change their views "if they understood more about the issue."

Corrigan says this shifting of opinion among study participants after they learn more about issues and programs provides an important cue for policymakers: the public can be educated to accept alternatives to prison. "In corrections, we are relying too much on raw public opinion to shape policy," says Corrigan. "We should be relying on informed public judgment."

McLaughlin says, "This is an example of an area where a Correction and Sentencing Policy Commission could deliberate whether certain criminals should be in prison or be forced to pay for their crimes through community-based programs that require them to work and pay restitution to their victims."

Sentence Some Criminals To Alternatives To Incarceration, Rather Than Prison

Once the commission reaches a broad consensus on who should be in prison, the Center says it should examine the 1981 Fair Sentencing Act. The act was intended to make sentences served by convicted criminals more uniform and predictable. It establishes presumptive sentences that judges should hand down in the absence of aggravating or mitigating circumstances. At present, none of these presumptive sentences include alternatives to incarceration. The Center says the new commission should examine the act and consider recommending that the legislature amend the act to include alternatives as presumptive sentences for certain nonviolent offenders.

"No one wants to be soft on crime, but judges accomplish very little when they sentence offenders to a prison system that cannot accommodate them," says McLaughlin. "Offenders guilty of property crimes will simply be churned through the expedited parole process and released -- in many cases to commit another crime. The fears of those who believe criminals are losing respect for our criminal justice system may be well founded. We need a system that will make housebreakers and petty crooks accountable for their crimes."

To make sure the legislature understands the connection between sentence length and prison crowding, the Center says the new commission should be assigned the task of preparing Prison Impact Statements on bills in the legislature that change sentence length or mandate prison terms for specific types of crimes. Such statements should include not only the projected effect on prison population and the cost of any construction to accommodate new prisoners, but also an opinion on how the revised penalties would fit with the state's overall sentencing structure -- whether the punishment would really fit the crime.

More immediately, the Center says, the state should move ahead aggressively to develop a statewide network of alternatives to incarceration. The 1989 General Assembly set aside \$29 million for alternatives out of an emergency prison package that appropriated \$79.1 million for the 1989-90 biennium. Supporters of alternatives hailed the 37 percent share of the total package as recognition by the Governor, Department of Correction, and the legislature of the role that alternatives must play in a solution to the problem of prison crowding. But this is only the first step toward making alternative punishment options available to judges in every judicial district in the state. In some counties -- including Madison, Union, and Bladen counties -- there are few options besides prison, probation, or a crowded community service program designed mainly for DWI offenders.

The N.C. Center for Public Policy Research is an independent, nonpartisan, nonprofit corporation created to examine state government policies and practices. The Center is supported in part by grants from the Z. Smith Reynolds and Mary Reynolds Babcock foundations, both in Winston-Salem. Other funding comes from 112 corporate contributors and more than 700 individual and organizational members. In addition to publishing North Carolina Insight magazine, the Center has conducted studies comparing the performance of for-profit and not-for-profit hospitals, examining problems with local landfills running out of space, and analyzing the changes in the demographics of the legislature.

Copies of North Carolina Insight containing the research on prison and jail overcrowding in North Carolina are available for \$6.30 (plus \$1.00 postage and handling) from the N.C. Center for Public Policy Research, P.O. Box 430, Raleigh, N.C., 27602, or call (919) 832-2839.

For more information, call Mike McLaughlin at the N.C. Center for Public Policy Research at (919) 832-2839.

Table 1. North Carolina Jails: Average Daily Population Versus Capacity

County	Capacity		1987		1988	
	1987	1988	Average Peak Population*	Percentage of Capacity Used	Average Peak Population*	Percentage of Capacity Used
Alamance	120	— **	89	74%	102	85%
Albemarle						
District	44	—	35	80	42	95
Alexander	28	—	13	6	13	46
Alleghany	10	—	4	40	6	60
Anson	36	—	16	44	22	61
Ashe	16	—	10	63	13	81
Avery	21	—	9	43	7	33
Beaufort	38	54	35	92	37	69
Bertie-Martin	50	—	37	74	37	74
Bladen	64	—	23	36	21	33
Brunswick	44	—	31	70	40	91
Buncombe	211	—	143	68	153	73
Burke	52	—	26	50	27	52
Cabarrus	70	—	60	86	60	86
Caldwell	76	—	46	61	48	63
Carteret	40	—	20	50	29	73
Caswell	22	—	18	82	15	68
Catawba***	83	—	91	110	91	110
Chatham	51	—	26	51	34	67
Cherokee	29	—	19	66	19	66
Chowan	22	—	14	64	19	86
Clay	11	—	4	36	6	55
Cleveland	94	—	61	65	77	82
Columbus	44	70	35	80	37	53
Craven	99	—	65	66	69	70
Cumberland	228	—	221	97	249	109
Currituck	18	—	10	56	11	61
Dare	16	—	23	144	30	188
Davidson	149	—	100	67	97	65
Davie	19	—	12	63	13	68
Duplin	40	—	29	73	32	80
Durham	164	—	203	124	235	143
Edgecombe	92	—	66	72	62	67
Forsyth	202	262	263	130	292	111
Franklin	20	28	20	100	23	82
Gaston	151	—	120	79	135	89
Graham****	6	—	3	50	6	100
Granville	38	—	26	68	26	68

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* Average peak population figures were compiled using monthly reports that show the highest jail population reached on any day of the month.

** A dash in this column in this column indicates capacity did not increase for 1988.

*** Bold type indicates counties where the average peak population was equal to or greater than capacity in 1988, comparing columns 1 or 2 with 5.

**** Graham County Jail was closed in 1986 and reopened in June 1987.

County	Capacity		1987		1988	
	1987	1988	Average	Percentage	Average	Percentage
			Peak Population*	of Capacity Used	Peak Population*	of Capacity Used
Greene	22	—	7	32	10	45
Guilford #1	288	—	316	110	346	120
Guilford #2	76	72	87	114	81	113
Guilford						
Prison Farm	100	—	34	34	33	33
Halifax	80	83	54	68	61	73
Harnett	84	—	38	45	65	77
Haywood	53	52	34	64	32	62
Henderson	55	83	44	80	50	60
Hertford	38	32	24	63	35	109
Hoke	31	—	19	61	23	74
Hyde	20	—	11	55	12	60
Iredell	60	—	47	78	60	100
Jackson	24	—	12	50	17	71
Johnston	39	—	64	164	55	141
Jones	18	—	4	22	5	28
Lee	44	—	39	89	45	102
Lenoir	85	—	60	71	71	84
Lincoln	35	—	36	103	39	111
Macon	6	—	6	100	9	150
Madison	21	—	10	48	9	43
McDowell	50	—	26	52	24	48
Mecklenburg	366	—	413	113	415	113
Mitchell	20	—	9	45	13	65
Montgomery	36	—	22	61	23	64
Moore	38	48	34	89	39	81
Nash	87	—	74	85	88	101
New Hanover	120	—	131	109	154	128
Northampton	33	—	17	52	18	55
Onslow	62	118	91	147	100	85
Orange	50	—	52	104	54	108
Pamlico	18	—	8	44	6	33
Pender	30	—	16	53	22	73
Person	36	—	22	61	23	64
Pitt	83	—	82	99	103	124
Polk	21	—	19	90	21	100
Randolph	70	74	54	77	55	74
Richmond	72	—	39	54	53	74
Robeson	107	—	139	130	141	132
Rockingham	76	—	64	84	68	89
Rowan	72	—	56	78	60	83
Rutherford	45	—	44	98	45	100
Sampson	63	—	43	68	43	68
Scotland	62	—	47	76	51	82
Stanly	52	—	27	52	28	54
Stokes	15	—	19	127	20	133

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County	Capacity		1987		1988	
	1987	1988	Average Peak Population*	Percentage of Capacity Used	Average Peak Population*	Percentage of Capacity Used
Surry	81	—	55	.68	54	.67
Swain	54	—	30	.56	38	.70
Transylvania	21	—	21	100	21	100
Tyrrell	4	—	2	.50	3	.75
Union	62	—	63	102	73	118
Vance	56	—	31	.55	37	.66
Wake	177	505 *****	243	.137	331	.66
Warren	20	—	14	.70	15	.75
Washington	17	—	5	.29	9	.53
Watauga	34	—	16	.47	18	.53
Wayne	100	—	64	.64	78	.78
Wilkes	52	—	36	.69	40	.77
Wilson	76	—	57	.75	73	.96
Yadkin	28	—	17	.61	21	.75
Yancey	11	—	7	.64	7	.64

* Average peak population figures were compiled using monthly reports that show the highest jail population reached on any day of the month. The resulting 12-month average figures reported here have been rounded to represent a whole person. The percentage of capacity used was calculated using these rounded averages.

** A dash in this column indicates capacity did not increase for 1988.

*** Bold type indicates counties where the average peak population was equal to or greater than capacity in 1988, comparing columns 1 or 2 with 5.

**** Graham County Jail was closed in 1986 and reopened in June 1987.

***** 1988 Wake County figures include Wake County Satellite (capacity: 178) and Wake County Annex (capacity: 150). 1987 figures represent only the Wake County Jail.

Source: Monthly jail population reports for 1987 and 1988 compiled by the Jails and Detention Branch, Division of Facility Services, Department of Human Resources.

Table prepared by Amy Carr, N.C. Center intern.