

Popular Government

Institute of Government • The University of North Carolina at Chapel Hill



In this issue

**Reaching the resources
of North Carolina's
State Library**

Also

**Changes in the directorship at the Institute
Effect of programs and imprisonment on recidivism
Storm-water management and municipalities
Analysis of crime rates**

Institute of Government

The University of North Carolina at Chapel Hill

THE INSTITUTE OF GOVERNMENT of The University of North Carolina at Chapel Hill is devoted to teaching, research, and consultation in state and local government.

Since 1951 the Institute has conducted schools and short courses for city, county, and state officials. Through monographs, guidebooks, bulletins, and periodicals, the research findings of the Institute are made available to public officials throughout the state.

Each day that the General Assembly is in session, the Institute's *Daily Bulletin* reports on the Assembly's activities for members of the legislature and other state and local officials who need to follow the course of legislation.

Over the years the Institute has served as the research agency for numerous study commissions of the state and local governments.



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Popular Government



Popular Government (ISSN 0032-4515) is published four times a year (summer, fall, winter, spring) by the Institute of Government, CB# 3330 Knapp Building, UNC-CH, Chapel Hill, NC 27599-3330. Subscription: \$12.00 per year. Second-class postage paid at Chapel Hill, NC, and additional mailing offices. POSTMASTER: Please send change of address to Institute of Government, CB# 3330 Knapp Building, UNC-CH, Chapel Hill, NC 27599-3330. The material printed herein may be quoted provided that proper credit is given to *Popular Government*. © 1992. Institute of Government, The University of North Carolina at Chapel Hill. ☺ This publication is printed on permanent, acid-free paper in compliance with the North Carolina General Statutes. Printed in the United States of America.

Popular Government is distributed without charge to city and county officials as one of the services provided by the Institute of Government in consideration of membership dues. The Institute of Government of The University of North Carolina at Chapel Hill has printed a total of 7,900 copies of this public document at a cost of \$8,275.05, or \$1.05 per copy. These figures include only the direct cost of reproduction. They do not include preparation, handling, or distribution costs.

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On the cover A historical plaque commemorating the establishment of the State Library in 1812 stands before the library building in Raleigh. Photograph by S. Exum.

John Sanders Steps Down as Director of the Institute of Government

Jake Wicker

Bob Donnan Photography



Everyone who knows the Institute of Government knows the name of John L. Sanders. In fact, Sanders is respected and admired by people throughout state and local government in North Carolina and the United States. This recognition comes in part from Sanders's almost twenty-five years of service as director of the Institute: from 1962 to 1973 and from 1979 until this summer. Sanders retired as director on August 31, 1992, ending his

The author served as an Institute faculty member from 1955 until his retirement in 1991. He specialized in local government administration and finance.

role as director but not his relationship with the Institute. He is continuing as a member of the Institute faculty, presently enjoying a six-month research assignment.

Sanders joined the Institute of Government faculty on October 1, 1956. He began his first tour as director on September 1, 1962, upon the retirement of Albert Coates, the Institute's founder and director for its first thirty-one years. His first stint as director ended on October 31, 1973, when he became vice-president for planning of The University of North Carolina on the staff of President William Friday. After serving in this post for more than five years, Sanders returned to the Institute



Three Institute directors:
Henry Lewis, 1973-1978;
Albert Coates, 1931-1962;
and John Sanders, 1962-1973
and 1979-1992.
Photograph taken in 1980.

All photos from the Institute of Government archives unless otherwise noted.



John Sanders, 1957



Phil Green, Durward Jones, John Sanders, Clyde Ball, and Joe Hennessee at the Capitol Building in Raleigh, 1957.

when Henry Lewis stepped down as director, beginning his second term as director on January 1, 1979. On August 31, at the age of sixty-five, Sanders left the directorship for the second time.

Accomplishments

The thirty years spanned by Sanders's directorships were years of steady growth for the Institute. The faculty had nineteen members when he took over in 1962; the faculty now totals forty-one. The growth in the faculty enabled the Institute to increase its services to the state and local governments of North Carolina, to the state's citizens, and to The University of North Carolina.

Institute services traditionally have been provided through teaching, consulting, and publication, principally in the areas of law, finance, and administration. Under Sanders's leadership Institute services in all these areas were expanded. Early in his first directorship, for example, the County Administration Course was initiated. In his second tour a tax appraisal program was started and the public school Principals' Executive Program was established and has added a number of companion programs. Among the notable expansions of traditional teaching programs that were undertaken during his watch were those in local government finance, the administration of justice, public management, and services to state and local attorneys.

Sanders was dedicated to the development of supportive and cooperative relationships with other agencies—for example, with the North Carolina League of

Municipalities and the North Carolina Association of County Commissioners—to better serve North Carolina governments. He also encouraged cooperative relationships with other state universities and with other departments and schools on the Chapel Hill campus. Joint programs were undertaken with North Carolina State University at Raleigh and Western Carolina University, for example. And in Chapel Hill the Institute helped the Department of Political Science establish a master's-level program in public administration.

While these examples serve to illustrate some of the accomplishments during John Sanders's directorship, they do not fully explain why he was so successful and was so admired and respected by his colleagues and officials throughout the University and North Carolina.

No abbreviated listing (as this must be) of Sanders's strengths that made possible his achievements as the Institute's director will satisfy those who know him well. They will simply need to add to what is here.

John Sanders brought to the directorship a clear vision of the role of the Institute as a key part of the University's mission of service to the people of the state and their governments. It was a vision that was firmly grounded in a love of North Carolina and a thorough knowledge of its people, their institutions, and their history. It was a vision that built on the broad role for the Institute that had been set forth by Albert Coates—one so broad, in fact, that it would be difficult to think of anything involving government in North Carolina that would fall outside it.

He has always been able to see both the forest and the individual tree (including a promising young sapling

seeking its place in the sun). He could glory in the beauty of a cathedral while admiring the strength of the hardware on its doors. In a single day, for example, he might have been observed

- picking up trash on the Institute lawn as he walked from his car to his office;
- meeting with University officials on the Institute's budget;
- contributing insights on North Carolina's constitutional history that bear on current state and local financial issues being considered by a group of officials;
- responding to a news reporter's request for information on the development of higher education in North Carolina; or
- reviewing a proposal from a faculty colleague to restrict smoking in Institute classrooms.

To all of these activities he brought wide knowledge, balanced judgment, devotion to the public interest, and seemingly inexhaustible energy; in short, competence of a high order in all that he undertook.

It is well established that significant accomplishments are almost always built on faith in what one is doing. John Sanders has always believed strongly in the importance of the University to the life of the state and the significance of the work of the Institute as a part of the University's mission. When he sought to increase the Institute's resources and services, it was not to enlarge an empire, but to enhance benefits for the people of North Carolina.

Some Comments about John Sanders by a Few of His Friends

Earlier this year a committee of six University of North Carolina students presented John Sanders with a book of letters from friends, colleagues, and officials that had been solicited by the committee. Brief quotations from a few of the letters are given here. Members of the committee were James Burroughs, Kevin Cherry, Wayne Goodwin, Matt Heyd, Ted Teague, and Patrick Wooten. Goodwin, Teague, and Wooten were editors of the volume.



Part of the Institute faculty, 1965.

Sanders's colleagues and subordinates admired him because he was an outstanding administrator. He looked ahead. His knowledge of the state and its government enabled him to anticipate both public needs and the probable governmental response. His judgments were informed and balanced. He was fair. He listened. He was open to suggestions. He sought to empower his colleagues and supported them to the fullest extent possible. And whatever the problem, his wry, self-deprecating humor helped the pill go down. When facing new opportunities or marking successes, he used the same wit to stifle excessive self-congratulations.

But he could also be demanding. The importance of the Institute's work required that it be done properly. He

[After Albert Coates' retirement] . . . it was my duty as Chancellor to recommend his successor. I concluded you had all the qualities necessary. . . . From the outset you demonstrated the validity of my judgment. Your leadership has been superb and the magnitude of your contributions cannot currently be measured in full because they will endure for untold years to come.

Bill Aycock, Chapel Hill



Your love of North Carolina extends far beyond your professional responsibilities. Where would the restoration of the State Capitol be were it not for the thoughtful initiative and guiding hand of John Sanders? . . . Given a little more time, the old Capitol will prove to be a veritable museum, and truly a monument to our legislative heritage, thanks to your purposeful commitment and determination. *Archie K. Davis, Winston-Salem*



North Carolina Constitutional Commission, 1959. John Sanders is in the back row, third from left.

expected all who worked at the Institute to commit themselves to its mission, to be self-starters in seeking its accomplishment, and to be self-monitors in evaluating their own contributions.

Background

John Sanders was well prepared by education and experience to become the Institute's second director. He is a native of Johnston County (coincidentally, Albert Coates's home county also) and graduated from Four Oaks High School in 1944. During his high school years he worked part time in the family retail hardware business where, perhaps, he came to appreciate the importance of attention to detail.

Then came a freshman year at North Carolina State College followed by a year of active duty with the United States Naval Reserve and a transfer to The University of North Carolina at Chapel Hill, where his formal education was completed. At Chapel Hill he received an A.B. in history in 1950 and then continued with a year of graduate study in American history before entering the UNC-CH School of Law, from which he received a J.D. in 1954. His leadership capabilities were demonstrated in his undergraduate years when he was elected president of the student body at Chapel Hill in 1950 and was inducted into the Order of the Grail and the Order of the Golden Fleece. In law school he became associate editor of the *North Carolina Law*



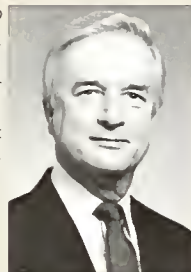
Many North Carolinians serve the State with great devotion; none has served more effectively or with greater distinction than you. The General Assembly, the State Capitol, art and artifacts, the performing arts, the University, the history and records of the State, the Institute, public schools and at least seven Governors have all benefited from your wisdom.

William Friday, Chapel Hill

In addition to your excellent leadership of the Institute, you have been enormously valuable to the University and to me personally as a source of good advice, history, tradition, and encouragement in my difficult tasks.

Paul Hardin, Chapel Hill

Courtesy James Hunt



Few North Carolinians in history have had as much impact as you have on the way government serves the people. And few North Carolinians can appreciate your contribution the way a Governor can.

James Hunt, Raleigh

While the Institute has been your primary focus, you have served the University as a whole in so many ways. Perhaps foremost among them is your role in identifying and developing potential leaders for the campus and the State.

Willis P. Whichard, Durham

Review and was a member of the Order of the Coif. It was during his law school years that he was first associated with the Institute of Government—as a research assistant, full time for one summer and part time during his final law school year.

In August of 1954, after graduating from law school, Sanders married Ann Beal, at that time a staff member of the North Carolina Department of Archives and History. Ann's academic background and interest in history, art, and government matched John's. She became not only a partner in marriage but in his career as a scholar and an administrator. He would insist that credit for any successes attributed to him should be fully shared with her.

During his first year following law school, Sanders served as clerk to Chief Judge John J. Parker of the United States Court of Appeals for the Fourth Circuit in Charlotte. The clerkship was followed by a year in private practice with the law firm of Manning and Fulton in Raleigh before he came to the Institute.

At the Institute Sanders moved at once into the areas in which he has become one of the state's leading authorities: state government organization and administration, state constitutional revision, legislative representation, and higher education. During the past thirty-six years he has been closely involved in the major changes in all these areas in North Carolina.

From 1956 to 1961 he worked with the legislative commissions on reorganization of state government. (While a research assistant at the Institute during his law

school years he had authored a special report on the Office of the Governor in connection with the Institute's staff work for one of the commissions.) During the year before he became director the first time, Sanders was on leave from the Institute to serve as staff for the Governor's Commission on Education Beyond the High School. The work of this commission resulted in the creation of the state's community college system.

His thorough knowledge of North Carolina's constitution not only grew out of his work as a student of history and the law, but also from his staff work for the North Carolina Constitutional Commission in 1958-59 and the North Carolina State Constitutional Study Commission in 1968-69, and for the General Assembly.

His work on legislative representation became a major effort after the 1960 census when he assisted the state legislature in the necessary redistricting for Congress and the General Assembly. Similar work in legislative representation followed the 1970 census. (By 1980 the General Assembly's own staff had taken on that role.)

By 1973 the restructured University of North Carolina system was one year old and in need of a vice-president for planning. At the Institute of Government John Sanders had eleven years' experience as its director and seventeen years of work in state constitutional law, state government organization, and the restructuring of higher education in North Carolina. President Friday had also worked closely with Sanders during the years of the higher education reorganization. Sanders was a natural for the post of vice-president for planning, and Friday

Our modern State Constitution is a tribute to much of your personal effort, and only one example of your many contributions to good government.

Lacy H. Thornburg, Raleigh

You have spoken out on principle and with courage consistently when the interests of the University or its people were on the line.

Stuart Bondurant, M.D., Chapel Hill

Your thoughtfulness, your storehouse of knowledge, and your wisdom have been my valued assets.

... "You are one of North Carolina's greatest treasures."

D. C. Martin, Chapel Hill



The University of North Carolina

You have perfected the art of being at once demanding and compassionate. You demand high standards not by exhortation but by example.

Q. Whitfield Ayers, Roswell, Georgia

The traditions of our Institute have been carried forward by you to the fulfillment of the dream that the popular government could be vastly improved by education and sharing of ideas. I especially appreciate your tremendous accomplishment because I have a fraternal interest in that, while not quite present at the creation, I was there while it was still in swaddling clothes. (Albert would have thought no other garments fitting.)

Terry Sanford, Washington, D.C.



Courtesy Terry Sanford

prevailed upon him to take the assignment. He did so and devoted himself for five years to higher education from the perspective of UNC General Administration.

Because of his extensive experience with higher education and state government, Sanders was in demand for service to The University of North Carolina at Chapel Hill while he was director of the Institute. He was repeatedly asked by UNC-CH chancellors for advice and to undertake special studies on current and critical issues. As the head of an institute, he was automatically a member of several administrative committees and was frequently asked to serve on others. During his first tour as Institute director, he served several years on the faculty council at Chapel Hill, was elected to the chancellor's advisory committee and served as its chairman in 1972-73, headed a committee that prepared the University's first affirmative action plan, and was a representative from the Chapel Hill campus to the sixteen-campus University Faculty Assembly and served as its first chairman in 1972-73.

His work for The University of North Carolina at Chapel Hill continued, as one would expect, during his second period as Institute director. He has been a member of the Buildings and Grounds Committee for the Chapel Hill campus since 1982 and its chairman since 1984, a member of the Bicentennial Policy Committee since 1987, and a member of the Board of Governors of the University of North Carolina Press since 1982, to name only a few of the calls on his experience and judgment.

That you take time to help students, artists and people who need guidance is a very lifting experience and all too rare in this rather impersonal world.

Mary D. B. T. and James H. Semans, Durham

I am especially grateful for your interest in and guidance of the UNC Press since you became one of the leading members of its Board of Governors.

Matthew Hodgson, Chapel Hill

Now as you lay aside the burden of administration that you have shouldered for so long . . . it is my profound pleasure to greet you as distinguished faculty colleague. . . . Your colleagues will support you in this as you have supported them.

Joseph S. Ferrell, Chapel Hill



John Sanders with then Governor Dan K. Moore (left) at the Legislative Orientation Conference, 1965.

Sanders has also been called on to serve on a host of other committees and commissions with state and university connections. For example, Governor James Hunt named him to serve on the Commission on the Future of North Carolina in 1981-82, and he continues as a member of the Board of Directors of the Research Triangle Foundation of North Carolina on which he has served since 1984. He is also a member of the Board of Directors of the North Caroliniana Society, a group that supports the North Carolina Collection of The University of North Carolina at Chapel Hill.

Even an abbreviated listing of John Sanders's activities cannot omit one that combines his interest in art, architecture, state government, and history—the State Capitol building in Raleigh. Years of study of the Capitol have made Sanders the undisputed authority on the building and its design, construction, and history. He was a founding member of the State Capitol Foundation and served as its president from 1976 to 1991. The State Capitol building in particular and historic preservation in general have long been among his chief loves.

His work in history and historic preservation has been recognized in North Carolina and the nation. Special awards he has received include the Ruth Coltrane Cannon Award given by the North Carolina Historic Preservation Society in 1982, the Hardee-Rives Cup from the North Carolina Chapter of the Victorian Society in America in 1981, and the Award of Merit from the American Association of State and Local History in 1987.

Finally, no review of John Sanders's contributions to the Institute, the University, and the state would be



Michael Smith and John Sanders in front of a portrait of Albert and Gladys Coates, 1992.

complete without a mention of assistance and guidance to hundreds of undergraduates at Chapel Hill during the past thirty-six years. Most have been students who shared his interest in public affairs, art, history, and law, but all have benefited from his advice and counsel and from the opportunities he developed for them to meet citizens and leaders in North Carolina who shared their interests.

Given the scope of his interests and contributions, it was to be expected that he would receive the Thomas Jefferson Award from The University of North Carolina in Chapel Hill. It was given to Sanders in 1988 for exemplifying the ideals and objectives of Thomas Jefferson through personal influence and through his work in teaching, writing, and scholarship. His devotion to the University and his labors in its behalf were further recognized in 1992 when he received the General Alumni

Association's Distinguished Service Medal and the UNC-CH School of Law Alumni Association's Distinguished Alumni Award.

A Final Word

When the president of the United States concludes an address to Congress, it is customary for the presiding officer to acknowledge the end of his remarks with a simple, "Thank you, Mr. President." It is understood that these few words convey a full measure of respect and appreciation. As John Sanders steps down from the directorship of the Institute of Government, his friends and colleagues look forward to his continued service to the Institute, the University, and the people of North Carolina. For all of his contributions in the past, they simply say, "Thank you, John."

The Institute of Government Welcomes Its New Director: Mike Smith

James C. Drenman

The Institute of Government has had three directors in its sixty-year history. One had a tenure of more than thirty years; another served almost twenty-five years. Obviously leadership changes at the Institute of Government are not exactly commonplace. How does the person named to be the next in line feel? "Humbled," says Michael R. Smith, who took on the position of director of the Institute of Government on September 1, 1992. He succeeded John L. Sanders, who stepped down as director to return to faculty duties.

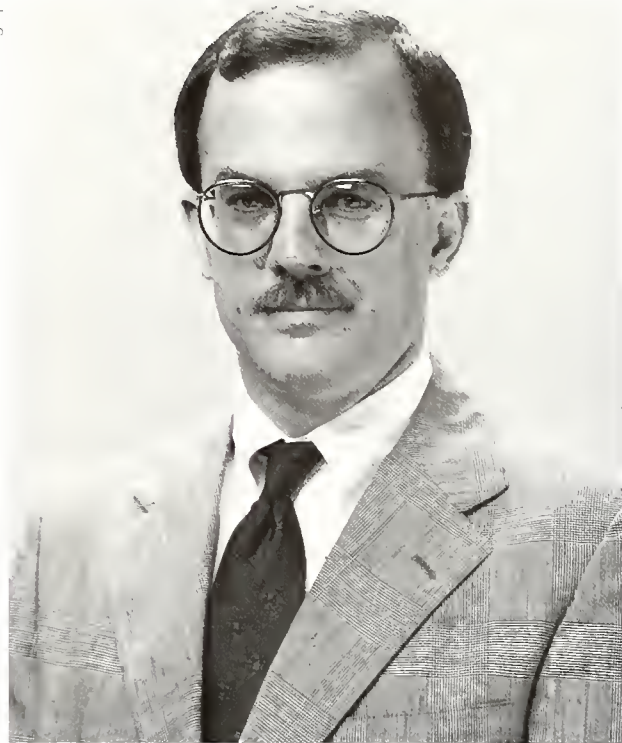
Who is Michael Smith? He is a native of Michigan and a 1975 graduate of the University of Michigan, where he was a James A. Angell Scholar. He graduated in 1978 from The University of North Carolina at Chapel Hill School of Law, where he was a senior staff member of the *North Carolina Law Review*. Since then he has been on the faculty of the Institute and holds the rank of professor of public law and government.

At the Institute he has specialized in two areas: governmental liability of public officials and legal aspects of county jails, with a particular emphasis on responding to acquired immunodeficiency syndrome (AIDS) in corrections. His work has brought him before nearly all the Institute's clients in his teaching about governmental liability, and it has brought him into close contact with sheriffs and their employees in teaching and consulting with them about the way they run their jails.

Smith's work and expertise have also generated a demand for his knowledge on a national scale. He currently serves on committees of the Center on Children and the

The author is an Institute of Government faculty member who specializes in judicial issues.

Bob Dorman Photography



Law, the American Bar Association, and the National Institute on Drug Abuse; and he recently finished serving on a committee of the National Sheriffs' Association.

He has been a productive scholar at the Institute. His writing is broad based and practically oriented. A sampling of the topics on which he has written indicates the relevance of his writings for the clients he has served. "Searches of Newly Admitted Detainees," "Civil Liability for Violations of Federal Rights," "Duty of Jail Officials to Protect Inmates from Assaults by Other Inmates," "Liability of Local Board of Health Members and Health Department Employees," "Liability for Police Disclosure of HIV Information," and "Shakedown Searches in Jails" are just a few of the dozens of articles, bulletins, and book chapters he has written for the public officials of North Carolina. His most recent effort is the "Jail Operations Manual Development Guide," currently nearing completion. This development guide will inform local jailers of the laws regulating their conduct and the issues they should consider in developing an operations manual, while also providing sample language for local officials to use in drafting an operations manual.

The development guide is, in many ways, indicative of Smith's approach to the Institute's work. It is a collaborative effort, which combines his research and writing with the advice and counsel of state and local officials responsible for jails. It is an intensely practical

work, based on relevant principles of law, medicine (a major issue in jails today is the provision of health care to inmates), and sound administration, as well as on his appreciation of how jails work in practice. That appreciation comes not only from teaching for and consulting with jail officials. It comes from spending a lot of time in jails as an observer and adviser. Smith, like his predecessors Albert Coates, Henry Lewis, and John Sanders, believes that only by "crawling through the bloodstream" of government can an Institute faculty member complete his or her understanding of the factors influencing government. Without that understanding of practice, teaching can become sterile and unconnected to the work of the officials being taught.

It is a measure of the regard in which he is held by those he has served that the North Carolina Sheriffs' Association awarded him a President's Tribute Award—something normally only reserved for sheriffs. It is an honor of which he is justifiably proud.

What does this highly effective, energetic, practical scholar see ahead for the Institute of Government as it makes one of its rare transitions in leadership? First, he knows that he inherits a job in which meeting the "expectations of performance created by incredibly capable directors, especially John Sanders, will represent a substantial challenge" to him and to the Institute. In responding to that challenge, he notes that "the governmental landscape has changed over the last twenty years, and government has to be prepared to respond to the changes in new and creative ways." He is committed to helping the Institute to be equally creative in helping governments respond to their challenges. To that end, he expresses the hope that "North Carolina public officials will look to the Institute of Government first

when they have a question about law, management, or administration." He wants that to occur whether the public official "is in a rural area, small town, or large city; is in local or state government; is a Republican, a Democrat, or an independent." He wants public officials to know that "we're interested in listening to their ideas about how best to meet their needs as they perceive them—keeping in mind that part of the Institute's responsibility is to help them identify their needs."

What does Smith do off the job? His wife, Robin (an attorney with the Office of the Attorney General), and he share a common interest in ACC basketball, but Robin's degree from Duke provides for some lively intra-familial conversation about the relative merits of the ACC teams. These days they are both often seen attending to David, their one-year-old son. There may be prouder parents, but they are hard to find. He has an avid interest in canoeing and baseball (Detroit Tigers and Durham Bulls), and he enjoys collecting first edition books. The books of John McPhee, Maya Angelou, and Zora (Neale) Hurston are of special interest. He is active in social concerns and is currently the chair of his church's Board of Christian Service, which is responsible for carrying out the church's ministry in addressing social problems in the community. He is particularly interested in the role of the church in serving those with AIDS.

Significant challenges lie ahead for Smith and the Institute. But the efforts of those who have gone before, combined with what those who know Smith expect from him in the future, leave those who care about the Institute confident that this transition, like all those before it, will make the Institute a better place as it tries to serve those who serve the public. ❖





The State Library of North Carolina

Helping the State Enter the Information Age

Howard F. McGinn

Are you looking for a job? Do you want to know the number of female prisoners in Buncombe County? Do you need a census map? What about a report issued by the governor's office? Do you want to search for your ancestors? Would you like a talking book for your grandmother? Do you want to enroll your child in a summer reading program or build a new library in your community? Answers to these questions and many more are at your fingertips through local libraries as a service of the State Library of North Carolina.

The State Library of North Carolina—located in downtown Raleigh—is a division of the Department of Cultural Resources. The division is composed of five

interrelated sections: the North Carolina Information Network, Information Services, Special Services, Library Development, and Technical Services. The legislatively mandated role of the State Library is to coordinate the development of information and library services in the state, and in that role it has been systematically developing programs that range from up-to-date electronic information networks to special education programs for students whose ages range from preschool to adult. Many of the programs are being used by other states as models of information delivery because the programs have been developed economically, are effective, serve all segments of the community, and are making a concrete attempt to help state and local governments and their corporate and private citizens thrive in an information-based, global environment.

This article describes how a citizen, local government official, or state agency employee can use the services of

Howard McGinn is the state librarian at the State Library of North Carolina. This article represents the work of staff members from all sections of the State Library.

the State Library to find the answers to the questions mentioned above and many others.

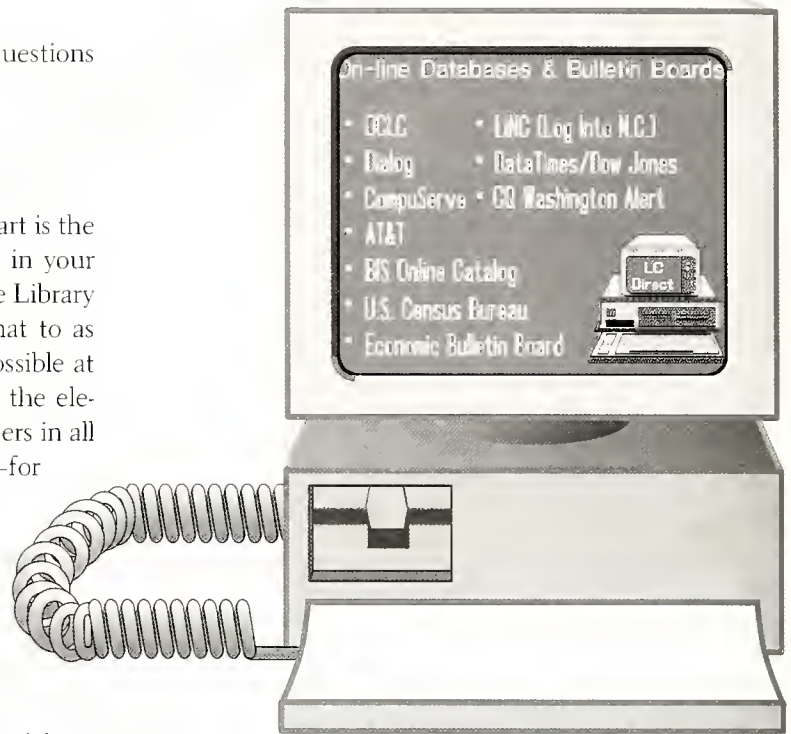
Are you looking for a job?

If you're looking for a job, a good place to start is the North Carolina Information Network (NCIN) in your local library. The role of this service of the State Library is to provide resource data in electronic format to as many North Carolina libraries as quickly as possible at the lowest possible cost. NCIN can eliminate the elements of distance and location as primary barriers in all kinds of research and information gathering—for example, job vacancy information.

NCIN facilitates access to state government information by working with agencies such as the Office of State Personnel to electronically distribute job vacancy listings, the Purchase and Contract Division of the Department of Administration to electronically publish notices of contracts offered for bid, and the League of Municipalities to distribute legislative summary information. Another network goal is to link existing machine-readable sources of data, such as Institute for Research in the Social Sciences opinion poll data, with local libraries. This electronic link provides citizen access to data that would have required a trip to the data's source. Using microcomputers and modems, local libraries may dial into electronic commercial data bases as well as home-grown data bases such as the State Government Job Vacancy List and the General Assembly Directory.

So if you are looking for a state government job, visit your local library. In the past you would have had to travel to Raleigh, go to the Office of State Personnel between 8:00 A.M. and 5:00 P.M., and manually scan computer printouts of job vacancy listings.

Using the network, NCIN libraries have access to these job listings, which are updated twice a week and available locally in a variety of ways: hard-copy printouts, disk, or as a requested customized search. Because direct access is provided for requesting state government agencies with microcomputers and modems, these employees can dial in and conduct their own customized search or



visit the State Library and use the public access terminal provided. In addition, the North Carolina State University Library System downloads the job listings from the NCIN and loads them on its local library area network, which is electronically available to students and staff. Some military base libraries download the lists to disk and encourage patrons to use public access microcomputers to locate job vacancies. Wilson County Public Library downloads the jobs and reloads them as a service on a local public access bulletin board.

NCIN links libraries, and libraries link people and information. If you have information in a data base that should have statewide distribution, consider NCIN. To discuss data requirements or how to add your data to NCIN, contact the State Library's director of network operations at 919-733-2570.

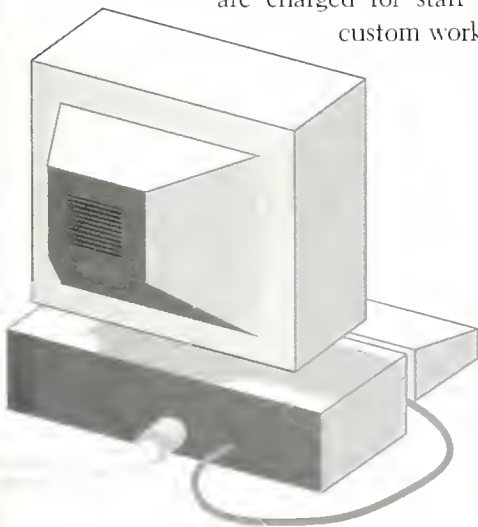
Do you want to know the number of female prisoners in Buncombe County?

The Government and Business Services Branch of the State Library's Information Services Section is the central source for government, business, and statistical information in North Carolina related to economic

development and public decision making in the state. As a coordinating agency of the State Data Center network, the branch provides statistical data services to government agencies, affiliates, and—where the information is not available through their local public library—to the general public. The goal is “Information you need, when you need it.”

It works like this: If the requester is a local government or state employee, he or she contacts the State Library reference desk either in person, over the North Carolina Information Network, by phone (919-733-3270), or by fax (919-733-5679) with the request. A staff member interviews the requester to determine the need and define the search. The government services librarian then investigates all sources for the data—in this example, that could mean dialing into the State Data Center data base (source of the most current up-to-date North Carolina statistics) called LINC, or Log Into North Carolina. Using sophisticated searching skills, the government services librarian locates the current or historical information as needed. The librarian then contacts the state employee and provides the information by voice, in hard copy, or in machine-readable format (determined by the nature of the request).

What if the requester is a private citizen in Asheville? That person should first try the Asheville-Buncombe Public Library System, which, as an NCIN member, subscribes through the State Library to LINC and can generate a similar service. If, however, the requester lives in Waynesville, he or she would first check with the Haywood County Public Library, which is an NCIN member but doesn't subscribe to LINC. The library can request the information for the requester from the State Library. Most of these services are free to state government agencies. Other customers are charged fees to cover the cost of computer time and supplies. No fees are charged for staff time, including custom work or consulting.



Grant Programs Administered by the State Library

The State Library administers two major grant programs: State Aid and the Library Services and Construction Act (LSCA). State Aid grants are allocated by the North Carolina General Assembly out of the funds within the state treasury's Aid to Public Libraries Fund. These funds are allocated to qualifying, legally established municipal, county, or regional library systems. Funds are distributed as follows:

1. Block Grants. One half of the appropriation is divided into equal grants corresponding to the total number of eligible county and regional libraries only. Each county receives one grant and each regional system receives one grant for each county in the regional system and one additional grant to aid in defraying the cost of administering the regional library system and providing region-wide services.
2. Per Capita Equalization Grants. The remaining half of the appropriation is allocated by a weighted per capita income grant inversely proportional to the per capita income of the citizens residing in the legally established boundaries of the eligible city, county, or regional library system.

Basic eligibility requirements for a public library to participate in the State Aid program are available from the Library Development Section of the State Library.

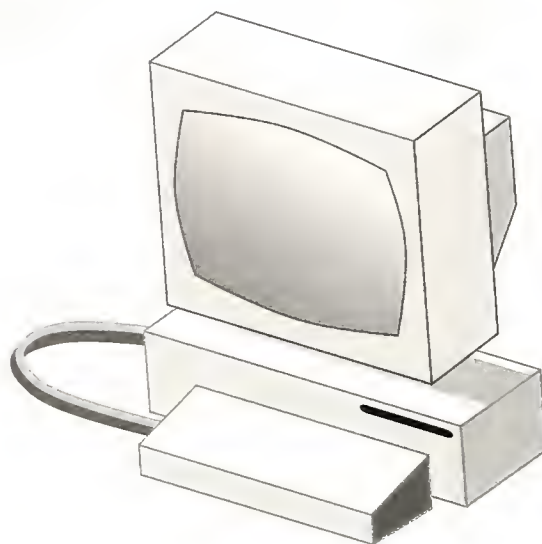
Each year the State Library applies for the federal LSCA award of approximately three million dollars from the United States Office of Education in accordance with federal guidelines. The money is never certain and may not be relied on as a part of an institution's ongoing budget. The State Library administers titles I, II, and III. Each year the State Library submits from these funds a program that includes statewide youth services, institutional library services, services to the blind and physically handicapped, public library research and demonstration grants, enrichment grants (per capita), network services, continuing education, the statewide foreign language service (housed at the Cumberland County Public Library Information Center), major urban resource sharing, state library and public library automation, and public library construction (when funded). More information about the program is available from the library development consultants or from the LSCA coordinator at the State Library.

What about getting a copy of a census map?

The Special Collections Management Branch of the Information Services Section administers the library's collections of federal and state documents, periodicals, newspapers, microfilms, and map products. The collection is particularly strong in statistical, legislative, and historical publications and oversees the North Carolina state documents collection.

The State Library is the only source in the state providing public access to a complete set of North Carolina census maps for 1970, 1980, and 1990. They can be reproduced on bond paper, vellum, or Mylar. The 1990 maps include county block maps (which display in detail census geographic boundaries), tract or block numbering area outline maps, voting district maps, urbanized area maps, and multicounty place maps.

Maps are used by local and state government officials, real estate appraisers, small businesses, and others for planning, site location, market research, social science research, and other activities requiring demographic or economic analysis or graphical presentation of data. If you're interested in getting a map, you should contact a



State Library special collections librarian at the reference desk by phone or fax, as the State Library is the only source for these maps. NCIN-connected state government agencies can leave electronic mail messages over the network. Standard census maps range from \$4.00 for bond to \$12.00 for Mylar. Custom maps begin at \$3.50 per map, which generally includes one census geographic boundary layer, one map-file layer, and a simple legend. Costs vary for maps displaying multiple-data layers and for additional copies. You should never send money with a request. Contact the State Library about costs, and the service will be billed to you.

Do you need a report from the governor's office?

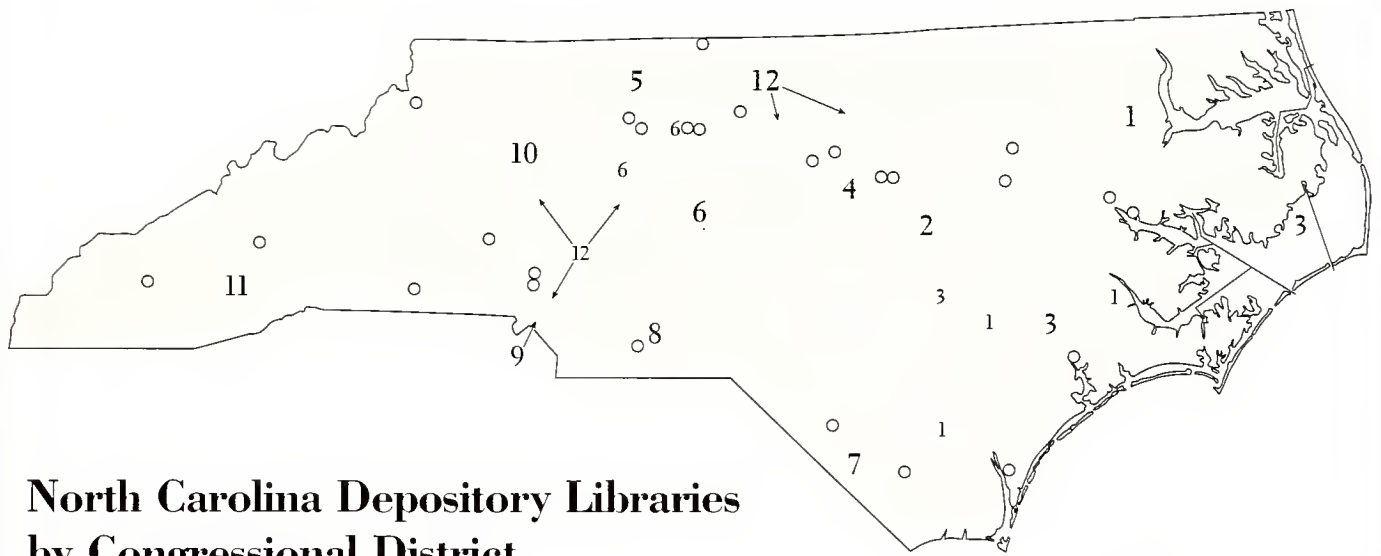
In 1987 the North Carolina General Assembly enacted legislation that mandated the establishment of a state-government-publication documents depository system. As a result of this legislation, the State Library established twenty-six documents depositories in libraries throughout the state. The Technical Services Section of the State Library distributes more than 50,000 microfilm and paper copies of important state government publications to local towns each year.

The state documents depository includes the libraries of The University of North Carolina system, six private colleges, one community college, and seven public libraries. Other libraries may borrow copies of state documents for their patrons through interlibrary loan.

A listing of state government documents added to the depository libraries is available to all NCIN-member libraries weekly via an electronic bulletin board.



Detail from a 1990 county block map of Stokes County, available from the State Library's Information Services Section.



North Carolina Depository Libraries by Congressional District

				Ninth	
				F	Atkins Library The University of North Carolina at Charlotte
First	Fourth	Sixth		F	Public Library of Charlotte and Mecklenburg County Charlotte
S	F	F		F	
Hackney Library Barton College, Wilson	State Library Department of Cultural Resources, Raleigh	Ins Holt McEwen Library Elon College, Elon			
Second	F	F		Tenth	
F	Wilson Library The University of North Carolina at Chapel Hill	Jackson Library The University of North Carolina at Greensboro		S	Catawba County Public Library Newton
Perkins Library Duke University, Durham	F	Seventh			
S	D. H. Hill Library North Carolina State University at Raleigh	F		Eleventh	
N.C. Wesleyan College Library Rocky Mount		Randall Library The University of North Carolina at Wilmington		S	D. Hiden Ramsey Library The University of North Carolina at Asheville
Third	Fifth	S		S	Hunter Library Western Carolina Univer- sity, Cullowhee
S	F	Mary Livermore Library Pembroke State University, Pembroke		S	Cleveland County Memorial Library Shelby
Onslow County Public Library Jacksonville	Belk Library Appalachian State University, Boone	S		Twelfth	
S	F	Columbus County Public Library Whiteville		S	F. D. Bluford Library N.C. Agricultural and Technical University, Greensboro
Beaufort County Com- munity College Library Washington	Z. Smith Reynolds Library Wake Forest University, Winston-Salem	Eighth		S	Forsyth County Public Library Winston-Salem
F	S	Ethel K. Smith Library Wingate College, Wingate			
Joyner Library East Carolina University, Greenville	Rockingham County Public Library Eden				
<hr/>					
Symbols					
F	Full depository (Library accepts all government documents)				
S	Selective depository (Library chooses from the total supply of government documents)				
<hr/>					

This way librarians and the communities they serve have up-to-date access to the printed resources of state government. More than 400 libraries have access to the electronically published list of state documents depository items and can request a document for local use via the interlibrary loan system. Any library within the state can apply for depository status. Currently twenty-six depository libraries participate in the depository system, receiving state publications and making them available for use at their local libraries. The depository libraries are spread out across the state, with at least one library in each congressional district (see "North Carolina Depository Libraries by Congressional District," page 15).

The Technical Services Section also enters magazine and journal holdings into the On-line Union List of Serials and coordinates the North Carolina Newspaper Project charged to identify, catalog, and preserve on microfilm newspapers located in North Carolina libraries that are published in the United States.

Do you need help searching for your ancestors?

The Genealogical Services Branch of the Information Services Section provides an extensive collection of published materials—family histories, census records, indexes, abstracts or transcripts of state and county records, bibliographies, and other general reference works—that complement the original manuscripts and records of the North Carolina Archives Search Room, a sister agency within the Department of Cultural Resources. The branch maintains an extensive reference collection of published materials. Books are not available for loan, but libraries may borrow microfilm of currently available North Carolina censuses and collections of county records (usually prior to 1868).

NCIN enables local libraries to search both collections electronically. The genealogical records are catalogued on DYNIX—the State Library's electronic public access catalog—and the original records are indexed on the Division of Archives and History Manuscript and Archives Reference System (MARS). While still in its infancy, MARS makes possible a single, on-line, archival finding aid system, containing information on all the holdings of the archives, including state agency records, county records, private collections, maps, photographs, audiovisual materials, and microfilm.

While none of the resources are available for loan, you can find out from your local library what resources are available without having to travel to the State Library in Raleigh.

Need a talking book for your grandmother?

A frequent request of family members of older adults needing reading assistance is for talking books—recorded books on records or tapes. The Special Services Section's Library for the Blind and Physically Handicapped is part of a national network of 156 regional and subregional libraries working with the National Library Service for the Blind and Physically Handicapped of the Library of Congress. The main service is to the citizens of North Carolina, although Braille service is provided to South Carolina on a contract basis.

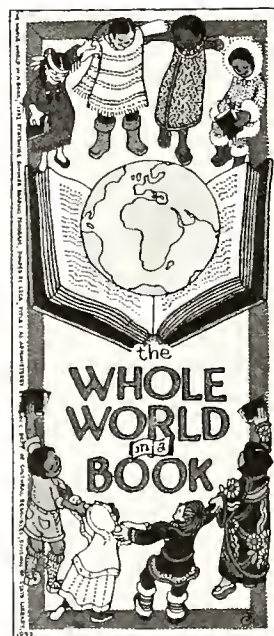
The library supplies books and magazines to North Carolinians unable to read or hold standard print because of a visual or other physical disability. About 80 percent of the readers are blind or otherwise visually impaired, while the remainder have physical disabilities ranging from quadriplegia to multiple sclerosis. Materials are provided in four formats: discs or records, large print, Braille, and the most popular cassette tape. With the exception of inspirational religious materials, the most popular books are fiction.

Only 25 percent of North Carolinians eligible for the service use it. Services are promoted through a system incorporating volunteers from the Friends of the Library for the Blind and Physically Handicapped and through public libraries. Anyone wanting more information about the program should contact the library at 800-662-7726.

Do you want to enroll your child in a summer reading program, or are you interested in building a new library in your community?

Both of these questions, and many others, can be answered by the Library Development Section of the State Library. Library Development Section staff members traditionally travel out of Raleigh to work with the more than 400 academic, community college, public, and special libraries in North Carolina in a variety of ways.

Bookmarks like this one are part of the State Library's summer reading program.



For instance, in North Carolina the State Library coordinates subsidizes, and distributes without cost to local libraries the materials used for summer reading programs in ninety-five counties. The youth services consultant within the Library Development Section, with the assistance of a committee of children's librarians from around the state, designs, plans, and produces the programs carried out by the local libraries. If you want to enroll your child in one of these summer reading programs, contact your local public library. Quiz Bowl, a general-knowledge quiz program for young adults, airs live each spring over The

Courtesy State Library



1992 champions of the State Library-sponsored Quiz Bowl: St. Stephen's High School.

University of North Carolina Center for Public Television network. The program, which is sponsored and subsidized by the State Library, brings together public libraries, public schools, and the State Library. These and many library development projects are partially funded through the United States Department of Education as part of the Library Services and Construction Act (see "Grant Programs Administered by the State Library," page 13).

Library development consultants also answer questions on library management and operations, collection development, finance, facilities planning, automation, and any other information about libraries requested. They administer more than \$10 million in state aid to public libraries and monitor federal programs including those used to build libraries. They conduct workshops, work with other agencies like the Kenan Foundation to

provide training for public library trustees, and work with the state's library schools to certify public librarians. In short they are the human communication bridge between the State Library and the state's libraries.

The Americans with Disabilities Act (ADA) requires libraries both as employers and service providers to comply with the "reasonable accommodations" clause of the act. These types of accommodations would include elevators in multi-story structures, wheel chair accessible ramps and rest rooms, and accessible water fountains, as well as access to Braille and talking books. Local libraries have the guidelines and the institutional consultant of the Library Development Section has the expertise to assist libraries in meeting the requirements of the act.

The reference and business services consultant helps local libraries develop programs and services to better

How to Reach the Services of the State Library

State Library of North Carolina, 109 East Jones Street, Raleigh, NC 27601-2807

	Phone	Fax		Phone	Fax
State Librarian	733-2570	733-8748	Service to State Institutions	733-2570	733-8748
Information Services	733-3270	733-5679	State Aid	733-2570	733-8748
Genealogy	733-7222	733-5679	Service to Children	733-2570	733-8748
Log Into North Carolina	733-3270	733-5679	NCIN Services	733-2570	733-8748
Maps	733-3270	733-5679	Special Services	733-4376	733-6910
Documents	733-3270	733-5679	Film Services	733-4376	733-6910
LSCA Coordinator	733-2570	733-8748	Library for the Blind	800-662-7726	733-6910
Library Development	733-2570	733-8748	Technical Services	733-4488	733-5679
Library Construction	733-2570	733-8748	State Documents Depository System	733-4488	733-5679

All telephone numbers are in area code 919 except the toll-free 800 number listed for the Library for the Blind.



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Compiled by Stephen Allred. 22 x 34 inches, unfolded. [90.16]
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serve their corporate clients. Through workshops and seminars, these librarians learn how to electronically search a myriad of complex electronic business data bases. Their expertise saves local business clients the cost and time involved in conducting a costly search of their own.

All the consultants work to bring the services of the State Library into the heart of the local community.

The State Library of North Carolina

Founded in 1812 to serve the North Carolina General Assembly, the State Library has evolved over its 180-year history into a multifaceted information provider to state and local governments, academic institutions, corporations, and private citizens. While it continues to serve the information needs of the General Assembly, its duties have been expanded extensively.

The State Library draws its legislative mandate from a series of North Carolina General Statutes. The basic enabling legislation is contained in Chapter 125, Article 1. Below are some of the most important duties of the State Library enumerated in the legislation:

[T]o serve as an information distribution center for State Government and the people of the State as a means for the promotion of knowledge, education, commerce and business in the State. [Chapter 125-2 (4)]

To give assistance, advice and counsel to all libraries in the State, to all communities which may propose to establish libraries, and to all persons interested in public libraries. [Chapter 125-2 (8)]

To provide library services to blind and physically handicapped readers of North Carolina. [Chapter 125-2 (9)]

To plan and coordinate cooperative programs between the various types of libraries within the State of North Carolina, and to coordinate State development with regional and national cooperative library programs; and to assist nonprofit corporations in organization and operation for the purposes of cooperative programs. [Chapter 125-2 (10)]

These directives of the General Assembly have enabled the State Library to develop a full range of information services to help the corporate and private citizens of the state in their daily lives and activities. The breadth of these responsibilities runs from providing information for the educational, commercial, governmental, and recreational lives of the state's citizens to assuring that parents have access to information needed to help today's infants grow into strong North Carolinians.

The mission of the State Library is to serve the people of North Carolina through its partners—local libraries of all types. Visit your local library and discover which of your questions can be answered today. ❖

Criminal Recidivism: How Is It Affected by Community Correctional Programs and Imprisonment?

Stevens H. Clarke and Anita L. Harrison

When someone is convicted of a crime in North Carolina, the courts may choose to sentence the offender to imprisonment or to one or more of the state's community correctional programs. The Parole Commission also may choose to involve paroled offenders in some of these programs after they leave prison. Do these correctional programs affect the likelihood of a convicted offender being rearrested for a new crime? And how do these programs compare with the effect of imprisonment on the offender's behavior?

The Institute of Government recently completed a study designed to answer these questions. The study looked at the relationship between offenders' recidivism (rearrest for a new crime) and their involvement in nine community correctional programs or imprisonment. The nine programs are defined on page 20 and described in more detail below. The results of the study suggest that most community correctional programs had little effect on recidivism compared with ordinary probation or parole supervision. One exception is the state's community

service program; participation in this program as part of an offender's probation or parole was associated with modest reductions in the probability of rearrest. Imprisonment evidently was no more effective in preventing recidivism than were most community programs and in fact may have been detrimental to offenders' chances of remaining law abiding. Increased imprisonment was found to be associated with an increased likelihood of rearrest for property offenses. This article describes the Institute study and discusses the results.

The Study

The approach of this study was to put together and analyze data in existing state data bases, looking for statistical relationships between offenders' recidivism and their involvement in community correctional programs or imprisonment. Recidivism was defined as fingerprinted rearrest for an alleged new crime during a follow-up period that began in 1989 and averaged 26.7 months. Fingerprinted arrests include nearly all felony arrests (for which fingerprints are legally required) and arrests for serious misdemeanors.¹

This study did not attempt to measure the type or amount of service provided to each offender by each program. The available data were insufficient for this purpose. Thus, although offenders in a particular program may have received different types or amounts of service from the program, there was no attempt to distinguish between those services in this respect.

The study was not an experimental "guinea pig" study in which offenders of the same type were assigned randomly to different programs. Instead, the study compared offenders who happened—through the

Steve Clarke is an Institute of Government faculty member who specializes in criminal justice issues. Anita Harrison is now a project manager at the Bowman Gray School of Medicine. The study with which this article deals was supported by the North Carolina Sentencing and Policy Advisory Commission, which is not responsible for any of the data or statements in the article. The authors are grateful for help given by the North Carolina Department of Correction, Department of Justice, Department of Crime Control and Public Safety, Governor's Crime Commission, and Department of Human Resources. For a more detailed discussion of the results, see the authors' Recidivism of Criminal Offenders Assigned to Community Correctional Programs or Released from Prison in North Carolina in 1989 (Chapel Hill, N.C.: Institute of Government, The University of North Carolina at Chapel Hill, 1992).

Community Correctional Programs Examined in the Study

TASC (Treatment Alternatives to Street Crime). This program helps offenders—primarily those with drug problems—by diagnosing their needs, referring them to treatment, and monitoring the treatment.

Community Penalties Program. This program helps offenders—primarily nonviolent felons—possibly reduce substantial active prison terms. Operating at the pretrial stage, the program investigates the offender's problems, needs, and prospects for remaining in the community. If appropriate, a sentencing plan is prepared that presents relevant information on the defendant and recommendations for sentencing. If the sentencing judge accepts the plan, the offender's individualized package of sentencing and treatment or service should be beneficial to the offender and to the community.

Intensive Supervision. Essentially intensive supervision involves supervision of probationers or parolees by officers with reduced case loads.

Electronic House Arrest (EHA). EHA involves the use of electronic devices to ensure that the offender remains in his or her home at certain times as ordered by the court or the Parole Commission. It is generally used for nonviolent offenders who would otherwise be sent to prison or remain in prison.

Special Probation. Special probation is probation with up to six months of confinement in prison or local jail as a condition.

Community Service. Community service, which may be required as a condition of either probation or parole, is service that an offender must perform for a governmental or nonprofit organization.

Restitution. Restitution is the payment of money by the offender to the victim of the crime for loss or injury resulting from the crime. It may be imposed as a condition of probation or parole.

Regular Probation. Probation is regular when it does not involve intensive supervision or electronic house arrest and is not special probation.

Regular Parole. Parole is regular when it does not involve intensive supervision or electronic house arrest.

routine functioning of the criminal justice system—to be assigned to various programs or sentenced to imprisonment.

Offenders Included in the Study

This study included 37,933 offenders (not including traffic offenders) who were placed in the community in 1989 after being convicted by North Carolina courts and, if they had prison time to serve, after serving this prison time. Thus the study included all nontraffic offenders who were (1) sentenced by a North Carolina court to supervised probation beginning in 1989; (2) released from prison under parole supervision by the Parole Commission beginning in 1989; (3) released from prison by the Parole Commission but without the supervision of a parole officer (these offenders are said to have been *paroled and terminated*); or (4) discharged unconditionally after serving their entire sentences minus credit for good time, gain time, and any previous confinement (these offenders are called *max-outs*). Offenders who were sentenced to probation or paroled from prison, in many instances, were involved in one or more of the community programs studied. Paroled and terminated and maxed-out offenders were not supervised in the community or involved in community correctional programs after release from prison.

Excluded from the study were offenders whose current offense² was impaired driving or any other traffic offense,³ offenders sentenced to unsupervised probation, and offenders sentenced to active terms in local jails. Also excluded were persons who were involved in community correctional programs but had not been convicted—for example, those who had received deferred prosecution.

Measurement of Recidivism

Recidivism was measured in terms of fingerprinted rearrests for alleged new crimes, excluding traffic offenses, during a follow-up period. The follow-up began in 1989 when the offender was placed on probation or released from prison and ended September 15, 1991; it ranged from 20.5 to 32.5 months and averaged 26.7 months. The follow-up time varied only slightly among the programs considered in the study.⁴ The study considered five types of rearrest: rearrest for any offense; rearrest for a violent offense; rearrest for a property offense; rearrest for a drug offense; and rearrest for an offense not in the violent, property, or drug categories.

Definition of Terms

This article refers to offenses as *violent*, *property*, *drug*, or *other*. Violent offenses include assaults, robbery, rape, and homicide.⁵ Property offenses include larceny, receiving stolen property, and similar theft offenses; burglary; breaking or entering (which usually involves a theft motive); and various types of fraud. Drug offenses include possession, manufacture, sale, or distribution of controlled substances. Offenses not in the violent, property, or drug categories are assigned to the *other* category; examples are resisting an officer, carrying a concealed weapon, prostitution, contributing to the delinquency of a minor, and criminal trespassing.

As used here, *probation* means supervised probation—in other words, a prison or jail sentence that is suspended on certain conditions, one of which is that the offender be supervised by a probation officer.⁶ *Parole* means early release from prison on the authority of the Parole Commission. The Parole Commission may set conditions for the release; if so, the conditions include supervision by a parole officer.

Community Correctional Programs

This study examined nine community correctional programs to which North Carolina courts may choose to sentence those convicted of a crime.⁷ The North Carolina Parole Commission may also require participation in certain programs in releasing an offender from prison on parole. These nine programs and their use in this study are described below.

TASC (Treatment Alternatives to Street Crime). This program helps offenders—primarily those with drug problems—by diagnosing their needs, referring them to treatment, and monitoring the treatment. In this study an offender was considered a TASC client only if he or she was convicted and became involved with the program in connection with a probation sentence in 1989.⁸ The majority of the 418 TASC clients (69 percent) included in this study were misdemeanants. (TASC clients who were traffic offenders or unconvicted were excluded.) Drug offenses were the most common single type of charge, received by 44 percent of TASC clients.

Community Penalties Program. The mission of the community penalties program is to divert from imprisonment offenders (primarily nonviolent felons) who are believed likely, without the program's intervention, to receive substantial active prison terms.⁹ Operating at the pretrial stage, the program investigates the offender's

problems and needs and evaluates his or her prospects for remaining in the community. If the investigation shows that the defendant has good prospects, the program prepares a sentencing plan. The plan presents relevant information on the defendant and recommendations for sentencing. The recommendations typically include community sanctions like performance of community service, payment of restitution, and intensive probation, as well as psychological treatment, treatment for drug dependency, or educational or vocational training for the offender.

The plan is presented to the sentencing judge, who may accept or reject it. The community penalties program, like TASC, monitors the offender after sentencing, but it provides no actual treatment beyond its presentence diagnosis of the offender's needs. After sentencing has occurred, the chief benefit for the offender is believed to be the individualized package of sentencing and treatment or service prepared in the plan.

In this study an offender was considered a community penalties client only if the court accepted his or her sentencing plan in 1989 as part of a sentence.¹⁰ Most of the 313 community penalties clients in the study (78 percent) were convicted of nonviolent felonies.

Intensive Supervision. Intensive supervision may be a condition of either probation or parole. This program is for "probationers and parolees who require close supervision in order to remain in the community pursuant to a community penalties plan, community work plan, community restitution plan, or other plan of rehabilitation" and is available to both felons and misdemeanants.¹¹ Intensive supervision involves supervision by officers with reduced case loads—usually teams of two officers with maximum case loads of twenty-five, and in a few instances single officers with maximum case loads of sixteen. In contrast, the case load for regular probation or parole officers often exceeds one hundred.

Intensive probationers and parolees differed in their types of offenses. While most of both groups had been convicted of felonies, intensive probationers were primarily nonviolent felons (52 percent of the 946 intensive probationers in the study were convicted of felonies against property and 27 percent of drug felonies), and 61 percent of the 234 intensive parolees had been convicted of violent felonies. Intensive supervision sometimes is imposed in lieu of revocation of probation or parole, rather than as one of the original conditions of probation or parole. This study excluded intensive supervision if it was imposed in lieu of revocation.

Electronic House Arrest (EHA) Probation. Electronic house arrest may be a condition of either probation

or parole. Because this study found only two EHA parole cases in the data, EHA was treated as a probation program. EHA involves the use of electronic devices to ensure that the offender remains in his or her home at certain times as ordered by the court or the Parole Commission. It is generally used for nonviolent offenders who would otherwise be sent to prison or remain in prison.¹² Forty-eight percent of the 311 EHA probationers in this study were on probation for nonviolent felonies, and 35 percent for nonviolent misdemeanors.¹³

Special Probation. Special probation, sometimes called a *split sentence*, is probation with up to six months of confinement in prison or jail as a condition.¹⁴ This confinement may be in a local jail or in state prison. If the confinement is in a local jail, the sentencing judge may provide that it be served discontinuously—for example, on weekends. Special probation is unlike all other programs described here in that the offender is forcibly restrained by incarceration from becoming a recidivist for part of the time when the program is being put into effect. A majority (59 percent) of the 2,228 offenders given special probation in 1989 had been convicted of felonies.

Community Service. Community service, which may be required as a condition of either probation or parole, is service that an offender must perform for a governmental or nonprofit organization. Most instances of community service as a condition of parole involve community service parole, in which a prisoner is released from prison early in exchange for performing community service.¹⁵ Performance of community service is supervised by the recipient organizations; it is enforced by community service officers, who are employees of the Division of Victim and Justice Services of the Department of Crime Control and Public Safety. These officers report on offenders' compliance to probation and parole officers and the courts.¹⁶

Community service usually is regarded as a punishment that compensates the community for the harm caused by the offender. Some advocates of community service also believe that performing the service helps to prevent recidivism by "resocializing" or reforming the offender.¹⁷

Probationers and parolees in the community service program differed in the offenses of which they had been convicted. Most probationers with community service (66 percent of 7,871) were misdemeanants; almost all community service parolees (97 percent of 1,890) were felons.

Restitution. Restitution is the payment of money by the offender to the victim of the crime for loss or injury resulting from the crime. It may be imposed as a condition of probation,¹⁸ and under some circumstances as a condition of parole.¹⁹ Like probationers and parolees in

the community service program, probationers and parolees required to pay restitution differed in their types of offenses. Most of the probationers subject to restitution orders (67 percent of 14,360) were misdemeanants; almost all of the 2,522 parolees subject to restitution (90 percent) were felons.

Regular Probation. Probation is regular when it does not involve intensive supervision or electronic house arrest and is not special. Regular probation was the most frequently used program considered in this study. Most of the 22,681 regular probationers (76 percent) had been sentenced for misdemeanors.

Regular Parole. Parole is regular when it does not involve intensive supervision or electronic house arrest. Most of the 6,514 regular parolees (90 percent) released in 1989 had been sentenced for felonies and had served an average of twenty months.

As explained earlier, the study also included offenders who were paroled and terminated in 1989 and those who maxed-out of prison in 1989. The **paroled and terminated** offenders—a total of 4,398—differed from regular parolees. Most had been sentenced for misdemeanors, rather than felonies; they had served an average of seven months in prison before release, compared to twenty months for regular parolees. The 847 **max-outs** included in the study were predominantly felons (81 percent) and had served an average of twenty-eight months.

Offenders often were involved in more than one of the programs or statuses mentioned above. This should be kept in mind in comparing rearrest rates for the various programs. For example, of the 313 offenders who were clients of the community penalties program, 57 percent were required to perform community service as part of their probation, 24 percent received intensive supervision, 19 percent received special probation, and 6 percent were on electronic house arrest. This high degree of overlap of community penalties with other programs was expected because community penalties sentencing plans are prepared with the express purpose of getting offenders into other programs. Another example of program overlap is the TASC program. Of the sample of 418 TASC clients, 27 percent were required to perform community service as part of their probation, 7 percent received intensive supervision, 6 percent received special probation, and 4 percent were on EHA.

For purposes of this study, involvement in each type of program was treated as a separate service. However, it should be remembered that programs' services may interact with each other in complex ways, which this study did not try to investigate.

Service of Time in Prison

The analysis of recidivism included the amount of prison time served by offenders immediately before they were released from prison (or placed on probation) in 1989. This was done to see whether imprisonment deterred offenders from committing further crime.

Results

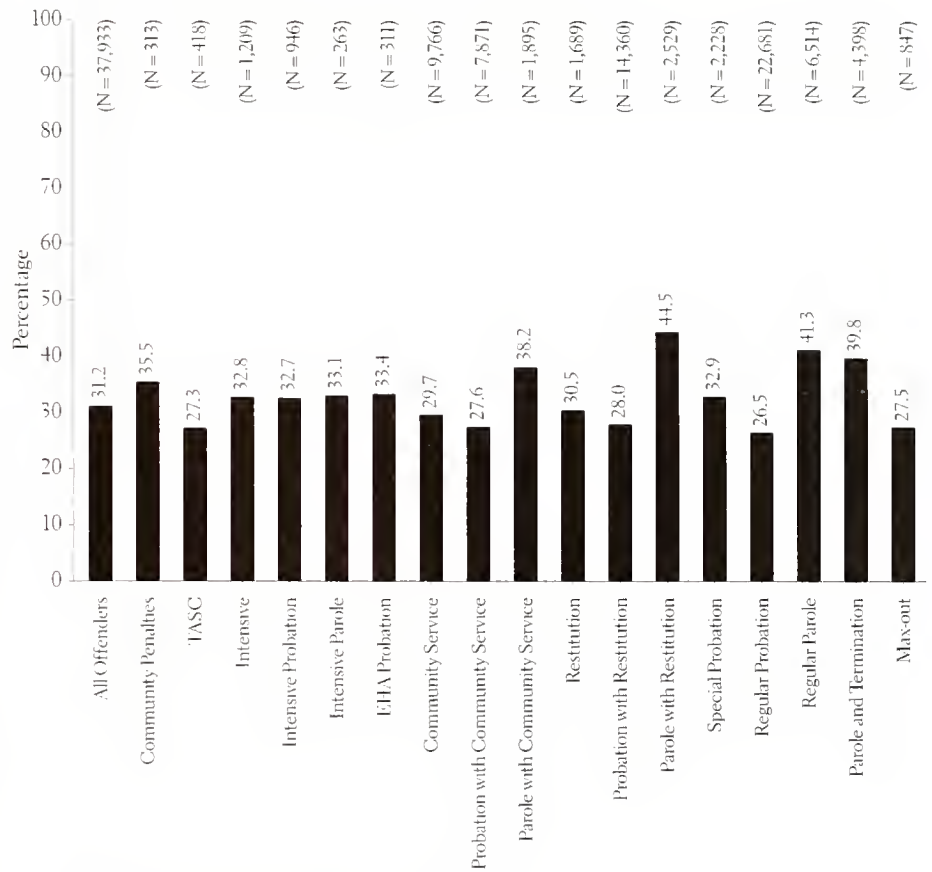
Rearrest Rates

For all 37,933 offenders in the study, the overall rate of fingerprinted rearrest for any offense (all types of offenses put together) was 31.2 percent. The rearrest rates for specific offenses were as follows: 8.5 percent for violent offenses, 20.5 for property offenses, 8.7 for drug offenses, and 5.3 for other offenses.²⁰ For the 22,681 regular probationers in the study, the rates were as follows: 26.5 percent for any offense, 6.6 for violent offenses, 17.4 for property offenses, 7.5 for drug offenses, and 4.2 for other offenses. Because regular probation constitutes the largest single group and arguably is the least drastic sanction, the rearrest rates of regular probationers was used as a standard of comparison.

Figure 1 compares the rates of rearrest for any offense among the program groups. The rearrest rates for TASC, probation with community service, probation with restitution, and max-outs generally were similar to the rates for regular probation (this was true of the rearrest for specific types of crime as well as overall rearrest). Compared with regular probation, rearrest rates generally were higher for community penalties (although not its violent rearrest rate), intensive probation and parole, EHA probation, parole with community service, parole with restitution, special probation, regular parole, and parole and termination. All categories of offenders released from prison, *except for max-outs*, had rearrest rates considerably higher than those of regular probationers.

The difference in rearrest rates among the program categories probably is due, in part, to dissimilarities among the groups of offenders in the programs—especially with respect to prior criminal activity. Previous research in North Carolina indicates,²¹ and further analysis of the current data confirms, that prior arrests are strongly

Figure 1
Rates of Fingerprinted Rearrest for Any Offense



Note: Follow-up period studied averaged 26.7 months.

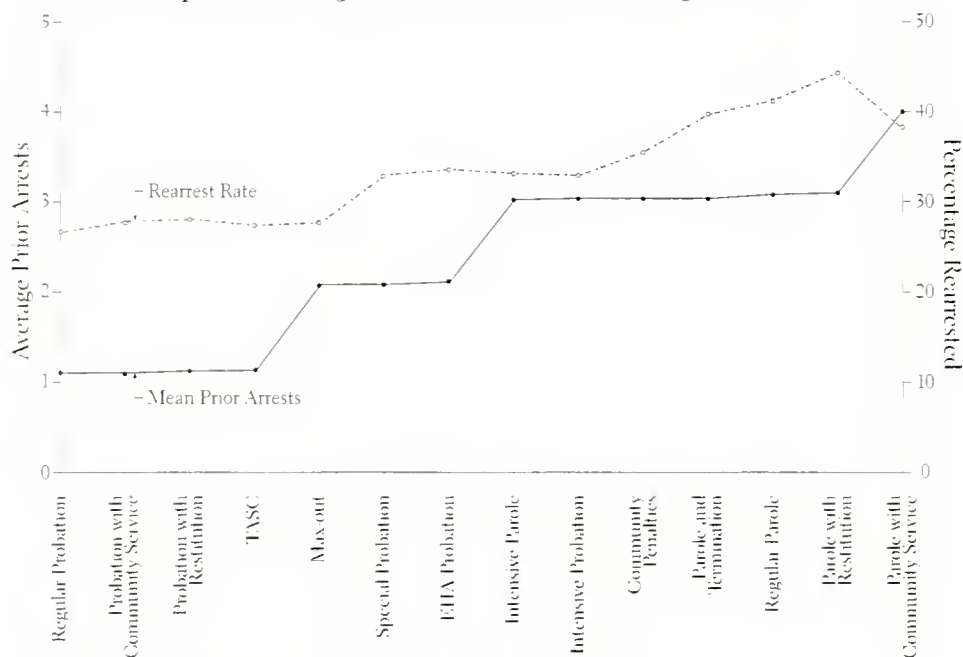
correlated with recidivism. Figure 2 illustrates the relationship between prior arrests and rearrest, looking at each separate program. This graph shows the mean (average) number of prior arrests and the rearrest rate for any type of offense for each program category. It ranks the program categories from left to right according to their participants' mean number of prior arrests. It can be seen that generally the rearrest rate increases as the mean prior arrests increases.

Thus one of the main reasons why offenders involved in community penalties, intensive probation and parole, special probation, and all forms of parole including parole and termination had higher rearrest rates than did regular probationers is that their prior arrest records were more extensive.

Regression Analysis

Further analysis was done using regression modeling, a statistical technique that estimates the separate contributions of a variety of factors to rearrest probability. This analysis suggested that most of the variation in

Figure 2
Relationship between Programs' Rearrest Rates and Average Prior Arrests



Note: Rearrest is for any offense of any type included in this study.

rearrest rates was attributable to the characteristics of the offenders themselves, rather than to the programs they were involved in. These characteristics included prior arrests, age, sex, race, and type of current offense. Separate models of the probability of each type of rearrest were developed (any offense, violent offense, property offense, drug offense, and other offense), for each of three groups of offenders: all offenders, probationers, and offenders released from prison. A random sample²² of 4,919 of the 37,933 offenders in the study was used for the models.

Relationship between current offense and rearrest probability. It is commonly assumed that the more serious or violent the current offense is, the more likely the offender is to commit further crime. But the regression models in this study, like some previous research in North Carolina,²³ suggested that just the opposite is the case. They indicated that, controlling for other factors, offenders whose current offense was a violent felony were much *less* likely to become recidivists than were property misdemeanants. For example, the models indicated that offenders convicted of violent felonies were 17.5 percentage points less likely to be rearrested for any offense than were those convicted of property misdemeanors, and drug felons were 5.9 percentage points less likely. These are sizable differences, given that the probability of rearrest for the 4,919 offenders in the sample was 30.9 percent for any offense and 5.6 percent for drug offenses.

One exception to the general pattern of association between type of current offense and rearrest probability is drug offenses. The models indicated a significantly higher probability of rearrest *for another drug offense* if the offender's current offense was a drug felony or a drug misdemeanor.

Relationship between offender's age, sex, and race and rearrest probability. The regression models indicated that as the offender's age increased, the probability of rearrest for each type of crime decreased. This is consistent with published national data showing that the chance of being arrested for crimes generally declines with increasing age past the late teens.²⁴ The models also showed that women were significantly less likely to be rearrested than men were, and that blacks were significantly more likely to be rearrested than members of other

ethnic groups; these findings, too, are consistent with national data.²⁵

Relationship between prior arrests and rearrest probability. Like previous research,²⁶ this study found the number of prior arrests to be significantly associated with the likelihood of rearrest, and in fact to be a more powerful statistical predictor of recidivism than other available information about the offender.²⁷ The regression models indicated that an offender's chance of rearrest for each type of offense generally increased substantially with each additional prior fingerprinted arrest.

Relationship between community correctional programs and rearrest probability. The regression analysis indicated that most programs considered in the study had little or no association with offenders' probability of rearrest, once the offenders' individual characteristics were taken into account as described above. However, being in the community service program—whether as a condition of probation or parole—was consistently associated with modest reductions in rearrest probability, controlling for other factors. *This result suggests that community service may have had a rehabilitative effect on offenders.*

Figure 3 illustrates the relationship between community service and rearrest by comparing actual rearrest rates (for offenses of any type) of offenders who were in the community service program and those who were not. In this graph, all 37,933 offenders in the study

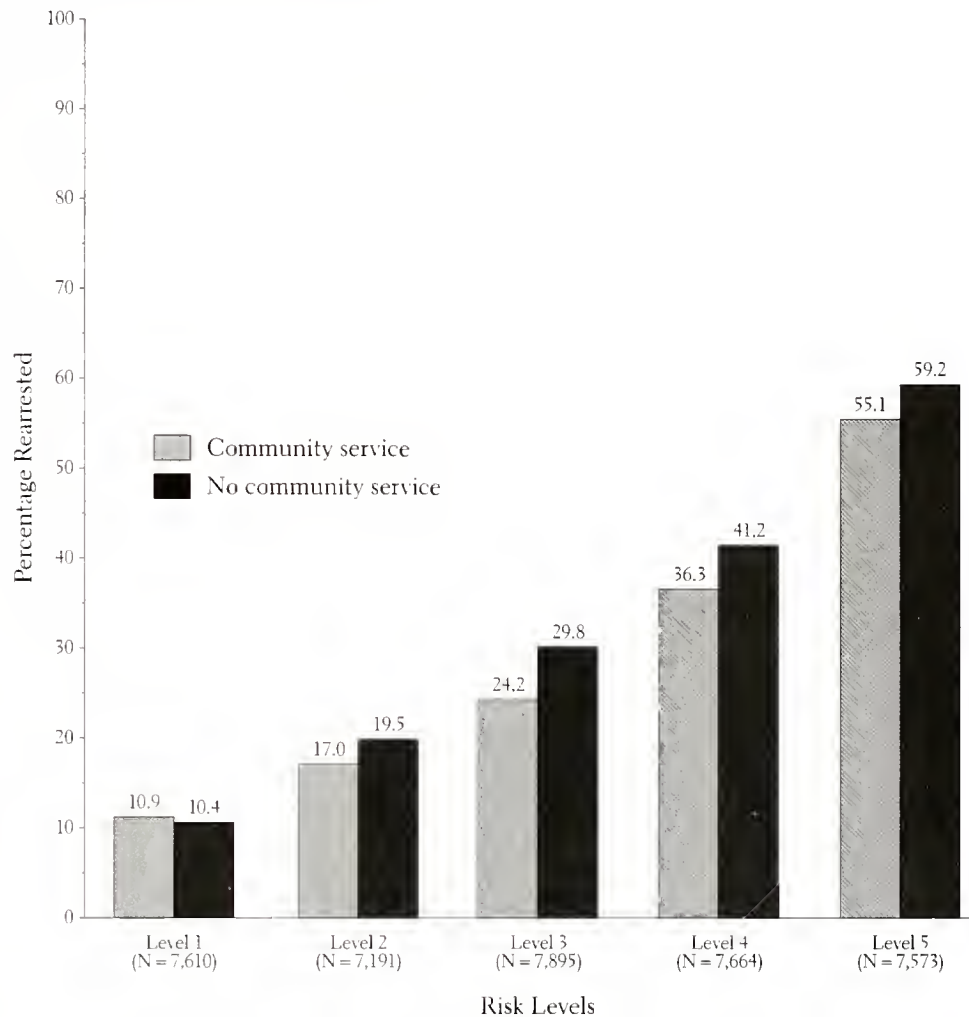
were grouped into five risk levels of roughly the same size. These risk levels were based on the probability of rearrest for an offense of any type predicted from the offenders' prior arrests, age, sex, race, and current offense,²⁵ using the regression models explained earlier.²⁹ In each level except for the lowest-risk level, Figure 3 shows that the rearrest rate for offenders in the community service program was several percentage points less than that of offenders not in this program. The difference between being in community service and not being in the program was largest—5.6 percentage points—in risk level 3, which is where the average offender would be. Why was there no difference in the lowest-risk level? Perhaps when the inherent risk of recidivism was this low, the community service program had no effect.

Advocates often treat performance of community service and payment of restitution as equivalent programs. But this study suggests that these two programs may operate differently. Although being in the community service program was associated with a reduced probability of rearrest, the regression analyses indicated that being required to pay restitution actually may have increased probationers' chance of rearrest.

Relationship between time served in prison and rearrest probability. Having been in prison (except for those who maxed-out) was associated with higher rearrest probabilities, compared to being on regular probation. There was no indication that increased imprisonment reduced the probability of rearrest. In fact, *increased imprisonment was associated with an increased likelihood of rearrest for property offenses.*

Figure 4 illustrates the relationship between time served in prison and the probability of rearrest for a property offense for offenders released from prison. In this graph, 11,442 offenders³⁰ released from prison were divided into five risk groups of approximately equal size. The risk levels were based on the offenders' probability of being rearrested for a property offense predicted from

Figure 3
All Offenders: Rate of Rearrest for Any Offense, by Risk Level and Whether in Community Service Program

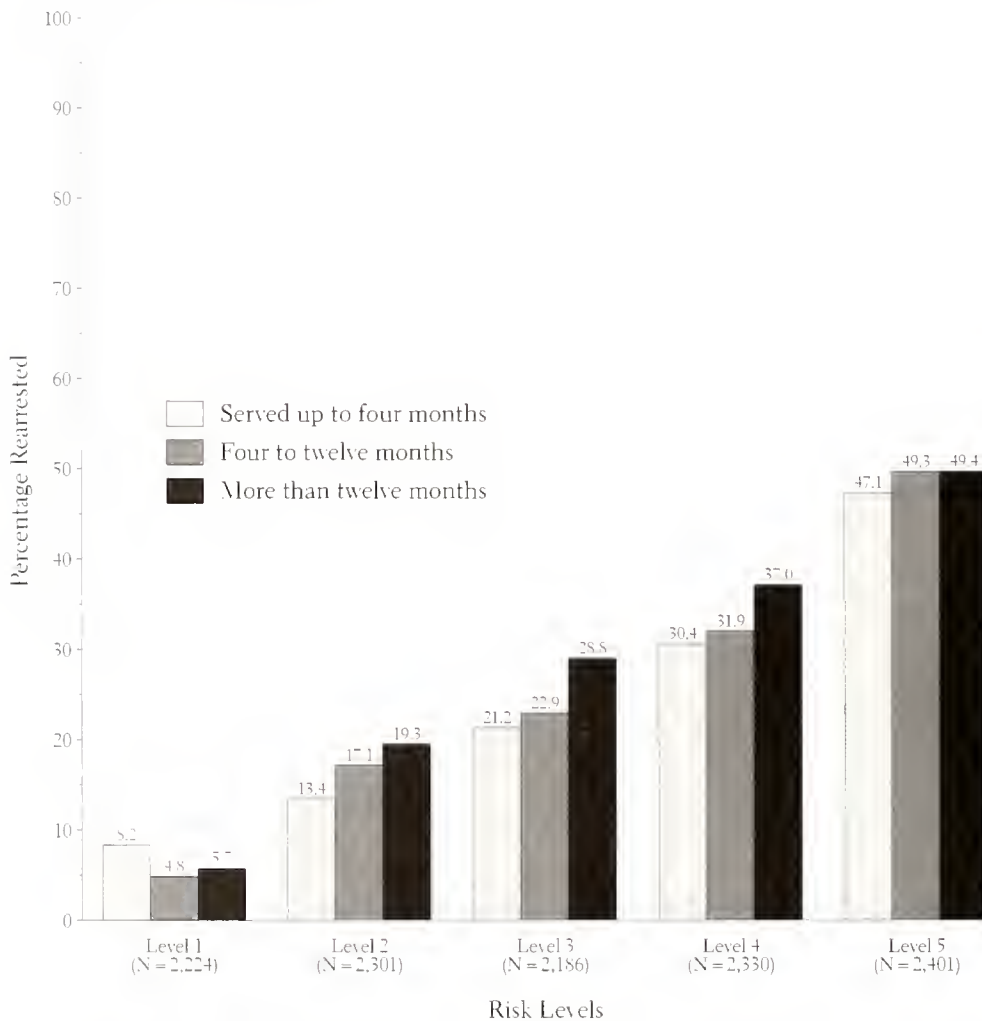


Note: The risk level for probability of rearrest was predicted from prior arrests, age, race, sex, and current offense.

their prior arrests, age, sex, race, and type of current offense.³¹ Within each level, Figure 4 compares the property-offense rearrest rate for three ranges of prison time served: low (up to four months), moderate (four to twelve months), and high (more than twelve months).³²

Figure 4 shows that the rearrest rate generally increased as the prison time served increased. For example, in risk level 3, the property rearrest rate was 21.2 percent for low time served, 22.9 for moderate time served, and 28.8 for high time served. This relationship is seen in all the risk levels except the lowest level, where the overall property-offense rearrest rate was only 6.0 percent; there, the rearrest rate was somewhat lower for higher levels of time served. But for most offenders, the relationship was the reverse.

Figure 4
 Offenders Released from Prison: Rate of Rearrest for a Property Offense, by Risk Level and Time Served



Note: The risk level for probability of rearrest for a property offense was predicted from prior arrests, age, race, sex, and current offense.

Conclusions

The study suggests that there is little difference among community correctional programs with regard to their effects on recidivism of the offenders who participate in them. However, being involved in the community service program—whether as a probationer or a parolee—may to some extent reduce offenders' recidivism. The study also finds no support for the idea that imprisonment reduces the chance of recidivism after an offender is released from prison; in fact, increased imprisonment is linked to a greater likelihood of rearrest for a property offense. In other words, *if offenders are kept in the community rather than imprisoned, their recidivism may be less than it would be if they were imprisoned and then released.*

Nothing in the study indicates how probationers would do with no community programs whatever, because all of the probationers studied received at least the basic level of probation supervision.

Because the study was not experimental, its results should be considered preliminary and tentative. Statistical correlation does not necessarily mean that a causal relationship exists. For example, even though differences in offenders' criminal records and other characteristics related to recidivism were taken into account statistically, the correlation found between community service and recidivism and between prison time and recidivism could be due to differences among offenders that were not known, rather than to community service or imprisonment.

Controlled evaluations involving random assignment of offenders to various kinds of treatment or service—although more difficult to conduct than the present study—would be the most reliable way to measure the effectiveness of correctional programs. These findings regarding the widely used community service program indicate that it may have a rehabilitative effect on offenders. Perhaps now it is time to take a closer look at community service, as well as some of the other programs consid-

ered in this study, to see whether they are effective in reducing recidivism and how they can become more effective.

Notes

1. The State Bureau of Investigation (SBI) accepts records on arrests and related convictions only if they are accompanied by fingerprints of the offender. Section 15A-502 of the N.C. General Statutes (hereinafter G.S.) requires that all persons arrested for felonies be fingerprinted and that the prints be sent to the SBI. G.S. 15A-1383 leaves it up to the senior resident superior court judge in each judicial district to prepare a plan indicating which misdemeanor arrests will be subject to fingerprinting and forwarding of prints to the SBI. Generally it is the more serious misdemeanors—like misdemeanor larceny, misdemeanor breaking, and misdemeanor assault (other

than domestic violence)—for which fingerprints are required in these local plans.

2. The “current offense” is the offense for which the offender either received a probation sentence in 1989 or received a prison sentence from which he or she was released in 1989. If there was more than one current offense, the principal offense—the one with the longest prison term (suspended or active)—was chosen.

3. This study excluded 10,109 traffic offenders who had been sentenced to probation or released from prison in 1989. Of these, 5,847 were convicted of impaired driving, and 2,407 of driving with a revoked license.

4. For the various community program categories, the average follow-up time ranged from 24.7 months (for EHA probation) to 27.3 months (for offenders who maxed-out of prison).

5. The violent category includes some relatively rare offenses that technically do not involve assault but imply a high risk of personal injury—for example, arson and other burning offenses and incest with a minor.

6. Unsupervised probation is simply a sentence suspended on conditions but *without* the condition of supervision by an officer.

7. For the law on this subject, see Stevens H. Clarke, *Law of Sentencing, Probation, and Parole* (Chapel Hill, N.C.: Institute of Government, The University of North Carolina at Chapel Hill, 1991).

8. For such offenders, involvement with TASC could begin at the pretrial stage; also, it could begin at any time after probation began, either as a formal condition of probation or through a referral by a probation officer. To ensure adequate follow-up time in the study and to avoid confusing recidivism with TASC involvement, involvement with TASC was excluded if it began more than sixty days after probation began. In the TASC data received, 70 percent of TASC probationers started their involvement with TASC either at the pretrial stage or no more than sixty days after their probation began.

9. G.S. 7A-770 through 7A-777.

10. If the court rejected the plan and sentenced the offender to prison, the offender did not count as a community penalties client. Rejection by the court meant that the plan recommended by the program would not have been implemented, and the effect of the plan was what the study sought to measure.

11. G.S. 143B-262(c).

12. See Sandy Pearce, “Compendium of Existing Community Sanctions in North Carolina” (unpublished monograph, N.C. Sentencing and Policy Advisory Commission, July, 1991), 16–17.

13. EHA also is used increasingly as an alternative to revocation of probation. To avoid confusing recidivism with conditions of supervision and to ensure adequate follow-up time, this study considered an offender to be involved in the EHA or intensive supervision programs only if the involvement began at the same time as the offender’s probation.

14. Actually, the limit is six months or one-fourth the statutory maximum prison term for the offense, whichever is less. See G.S. 15A-1351(a).

15. See G.S. 15A-1371(h), 15A-1380.2(h). The amount of service imposed may be up to thirty-two hours for each month of reduction in prison time.

16. See G.S. 143B-475.1.

17. See Richard J. Maher and Henry E. Dufour, “Experimenting with Community Service: A Punitive Alternative to Imprisonment,” *Federal Probation* 51 (Sept. 1987): 22–27, at 24. For reviews of the goals and structure of community service programs, see Joe Hudson and Burt Galaway, “Community Service: Toward Program Definition,” *Federal Probation* 54 (June 1990): 3–9; Robert M. Carter et al., “Community Service: A Review of the Basic Issues,” *Federal Probation* 51 (March 1987): 4–10.

18. G.S. 15A-1343(d).

19. G.S. 15A-1374(b)(11a), 148-57.1, 15A-1380.2(c).

20. The rearrest rates for specific offenses add up to slightly more than the rate of rearrest for any offense (all types put together). This is because a single arrest sometimes involved more than one type of offense and therefore was counted in more than one specific offense category.

21. See Stevens H. Clarke, Yuan-Huei W. Lin, and W. LeAnn Wallace, *Probationer Recidivism in North Carolina: Measurement and Classification of Risk* (Chapel Hill, N.C.: Institute of Government, The University of North Carolina at Chapel Hill, 1988).

22. The sample was stratified on program category; that is, small programs were sampled at a high percentage to increase the reliability of the results.

23. Stevens H. Clarke and Larry Crum, *Returns to Prison in North Carolina* (Chapel Hill, N.C.: Institute of Government, The University of North Carolina at Chapel Hill, 1983). In this study analysis of data on released prisoners indicated violent felons were less likely to return to prison than were other offenders. For contrasting results, see Stevens H. Clarke, Yuan-Huei W. Lin, and W. LeAnn Wallace, *Probationer Recidivism in North Carolina: Measurement and Classification of Risk* (Chapel Hill, N.C.: Institute of Government, The University of North Carolina at Chapel Hill, 1988), in which the analysis of data on probationers showed no significant relationship between type of current offense and recidivism.

24. See U.S. Department of Justice, Bureau of Justice Statistics, *Report to the Nation on Crime and Justice*, 2d ed. (Washington, D.C.: USDJ, 1988), 42.

25. U.S. Department of Justice, Bureau of Justice Statistics, *Report to the Nation on Crime and Justice*, 2d ed. (Washington, D.C.: USDJ, 1988), 46–47.

26. See Stevens H. Clarke, Yuan-Huei W. Lin, and W. LeAnn Wallace, *Probationer Recidivism in North Carolina: Measurement and Classification of Risk* (Chapel Hill, N.C.: Institute of Government, The University of North Carolina at Chapel Hill, 1988).

27. For example, in a stepwise ordinary-least-squares regression of the probability of rearrest for any offense, using the entire data set ($N = 37,353$), this study found that more than half of the variance explained by the model was contributed by prior arrests for property, violent, and drug offenses.

28. Risk level 1 had a predicted probability of rearrest for any type of offense that ranged from 0 to .16; level 2’s predicted probability was greater than .16 but not more than .24; level 3’s was greater than .24 but not more than .33; level 4’s was greater than .33 but not more than .45; and level 5’s was more than .45. At all levels, there were ample numbers of

offenders on community service: 1,555 at level 1; 1,774 at level 2; 2,237 at level 3; 2,286 at level 4; and 1,914 at level 5.

29. The actual rates of rearrest for any type of offense were as follows: level 1—10.5 percent, level 2—18.9, level 3—28.2, level 4—39.8, and level 5—58.1.

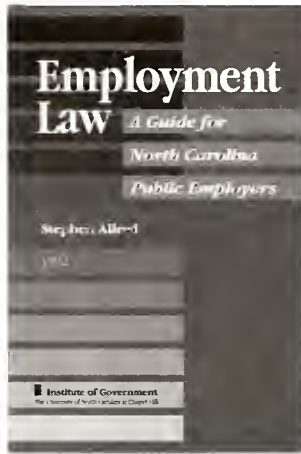
30. This total excludes the few for which time served was unknown.

31. The predicted probability ranges were as follows: level 1—up to .12, level 2—.12 to .19, level 3—.19 to .27, level 4—.27 to .37, and level 5—over .37. The actual property-offense rearrest rates for these levels were .06, .17, .24, .33, and .49.

32. These ranges were chosen to contain approximately equal numbers of offenders.

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Stephen Allred



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Storm-Water Management: Municipalities' New Requirements under the Clean Water Act

J. Mark Payne

During the two decades since the birth of the Environmental Protection Agency (EPA) and the first Earth Day, state and federal environmental statutes and regulations have placed ever-increasing responsibility upon municipalities to confront environmental problems. Amendments to the federal Clean Water Act (CWA) passed in 1987 have required several North Carolina municipalities to develop, adopt, and enforce a comprehensive storm-water management program. As explained later in this article, the responsibilities of municipalities to enforce storm-water requirements under the Clean Water Act place the burden upon municipalities to be both regulator and regulated.

The recent amendments to the Clean Water Act include extensive regulation of storm water discharging into municipal separate storm sewer systems (MS4s). These storm-water regulations cover what the EPA defines as large- and medium-size municipalities, which in North Carolina include Charlotte (large), Raleigh, Greensboro, Winston-Salem, Durham, and Cumberland County including Fayetteville. (The EPA's definition of municipality in some cases includes counties.)

The CWA expressly reserves the option to place the same requirements on smaller municipalities and counties after October 31, 1992.¹ Indeed, it seems clear that the scope of the program will expand eventually. Therefore smaller municipalities and counties must be aware of and, perhaps, begin to prepare for the development of their own storm-water regulatory programs.

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Background

Municipalities in North Carolina provided storm-water management long before the Clean Water Act was enacted. In fact, city ordinances establishing storm-water curb and gutter systems were among the nation's earliest environmental regulatory schemes. This was so, despite the fact that no *express* authorization to maintain municipal storm drainage systems existed until 1989, when storm-water utilities were explicitly included in the authority of a public enterprise.²

Local governments had to look to other statutory authority for municipal storm-water systems prior to 1989. Municipalities sometimes relied on their general ordinance-making and nuisance-abatement powers—their own general authority to define and regulate acts and conditions detrimental to the health, safety, and welfare of the municipality and on their authority to abate any condition found to be dangerous or prejudicial to the public health or safety.³ The soil and water conservation districts law gave counties the same powers as soil and water conservation districts “to carry out preventive and control measures . . . for flood prevention or the conservation, utilization and disposal of water”—powers probably broad enough to cover most forms of drainage activity or storm-water management.⁴ Counties were empowered to use a variety of financing methods for such purposes, including countywide property taxes, service district property taxes, benefit assessments, and other available funds.⁵

In 1989 Senate Bill 584 was enacted authorizing local governments in North Carolina to construct and operate storm drainage systems as public enterprises and providing local government funding and taxing authority to

finance the construction and operation of storm draining systems. This was done by adding a paragraph to Section 150A-274 of the North Carolina General Statutes (G.S.), which included storm-water and draining systems within the definition of *public enterprise* and listed storm-water systems as an authorized purpose for which a local government may levy property taxes pursuant to G.S. 153A-149(c).

In 1991 House Bill 501 was enacted clarifying the Public Enterprise Act, found at G.S. 160A-314, with respect to storm-water utilities. The act sets forth specific requirements for the establishment of rates or fees for storm-water utilities. G.S. 160A-314(a1) requires a public hearing before the establishment or revision of any rate or fee schedule for "structural and natural stormwater and drainage systems."

The Clean Water Act

In 1972 Congress enacted the Federal Water Pollution Control Act,⁶ now commonly referred to as the Clean Water Act. When Congress first enacted the CWA, the regulatory mechanism of the act primarily focused on more traditional "end of the pipe" point-source control. "Diffuse discharges," such as storm water, were not subject to any comprehensive program. This all changed with the 1987 amendments to the CWA. These amendments added new Section 402(p),⁷ placing extensive responsibilities on the part of large and medium municipalities to manage storm-water discharges. A large municipality is defined as one that serves a population of 250,000 or more; a medium municipality, one serving between 100,000 and 250,000.⁸

The Clean Water Act requires all facilities such as airports, landfills, sewage-treatment plants, and storm-water systems, including those operated by counties and municipalities, to obtain a National Pollutant Discharge Elimination System (NPDES) permit for all discharges of "pollutants" from any "point source" into "waters of the United States."⁹ The term *pollutant* is defined very broadly to include virtually any waste material.¹⁰ Similarly, *the waters of the United States* is defined broadly.¹¹ Waters of the United States include not only navigable waters and interstate waters but all tributaries and other water courses that lead to navigable waters, as well as wetlands.¹² Finally, a *point source* is defined as "any discernible, confined and discrete conveyance including, but not limited to, any pipe, ditch, channel, tunnel, well, discreet fissure, container, rolling spot from which pollutants are or may be discharged."¹³

On November 16, 1990, the EPA promulgated rules to implement Section 402(p) of the CWA. North Carolina is authorized to enforce and implement these rules pursuant to G.S. 143-215.1; the state implements them through the storm-water section of the Division of Environmental Management of the North Carolina Department of Environment, Health, and Natural Resources. The EPA rules state that any discharge composed entirely of storm water must be subject to NPDES permit requirements if it is

1. a discharge already subject to an NPDES permit issued prior to February 4, 1987;
2. a discharge associated with industrial activities;
3. a discharge from a large municipal separate storm sewer system (MSS);
4. a discharge from a medium municipal separate storm sewer system; or
5. a discharge that the state has determined either contributes to a violation of water quality standard or is a significant contributor of pollutants in the waters of the state.

Clearly, requirements (3) and (4) show that large- and medium-size municipalities with separate storm-water sewer systems will have to have an NPDES permit to control the discharge of pollutants from that system. However, all local governments may fall in one of the remaining three categories. Many municipal activities fit the EPA definition of *industrial activities* and are therefore subject to the requirements of the CWA. Local government activities that may be subject to NPDES industrial-permit requirements include municipal airports; landfills, both open and closed; and transportation vehicle maintenance facilities (motor pool fleet facilities).

Moreover, municipalities that do not fall into one of these three categories may still be subject to municipal storm-water control requirements if a determination is made by the state that a municipal separate storm sewer system contributes to a violation of a water quality standard or is a significant contributor of pollutants in the state. For example, the state of North Carolina determined that the city of Fayetteville's MSS is subject to an NPDES permit requirement because the system may contribute to a violation of local water quality standards.

The remainder of this article discusses which municipalities must meet the permit requirements for one of these reasons, what is required for the permit, and how the requirements are enforced.

Local Governments with Industrial Activities

As noted previously, all discharges associated with industrial activities must have an NPDES storm-water permit. It has been estimated that more than 100,000 industrial facilities across the United States will be affected by these new permit requirements, including such local government activities as municipal airports, landfills, and transportation vehicle maintenance facilities.

The extent to which these facilities are required to be permitted and the nature of those permit requirements have been a source of some confusion since the EPA first promulgated its rules in November of 1990. Those rules were clarified by new rules in 1991 and 1992.

Facilities with storm-water discharges associated with industrial activities must submit to the state regulatory agency (the Division of Environmental Management) one of the following kinds of permit applications:

1. An individual permit application, which must be submitted by October 1, 1992.
2. A group application, which consists of two parts. The permit deadline for Part I applications expired on May 18, 1991. The permit deadline for Part II applications is October 1, 1992.
3. A notice of intent to be subject to a general permit. (A general permit is a preexisting permit setting forth storm-water control standards for all activities based in the permit. For example, a land-disturbing activity with more than five acres may choose to make itself subject to the storm-water standards and requirements set forth in a general permit for land-disturbing activities.)

Despite this clarification on the types of permit applications required, the EPA provided little guidance to local governments about the permitting obligations for their industrial activities. Recognizing this problem, the North Carolina League of Municipalities and the North Carolina Association of County Commissioners have provided assistance to many municipalities in completing their group Part I permits.

The permit requirements' current definition of *industrial activities* removes, for the moment, the need for a Part II application for some local government industrial activities. Local governments maintaining a transportation vehicle maintenance facility, landfill, or wastewater-treatment plant that serves populations less than 100,000 are presently *not* required to acquire a permit. However, if those activities serve populations

greater than 100,000, they *are* subject to existing permit deadline requirements.

It should be noted that landfills defined as *uncontrolled sanitary landfills* are presently subject to permit requirements. An uncontrolled sanitary landfill is defined as a sanitary landfill that fails to meet the run-off controls set by Subtitle D of the Solid Waste Disposal Act. In other words, it is a landfill that is being operated in violation of statute, and therefore its solid-waste permit is subject to storm-water permit requirements. North Carolina treats any permit application for storm-water control for a landfill as a representation by the permittee that the landfill is being operated in violation of its solid-waste permit.

Some local government activities such as airports and those activities mentioned above serving populations of more than 100,000 are presently subject to industrial-permit requirements. The program assistance offered by the League of Municipalities and the Association of County Commissioners is still available to local governments and municipalities that need assistance in the completion of the permit process for airport facilities.

Other Municipalities Subject to the CWA Requirements

The Requirements

EPA rules state that storm-water discharges from M+Ss are subject to NPDES permit requirements if they are from a large- or medium-size municipal storm sewer system, or if the state determines that the discharge contributes to a violation of a water quality standard or is a significant contributor of pollutants to the waters of the state. An M+S is defined as a *publicly owned* conveyance or system of conveyances that includes roads of drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manufactured channels, or storm drains that are used for collecting or conveying storm water and that do not discharge into a publicly owned treatment work (POTW).¹⁴

Under the 1987 amendments to the CWA, large and medium municipalities have extensive responsibilities. Each large and medium municipality must

1. prepare a comprehensive storm-water quality management plan to control levels of pollutants and storm waters to the maximum extent practicable,
2. draft and pass ordinances implementing measures to control "illicit discharges" to separate storm-water systems,

3. demonstrate legal authority to implement storm-water management plans,
4. demonstrate fiscal ability to implement such plans,
5. identify all possible storm-water discharges associated with industrial activities,
6. inspect and monitor all such discharges, and
7. enforce the program so as to eliminate illicit discharges to the M4Ss.

Each municipality must include in its NPDES permit application sufficient information to show that it has met all of the above requirements. Effective implementation of the comprehensive storm-water quality management plan will then become a requirement. Failure to adequately enforce the plan will subject the municipality to those sanctions available to the state for violation of permit requirements. There is no standard storm-water application form for municipalities nor is there a model comprehensive storm-water quality management program to control pollutants to the maximum extent practical. Instead, specific storm-water management programs must be developed on a case-by-case basis.

A municipality's storm-water management plan must include three major components: (1) a system of storm-water pollutant controls applicable to all the M4Ss; (2) a system of periodic inspections and discharge monitoring, including inspections of storm-water discharges; and (3) a program that detects and removes illicit discharges and that includes source protection, spill prevention, and controls to limit infiltration from sanitary sewers.

Storm-water control measures may include drainage systems, ditches, diversions, settling ponds, basins for construction sites, chemical treatment of storm water to remove pollutants at landfills, hazardous-waste treatment facilities, or other industrial facilities that handle storm water prior to its introduction into the M4S. Control measures also may include such preventive measures as requiring enclosures or diversions to prevent pollutants from being exposed to storm water. A program to detect and remove illicit discharges requires an effective inspection and enforcement program. A spill control program requires periodic review of industrial facilities to ensure that spill control methodologies are in place and adequately enforced. Controls to limit infiltration from sanitary sewers may require extensive refitting or replacement of drainage pipes.

The Permit Application Process

North Carolina's Division of Environmental Management (DEM) is currently working with North Carolina

municipalities as they go through the permit process. Municipalities subject to the CWA rules must submit an application to the state setting out an acceptable storm-water regulatory program as described above. As mentioned earlier, there is no standard application form, but applications should consist of two parts. Part I should contain

1. general applicant information,
2. a general description of the legal authority to establish the storm-water management plan,
3. identification of storm-water discharges and potential pollutants,
4. a detailed description of the storm-water management control plan, and
5. a demonstration of adequate physical resources to implement the program.

Part II should contain a demonstration of

1. adequate legal authority to implement the plan,
2. source identification of any discharges not previously reported, and
3. detailed "characterization data" of the quality and quantity of discharges in the permit area.

Charlotte's Part I application was due November 18, 1991; its Part II application is due by November 16, 1992. The medium municipalities must submit their Part I applications by May 18, 1992, and their Part II applications by May 17, 1993.

The storm-water control requirements apply to all publicly owned sewer systems within the boundaries of the designated municipalities. Therefore a municipality will most likely be a co-permittee with other publicly owned storm-water systems operating within its jurisdiction. This situation poses an interesting dilemma for regulators with regard to the North Carolina Department of Transportation's numerous storm-water control systems associated with various highway and road systems. Many of these storm systems are located within designated municipalities. Thus a municipality such as Raleigh or Charlotte may be faced with the difficult situation of being a co-permittee with the Department of Transportation (DOT). Simultaneously, the DOT would be faced with coordinating its storm control systems with the separate co-permit requirements required by various municipalities. To avoid this dilemma, DEM is currently undergoing efforts to reach an agreement with DOT for a common set of DOT storm-water requirements to be applicable throughout the state, regardless of the municipality where a system is located.

Municipalities and Storm-Water Control Enforcement

A municipality has a unique role in implementing the provisions of the CWA. Municipalities increasingly are being asked to assume the unusual position of being both regulator and regulated in the same environmental regulatory program. Municipalities have been asked to accept this dual role with regard to their pretreatment requirements in operating POTWs and now are asked to assume this same dual role with regard to storm-water control.

A municipality operating a POTW must do so in accordance with requirements of its NPDES permit.¹⁵ However, in addition to having to comply with its own permit requirements, municipalities must implement and enforce an industrial pretreatment program to regulate all industrial discharges to the POTW. Under a municipality's pretreatment program, POTWs must analyze and control industrial wastes taken into the system. Municipalities grant industrial customers who discharge into the POTW system "pretreatment permits" setting restrictions on the levels of pollutants the industry is allowed to have in the discharge—the industrial "influent." The municipality can enforce its pretreatment permits through penalties and enforcement action including revocation of the pretreatment permit. An industrial facility without a pretreatment permit can no longer discharge into the POTW's treatment system. Failure to enforce its own pretreatment program adequately makes a municipality subject to severe civil penalties and other enforcement provisions. The EPA has shown an increased willingness to take severe enforcement action against municipalities for failing to be adequate enforcers.¹⁶

Section 402(p) of the Clean Water Act places similar requirements on municipalities to become regulators with regard to storm-water control within a jurisdiction. Municipalities must establish a jurisdiction-wide storm-water management plan, which requires extensive monitoring of storm-water discharges as well as implementation of a plan to effectively prohibit illicit discharges to the system. Failure to enforce these regulatory requirements adequately subjects the municipalities to similar civil penalty liability.

Unfortunately, the new storm-water requirements as applied to municipalities share another trait with municipal pretreatment requirements: a lack of any detailed guidance from the EPA as to what it expects from an

adequate regulatory program. To date, there has been no guidance from the federal EPA concerning what constitutes an adequate municipal storm-water regulatory plan.

The state of North Carolina has recognized this problem and is using the permit application process to provide more guidance to the municipalities as to these requirements. The state has no current plans to create a model ordinance or a form application for municipalities; rather the state plans to use the application process to allow each municipality to create its own comprehensive storm-water quality management plan. In addition, the League of Municipalities and the Association of County Commissioners will continue to provide the valuable assistance they have provided so far.

Conclusion

The responsibilities of municipalities in the area of environmental regulation continue to expand, with storm-water regulations being the latest responsibility to be thrust on municipalities in North Carolina. The requirements the CWA has placed on Charlotte, Raleigh, Greensboro, Winston-Salem, Durham, and Cumberland County are likely to be extended to other municipalities and counties throughout North Carolina. Their experiences as they go through this process should be instructive to all smaller municipalities and counties. ❖

Notes

1. 40 C.F.R. § 122.26(a) (1991).
2. See 1989 N.C. Sess. Laws ch. 643.
3. N.C. Gen. Stat. §§ 160A-174, 193; 153A-121, 140.
4. N.C. Gen. Stat. §§ 139-8, -41, -41.1.
5. N.C. Gen. Stat. §§ 139-39, -40; 153A-185, -301, -440.1.
6. 33 U.S.C. § 1251 through § 1376.
7. 33 U.S.C. § 1342.
8. 40 C.F.R. § 122.26(b).
9. 40 C.F.R. § 122.1B.
10. 33 U.S.C. § 1362(c).
11. 40 C.F.R. § 122.3.
12. See *Conservation Council of N.C. v. Castonzo*, 398 F. Supp. 653 (E.D.N.C. 1975), *aff'd*, 528 F.2d 250 (1975).
13. 40 C.F.R. § 122.2.
14. 40 C.F.R. § 122.26(b)(8).
15. 33 U.S.C. §§ 1311, 1342.
16. See *United States v. San Diego*, 21 *Env'tl. L. Rep.* 21, 223, 1991 WL 163747 (S.D. Cal., April 18, 1991), in which the city of San Diego was fined more than \$1 million for failure to enforce its own pretreatment requirements adequately.

Crime: It's a Serious Problem, but Is It Really Increasing?

Stevens H. Clarke

It has become a ritual. Every year the news media announce the latest crime statistics and proclaim that crime has increased since the previous year. Those who hear the news may feel frustrated: despite all the efforts of police and others to control crime, the rate seems to have gone up again. The purpose of this article is to provide some perspective on the subject.

Crime is a serious problem in North Carolina and throughout the United States. But is it really increasing? Actually, sources other than the police data usually cited by government officials show a generally *declining* trend in per capita rates of some serious crimes like robbery, aggravated assault, and burglary. The increases shown by police data may be due to improvements in law enforcement.

The Per Capita Crime Rate

As the number of residents in an area increases, normally the number of crimes committed each year increases. Therefore, in assessing the risk of crime, it is important to take residential population into account. This can be done by using the annual number of crimes per 100,000 residents, which will be referred to here as a *per capita crime rate* or *crime rate*.

Crime rates probably are the best indicators over time of changes in the danger of crime. However, these rates are abstractions. They are computed for large areas, even

The author is an Institute of Government faculty member who specializes in criminal justice issues. He wishes to express his appreciation for the helpful reviews of an earlier draft of this article by David E. Jones of the North Carolina Governor's Crime Commission.

though experience tells us that the risk of crime victimization in a single community may be quite different in areas a mile—or even a few city blocks—apart. If there is a decrease in the national per capita rate of, say, robbery, this means that the *overall* risk of being a victim of robbery is declining. But in some parts of the country, the risk of robbery may be increasing or remaining the same despite the overall trend.¹

The Uniform Crime Reporting System and the National Crime Survey

There are two comprehensive systems of measuring crime in the United States. The Uniform Crime Reporting (UCR) system—the one usually cited in the news media—is maintained by the Federal Bureau of Investigation and its counterpart state agencies like North Carolina's State Bureau of Investigation. The UCR system depends on local law-enforcement agencies across the country to receive and collect information on crime, investigate the information it receives, and report it for UCR's statistics. Although law-enforcement agencies throughout the country use the same concepts and forms to make their reports, they differ in their techniques of receiving crime information from the public, investigating it, and reporting it in the UCR system. UCR data are available for individual states as well as the nation as a whole.

The other system of measuring crime is the National Crime Survey (NCS), which began as a regular published series in 1973. It is based on an ongoing survey, in person and by telephone, of about 95,000 people in about 47,000 housing units, performed by the United States Census Bureau for the Department of Justice.²

The housing units are selected to represent a cross-section of the United States. NCS data are available only for the entire country, not for individual states.

There are important differences between the UCR and the NCS. One is that the NCS has been conducted by a single organization since it began in 1973, using essentially the same methods, while the UCR relies on many agencies that differ from one another in their management and that change over time. Another difference is that the UCR system only deals with crime reported to the police (usually by victims), while the NCS tries to measure all crime except commercial crime.³

Trends in Robbery, Aggravated Assault, Burglary, and Larceny

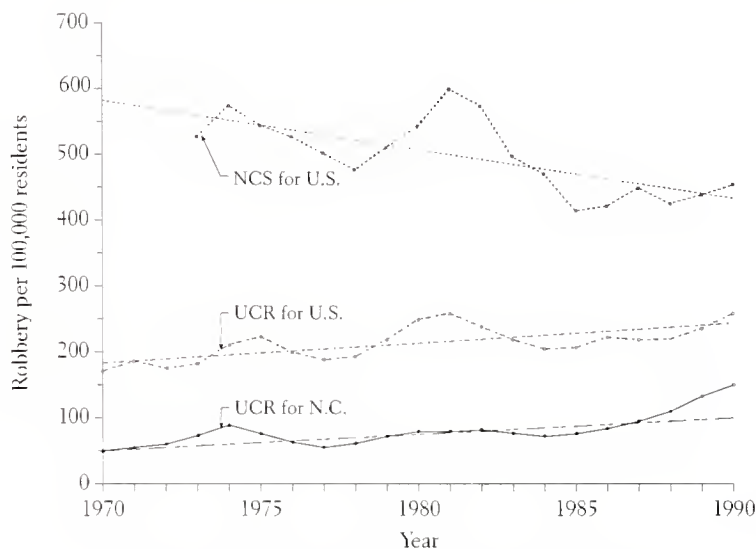
Figures 1 through 4 compare NCS per capita rates⁴ of robbery, aggravated assault,⁵ burglary,⁶ and larceny, excluding motor vehicle theft, for the nation as a whole with UCR rates for the nation and for North Carolina. Data are shown from 1970 through 1990, the last year for which published data were available at the time this article was written.

One thing that figures 1 through 4 tell us is that NCS rates always have been much higher than UCR rates for robbery, aggravated assault, burglary, and larceny, excluding motor vehicle theft. In 1990, for example, the NCS national robbery rate was 462 per 100,000 residents, compared with UCR rates of 257 for the nation and 150 for North Carolina. The 1990 rates for the other crimes considered here were as follows: aggravated assault—NCS 644, UCR national 424, UCR North Carolina 411; burglary—NCS 2,170, UCR national 1,236, UCR North Carolina 1,486; larceny—NCS 8,556, UCR national 3,195, UCR North Carolina 2,967. Why are the NCS crime rates so much higher than the UCR rates? The main reason is that the UCR only includes crime reported to police, and victims (according to what they tell the NCS) usually do not report crimes. Another reason is that police do not officially report all complaints of crime that they receive.

Which Crime Rate Trends Should Be Believed?

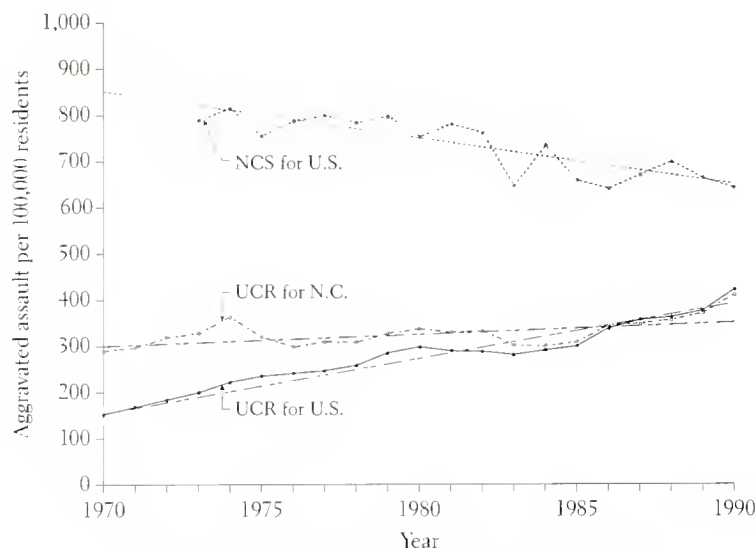
Figures 1 through 4 show that NCS rates of robbery, aggravated assault, burglary, and larceny generally have been declining (as shown by the straight trend lines), while UCR rates for both North Carolina and the nation have been increasing. Which trends should be believed—the increasing trends of the UCR system or the gradually

Figure 1
Robbery per 100,000 Residents: NCS for the United States and UCR for the United States and North Carolina



Source: Uniform Crime Reports and National Crime Survey.

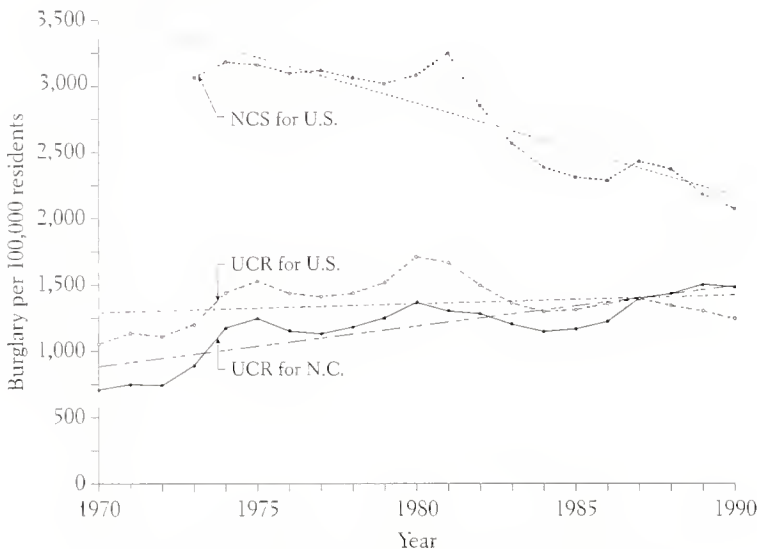
Figure 2
Aggravated Assault per 100,000 Residents: NCS for the United States and UCR for the United States and North Carolina



Source: Uniform Crime Reports and National Crime Survey.

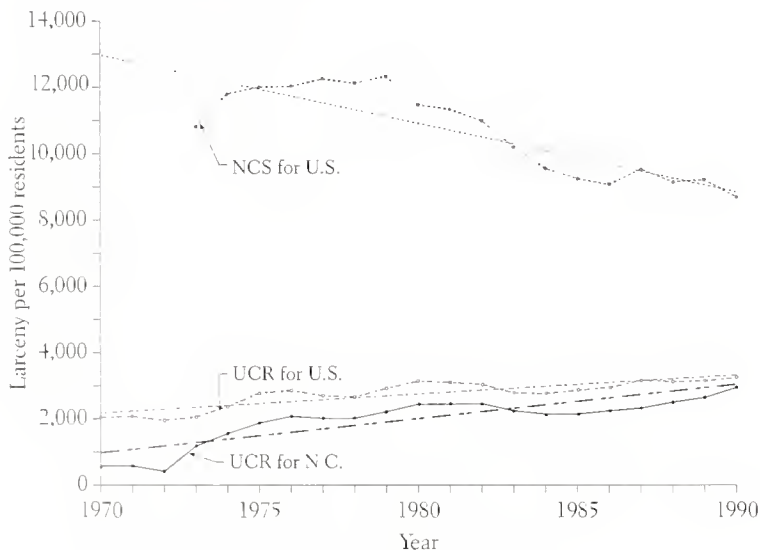
declining ones of the NCS? The NCS is probably a better indicator of trends in actual crime rates because the NCS has been conducted by a single organization using the same methods since 1973. In contrast, the UCR involves many organizations whose information-handling techniques vary among each other and over time. The Census Bureau has much more control over the consistency of

Figure 3
Burglary per 100,000 Residents:
NCS for the United States and UCR for the United States
and North Carolina



Source: Uniform Crime Reports and National Crime Survey.

Figure 4
Larceny per 100,000 Residents:
NCS for the United States and UCR for the United States
and North Carolina



Note: Larceny here excludes motor vehicle theft.

Source: Uniform Crime Reports and National Crime Survey.

the NCS data than the FBI has over the data it receives from thousands of police agencies.

If actual rates of robbery, aggravated assault, burglary, and larceny have not been increasing, why have UCR crime rates grown? The answer may be that law-enforcement agencies have been growing stronger and more effective, and in the process have been reporting more of

the crime that always has existed. Since the 1950s, per capita real expenditure for law enforcement (adjusted for inflation) has increased in the United States, and so has the number of police officers per capita.⁷ In North Carolina the number of police personnel per 100,000 state residents increased by 47 percent from 1975 to 1990 (from 185 to 272). Law-enforcement training and equipment also have improved in the last two decades.⁸ One recent comparison of NCS and UCR crime attributes much of the growth in UCR crime to changes in "official police policy for founding or unounding crime reports (deciding whether there is sufficient evidence to conclude that a crime has been committed) and for recording crime events."⁹ A recent book comparing the UCR with the NCS discusses organizational and technological changes that "have systematically reduced the pressures leading local departments to avoid reporting or to downgrade incidents."¹⁰ The authors emphasize the role of increased specialization of the crime-reporting function and increased use of civilian (unsworn) personnel for defining and classifying crime complaints. In North Carolina the percentage of civilian personnel in law-enforcement agencies increased from 16 percent in 1975 to 23 percent in 1990, according to data published by the SBI.¹¹

Another, less important factor in increased UCR crime has been an increased willingness of victims to report crime to police. The NCS shows that the percentage of victims who said they reported crimes to the police increased from 32 percent in 1973 to 37 percent in 1989. Perhaps this increase in reporting by victims is a result of advances in police administration such as improved police-community relations.¹²

North Carolina's Trends

As shown in figures 1 through 4, North Carolina's UCR rates of robbery, aggravated assault, burglary, and larceny generally have followed trends in national UCR rates. Also, this state's UCR crime rates generally have been lower than national rates, except for the aggravated assault rate, which was higher than the national rate in the 1970s but converged with the national rate in the 1980s (see Figure 2).

There is no crime victimization survey for North Carolina like the NCS. But it seems likely that a crime victimization survey of North Carolina (if one existed) would reveal trends generally similar to those shown by the NCS. This state's UCR crime rate trends have generally followed national UCR crime rate trends (this is shown by the graphs in this article). If the willingness of crime victims to report to police has varied in approximately

the same way in North Carolina as in the nation, then a North Carolina victimization survey like the NCS would show the same relative changes in crime rates over time as the NCS shows for the country. Note that to make this inference, it is not necessary to assume that victims' reporting rate is the same in North Carolina as in the nation—only that the *ratio* of the North Carolina reporting rate to the national reporting rate has been about the same over time.

Trends in Motor Vehicle Theft

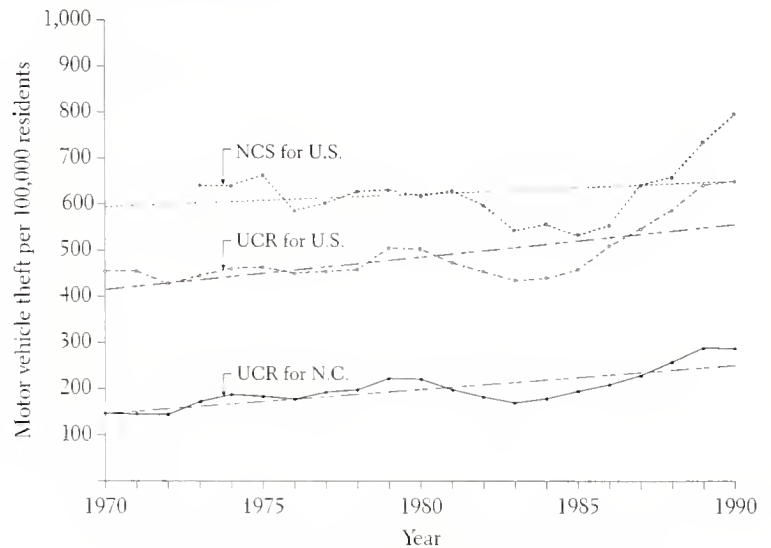
Figure 5 shows rates of motor vehicle theft, which is known to be much better reported to police than are the crimes discussed previously, presumably for insurance reasons. Motor vehicle theft is much less common than other larcenies (there were about 2.0 million motor vehicle thefts in 1990, according to the NCS, compared with 21.3 million other larcenies), but it usually involves a substantial loss for the victim. The NCS motor vehicle theft rate has not behaved like the NCS rates of robbery, aggravated assault, burglary, and total larceny. From 1973 to 1985, the NCS rate fluctuated but eventually declined (going from 640 to 532); thereafter it climbed to 791 in 1990, an increase of about 51.8 thefts per 100,000 residents per year for the period from 1985 to 1990. From 1970 to 1990, the UCR motor vehicle theft rates for the nation and for North Carolina—although both were lower than the NCS rate—followed roughly the same trend as did the NCS motor vehicle theft rate, probably because of the high degree of reporting by victims. However, the UCR motor vehicle theft rates rose more slowly than the NCS rate did in the 1980s: from 1985 to 1990, the national UCR rate increased by 39.2 thefts per 100,000 residents per year, and the North Carolina UCR rate increased more slowly—by 18.6 thefts per 100,000 residents per year.

The data on motor vehicle theft show how strongly victim reporting affects UCR crime rates. They also show that motor vehicle theft—a serious crime against property—has been on an upward trend since 1985, unlike robbery, aggravated assault, burglary, and larceny excluding motor vehicle theft. The good news for North Carolina is that, although its per capita motor vehicle theft rate has been increasing, it has remained far below the national rate and has increased more slowly than the national rate.

Trends in Homicide

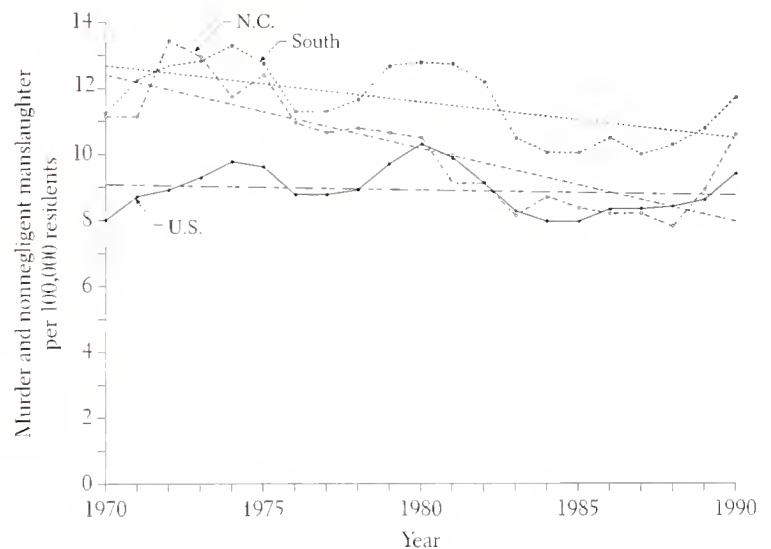
The NCS does not collect data on homicide. But for this crime, UCR data may be acceptable. There is reason

Figure 5
Motor Vehicle Theft per 100,000 Residents:
NCS for the United States and UCR for the United States and North Carolina



Source: Uniform Crime Reports and National Crime Survey.

Figure 6
Murder and Nonnegligent Manslaughter
per 100,000 Residents: UCR for North Carolina, the South,
and the United States



Source: Uniform Crime Reports.

to believe that UCR trends for the per capita rate of homicide (including murder and nonnegligent manslaughter) are more reliable than UCR trends for other crime rates. Homicide is believed to be the best and most consistently reported crime, and it receives special handling by police. Another reason to have confidence in UCR homicide rates is that they follow the trend shown by an

independent source of data on homicide—that of the National Center for Health Statistics.¹³

Trends in UCR per capita homicide rates from 1970 to 1990 for North Carolina, the South,¹⁴ and the United States are shown in Figure 6. For the nation as a whole, the homicide rate varied, but the straight trend line shows essentially no change over the period. For the South, the homicide rate was generally higher than the national one, but it has been declining, as shown by the trend line. For North Carolina, the homicide rate was considerably above the national rate (as the South's rate was) in the 1970s, but has been declining more sharply than the South's rate, except for the last two years shown.

North Carolina's homicide rate grew from 7.8 homicides per 100,000 residents in 1988 to 10.7 in 1990, an increase of 2.9 homicides per 100,000. This is a serious increase, but it does not necessarily mean that a new trend is beginning that is unique to this state. North Carolina's homicide rate—like the rates of the South and the country—has fluctuated in the past, so the recent increase may well be followed by a decline.

The homicide rates for the South and the nation also increased from 1988 to 1990, although not as much (the increase was 1.5 homicides per 100,000 residents for the South and 1.0 for the nation). Figure 6 shows that from 1970 to 1990, North Carolina's rate generally experienced the same changes as the South's rate, although it dropped below the South's rate in the 1980s. Despite the recent increase, North Carolina's 1990 rate (10.7) was still lower than that of the South (11.8). Also note that North Carolina's rate in 1990, although higher than in most of the 1980s, was lower than or the same as it was in the 1970s, when it ranged from 10.6 to 13.5. Perhaps the most important fact is that over the twenty years, the trend in North Carolina's homicide rate has clearly been downward, despite the recent increases.

Conclusion

Crime in the United States is a serious problem. It would be serious even if the per capita rates were one tenth their present levels. But it is important to keep the problem in perspective. Improvements in law enforcement over the past several decades unintentionally may have caused police data to show, incorrectly, an increasing trend in certain crimes. While the National Crime Survey's per capita rates of robbery, aggravated assault, burglary, and larceny are much higher than those shown by police data, they also show a generally decreasing trend in these rates. The homicide rate has recently been on the upswing, but its long-term trend has been

downward. Perhaps crime has not been completely unresponsive to our struggles to control it. ❖

Notes

1. The National Crime Survey (discussed in the next section) shows the differences in the probability of crime victimization that common experience would lead us to expect, for example, that inner city residents are more likely to be victimized than are suburban or rural residents.

2. The housing units are divided into six groups. The occupants of each group of units are interviewed every six months for three and one-half years; thereafter the group is replaced by a new group. NCS interviewers ask a variety of nontechnical questions about various types of crime victimization during the previous six months, for example: "Did you have your pocket picked or purse snatched?" "Did anyone take something else directly from you by using force, such as by a stickup, mugging, or threat?"

3. Some other differences: The NCS only covers the crime victimization of persons age twelve and older (the UCR covers all ages); however, few persons under twelve are victimized by the kinds of crime discussed in this article. The NCS does not include crime against commercial establishments; Albert D. Biderman and James P. Lynch, in *Understanding Crime Incidence Statistics: Why the UCR Diverges from the NCS* (New York: Springer-Verlag, 1991), 50, indicate that only 17.5 percent of crimes reported in the UCR are commercial.

4. The published NCS per capita rates are based on the nation's population of persons age twelve and older. To make these rates more comparable to the UCR rates, this study used the entire national population (of all ages) as the denominator of the rates, taking the intercensal population estimates used by the FBI. This means that the NCS rates shown here omit crime victimization of children under twelve; however, few crimes of the types discussed here are committed against victims of that age. The source of most of the UCR, NCS, and population data used in this article was U.S. Department of Justice, Bureau of Justice Statistics, *Sourcebook of Criminal Justice Statistics 1988 and 1990*, eds. Katherine M. Jamieson and Timothy J. Flanagan (Washington, D.C.: USDJ, 1989 and 1990). The 1990 data came from U.S. Department of Justice, Federal Bureau of Investigation, *Uniform Crime Reports 1990* (Washington, D.C.: USDJ, 1991), and U.S. Department of Justice, Bureau of Justice Statistics, *Criminal Victimization in the United States 1990* (Washington, D.C.: USDJ, 1992).

5. The FBI defines aggravated assault as "an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury"; such an assault "usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm." U.S. Department of Justice, Federal Bureau of Investigation, *Uniform Crime Reporting Handbook* (Washington, D.C.: USDJ, 1984), 16. The NCS defines aggravated assault in the same way.

6. This includes all breaking or entering of a building with intent to commit a felony or larceny.

7. U.S. Department of Justice, Bureau of Justice Statistics, *Police Employment and Expenditure Trends* (Washington, D.C.: USDJ, 1986).

8. A recent review of American police from 1975 to 1985 describes other important changes: increased proportions of racial minorities and women in police agencies, improved education and training, a shift away from "incident-driven" policing (merely reacting to reports) to problem-oriented policing (studying information and taking the initiative), an increase in "crime attack" strategies such as covert patrol and decoys, better community service, and the growth of the use of computerized data bases in routine patrol. Stephen D. Mastrofski, "The Prospects of Change in Police Patrol: A Decade in Review," *American Journal of Police* 9 (1990): 1-79.

9. Scott Menard, "Residual Gains, Reliability, and the UCR-NCS Relationship: A Comment on Blumstein, Cohen, and Rosenfeld," *Criminology* 30 (1992): 105-32, 109.

10. Albert D. Biderman and James P. Lynch, *Understanding*

Crime Incidence Statistics: Why the UCR Diverges from the NCS (New York: Springer-Verlag, 1991), 75.

11. N.C. Department of Justice, State Bureau of Investigation, *Crime in North Carolina 1975 to 1990* (Raleigh, N.C.: NCDJ, 1976 to 1991).

12. See Stephen D. Mastrofski, "The Prospects of Change in Police Patrol: A Decade in Review," *American Journal of Police* 9 (1990): 1-79.

13. See Marc Riedel, "Nationwide Homicide Data Sets: An Evaluation of the Uniform Crime Reports and the National Center for Health Statistics Data," in *Measuring Crime: Large-Scale, Long-Range Efforts*, Doris Layton MacKenzie et al., eds. (Albany, N.C.: State University of New York Press, 1990), 175-205.

14. The South includes sixteen southern and border states plus the District of Columbia.

Recidivism of Criminal Offenders Assigned to Community Correctional Programs or Released from Prison in North Carolina in 1989

Stevens H. Clarke

Anita L. Harrison

The Institute of Government's report on its study of the effect of North Carolina's community correctional programs and imprisonment on recidivism is now available. Conducted at the request of the North Carolina Sentencing and Policy Advisory Commission, the Institute's study examines the effectiveness of such community correctional programs as electronic house arrest, parole supervision, and community service, as well as the effect of imprisonment. The study tracks the rate of rearrest of all 37,933 nontraffic criminal offenders sentenced by North Carolina courts who either began probation or were released from

prison in 1989 and compares the rearrest data for offenders in each of the state's correctional programs, as well as those who were paroled without supervision or released from prison unconditionally. From this data the authors of the report were able to draw tentative conclusions about the relative success of North Carolina's community correctional programs and imprisonment in terms of recidivism.

 **Institute of Government**
The University of North Carolina at Chapel Hill

Recidivism of Criminal Offenders Assigned to Community Correctional Programs or Released from Prison in North Carolina in 1989 is available for \$11.00 plus 6 percent sales tax. To order, call the Institute of Government Publications Office at (919) 966-4119, or write the Publications Office at CB# 3330 Knapp Building, UNC-CH, Chapel Hill, NC 27599-3330.

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ISBN 1-56011-204-2

Around the Institute

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Sharon M. Hoppes

Hoppes Joins Institute's Principals' Executive Program

Sharon M. Hoppes joined the Institute of Government this summer as part of the Principals' Executive Program. She is the assistant program director for support programs with PEP.

Hoppes is completing her Ed.D. in administration and supervision at The University of North Carolina at Greensboro. Her undergraduate education was at Western Carolina University, where she received a B.S. in French and English. Also at Western Carolina she earned her M.A. and Ed.S. degrees in

middle-grades education, supervision, and educational administration. Prior to joining the Institute, Hoppes was a high school principal in the county school system in Mitchell County, North Carolina. She was a principal from 1983 to 1992.

—Carol Brinkhous

Howell Joins Institute in Courts Area

The Institute of Government welcomed Cheryl Daniels Howell to the faculty September 1. She will work in the courts area, concentrating on the legal issues that concern district court judges, particularly equitable distribution and other aspects of family law.

Howell is a graduate of Appalachian State University, where she received a B.A. in history with honors in 1984. She received her J.D. with honors from The University of North Carolina at Chapel Hill School of Law in 1987. Howell was a research assistant with the North Carolina Court of Appeals before joining the Institute; she has also worked in private practice in Fayetteville and Winston-Salem.

—Liz McGeachy

Phay Is Honored by North Carolina Bar Association

Institute of Government faculty member Robert E. Phay was awarded the North Carolina Bar Association's Distinguished Service Award this summer for his outstanding service to its Education Law Section. Phay, who is a William Rand Kenan, Jr., professor of public law and government at the Institute and director of the Principals' Executive Program, was instrumental in establishing the bar association's first education law group in 1978 and served as its first chairman.

Phay is the first director of the Principals' Executive Program, which was established in 1984 as a leadership train-

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Cheryl Daniels Howell

ing program for school administrators. He has written more than sixty articles and many books in the field of education law. In 1970 he founded the *School Law Bulletin* and served as its editor for twenty years. Phay is currently editor of *Education Law in North Carolina*, which has become the school attorney's basic reference for the field.

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(ISSN 0032-4515)

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