

(Not Given)

Statement by
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Attorney General
Law & Order Committee
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Tomorrow this Committee will approve more than \$7 million for projects designed to improve the Criminal Justice system in North Carolina. Nothing could please me more than to see this money being sent to the agencies and local groups which have requested it to implement programs which until now have been merely plans on the drawing board.

But I think as we make these grants that we are also going to be creating precedent for future grants and in fact charting the course which this Committee will follow in reviewing, approving, and funding programs in the future. I am concerned, because I believe quite strongly that some of the recommendations of the staff as submitted to the members of the Committee some three weeks ago are leading us in the wrong direction and are creating precedent that in the long run will be detrimental to the criminal justice system in North Carolina.

Let me explain that I do not mean this statement to be an indictment of the staff's efforts. Quite the

contrary is true.

We are fortunate in North Carolina to have a person with the training, skill and understanding of Jim Van Camp to head the law and Order Division. That we are far ahead of almost every other state in planning and implementing programs to improve the criminal justice system in this state is a tribute to him and the excellent staff members who work with him. They have done an excellent job and are to be commended.

Evidence of my appreciation of their work is the fact that out of the more than 300 projects recommended by them, I have found only five to which I feel I must make specific objection at this time. But these recommendations, in my opinion, raise policy questions which can be determined finally only by this Committee and I submit that they should be seriously considered before these projects for 1971 are given our seal of approval.

For some time we have talked about the merits of consolidating efforts of local government to achieve greater effectiveness and economy. We are moving in this direction in many areas and the Department of Local Affairs, created by the General Assembly at the request of the present Governor, which includes the Division of Law and Order, has spearheaded this effort. Later,

I believe we will be able to look back and see this movement as one of the most significant and progressive in the history of this State.

However, the recommendations of the staff in one area run contra to this effort to consolidate. It is this that I bring to the Committee's attention for policy considerations.

Several regions have proposed the creation of law enforcement units operating independently of any existing agencies. One such unit in Region J (71-A-27) is to be composed of five men and the description of the project states, "these specialists would act separately and independently of their local agencies while maintaining effective coordination among all agencies." This unit would operate within one county, Orange.

Similar independent agencies have been proposed for multi-county areas, however. Region E (71-A-3) asks for the creation of a "four-county special police task force" and "attempts to bridge jurisdictional boundaries," in the words of the proposal. The description

of the proposal states that the members of the four-county group "will upon request assist the 21 law enforcement agencies of the four counties with investigations, counselling, public and community relations."

Though we are told that funding has been deleted for law enforcement efforts, similar language is found in the description of a Region P, Neuse River proposal (71-A-140) which requests the establishment of a nine-county Regional Crime Laboratory and "(a) regional task force...to coordinate detective, investigative, and apprehension efforts throughout the nine counties." The difference between the requested grant and the recommended grant is only about \$20,000, however. (\$114,888 requested, \$94,188 recommended).

In addition, Region Q (71-A-172) proposes a "Pitt County Narcotics Squad" without any suggestion in the description as to whom it answers if, in fact, it is to be attached to any existing law enforcement agency within the county.

It is clear in my mind what the effect of funding these proposals will be. This Committee will be establishing another level of law enforcement, another system of law enforcement agencies at a time when the current administration in this State and this Law

and Order Committee have recommended consolidation of local government functions, wherever possible.

None of these proposals purport to do anything that existing agencies in the areas involved cannot do with additional funding except transcend jurisdictional boundaries, which as the law is now written they cannot do even if these proposals are approved. Why then are they being created as new administrative units?

I cannot answer that question. Perhaps those who made these proposals and staff members who assisted them did not recognize the serious legal, practical and philosophical questions involved.

Perhaps local planners lacked confidence in the existing law enforcement agencies within their regions and therefore decided that the only alternative was to start from scratch and create new law enforcement units. I don't know, but I do believe that the approach taken is unsound and should be rejected by the Committee.

I take this position with the knowledge that I may open myself up for personal abuse and accusation.

I have considered that and decided that the principles involved are too important for me to remain silent when I feel so strongly that we are headed in the wrong direction.

I have no selfish interests to protect nor do I mean to stand in the way of projects which local planning groups have said "meet immediate needs." Perhaps they do meet immediate needs but at the same time they run contra to sound planning and what I consider to be the best thinking of our day. They run contra to the expressed opinions of those sitting on this Committee who represent law enforcement at both the local and State levels. They run contra to existing law.

Neither a county or a city has any inherent police power but possesses only those powers granted to them by the General Assembly. Presently, each county has a sheriff or county police and cities have city police. They operate under express statutory authority and the jurisdiction of each is prescribed by law. This jurisdiction, in most cases, is confined to the city or county.

Unless for some reason a governmental unit already had enabling legislation on the books allowing the creation of another law enforcement agency, no such authority would exist. Frankly, I doubt that any units now have this enabling authority.

It has been said that the Council of Governments legislation gives the member governments the power to do anything together and in concert that they could do independently. Consequently, since the member units operated law enforcement agencies themselves they could operate law enforcement agencies collectively.

This argument folds when one understands that the individual governments themselves have no power to create new law enforcement agencies even within their borders. In the absence of special legislation, local governmental units belonging to a regional council can exercise its police powers only within its own boundaries and the council cannot confer police jurisdiction upon county or city officers allowing them to act outside the boundaries of their respective governmental units.

Other proposals face us today which call for policy decisions from this Committee. I have said that the creation of autonomous law enforcement units is contrary to the expressed opinions of the representatives

of law enforcement agencies sitting on this Committee. So do requests for the creation of regional crime laboratories, I think.

The Law Enforcement sub-committee in a previous meeting unanimously agreed that a statewide system of criminal laboratory facilities, including regional crime laboratories, should be established as soon as possible by the State Bureau of Investigation. Tremendous progress has been made by the Bureau in this area and certainly planning is underway for systematic improvement of the system.

Yet we find recommended for funding a "regional crime lab" in Region P (71-A-140) to serve a nine-county area and a "regional crime lab" in Region F (71-A-262) to serve a eight-county region. Again we are told by the staff that there is an "immediate need" which must be met and that there is no time for planning, for developing a unified system----that we can't wait another "two-hundred years" for the State Bureau of Investigation to meet this need through a unified system.

I do not mean necessarily to stand before you as an advocate of the State Bureau of Investigation for I

do not believe my vision is that shortsighted. I do stand for consistency in policies propounded by this Committee and executed by the staff employed, as I understand it, for the sole purpose of carrying out those policies.

I think it is evident to everyone in this room that the State Bureau of Investigation has made more progress in meeting the needs of local law enforcement during the last two years than in any period, of whatever duration, in its history. The impetus which has carried it forward during these two years still exists and systematic progress planned in the context of the needs of the entire state will continue to be made. I believe this is the way it should be.

Certainly I do not believe that any agency which through inactivity has seen a need develop and then sat by without planning to cope with it should be heard to complain if a local effort is proposed to alleviate it. We know that is not the case here; that the increase in drug abuse over the last two years primarily is responsible for the increased need for laboratory facilities; that the state agency charged

with furnishing these services has moved responsibly to meet this need; that plans to upgrade this service already have been made; and that expending large sums of money for piecemeal efforts, not necessarily in the areas of greatest need, are most assuredly not the answer or even part of the answer.

A common failure of many federal grant programs is that after the federal funds have been terminated the local governmental bodies do not possess the resources to maintain the programs. Consequently, huge investments in planning and establishing programs are wasted when a program folds because of the inability of local units to assume the federal share.

I think that in all projects, especially those which are most ambitious in terms of funds requested, applicants and the staff alike should take a hard look to determine whether the applicants can later assume the cost of maintaining the program. It should not be assumed that State agencies who ordinarily deal in the same problem areas will be able to operate the programs if local grantees discover they no longer are able to do so.

I understand that we already have had this situation where an alcoholic rehabilitation program folded and the Department of Corrections picked it up in spite of the fact that the area served is not that of greatest need and is not the area where the Department itself would have instituted such a program. I assume however, that the initial investment was so great that it seemed wasteful not to try to retrieve something from the abortive local effort.

I mention this because we have heard so much talk of justifying projects because they "meet immediate needs" and failing to consider whether they fit into a statewide plan which already is contemplated. If they meet an immediate need yet cannot be sustained; do not fit within a contemplated state plan yet must be assumed by a state agency to salvage an investment----have we accomplished much in long-range planning for and improvement of the criminal justice system in North Carolina. I do not think so.