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ON CRIMINAL JUSTICE AND THE STATE LEGISLATURE

I have been asked to comment upon my relationship as Attorney General of North Carolina with our State Planning Agency which is called the Committee on Law and Order. In addition, I would like to also share with you some very brief comments concerning legislation sponsored by the State Planning Agency and effective ways of presenting it for consideration and, hopefully, passage.

In many states, the State Planning Agency is the direct responsibility of the Attorney General. The National Association of Attorneys General recommends that the SPA be attached to the Department of Justice. However, in North Carolina the Committee on Law and Order is an arm of the Governor's Office and is not subject to the direct supervision of any one element of the criminal justice system.

Frankly, I do not have a strong opinion concerning the placement of the State Planning Agency. I can only say that the North Carolina system has for the most part worked well and that we have had few conflicts between the agencies. I understand that this is not true in some areas of the country.

We have been fortunate to have administrators with not only a strong interest in law enforcement but with a concern for the total criminal justice system. Our plans and programs, on the whole, have had a good balance, and I do not believe that any one element of the criminal justice system has been slighted intentionally or otherwise. I do feel very strongly that the Attorney General should have a strong voice in the affairs of the State Planning Agency since by common law and long tradition he is the chief law officer of the State. Note I said "law officer" not "law enforcement officer."

The responsibility and concern of the Attorney General should be for the effective administration of the entire criminal justice system and not exclusively for any one portion. I know from practical experience and reading the mail which comes into my office that the general public expects the Attorney General to be concerned about the effective administration of justice in spite of the fact that he often has no jurisdiction over matters complained of.

For example, in North Carolina I have no jurisdiction over the district solicitors (state's attorneys). However, if something goes wrong in a local courtroom, I am quick to hear about it. I have no jurisdiction over the docketing of cases but if a case is continued for

an inordinate length of time, I am apt to hear about it. I have no jurisdiction over the sheriffs of the one hundred counties in North Carolina. But if one of those sheriffs fails to enforce the law in his county, someone will be on the phone calling me in an instant.

So you can see, the public expects the Attorney General to be concerned about the administration of justice. And as the chief law officer of the State, and I believe the chief spokesman for the criminal justice system, the Attorney General ought to use the influence of his office to help bring about improvements and to boost the public's confidence.

I said a moment ago that I believe the Attorney General ought to have a strong voice in the affairs of the SPA. We have insisted in North Carolina that the entire committee keep a strong hand on staff activities. I understand that in some states the state committee has in effect abdicated its responsibilities and allowed the staff to function with very little guidance or supervision over policy. This is not good.

If we are to improve the administration of justice, it must be through the combined efforts of the public officials involved and not just the efforts of a

hired staff working in a vacuum and drawing their ideas and programs from textbooks, popular magazines or reports based upon reports which are based upon reports. The amount of input by committee members is directly proportionate to the effectiveness of the State Planning Agency.

Needless to say, the commitment of the committee members must be more than a half-a-day-a-month commitment. They must give the staff more of their time than this. They must be willing to serve on subcommittees, to review projects before they reach the total committee, to spend time in conferences and seminars in order to understand each other's problems better, and to make sure they attend meetings of the total committee on a regular basis.

Dealing with the State Planning Agency has involved some problems also. I am the first to admit that. I do not have a full-time criminal justice planner on my staff and, therefore, the relationship of my office with the State Planning Agency sometimes is not as smooth as it could be. It is difficult for anyone who is not dealing on a day-to-day basis with a particular federal program of the dimensions of this one to keep up with grant requirements and, most importantly, grant schedules.

I can never keep straight in my own mind whether we are working on a '71 grant proposal, a '72 grant proposal or a '73 grant proposal. I can never keep straight in my own mind whether we have given away all the money for a particular year, whether we are in the process of giving it away and have some left, or whether we have even begun to award it all. Fortunately, for us, our SPA staff has been very cooperative and willing to do a lot of "spoon-feeding" to agencies like mine which find themselves without a full-time planner to work with them.

We have received a number of grants from the State Planning Agency. Our new State Police Information Network got its start with LEAA funds. We now have a computer center in Raleigh with criminal justice files accessible to 65 terminals spread throughout the State. 70 more terminals will be installed shortly.

We have received funds for a series of cassette training tapes which we distribute on a regular basis to solicitors, magistrates and judges.

We have received a grant to publish a textbook for junior high students on "Youth and the Law," explaining for young readers the laws of our state as they relate

particularly to them.

We have an organized crime section in the Office of the Attorney General for the first time. It was established with funds from LEAA.

We have a blue ribbon committee of 21 persons representing all facets of the criminal justice system and the public meeting to revise and modernize the criminal laws of the State of North Carolina. This Criminal Code Revision Commission is financed with LEAA funds.

We publish on a monthly basis, a "Criminal Justice Bulletin," which we distribute to law enforcement officers, judges, solicitors and magistrates throughout the State keeping them abreast of current judicial decisions. Again we have LEAA to thank.

So you can see that the Attorney General's Office in my State is involved in a number of projects relating to the improvements of the criminal justice system, but we have gone further. I have traveled throughout the State of North Carolina and made speech after speech encouraging local support for law enforcement programs and urging county commissioners and city councilmen to improve salaries, fringe benefits, equipment and working conditions for local law enforcement officers. We think we have been effective to some degree.

When I began these remarks, I stated that I would have some comments on legislation proposed by the State Planning Agency and its policy committee. I want to do so now and conclude.

The General Assembly met last in North Carolina about a year ago. We did not put together our legislative package until after the General Assembly was in town. In spite of this fact, some pieces of the total package were enacted. However, because we had not done much preplanning or laid much foundation, some legislation which we considered important was passed over or defeated. We learned our lesson.

The General Assembly adjourned in mid-July. Already, we have begun working together on a legislative package for 1973. Between now and then, we will be moving about the State and commenting on needed revisions in the law. By the time the General Assembly comes back to town, we hope that the public will be informed, that legislators will be informed, and that we will be going into the General Assembly with proposed legislation which is generally accepted by the public and lawmakers alike.

It has been my experience that legislators are eager to support legislation which is sound and responsible and which improves the administration of

criminal justice. However, they must be aware of the thinking behind the proposals. It is not enough to place in their hands a cold bill after they arrive in town for the Session to open and to expect them to understand it and enthusiastically promote it. This is the mistake we made last time, and we will not do it again.