

**NORTH CAROLINA'S
CRIMINAL JUSTICE SYSTEM**

CAROLINA ACADEMIC PRESS

State-Specific Criminal Justice Series

North Carolina's Criminal Justice System

Second Edition

Paul E. Knepper and Mark Jones

NORTH CAROLINA'S CRIMINAL JUSTICE SYSTEM

Second Edition

Paul E. Knepper

READER IN CRIMINOLOGY
DEPARTMENT OF SOCIOLOGICAL STUDIES
UNIVERSITY OF SHEFFIELD

Mark Jones

PROFESSOR OF CRIMINAL JUSTICE
EAST CAROLINA UNIVERSITY

CAROLINA ACADEMIC PRESS
Durham, North Carolina

Copyright © 2011
Paul E. Knepper
Mark Jones
All Rights Reserved

Library of Congress Cataloging-in-Publication Data

Knepper, Paul.

North Carolina's criminal justice system / Paul E. Knepper, Mark Jones. --
2nd ed.

p. cm.

Includes bibliographical references and index.

ISBN 978-1-59460-725-7 (alk. paper)

1. Criminal justice, Administration of--North Carolina. I. Jones, Mark. II.
Title.

KFN7962.K59 2011

364.9756--dc22

2011011867

CAROLINA ACADEMIC PRESS
700 Kent Street
Durham, North Carolina 27701
Telephone (919) 489-7486
Fax (919) 493-5668
www.cap-press.com

Printed in the United States of America

To Jim Campbell

Trooper, Scholar, Teacher, Advisor, Friend

CONTENTS

Series Note	xi
Preface	xiii
Chapter 1 • Crime	3
Rates	3
Trends	4
Delinquency Rates	4
A Subculture of Violence in North Carolina?	6
Celebrated Case: Walker’s Wedding Cake Model and North Carolina	9
References	14
Chapter 2 • Education and Training	15
Training	16
Early Training Efforts Nationwide	17
Development of a State System	18
Certification and Accreditation	22
College Education	24
Early College Programs	24
Criminal Justice as an Academic Major	25
Graduate School	30
Law School	33
Beginnings of the Legal Profession	34
Law Practice in Criminal Courts	34
Career Opportunities	35
Criminal Justice Careers	35
Career Staircase	36
Career Planning	37
Academic Organizations	38
References	42

Chapter 3 • The Constitution	45
Three Constitutions and Criminal Justice	46
1776 Constitution	46
1868 Constitution	48
1971 Constitution	49
Declaration of Rights	50
Legal Authority	54
State Agencies	55
Local Government Authority	56
Financing Criminal Justice	57
Financing State Criminal Justice	59
Financing Local Criminal Justice	60
References	64
Chapter 4 • Lawmaking	67
The Common Law	68
The State Supreme Court	68
The General Assembly	72
The General Assembly at Work	74
Legislative Committees	74
Local Law Making	76
The Governor's Crime Commission	79
References	81
Chapter 5 • Law Enforcement	83
State Agencies	83
State Highway Patrol	85
The State Bureau of Investigation	87
Other Law Enforcement and Regulatory Agencies	90
County Agencies	91
Sheriff's Departments	91
Medical Examiners	92
Municipal Police	95
History of Municipal Police	95
Organization of the Municipal Police	97
Federal Law Enforcement	99
Alcohol, Tobacco and Firearms Bureau	99
Federal Bureau of Investigation	99
Drug Enforcement Agency	100
U.S. Customs and Border Protection	100

U.S. Secret Service	101
U.S. Postal Inspection Service	101
U.S. Marshal's Service	102
References	107
Chapter 6 • Prosecution and Defense	111
The Office of the Attorney General	111
The District Attorney	113
History and Present Organization	113
Duties of the District Attorney	115
The District Attorney's Office	117
Relations with Other Agencies	120
Public Defenders and the Defense Bar	120
The Office of Public Defender	120
Assigned Counsel	121
Federal Prosecution and Defense	122
United States Attorney	122
Federal Public Defender	123
References	128
Chapter 7 • Courts and Adjudication	131
Court Unification	132
Court Structure	134
Appellate Court Division	134
Superior Court Division	135
District Court Division	137
The Adjudication Process	139
Arrest	139
Probable Cause Hearing	141
Grand Jury	143
Arraignment	144
Trial	145
Sentencing	146
Appeal	147
Federal Courts	149
The Supreme Court	149
Courts of Appeal	151
U.S. District Courts	152
References	156

Chapter 8 • Corrections	159
County Jails	160
Colonial Jails	162
Jail Administration	163
History and Organization of State Corrections	164
Institutional Corrections	164
The Department of Correction	169
Division of Prisons	169
Race, Roads and Convict Labor	171
Community Corrections	172
Division of Community Corrections	176
Federal Corrections	178
Institutional Corrections	178
United States Probation and Pretrial Service System	180
The Death Penalty	183
References	187
Chapter 9 • Juvenile Justice	191
The Beginnings of Juvenile Justice	192
Development of the County System	193
Development of the State System	193
Delinquency Prevention Programs	195
Intake	197
Court Services for Juveniles	199
Juvenile Detention	199
Adjudication	200
Disposition	201
Probation and Aftercare	202
Community Services	203
Institutional Facilities	203
Youth Development Centers	203
Multipurpose Juvenile Homes	205
Eckerd Therapeutic Wilderness Camping Program	205
References	211
About the Authors	213
Index	215

SERIES NOTE

Carolina Academic Press' state-specific criminal justice series fills a gap in the field of criminal justice education. One drawback with many current introduction to criminal justice texts is that they pertain to the essentially non-existent "American" criminal justice system and ignore the local landscape. Each state has its unique legislature, executive branch, law enforcement system, court and appellate review system, state supreme court, correctional system, and juvenile justice apparatus. Since many criminal justice students embark upon careers in their home states, they are better served by being exposed to their own states' criminal justice systems. Texts in this series are designed to be used as primary texts or as supplements to more general introductory criminal justice texts.

PREFACE

Many students of criminal justice and related disciplines are familiar with notable historical events that have occurred in North Carolina along with the fact that some of the most famous people in American society and in American history have ties to North Carolina. The story of the lost colony of Roanoke, in which Sir Walter Raleigh established a 16th-century settlement at what is now called Manteo, only to have the inhabitants of the settlement vanish into history, is one of more intriguing stories in American history. Virginia Dare, the first person born of English parentage on American soil, was part of that settlement. Many North Carolinians also know that Pepsi Cola got its start at a drug store in New Bern; that Billy Graham, the greatest Christian evangelist of the last millennium, was born and raised in North Carolina; that basketball legend Michael Jordan grew up in Wilmington; that the Wright Brothers made their famous first airplane flight near Kitty Hawk; that Blackbeard the Pirate operated with the silent support of North Carolina government officials using the coastlines and inlets in eastern North Carolina; and that other historical notables such as Presidents Andrew Johnson and James Polk, actress Ava Gardner, astronaut Michael Smith, and baseball hall of famers Gaylord Perry, Enos Slaughter and Jim “Catfish” Hunter all came from North Carolina.

How much do students of criminal justice know about the state’s criminal justice system? Until 1996, it was the only state in which the Governor had no veto authority. North Carolina has a unified court system. It exercises tighter direct control over liquor sales than most other states. The Declaration of Rights, written into the state constitution, grants more rights to citizens than the Bill of Rights in the federal constitution. How many students are familiar with Henry Frye, the first African American to serve on the North Carolina Supreme Court? How many students are familiar with Thomas Ruffin, whose reputation as a jurist saved the state supreme court, or James Iredell and Alfred Moore, two North Carolina natives who served on the United States Supreme Court? What about David “Carbine” Williams, who invented the M-1 Carbine rifle while serving time in a North Carolina prison? Conversely, how many students are aware that some America’s most infamous crimes were com-

mitted in North Carolina, including the Fatal Vision murders of Dr. Jeffrey MacDonald, the serial murders committed by Henry Wallace, and the murders committed by Velma Barfield, who came to be known as Death Row Granny?

The main purposes of the book are to explain how North Carolina's criminal justice system functions and how it developed. We also take a look at some ways it differs from the criminal justice systems of other states. Those who remember the first edition of this book will notice some changes. In the first chapter we take a brief overview of crime in general within North Carolina, followed by a chapter devoted to criminal justice education and training. Chapter three provides a look at the North Carolina Constitution, followed by a chapter devoted to lawmaking. Chapters five through nine are devoted to the individual components of the justice system, law enforcement, courts, defense and prosecution, corrections, and juvenile justice.

In addition to updating the information from the first edition, we have re-organized the book and added a few features as well. In each chapter we have included at least one bio of criminal justice professionals in the state, who are employed at various levels, local government, state government, the federal government, and private enterprise. Our hope is that these vignettes will provide some practical guidance to those currently employed or working toward a career in criminal justice. Our thanks to those fine professionals who took of their time to compose these for us and for supplying us with their photo as well.

Each chapter also contains a feature we are calling a "celebrated case," so named according to Samuel Walker's "wedding cake" model of criminal cases discussed in chapter one. In addition to the three infamous murders just mentioned, we included a synopsis of other cases, including the murder of Michael Jordan's father, the 1898 Wilmington race riots, and the 1979 killings involving the Ku Klux Klan and rival communists. Cases like these represent the rule rather than the exception in criminal justice. On most days, the people that account for arrest statistics and occupy court calendars are involved in misdemeanors and less serious felonies. Nevertheless, such celebrated cases are sometimes important, not only because of their seriousness and/or the legal complexities involved, but because they are often other social issues that get intertwined with the actual legal aspects of the case, the Duke Lacrosse case serving as an example.

Each chapter includes a feature discussing the place of African Americans in that particular area of criminal justice. This feature, carried in the first edition but updated and changed for the second, offers students a chance to see the criminal justice system, while to some extent, using race relations as a benchmark. Studying crime statistics and the nuts and bolts of how the crim-

inal justice system works is a necessary but not sufficient part of studying this field. The issue of race relations is never far from discussion of any social issue in the United States, and this is especially true of crime and criminal justice topics, be it about North Carolina or anywhere in the United States. Students should be aware of the fact that slavery and the Jim Crow era were part and parcel of the operation of criminal justice in North Carolina for many years. The accomplishments of African Americans who were bold enough to serve as pioneers in this field should not be overlooked.

The first edition of this book began as an effort to give criminal justice students concrete examples drawn from North Carolina's experience of the institutions and practices of criminal justice that are described in introductory textbooks. Textbooks designed for a national audience overlook significant aspects of state systems because it is difficult to generalize about criminal justice in the United States. There is no substitute for practical experience be it in criminal justice or most other fields. Classroom study and reading books can only do so much. However, we hope that the reading and studying of this book will benefit those who are already in the field by increasing their knowledge of North Carolina's justice system, and that it will help prepare those who aspire to this field.