North Carolina’s Criminal Justice System/Factors Impacting Who Enters & How It Functions

Jessica Smith
W. R. Kenan, Jr. Distinguished Professor & Director, Criminal Justice Innovation Lab
UNC School of Government
Systems map, with key decision-making points/data
- Systems map, with key decision-making points/data
- The big picture
 Systems map, with key decision-making points/data
 The big picture
   Factors influencing who enters/re-enters
   Factors influencing how actors behave
- Systems map, with key decision-making points/data
- The big picture
  - Factors influencing who enters/re-enters
  - Factors influencing how actors behave
Individuals & businesses
Law enforcement

911
To magistrate

Magistrate
District Court
Superior Court
Probation
Prison
Detailed North Carolina Statewide & County-Level Criminal Charging Data

Jessica Smith, W.R. Kenan Jr. Distinguished Professor & Director, Criminal Justice Innovation Lab
Ross Hatton, Graduate Research Assistant
Christopher Tyner, Legal Research Associate
UNC School of Government Criminal Justice Innovation Lab
May 2020 (Rev. June 2020)

We previously reported on North Carolina state and county-level criminal charging data. In our earlier report (here) we provided data on charges, charged defendants and charged cases for felonies and misdemeanors, and broke misdemeanors down into non-traffic and traffic offenses. In this report, we present more detailed information about the nature of the felony and misdemeanor charges brought in North Carolina in 2019. For felony offenses, we provide data at the state and county level on, among other things, the number of non-violent and violent felony charges, and separate out drug charges. At the misdemeanor level, we parse the data into still more categories, including breakdowns for, among other things, DWI and related charges, non-DWI traffic charges, ordinance violations, and non-violent and violent misdemeanor charges. There is a lot to unpack in our new spreadsheet. In this report, we present some of the top line results. A spreadsheet with the data is available here.

Statewide Data—Felonies

Our analysis shows that violent crimes constitute a relatively small percentage of all charged crimes, for both felonies and misdemeanors. In 2019, there were 342,618 felony charges statewide. Only 16.4% of those charges were for violent crimes; 83.6% were for nonviolent offenses. Felony drug crimes make up almost 33% (112,648 charges) of total felony charges. Even when felony drug charges are removed from the analysis, violent offenses constitute only 24.4% of the remaining felony charges. As described below, we took a

16.4% of all felony charges were for violent offenses;
83.6% were for nonviolent offenses
In 2019:
• 1.6M misdemeanor charges
• 343K felony charges
In 2019:
• 1.6M misdemeanor charges
• 343K felony charges

STATEWIDE IN 2019
6.66% OF ALL MISDEMEANOR CHARGES WERE FOR VIOLENT OFFENSES
In 2019:
- 1.6M misdemeanor charges
- 343K felony charges
In 2019:

- 1.6M misdemeanor charges
  
  *1M = non-DWI related traffic offenses*

- 343K felony charges
In 2019:

- 1.6M misdemeanor charges – 6.66% violent
  **1M = non-DWI related traffic offenses**
- 343K felony charges – 16.4% violent

**Table 6. Most commonly charged nonviolent, non-DWI misdemeanor traffic offenses—2019**

<table>
<thead>
<tr>
<th>Non-DWI Misdemeanor Traffic Offenses</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Speeding</td>
<td>296,281</td>
</tr>
<tr>
<td>Expired Registration</td>
<td>208,971</td>
</tr>
<tr>
<td>Driving while License Revoked, Not Impaired Revocation</td>
<td>170,663</td>
</tr>
<tr>
<td>No Operator's License</td>
<td>117,789</td>
</tr>
<tr>
<td>Operating a Vehicle with No Insurance</td>
<td>55,126</td>
</tr>
<tr>
<td>Fictitious or Altered Title, Registration, or Plate</td>
<td>39,013</td>
</tr>
<tr>
<td>Reckless Driving to Endanger</td>
<td>29,735</td>
</tr>
<tr>
<td>Drive or Permit to be Driven Motor Vehicle No Registration</td>
<td>26,717</td>
</tr>
<tr>
<td>Canceled, Revoked, or Suspended Certificate or Tag</td>
<td>26,589</td>
</tr>
<tr>
<td>Reckless Driving - Wanton Disregard</td>
<td>20,976</td>
</tr>
<tr>
<td>Driving while License Revoked, Impaired Revocation</td>
<td>18,576</td>
</tr>
<tr>
<td>Window Tinting Violation</td>
<td>12,458</td>
</tr>
<tr>
<td>No Liability Insurance</td>
<td>11,442</td>
</tr>
<tr>
<td>Possession or Display of Altered, Fictitious, or Revoked Driver's License</td>
<td>5,727</td>
</tr>
</tbody>
</table>
In 2019:

- 1.6M misdemeanor charges – 6.66% violent
- 343K felony charges – 16.4% violent

Table 5. Most commonly charged nonviolent, non-traffic misdemeanor offenses—2019

<table>
<thead>
<tr>
<th>Nonviolent Misdemeanor Charge</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Misdemeanor larceny</td>
<td>44,667</td>
</tr>
<tr>
<td>Possession of drug paraphernalia</td>
<td>38,688</td>
</tr>
<tr>
<td>Possession of up to 1/2 ounce marijuana</td>
<td>31,287</td>
</tr>
<tr>
<td>Possession of marijuana paraphernalia</td>
<td>30,623</td>
</tr>
<tr>
<td>Resisting an officer</td>
<td>28,016</td>
</tr>
<tr>
<td>Second-degree trespass</td>
<td>22,701</td>
</tr>
<tr>
<td>Injury to personal property</td>
<td>15,925</td>
</tr>
<tr>
<td>Possession of a Schedule VI controlled substance</td>
<td>12,883</td>
</tr>
<tr>
<td>Possession of stolen goods</td>
<td>9,027</td>
</tr>
<tr>
<td>Public order, free text</td>
<td>8,276</td>
</tr>
<tr>
<td>Shoplifting, concealment of goods</td>
<td>6,916</td>
</tr>
<tr>
<td>Injury to real property</td>
<td>6,491</td>
</tr>
<tr>
<td>Caring concealed gun</td>
<td>6,473</td>
</tr>
<tr>
<td>Possession of Schedule IV controlled substance</td>
<td>4,808</td>
</tr>
</tbody>
</table>
In 2019:
- 1.6M misdemeanor charges – 6.66% violent
- 343K felony charges – 16.4% violent
33% (112,648) = drug charges
Individuals & businesses
Law enforcement
No charge
Diversion
Citation
Arrest

911 To magistrate

Magistrate
District Court
Superior Court
Probation
Prison
Citation Versus Arrest by North Carolina Law Enforcement Officers: A County-Level Analysis
Jessica Smith, W.R. Kenan Jr. Distinguished Professor, UNC School of Government
Ross Hatton, UNC MPA Graduate Research Assistant
September 2019

Charged with identifying best practices and offering recommendations on how policing practices can promote effective crime reduction while building public trust, the Presidential Task Force on 21st Century Policing recommended that law enforcement agencies develop and adopt policies and strategies that reinforce the importance of community engagement in managing public safety. Specifically, it recommended that agencies adopt preferences for “least harm” resolutions, including the use of citation in lieu of arrest for low-level offenses. Increased use of citations offers other potential benefits, including increased law enforcement efficiency. A report by the International Association of Chiefs of Police found that citations offer a time savings of just over an hour per incident. Additionally, increased use of citations can help reduce unnecessary pretrial detentions of low-risk defendants and associated costs, unfairness, and negative public safety outcomes. An arrest triggers an initial appearance and imposition of conditions of pretrial release. Because secured bonds are the most common condition imposed in North Carolina, see Jessica Smith, How Big a Role Does Money Play in North Carolina’s Bail System (July 2019), the decision to make an arrest versus issue a citation often results in imposition of a secured bond and associated wealth-based detentions. For these and other reasons, justice system stakeholders are interested in citation in lieu of arrest policies, particularly for low-level crimes. One common question that stakeholders have been asking is: What do we know about how often officers use citations or make arrests in North Carolina? Read on for answers.

Working with court system data we compiled a statewide and county-level analysis of the prevalence of citation in lieu of arrest in North Carolina. Because we knew that a misdemeanor charge with an associated felony has a significant influence on our data to cases where the highest charge was a felony, we evaluated our data to cases where the highest charge was a misdemeanor and compiled a list of the top 25 counties. To do this, we categorized the offenses by highest charge and then used the Office of the Courts (NC AOC) data to determine the citation rates. We then combined the citation and arrest rates to provide a more complete picture of how officers use citations and make arrests in North Carolina.
In 2018:
- Officers charged 87.8% of highest charge misdemeanor cases by citation
Individuals & businesses

Law enforcement

911 To magistrate

Individuals & businesses

No charge
Diversion
Citation
Arrest

Magistrate

Charging or no probable cause
Summons or warrant
Bail

District Court

Probation

Superior Court

Prison
### Percentage Change in Financial Conditions Imposed, 2018-2019, Highest Charge Misdemeanor Cases

<table>
<thead>
<tr>
<th>County</th>
<th>2019 Financial Conditions Imposed Total</th>
<th>2019 Financial Conditions Imposed Percentage</th>
<th>2018 - 2019 Change in Percentage Financial Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACKSON</td>
<td>401</td>
<td>36.1%</td>
<td>-18.0%</td>
</tr>
<tr>
<td>HAYWOOD</td>
<td>820</td>
<td>39.1%</td>
<td>-14.8%</td>
</tr>
<tr>
<td>GATES</td>
<td>86</td>
<td>40.2%</td>
<td>-7.3%</td>
</tr>
<tr>
<td>YRRELL</td>
<td>26</td>
<td>41.3%</td>
<td>-3.2%</td>
</tr>
<tr>
<td>LAY</td>
<td>13,226</td>
<td>45.9%</td>
<td>-11.8%</td>
</tr>
<tr>
<td>MECKLENBURG</td>
<td>3,947</td>
<td>46.2%</td>
<td>4.4%</td>
</tr>
<tr>
<td>JUNCOMBE</td>
<td>26</td>
<td>48.8%</td>
<td>-6.4%</td>
</tr>
<tr>
<td>WYDE</td>
<td>506</td>
<td>49.1%</td>
<td>-2.3%</td>
</tr>
<tr>
<td>HAYWOOD</td>
<td>2,541</td>
<td>49.5%</td>
<td>-7.9%</td>
</tr>
<tr>
<td>BURLINGTON</td>
<td>448</td>
<td>53.7%</td>
<td>-1.5%</td>
</tr>
<tr>
<td>DAVIE</td>
<td>183</td>
<td>57.5%</td>
<td>-2.3%</td>
</tr>
<tr>
<td>ASWELL</td>
<td>3,905</td>
<td>57.6%</td>
<td>-5.6%</td>
</tr>
<tr>
<td>UMBERLAND</td>
<td>194</td>
<td>57.7%</td>
<td>-13.7%</td>
</tr>
<tr>
<td>GRAHAM</td>
<td>984</td>
<td>58.0%</td>
<td>-5.5%</td>
</tr>
<tr>
<td>ROANOKE</td>
<td>872</td>
<td>59.1%</td>
<td>0.3%</td>
</tr>
<tr>
<td>NASH</td>
<td>45</td>
<td>59.2%</td>
<td>14.5%</td>
</tr>
</tbody>
</table>

Analysis conducted by the UNC Criminal Justice Innovation Lab

Contact: Jessica Smith

[https://c Jill.sog.unc.edu/](https://c Jill.sog.unc.edu/)

[smithj@sog.unc.edu](mailto:smithj@sog.unc.edu)
In 2019
- 66.2% of highest charge misdemeanor cases got a secured bond
In 2019
• 66.2% of highest charge misdemeanor cases got a secured bond
In 2019

- 66.2% of highest charge misdemeanor cases got a secured bond
- Approximately 18K people in jail
In 2018
• Magistrates charged only 32.9% of highest charge misdemeanor cases by summons
### Manner of Disposition

<table>
<thead>
<tr>
<th>Case Type</th>
<th>Trial - Guilty Verdict</th>
<th>Trial - Not Guilty Verdict</th>
<th>Guilty Plea Before Magistrate</th>
<th>Guilty Plea No Contest</th>
<th>Felony Heard and Bound Over</th>
<th>Probable Cause Not Found</th>
<th>Felony Probable Cause Waived</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Criminal cases</strong></td>
<td>15,157</td>
<td>5,874</td>
<td>2,174</td>
<td>233,612</td>
<td>409</td>
<td>3,757</td>
<td>12,253</td>
</tr>
<tr>
<td><strong>Felonies</strong></td>
<td>544</td>
<td>26</td>
<td>0</td>
<td>28,234</td>
<td>409</td>
<td>1,886</td>
<td>12,252</td>
</tr>
<tr>
<td><strong>Misdemeanors, other than traffic</strong></td>
<td>8,715</td>
<td>3,995</td>
<td>367</td>
<td>109,787</td>
<td>0</td>
<td>172</td>
<td>1</td>
</tr>
<tr>
<td><strong>Traffic misdemeanors</strong></td>
<td>5,898</td>
<td>1,853</td>
<td>1,807</td>
<td>95,591</td>
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<td>1,699</td>
<td>0</td>
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<table>
<thead>
<tr>
<th>Case Type</th>
<th>Dismissal After Deferred Prosecution</th>
<th>Dismissal With Leave</th>
<th>Worthless Check Waiver</th>
<th>Felony Superseding Indictment</th>
<th>Other*</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Criminal cases</strong></td>
<td>9,374</td>
<td>121,720</td>
<td>493</td>
<td>75,372</td>
<td>1,879,456</td>
</tr>
<tr>
<td><strong>Felonies</strong></td>
<td>1,376</td>
<td>1,246</td>
<td>0</td>
<td>62,521</td>
<td>50,481</td>
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<td><strong>Misdemeanors, other than traffic</strong></td>
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<td><strong>Traffic misdemeanors</strong></td>
<td>840</td>
<td>107,412</td>
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<td>2,700</td>
<td>1,314,208</td>
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*Other* includes dismissal without leave in FY 2019.
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<td>0</td>
<td>172</td>
<td>1</td>
</tr>
<tr>
<td><strong>Traffic misdemeanors (includes DWI)</strong></td>
<td>5,898</td>
<td>1,853</td>
<td>1,807</td>
<td>95,591</td>
<td>0</td>
<td>1,699</td>
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<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Criminal cases</td>
<td>1,492</td>
<td>533</td>
<td>234</td>
<td>9,243</td>
<td>63,650</td>
</tr>
<tr>
<td>Felonies</td>
<td>1,184</td>
<td>352</td>
<td>204</td>
<td>9,065</td>
<td>56,116</td>
</tr>
<tr>
<td>Misdemeanors, other than traffic</td>
<td>179</td>
<td>102</td>
<td>18</td>
<td>113</td>
<td>5,651</td>
</tr>
<tr>
<td>Traffic misdemeanors (includes DWI)</td>
<td>129</td>
<td>79</td>
<td>12</td>
<td>65</td>
<td>1,883</td>
</tr>
</tbody>
</table>

**Manner of Disposition**

<table>
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</tr>
</thead>
<tbody>
<tr>
<td>Criminal cases</td>
<td>1,113</td>
<td>1,715</td>
<td>80,277</td>
</tr>
<tr>
<td>Felonies</td>
<td>1,058</td>
<td>1,351</td>
<td>51,727</td>
</tr>
<tr>
<td>Misdemeanors, other than traffic</td>
<td>52</td>
<td>168</td>
<td>20,200</td>
</tr>
<tr>
<td>Traffic misdemeanors (includes DWI)</td>
<td>3</td>
<td>196</td>
<td>8,350</td>
</tr>
</tbody>
</table>

*Other includes speedy trial dismissals, and in FY 2019, dismissal without leave.
Individuals & businesses
Law enforcement

911
To magistrate

Magistrate
Charging or no probable cause
Summons or warrant
Bail

District Court
Bail
Counsel
Dismissed
Trial
Plea
Sentencing, incl. fines/fees

Superior Court
Bail
Dismissed
Trial
Plea
Sentencing, incl. fines/fees

Probation
Prison

No charge
Diversion
Citation
Arrest
Individuals & businesses

Law enforcement

911 To magistrate

No charge
Diversion
Citation
Arrest

Charging or no probable cause
Summons or warrant
Bail

Bail
Counsel
Dismissed
Trial
Plea
Sentencing, incl. fines/fees

Bail
Dismissed
Trial
Plea
Sentencing, incl. fines/fees

Probation

Prison

Offender Population
Jul 15, 2020

Group     Number
Prison Inmates 31,986
Probationers 72,062
Post Release/Parole 12,923
Total 116,971
Male Inmates 29,604
Female Inmates 2,382
Individuals & businesses
Law enforcement

Magistrate
District Court

Superior Court
Probation
Prison
What is criminalized

Individuals & businesses

Law enforcement

911 To magistrate

Individually & businesses

Law enforcement

911 To magistrate

No charge

Diversion

Citation

Arrest

Charging or no probable cause
Summons or warrant
Bail

Magistrate

District Court

Superior Court

Probation

Prison

Bail

Counsel

Dismissed

Trial

Plea

Sentencing, incl.
fines/fees

Bail

Dismissed

Trial

Plea

Sentencing, incl.
fines/fees
Individuals & businesses

Law enforcement

911 To magistrate

No charge
Diversion
Citation
Arrest

What is criminalized

Health services

Charging or no probable cause
Summons or warrant
Bail

District Court

Bail
Counsel
Dismissed
Trial
Plea
Sentencing, incl. fines/fees

Superior Court

Bail
Dismissed
Trial
Plea
Sentencing, incl. fines/fees

Probation

Prison
Individuals & businesses

Law enforcement

911 To magistrate

Health services

What is criminalized

Legal framework

Charging or no probable cause
Summons or warrant
Arrest

No charge
Diversion
Citation
Arrest

Magistrate

Counsel
Trial
Plea
Sentencing, incl. fines/fees

District Court

Bail
Dismissed

Superior Court

Probation

Prison

Dismissed

Trial
Plea
Sentencing, incl. fines/fees

Bail
Dismissed

Dismissed

Trial
Plea
Sentencing, incl. fines/fees

Bail
Dismissed

Bail
Dismissed

Bail
Dismissed

Bail
Dismissed
What is criminalized

Health services

Legal framework

Accountability

Individuals & businesses

Law enforcement

911 To magistrate

No charge

Diversion

Citation

Arrest

Charging or no probable cause

Summons or warrant

Bail

District Court

Magistrate

Bail

Dismissed

Counsel

Trial

Plea

Sentencing, incl. fines/fees

Superior Court

Trial

Plea

Sentencing, incl. fines/fees

Probation

Prison

Bail

Dismissed

Counsel

Trial

Plea

Sentencing, incl. fines/fees
What is criminalized

Health services

Individuals & businesses

Law enforcement

No charge

Diversion

Citation

Arrest

911

To magistrate

Magistrate

District Court

Superior Court

Probation

Prison

Charging or no probable cause

Summons or warrant

Bail

Discrimination

Counsel

Trial

Plea

Sentencing, incl. fines/fees

Legal framework

Accountability

Data
Questions?
Reach out or visit us on the web:

Jessie Smith, smithj@sog.unc.edu
cjl.sog.unc.edu
Racial Disparities
In the Criminal Justice System

Kami Chavis
Professor of Law and Director of the Criminal Justice Program
Wake Forest University School of Law
The Roots of Racial Disparities in Policing

- Slave patrols and night watches (Antebellum)

- Complicity with Ku Klux Klan/Lynching (Reconstruction)

- Civil Rights Enforcement (Jim Crow)

- War on Drugs vs. Opioid Crisis (Modern Era?)
Sheriff's Deputies Beat Volunteer Civil Rights Worker at the Courthouse
Racial Disparities in Traffic Stops in North Carolina

• Greensboro and Asheboro police departments are twice as likely to search Black drivers

• NC State troopers are three times as likely to search Hispanic drivers

• Officers 250% more likely to use probable cause as justification to search black motorists

• Black drivers are 43% more likely to be arrested than whites in Raleigh
Modern Law Enforcement

- Modern Police departments lack diversity and fail to represent the ethnic/racial make-up of the communities they serve.
- Racial and ethnic minorities are underrepresented by a combined 24 percentage points on average.
- In 35 of the 85 jurisdictions where either blacks, Asians or Hispanics make up the single largest racial or ethnic group, their individual presence in the police department is less than half their share of the population.

*Sheriffs' Offices Breakdown by Race (2013)*

- White (77.5%)
- Black/African American (9.2%)
- Latino (10.7%)
- Asian/Native Hawaiian/Other Pacific Islander (1.6%)
- American Indian/Alaska Native (0.4%)
- Two or More Races (0.2%)
Menu of Police Reform/Accountability Efforts

- Community Policing
- Community Control of Law-Enforcement Agencies
- Defund/Re-invest
- Demilitarization of Police Forces
- De-escalation Training
- Anti-bias Training
- Using Technology to Enhance Accountability (Police-worn body cameras)
- Increasing Transparency Through Data-Collection (racial profiling)
- Use-of-Force Standards
- Duty to Intervene/Whistleblower Protection
- Qualified Immunity
- Independent Investigation/Prosecution of Police re: Use-of-Force/Death in Custody
- Increased Pay/Vacation Time for Police Officers (Officer Wellness)
Racial Disparities in Police Stops: Example: Terry Stops in NYC

Only 2.0 percent of frisks resulted in a weapon found.

Stop-and-Frisk 2012

<table>
<thead>
<tr>
<th>Race</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latino</td>
<td>31.8%</td>
</tr>
<tr>
<td>Black</td>
<td>54.8%</td>
</tr>
<tr>
<td>White</td>
<td>9.7%</td>
</tr>
<tr>
<td>Indian</td>
<td></td>
</tr>
</tbody>
</table>

Image created by the New York Civil Liberties Union.
African-Americans are more likely to be stopped by law enforcement.

- The Stanford Open Policing Project found that, across all jurisdictions, law enforcement officers stop Black drivers at higher rates than whites.
- This remains the case even when the researchers account for age and gender of the driver.
African-Americans are subjected to more searches, on average, than whites.

- The Stanford Open Policing project found that in nearly every jurisdiction stopped Black and Hispanic drivers are searched more often than whites.
- When they applied a statistical model that accounted for any differences in outcome (i.e. what if Black drivers are more likely to have contraband) the discriminatory pattern persisted.
- That is, police appeared to require less suspicion to search Black and Hispanic drivers.
## Use of Force (National)

Police are more likely to...

<table>
<thead>
<tr>
<th>Action</th>
<th>with blacks</th>
<th>than with whites</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>push into wall</td>
<td>623</td>
<td>529</td>
<td></td>
</tr>
<tr>
<td>use handcuffs*</td>
<td>310</td>
<td>266</td>
<td></td>
</tr>
<tr>
<td>draw weapons</td>
<td>155</td>
<td>129</td>
<td></td>
</tr>
</tbody>
</table>
Use of Force Cont.

Police are more likely to...

<table>
<thead>
<tr>
<th></th>
<th>Event 1</th>
<th>Event 2</th>
<th>Event 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>push to ground</td>
<td>136</td>
<td>114</td>
<td>18%</td>
</tr>
<tr>
<td>point weapon</td>
<td>54</td>
<td>43</td>
<td>24%</td>
</tr>
<tr>
<td>use pepper spray</td>
<td>5</td>
<td>4</td>
<td>25%</td>
</tr>
</tbody>
</table>

Unarmed African Americans are nearly 3.5 times more likely to be shot by police than unarmed whites.

Non-suicidal unarmed Black men are 13 times more likely to be fatally shot by the police than whites.

While people of color make up fewer than 38 percent of the U.S. population, they make up almost 63 percent of unarmed people killed by police.
Racial Disparities in Policing

- **San Francisco Study:**
  - African Americans accounted for 42% of all non-consensual searches following stops
  - Of all people searched, African Americans and Hispanics had the lowest “hit rate”

- **Ferguson Numbers:**
  - Nearly 90% of the documented instances of uses of force were against African Americans
  - Every documented instance of K-9 bites involved African Americans
From 2013-2019, police in North Carolina killed 204 people. Do you know their names?

Click for more information on an incident.
How do cops use force in NC? Most agencies won’t say

BY LUCILLE SHERMAN
JUNE 16, 2020 11:29 AM . UPDATED JUNE 21, 2020 06:42 PM

When protesters blocked Morgan Street, at the intersection with Salisbury near the State Capitol on May 31, 2020, Raleigh, NC, police ordered them to move. When one of the protesters got up to approach the officers, they responded with tear gas. BY JULIA WATSON.
Police violence is changing over time

Police killings have decreased in Cities but increased in Suburban and Rural areas.

Police are killing more people so far in 2020 than they did during this period in past years.

Killings by Police by Zipcode Population Density
Killings by Police from 1/1 - 6/30 of Each Year
Racial Disparities in Police Brutality

As of July 9, 2016:
- Whites represented 54% of police shooting victims
- Blacks represented 28%
- Hispanic represented 18%

A study found that African Americans are victims of police use of force compared to other racial and ethnic groups
- Force is used against African Americans at a rate three times that used against whites
ANSWERING THE CALL

Researchers looked at responses to 1.2 million 911 emergency calls in a US city and plotted the use of force involving a gun across neighbourhoods, according to their racial composition. White officers were more likely to use a gun than were Black officers and more likely to do so in predominantly Black neighbourhoods.

- White officers
- Black officers
Individuals & businesses

Law enforcement

No charge
Diversion
Citation
Arrest

911
To magistrate

Charging or no probable cause
Summons or warrant
Bail

Magistrate

Bail
Counsel
Dismissed
Trial
Plea
Sentencing, incl. fines/fees

District Court

Bail
Dismissed
Trial
Plea
Sentencing, incl. fines/fees

Superior Court

Probation
Prison
- African-American juveniles are 2x as likely to be arrested as white juveniles
- African-Americans represent 38% of those arrested for drug offenses
- African-Americans are arrested at rates nearly 9 times higher than the rate for whites
Racial Disparities in Pretrial Detention

- In large urban areas, Black felony defendants are over 25% more likely than white defendants to be held pretrial.
- Across the country, Black and brown defendants are at least 10-25% more likely than white defendants to be detained pretrial or to have to pay money bail.
- Young Black men are about 50% more likely to be detained pretrial than white defendants.
- Black and brown defendants receive bail amounts that are twice as high as bail set for white defendants – and they are less likely to be able to afford it.
- Even in states that have implemented pretrial reforms, racial disparities persist in pretrial detention.
### Charges By Race

<table>
<thead>
<tr>
<th>Most serious arrest charge</th>
<th>Number of defendants</th>
<th>Total</th>
<th>Black non-Hispanic</th>
<th>White non-Hispanic</th>
<th>Other non-Hispanic</th>
<th>Hispanic, any race</th>
</tr>
</thead>
<tbody>
<tr>
<td>All offenses</td>
<td>56,978</td>
<td>100%</td>
<td>45</td>
<td>29</td>
<td>2</td>
<td>24</td>
</tr>
<tr>
<td>Violent offenses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Murder</td>
<td>368</td>
<td>100%</td>
<td>67</td>
<td>10</td>
<td>1</td>
<td>22</td>
</tr>
<tr>
<td>Rape</td>
<td>645</td>
<td>100%</td>
<td>39</td>
<td>30</td>
<td>1</td>
<td>30</td>
</tr>
<tr>
<td>Robbery</td>
<td>3,407</td>
<td>100%</td>
<td>57</td>
<td>20</td>
<td>3</td>
<td>20</td>
</tr>
<tr>
<td>Assault</td>
<td>6,288</td>
<td>100%</td>
<td>47</td>
<td>26</td>
<td>2</td>
<td>26</td>
</tr>
<tr>
<td>Other violent</td>
<td>2,329</td>
<td>100%</td>
<td>33</td>
<td>35</td>
<td>3</td>
<td>30</td>
</tr>
<tr>
<td>Property offenses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burglary</td>
<td>4,412</td>
<td>100%</td>
<td>36</td>
<td>36</td>
<td>1</td>
<td>27</td>
</tr>
<tr>
<td>Larceny/theft</td>
<td>5,186</td>
<td>100%</td>
<td>44</td>
<td>34</td>
<td>2</td>
<td>20</td>
</tr>
<tr>
<td>Motor vehicle theft</td>
<td>1,626</td>
<td>100%</td>
<td>38</td>
<td>26</td>
<td>5</td>
<td>31</td>
</tr>
<tr>
<td>Forgery</td>
<td>1,387</td>
<td>100%</td>
<td>37</td>
<td>40</td>
<td>4</td>
<td>20</td>
</tr>
<tr>
<td>Fraud</td>
<td>2,021</td>
<td>100%</td>
<td>39</td>
<td>37</td>
<td>3</td>
<td>22</td>
</tr>
<tr>
<td>Other property</td>
<td>1,916</td>
<td>100%</td>
<td>36</td>
<td>40</td>
<td>3</td>
<td>21</td>
</tr>
<tr>
<td>Drug offenses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trafficking</td>
<td>8,348</td>
<td>100%</td>
<td>58</td>
<td>16</td>
<td>2</td>
<td>23</td>
</tr>
<tr>
<td>Other drug</td>
<td>12,556</td>
<td>100%</td>
<td>43</td>
<td>33</td>
<td>1</td>
<td>24</td>
</tr>
<tr>
<td>Public-order offenses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Weapons</td>
<td>1,934</td>
<td>100%</td>
<td>60</td>
<td>14</td>
<td>--</td>
<td>26</td>
</tr>
<tr>
<td>Driving-related</td>
<td>1,793</td>
<td>100%</td>
<td>25</td>
<td>39</td>
<td>2</td>
<td>34</td>
</tr>
</tbody>
</table>
Severity of Charges

- Black males receive sentences nearly 20% longer than white males convicted of similar crimes
- 100-to-1 disparity between crack and powder cocaine
- In the federal system, at least 60% of LWOP prisoners are black
- 42% of defendants under sentence of death are black
How many people are locked up in the United States?

The United States locks up more people, per capita, than any other nation. But grappling with why requires us to first consider the many types of correctional facilities and the reasons that 2.3 million people are confined there.

Sources and data notes: See http://www.prisonpolicy.org/reports/pie2016.html
Racial and ethnic disparities in prisons and jails

Whites are underrepresented in the incarcerated population while Blacks are overrepresented.

- **White**: 64% in U.S. population, 40% in prison/jail population.
- **Black**: 16% in U.S. population, 39% in prison/jail population.
- **Latino**: 13% in U.S. population, 19% in prison/jail population.
- **Native**: 0.9% in U.S. population, 1% in prison/jail population.

Compiled from 2010 Census, Summary File 1.
Racial and ethnic disparities in prisons and jails in North Carolina

Whites are underrepresented in the incarcerated population while Blacks and American Indians are overrepresented.

- White: 65% in the state population vs. 55% in the prison/jail population
- Black: 22% in the state population vs. 36% in the prison/jail population
- Latino: 8% in the state population vs. 6% in the prison/jail population
- Native: 1% in the state population vs. 2% in the prison/jail population

Compiled from 2010 Census, Summary File 1.
Serving Life with Parole Sentence
Have you been convicted of a felony?

Collateral Consequences of a Felony Conviction:

- Right to Vote
- Ability to hold state office
- Ability to sit on a Jury
- Right to Possess Firearms
Collateral Consequences in NC

- A person “adjudged guilty” of a state or federal felony or a felony in another state that would be a felony in North Carolina forfeits the rights to vote and to hold public office. N.C. Const. art. VI, §§ 2(3), 8

- A person convicted of a felony is disqualified from jury service. N.C. Gen. Stat. § 9-3

- A professional or occupational license may be denied, suspended, or revoked because of certain convictions

- Right to possess firearms N.C. Gen. Stat. 14-415.1(a)
10 Minute Break
Individuals & businesses

Law enforcement

911 To magistrate

No charge
Diversion
Citation
Arrest

Charging or no probable cause
Summons or warrant
Bail

Bail
Counsel
Dismissed
Trial
Plea
Sentencing, incl.
fines/fees

Bail
Dismissed
Trial
Plea
Sentencing, incl.
fines/fees

Probation
Prison

Superior Court

District Court

Magistrate
Alternatives to Arrest

Recruitment & Hiring
- Restoration of DLs
- Private Warrants

Officer Diversion
- Guardrails on discretion
- Police culture
- Criminalization of traffic and low-level offenses

Crisis Intervention Training
- Officer Training
- Raise juvenile jurisdiction from 6 to 10

Restorative Justice
- "Status" offenses that impact sentence
- Transformative justice

Data
- Collateral Consequences of Criminal Record