

**NORTH CAROLINA  
TASK FORCE FOR  
RACIAL EQUITY IN  
CRIMINAL JUSTICE**

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**REPORT 2020  
EXECUTIVE SUMMARY**

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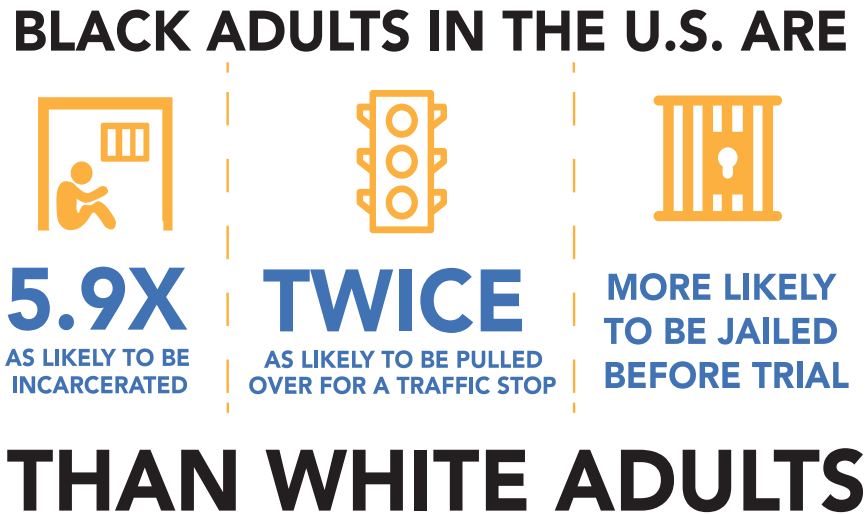




# INTRODUCTION

In June 2020, Governor Roy Cooper created the North Carolina Task Force for Racial Equity in Criminal Justice (TREC). This action came after the deaths of George Floyd, Breonna Taylor, and many others at the hands of law enforcement officers. The circumstances of their deaths led to widespread public protests throughout the country, including in North Carolina, and conversations about the systemic racism and resulting harm that Black people and other communities of color have experienced for decades in housing, employment, education, health care, and criminal justice. Governor Cooper asked the Task Force to recommend solutions to end disparate outcomes in the criminal justice system, mitigate the effects of bias and discrimination, and increase accountability in law enforcement and criminal justice.

The statistics that illustrate racial inequity in criminal justice are staggering. Just a handful are below:



Source: Prisoners in 2016, U.S. Bureau of Justice Statistics, 8 tbl.6 (Jan. 2018); Thomas Bonczar, Prevalence of Imprisonment in the U.S. Population, U.S. Department of Justice, [www.bjs.gov/content/pub/pdf/piusp01.pdf](http://www.bjs.gov/content/pub/pdf/piusp01.pdf); Wendy Sawyer, How race impacts who is detained pretrial, Prison Policy Initiative, [https://www.prisonpolicy.org/blog/2019/10/09/pretrial\\_race/](https://www.prisonpolicy.org/blog/2019/10/09/pretrial_race/).

North Carolina's criminal justice system is afflicted with longstanding systemic racism. It is pervasive and wrong and must be remedied.

North Carolina has a tragic legacy of slavery, segregation, and racist violence that affects people to this day. But we also have another inspiring legacy: the 1960 sit-ins in Greensboro and beyond, a state NAACP that filed more racial integration lawsuits than any other, and the founding of the Student Nonviolent Coordinating Committee, among many, many others. We have worked hard in recent years to improve our criminal justice system, including raising the age of adult jurisdiction and expanding access to expungements. Our state can and must be a leader in continuing to fight and overcome racism.

## WHO WE ARE

TREC is co-chaired by Associate Justice Anita Earls and Attorney General Josh Stein. The Task Force is comprised of a diverse cross-section of leaders from across North Carolina, including advocates in the fields of criminal justice reform, victims rights, disability rights, and racial justice, people with direct experience of the criminal justice system, law enforcement officers, police chiefs, sheriffs, prosecutors, public defenders, judges, and local elected officials.

## OUR CHARGE

Governor Cooper asked the Task Force to identify intentional and unintentional racial biases in the criminal justice and law enforcement systems and to highlight the unequal outcomes that result from these biases. In addition to identifying these issues, the Task Force was charged with recommending evidence-based solutions to help eliminate racial bias and create fairer outcomes for Black people and communities of color, while maintaining public safety. We have been asked to collaborate with criminal justice and racial justice experts and advocates in the process of developing this report. In addition to the issues and solutions we have identified, we have also been asked to share the necessary actions required to successfully implement these solutions in North Carolina.

## HOW WE APPROACHED THE WORK

Since its formation in June 2020, TREC members met twice a month as a full group and much more frequently in four subcommittees called working groups. We held these meetings virtually due to the COVID-19 pandemic. We also consulted a number of outside groups, academics, experts, and the general public. We held six listening sessions to hear from community leaders from different parts of the state and three two-hour public comment sessions. Extensive public input and available data on racial equity in the criminal justice system informed our recommendations, although we recognize that increasing the quantity and improving the quality of this data is necessary to inform further policy discussions.

# RACIAL EQUITY AND LAW ENFORCEMENT RECOMMENDATIONS

## REIMAGINING PUBLIC SAFETY

The job of a law enforcement officer is more complex than ever. In addition to being peace officers, we ask them to be social workers, drug counselors, mental health counselors, and more. TREC worked to think through how various crises escalate and how they can be prevented or best handled. That includes responding to these crises with appropriate professionals trained to support mental illness, autism, intellectual disabilities, substance misuse, and homelessness, in addition to law enforcement. TREC also recommends that law enforcement officers receive increased crisis intervention training and that community programs receive financial support to promote public safety and prevent violence.

## IMPROVING POLICING PRACTICES

TREC members examined law enforcement policies and procedures with an eye toward reimagining public safety, reinvesting in communities, eliminating racial inequity, and keeping people safe.

### COMMUNITY POLICING

Trust between law enforcement and communities of color is at a troubling low, the result of decades of declining public confidence in law enforcement and the belief that communities of color are the victims, not beneficiaries, of over-policing in their communities. Many communities of color, particularly low-income ones, do not believe that law enforcement is responsive to their concerns, and they view officers as outsiders in their neighborhoods.

For law enforcement to successfully maintain public safety and win the trust of the communities they serve, TREC recommends that agencies adopt a community policing

approach that builds bridges and fosters trust with the community. In addition to engaging in conversations with community members and collaborating on solutions to community concerns, TREC also recommends that officers spend a greater amount of time building relationships through non-law enforcement activities, such as community service and sports. These law enforcement-community relationships create avenues to address conflict, identify and correct mistakes, implement public safety solutions, and ultimately rebuild trust.

## **INVESTIGATIONS**

The most frequently charged offenses in the criminal justice system are traffic violations and drug offenses. In North Carolina, Black drivers are twice as likely to be pulled over as white drivers. Once pulled over, Black drivers are twice as likely to be searched, yet less than 10 percent of these searches lead to arrest. In the case of drugs, the majority of drug arrests are for small amounts for possession or sale.

To reduce inequity associated with traffic stops, TREC recommends that law enforcement focus on traffic stops that promote traffic safety, base consent searches on written, informed consent, and improve traffic stop data collection and reporting.

To promote racial equity in drug cases, TREC recommends deemphasizing drug possession arrests for trace quantities under 0.25 grams and deemphasizing marijuana possession arrests. TREC members also recommend better data reporting and review on drug enforcement.

## **DIVERSION AND ALTERNATIVES TO ARREST**

Far too many people suffering with the disease of addiction are in the criminal justice system rather than the health care system. TREC members recommend establishing and expanding access to diversion programs that help people get the health care treatment they need for their addiction. Some drugs of choice, such as crack cocaine, have a disproportionate impact on Black and brown communities; all substance use disorders must be met with understanding, compassion, resources, and access to treatment, and recovery programs. Each of these programs should be monitored to ensure that racial equity is evident in the way they are accessed. TREC also recommends that law enforcement issue citations in lieu of arrests for misdemeanors whenever possible.

## **APPROPRIATE USE OF FORCE**

Law enforcement use of excessive force is, of course, the catalyst for this Task Force’s creation. Law enforcement officers improperly using force has led to death and serious injury for far too many Black Americans. Closely examining this issue must be a key part of any review of racial equity in the criminal justice system. TREC makes a number of recommendations, including that officers use the minimum amount of force necessary to make an arrest and specifically that neck holds and certain other high-risk techniques be prohibited. TREC also recommends a standard use of force definition and better data collection. When an officer is aware that another officer uses excessive force or engages in other abuse, TREC recommends that the observing officers have a duty to intervene and then to report it to a supervisor. TREC also recommends the adoption of an early intervention system for officers who engage in excessive use of force. Finally, TREC recommends court approval of no-knock search warrants.

## **PEACEFUL PROTESTS AND DEMONSTRATIONS**

The right to peacefully protest is enshrined in the U.S. Constitution and, time and again, protests have been the driving force behind positive change in our society. Too often, however, peaceful demonstrations are met with excessive or escalating force from law enforcement. Officers are responsible for facilitating peaceful gatherings, not suppressing them. TREC recommends that the Criminal Justice and Sheriffs’ Education and Training Standards Commissions (Standards Commissions) create a best practices-based set of guidelines on peaceful protests that preserve people’s First Amendment rights and allow communities to gather safely. Importantly, these guidelines will also be informed by a recommended study on racial disparities in the policing of protests in North Carolina. The recommended best practices should be used to inform law enforcement trainings on protests and demonstrations.

## **ENHANCING ACCOUNTABILITY**

Ensuring that law enforcement officers are accountable to the communities they serve is key to both the reality and the perception of justice. That accountability drives cultural and policy improvements and will help rebuild the trust that has eroded between communities and law enforcement. In this section, TREC recommends ways to revise law enforcement policies to increase transparency and reform the way incidents involving officers using force are investigated and prosecuted.

## **EXTERNAL OVERSIGHT AND INVESTIGATIONS, WANDERING OFFICERS, AND AGENCY ACCREDITATION**

The results of closed internal officer-related investigations are often distrusted by communities that have suffered firsthand from the actions of law enforcement officers. These incidents need external review and oversight from civilian oversight boards that are authorized by local governments and comprised of community leaders, as well as periodic statewide sentinel reviews. These reviews are not focused on establishing blame but rather on evaluating incidents and suggesting policy changes to reduce their future likelihood. Effective oversight also requires regular mandatory law enforcement data collection and reporting on stops and arrests.

When these incidents involve more serious uses of force, such as shootings, TREC recommends that the State Bureau of Investigation (SBI) investigate them and, where a criminal referral is appropriate, a prosecutor outside of the jurisdiction at issue prosecute them. The results of any actions taken, including officer discipline, suspension, and termination, should be publicly available in a statewide database. To avoid the problem of “wandering officers,” agencies should be required to consult this database before hiring an officer to ensure that the officer does not have a record of improper behavior with another department or agency.

The Task Force believes it is critical to support and fund the already underway process to establish a state accreditation system of law enforcement agencies and, once operational, require all law enforcement agencies to be accredited.

Many of these changes require amending existing North Carolina law and creating legal responsibilities for officers and agencies to report these incidents. Others require policy changes by the Standards Commissions.

## **OFFICER STANDARDS**

Law enforcement officers are in positions of authority. That authority requires them to be held to higher standards and stronger disciplinary action when they abuse their community’s trust or engage in unnecessary use of force. TREC recommends that the Standards Commissions give themselves the authority to suspend, revoke, or deny certification of officers for excessive or unjustified use of force or abuse of the power of their position.



## **BODY WORN AND DASHBOARD CAMERAS AND TRANSPARENCY OF FOOTAGE**

TREC also recommends other steps to promote greater transparency and accountability. This includes mandating body cameras for all law enforcement agencies and dashboard cameras in most patrol and field vehicles, and releasing law enforcement recordings of critical incidents within 45 days unless a court finds that it would interfere with an ongoing criminal investigation.

## **PSYCHOLOGICAL SCREENINGS**

The Task Force is concerned about the relationship between law enforcement officers' ability to respond appropriately to conflict through de-escalation and their own mental health and ability to employ training over bias. TREC recommends requiring psychological screenings of law enforcement officers, both before their employment and on an ongoing basis throughout their career, particularly before promotions.

## **STRENGTHENING RECRUITMENT, TRAINING, AND THE PROFESSION**

Statewide data on the racial composition of law enforcement indicates that Black people are underrepresented in law enforcement. While little to no demographic data is available at the individual agency level to evaluate whether each agency is representative of the communities it serves, the statewide data illustrates that we must do more to recruit representative law enforcement officers.

We also know that truly representing a community goes beyond race alone; law enforcement leaders must recruit and train people who understand their mission is to serve as guardians, not warriors.

## **BEST PRACTICES GUIDE FOR RECRUITMENT AND RETENTION/CJ FELLOWS PROGRAM**

To achieve that goal, TREC recommends the North Carolina Association of Chiefs of Police and the North Carolina Sheriffs' Association collaborate with the Task Force to develop and share a best practices guide for recruitment and retention and recommends that data is collected to better understand recruitment and diversity efforts. TREC also recommends the General

Assembly expand the Criminal Justice Fellows program, which provides forgivable community college loans to people who will serve in law enforcement jobs, to all 100 North Carolina counties and fund the program. Finally, TREC recommends that law enforcement departments of a certain size create internal diversity task forces, which can effectively increase the racial diversity of their departments.

## **BLET AND IN-SERVICE TRAINING**

Training and education are key components to promoting public safety by instilling in officers the right skills and attitudes. We must ensure that law enforcement officers have the training necessary to succeed at their challenging work.

To provide officers with relevant training, TREC recommends changes to the Basic Law Enforcement Training (BLET) curriculum and ongoing in-service trainings. Both curricula should be updated to include more trainings on ethics, racial equity, identifying and addressing implicit bias, emotional intelligence, and mental health. The trainings will also provide procedures on de-escalating conflict and addressing crisis, appropriate use of force, and the duty to intervene when situations involve excessive force.

These training revisions, and many of the trainings themselves, should be made in partnership with criminal justice experts and based on research and best practices. Agencies should plan to complement these trainings with internal policies and continue to measure the success of these changes.

## **OFFICER WELL-BEING**

TREC also recommends that local governments support the enhancement and protection of officers' mental health, physical fitness, and overall well-being and that research be conducted on the relationship between their physical and mental conditions and job performance.

# RACIAL EQUITY IN CRIMINAL JUSTICE SYSTEM AND THE COURTS RECOMMENDATIONS

## ELIMINATING RACIAL DISPARITIES IN THE COURTS

### RESTORATIVE JUSTICE INITIATIVES

TREC members looked at various ways to improve racial equity in the court system at all stages, as disparities arise before an accused person's trial even begins. In the case of violent crime, which fortunately is rare in North Carolina, the Task Force recommends emphasizing accountability for people who commit crimes and responses that will help make victims whole, rather than those that are entirely punitive. This practice is known as restorative justice. Restorative justice is a way to ensure that communities are stronger and safer after crime, in addition to punishing the perpetrator.

### THE SCHOOL-TO-PRISON PIPELINE

In this section, TREC members made recommendations about the school-to-prison pipeline and racial equity in the juvenile criminal system. TREC recommends requiring additional school personnel review complaints from School Resource Officers (SROs) before they can be filed in juvenile court. TREC also recommends school systems hire sufficient numbers of nurses, counselors, and social workers. TREC further recommends the creation of School Justice Partnerships and clear memoranda of understandings between school systems and law enforcement agencies. We further recommend raising the age from six years old to 12 in order to be prosecuted in juvenile court and evaluating charging and sentencing changes to better reflect today's scientific understanding of juvenile development and the negative impact of incarceration on young people.

## **DECRIMINALIZATION OF MARIJUANA POSSESSION AND OTHER CRIMES**

North Carolina has a majority misdemeanor system, which means that the majority of charges statewide are overwhelmingly misdemeanors. Of those misdemeanor charges, most are for nonviolent offenses, many of which are linked closely to the criminalization of poverty, illness, and mental health. These offenses have a history of being disproportionately enforced against Black people. Therefore, TREC also looked closely at the criminal code to determine which offenses could be decriminalized to allow for more racially equitable outcomes and to allow law enforcement officers to refocus on issues that have a greater impact on public safety.

TREC made recommendations about decriminalizing small amounts of marijuana and a recommendation to further study legalizing the possession, cultivation, and sale of marijuana. Additionally, TREC recommends that general statutes and municipal criminal codes be scrutinized with a view towards eliminating unnecessary crimes.

## **PRETRIAL RELEASE AND ACCOUNTABILITY PRACTICES**

This section reviews pretrial release and bail, a subject about which current statutory mandates do not align with the reality of how the system operates. Specifically, many people are jailed pre-conviction in North Carolina, especially Black people, despite a strong statutory preference for non-financial conditions for pretrial release. For this reason, TREC recommends, among other items, eliminating cash bail for most low-level cases unless there is a threat to public safety. TREC also recommends that, as the law already allows, people who pose a danger of injury to another person may be detained pretrial, but only after a hearing with counsel.

## **PROSECUTORIAL DECISION MAKING**

Prosecutors have immense independent authority in the criminal justice system – they review investigations and evidence and can decide to either decline or proceed with a case. TREC recommends solutions to help prosecutors and prosecutorial staff identify and address unconscious bias and provide additional funding so that prosecutors and defense attorneys can review case outcomes and address systemic racial disparities in charging decisions, plea offers, status offenses, and other aspects of their work. Prosecutors should adopt existing tools to eliminate racial disparities and ensure that charging decisions are free from bias. The Task Force also recommends racial equity training for all court actors.

## **FAIR JURIES**

Communities of color are underrepresented in criminal juries, undermining the criminal justice system's credibility with the larger community. TREC recommends expanding jury pool lists and updating them more frequently and requiring transparency at every stage of the jury formation process. We also recommend taking steps to mitigate implicit bias by jurors exercising their duty.

## **PROMOTING RACIAL EQUITY POST-CONVICTION**

After a trial concludes, the systemic racial inequity does not. Black North Carolinians make up 51.5 percent of those in prison and 54 percent of those on death row, despite making up only approximately 22 percent of the state's population. Likewise, Black people are more likely to be sent to restrictive housing in prison than white people. Even for those not imprisoned, fines and fees can negatively impact a person's life for years to come.

This section overviews the best ways to promote equal justice for people who are convicted of crimes.

### **Sentencing and Incarceration Disparities**

When people are convicted of serious crimes, incarceration is serious and often lengthy. Additional efforts must be made to ensure that people facing the most severe sentences our society allows were convicted and sentenced due to the evidence presented, not the color of their skin. TREC recommends reinstating the Racial Justice Act for people sentenced to death,<sup>1</sup> allowing relief when a judge finds significant racial discrimination, establishing a Second Look Act to ensure that certain sentences handed out years ago meet today's scrutiny, and prohibiting capital punishment prospectively for anyone with serious mental illness or younger than 21. We also recommend replacing juvenile life without parole with sentences allowing parole eligibility after 25 years and including reviews for all sentences imposed on a going-forward basis. Finally, TREC recommends establishing a study commission to serve as a public truth and reconciliation commission regarding the history of criminal justice and race in North Carolina.

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<sup>1</sup> Justice Earls took no part in the discussion or vote on this recommendation.

## **INCARCERATED FACILITIES' PRACTICES, PROGRAMMING, AND DISCIPLINE**

Many studies have indicated that solitary confinement causes severe psychiatric harm. In North Carolina, people who were placed in restrictive housing while incarcerated have higher recidivism rates than those who were not. TREC members recommend increasing due process in the prison discipline system, expanding the use of restorative justice and rehabilitation programming in prison, enhancing the pay and training of prison personnel, increasing funding for mental health services in prison, and further studying racial disparities in access and outcomes.

## **IMPOSITION OF FINES AND FEES/COLLATERAL CONSEQUENCES OF CRIMINAL CONVICTIONS**

Since 1995, the General Court of Justice Fee for district court has increased more than 260 percent. When people are unable to pay a court fine or fee, their driver's license is suspended indefinitely. As of 2018, 1.225 million people had active driver license suspensions in North Carolina related to failure to pay traffic fines, court costs, or appear in court. This is just one example of how court involvement can make it difficult for someone to get back on their feet after a conviction. Our goal should be to help people leaving incarceration to succeed in their communities, reducing the likelihood that they will reoffend.

TREC makes recommendations to ensure that the courts consider a person's ability to pay fines or fees before levying them, to reduce court fines and fees, to develop a process to eliminate criminal justice debt, to extend voting rights to people on probation, parole, or post-release supervision, and to prevent people from losing access to SNAP benefits due to convictions.

# CONCLUSION

Chiseled on the face of the United States Supreme Court building are the words: “Equal Justice Under Law.” Both as a state and a nation, we remain in pursuit of this ideal. It is the fervent hope of the members of this Task Force that our work brings North Carolina closer to the equality this nation has aspired to since its founding. We have worked to identify ways to build genuine trust between people who work in the criminal justice system and the communities they serve and protect.

These recommendations are only the Task Force’s first step. Other task forces – in the North Carolina legislature, in law enforcement, in the judiciary – are conducting similar work, and community organizations, including directly impacted people, have been doing this work for years. We remain committed to this effort and intend to work alongside interested people, stakeholders, and policymakers across the state to implement these recommendations. Ours will not be a report that sits on a shelf until the next crisis. Central to our vision is the need for further data collection, continued monitoring, and additional recommendations that might flow from further study of racial disparities.

Unacceptable statistics and painful personal tragedies illustrate the need for this work. Our hearts ache for the families of George Floyd, Breonna Taylor, and many, many others. Rather than be discouraged about the current state of racial equity in our criminal justice system, we are encouraged by the constructive energy that came out of this summer’s protests.

This Task Force is committed to ensuring that we harness that energy into meaningful and lasting change to help us heal, because Black lives matter. Over the next two years, and hopefully beyond, we will be doing the work to ensure those important words on the Supreme Court’s edifice are realized in North Carolina’s criminal justice system.

# BY THE NUMBERS: TASK FORCE FOR RACIAL EQUITY IN CRIMINAL JUSTICE PUBLIC ENGAGEMENT

65

TOTAL COUNTIES REPRESENTED IN SURVEY SUBMISSIONS

520

TOTAL INDIVIDUAL SURVEY SUBMISSIONS

## VIRTUAL MEETINGS

176 participants over 9 listening and comment sessions

113 public testimonials during 3 public comment sessions

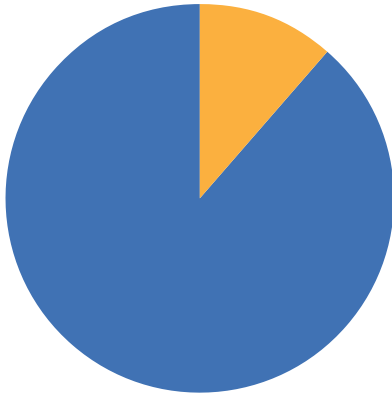
44 total towns and cities represented during public comment sessions

## ISSUES AREAS ADDRESSED IN SURVEY FEEDBACK



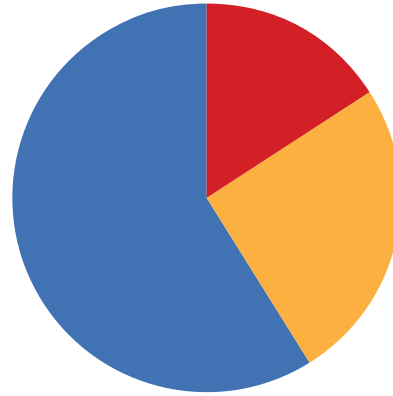


### INDIVIDUAL VS GROUP SUBMISSIONS



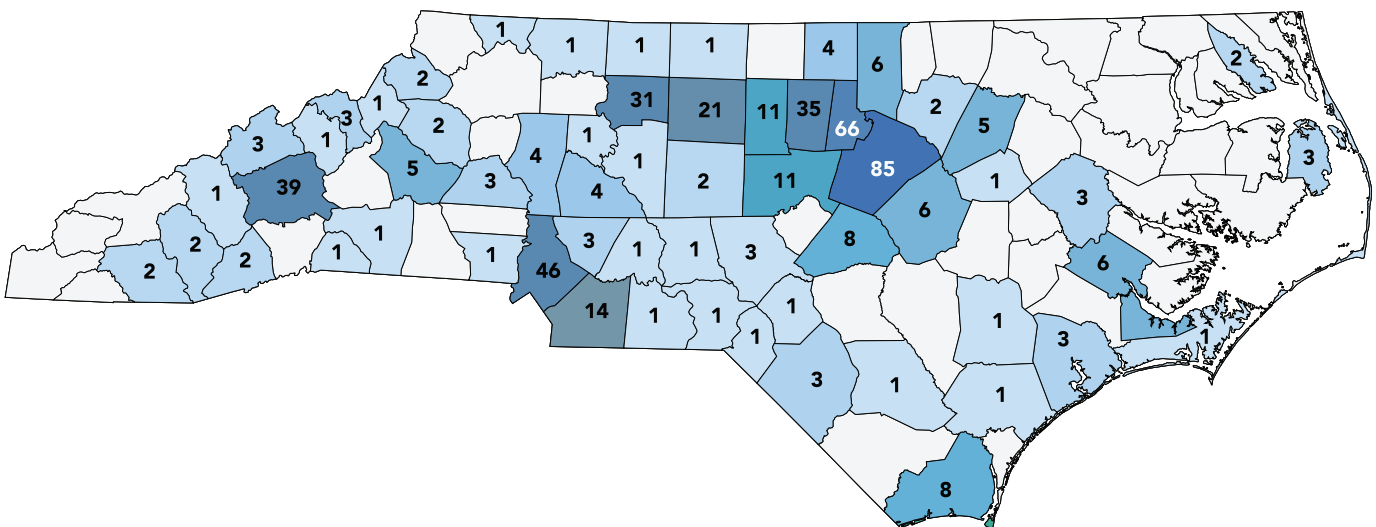
- SUBMISSIONS ON BEHALF OF INDIVIDUALS (88.4%)
- SUBMISSIONS ON BEHALF OF ORGANIZATIONS (11.54%)

### FEEDBACK MESSAGE TYPE



- POLICIES AND RESOURCES (47.69%)
- EXPERIENCES (26.73%)
- QUESTIONS (15.8%)

### INDIVIDUAL COMMENTS SUBMITTED TO TREC FEEDBACK PORTAL BY COUNTY



# RACIAL EQUITY AND LAW ENFORCEMENT RECOMMENDATIONS CHART

SOLUTION #	SECTION HEADER	RECOMMENDATION	SOLUTION	NECESSARY ACTION
1	Reimagining Public Safety	Reimagine public safety and reinvest in communities	<b>Respond more appropriately to situations concerning mental illness, autism, intellectual disabilities, substance abuse, homelessness, and other non-emergency situations</b>	Local policy change; Administrative rule change by Standards Commissions; Legislative change.
2	Reimagining Public Safety	Reimagine public safety and reinvest in communities	<b>Add crisis intervention training for current law enforcement officers</b>	Local policy change; State administrative rule change by the Standards Commissions; Legislative change.
3	Reimagining Public Safety	Reimagine public safety and reinvest in communities	<b>Fund grassroots organizations that employ promising and peaceful strategies to help communities promote public safety</b>	Local policy change; State policy change.
4	Reimagining Public Safety	Reimagine public safety and reinvest in communities	<b>Develop and provide funding to help communities build violence prevention programs</b>	Local policy change; State policy change.
5	Reimagining Public Safety	Reimagine public safety and reinvest in communities	<b>Form local Community Safety and Wellness Task Forces to examine public safety and wellness needs</b>	Local policy change.
6	Improving Policing Practices	Strengthen community policing practices	<b>Adopt community policing philosophies and plans in collaboration with the communities law enforcement serve</b>	Local agency policy change; State agency policy change.
7	Improving Policing Practices	Strengthen community policing practices	<b>Train law enforcement agency heads on community policing</b>	State policy change by North Carolina Justice Academy.
8	Improving Policing Practices	Strengthen community policing practices	<b>Encourage or require officers to spend non-enforcement time, or live in, the neighborhoods they serve</b>	Local agency policy change; State agency policy change; Local government policy change.
9	Improving Policing Practices	Strengthen community policing practices	<b>Publicly acknowledge mistakes by law enforcement to build trust and transparency</b>	Local agency policy change; State agency policy change.

SOLUTION #	SECTION HEADER	RECOMMENDATION	SOLUTION	NECESSARY ACTION
10	Improving Policing Practices	Reform investigations	<b>Improve law enforcement drug enforcement data collection and reporting</b>	Legislative change.
11	Improving Policing Practices	Reform investigations	<b>Use data and objective criteria, instead of officers' subjective perceptions and beliefs, to drive the level of police presence in neighborhoods</b>	State policy change; Local policy change.
12	Improving Policing Practices	Reform investigations	<b>Deemphasize felony drug possession arrests for trace quantities under .25 grams</b>	State agency policy change; Local agency policy change.
13	Improving Policing Practices	Reform investigations	<b>Prioritize traffic stops that improve traffic safety</b>	State agency policy change; Local agency policy change.
14	Improving Policing Practices	Reform investigations	<b>Require all consent searches to be based on written, informed consent</b>	State agency policy change; Local agency policy change; Legislative change.
15	Improving Policing Practices	Reform investigations	<b>Restrict state law enforcement use of asset forfeiture on low-level seizures where there is no conviction</b>	Agency policy change; Task Force collaboration; Legislative change.
16	Improving Policing Practices	Promote diversion and other alternatives to arrest	<b>Establish and expand access to diversion programs</b>	State policy change; Local policy change; Legislative change.
17	Improving Policing Practices	Promote diversion and other alternatives to arrest	<b>Treat addiction as a public health crisis, including substance use addictions that disproportionately impact Black and brown communities, such as crack cocaine</b>	State policy change; Task Force collaboration.
18	Improving Policing Practices	Promote diversion and other alternatives to arrest	<b>Encourage citations and summons in lieu of arrest whenever possible</b>	State agency policy change; Local agency policy change; Legislative change.
19	Improving Policing Practices	Revise the role of School Resource Officers	<b>Hire behavioral health professionals in schools</b>	Local policy change; Legislative change.
20	Improving Policing Practices	Revise the role of School Resource Officers	<b>Fund school personnel training on mental health, first aid, cultural competence/diversity/inclusion, and developmental disability</b>	Local policy change; Legislative change.
21	Improving Policing Practices	Revise the role of School Resource Officers	<b>Develop inclusive processes for selecting and overseeing SROs</b>	Local policy change.
22	Improving Policing Practices	Revise the role of School Resource Officers	<b>Train all public school employees and SROs on the proper role of SROs</b>	State policy change by the Department of Public Instruction and the Justice Academy.

SOLUTION #	SECTION HEADER	RECOMMENDATION	SOLUTION	NECESSARY ACTION
23	Improving Policing Practices	Revise the role of School Resource Officers	<b>Collect data on discipline in schools and school-based referrals to the juvenile courts</b>	State policy change by the Department of Public Instruction and the Department of Public Safety; Local agency policy change.
24	Improving Policing Practices	Revise the role of School Resource Officers	<b>Encourage School Justice Partnerships to reduce students' juvenile court involvement</b>	Local policy change.
25	Improving Policing Practices	Revise the role of School Resource Officers	<b>Support Task Force on Safer Schools State Action Plan</b>	Task Force collaboration.
26	Improving Policing Practices	Codify judicial approval of no-knock warrants and clarify requirements for use of force in serving search warrants	<b>Change entry by force statute to require the necessary probable cause be specifically listed in the warrant before breaking and entering to execute a warrant and to clarify the meaning of unreasonable delay after an officer announces presence in the execution of a search warrant</b>	Legislative change.
27	Improving Policing Practices	Peacefully facilitate protests and demonstrations	<b>Adopt a mandatory statewide policy on law enforcement facilitation of peaceful demonstrations</b>	Local agency policy change; State agency policy change; State administrative rule change by the Standards Commissions.
28	Improving Policing Practices	Peacefully facilitate protests and demonstrations	<b>Create and update protest guidelines to consider best practices and First Amendment concerns</b>	State administrative rule change by the Standards Commissions.
29	Improving Policing Practices	Peacefully facilitate protests and demonstrations	<b>Review and update protest and demonstration training</b>	State policy change by North Carolina Justice Academy; State administrative rule change by the Standards Commissions; Task Force collaboration.
30	Improving Policing Practices	Peacefully facilitate protests and demonstrations	<b>Commission a study on racial disparities in how protests and demonstrations are policed in North Carolina</b>	State policy change.
31	Improving Policing Practices	Revise use of force policies	<b>Strengthen use of force practices including to prohibit neck holds and require the use of the minimum amount of force necessary</b>	Local agency policy change; State agency policy change; Legislative change.
32	Improving Policing Practices	Revise use of force policies	<b>Require officers to have first aid kits and render aid</b>	Local agency policy change; State agency policy change.

SOLUTION #	SECTION HEADER	RECOMMENDATION	SOLUTION	NECESSARY ACTION
33	Improving Policing Practices	Revise use of force policies	<b>Enact agency policies requiring a duty to intervene and report excessive use of force or other abuse</b>	Local agency policy change; State agency policy change.
34	Improving Policing Practices	Revise use of force policies	<b>Establish early intervention systems for officers repeatedly violating use of force policies</b>	Local agency policy change; State agency policy change; Legislative change.
35	Improving Policing Practices	Revise use of force policies	<b>Define and collect use of force data</b>	Local agency policy change; State agency policy change.
36	Enhancing Accountability	Improve law enforcement accountability and culture	<b>Expand investigative and oversight authority of local citizen oversight boards</b>	Local policy change; Legislative change.
37	Enhancing Accountability	Improve law enforcement accountability and culture	<b>Reform investigation and prosecution procedures for officer-involved use of force incidents</b>	Legislative change.
38	Enhancing Accountability	Improve law enforcement accountability and culture	<b>Establish statewide sentinel event reviews to evaluate law enforcement practices and suggest policy changes</b>	State agency policy change by Standards Commission; Local agency policy change; Legislative change.
39	Enhancing Accountability	Improve law enforcement accountability and culture	<b>Support Rap Back Program</b>	Task Force collaboration; Legislative change.
40	Enhancing Accountability	Improve law enforcement accountability and culture	<b>Revise standards to require that officers not engage in excessive or unjustified use of force or abuse the power of the position</b>	State administrative change by Standards Commissions.
41	Enhancing Accountability	Improve law enforcement accountability and culture	<b>Expand authority to allow for suspension, revocation, or denial of certification based upon an officer's excessive use of force or abuse of power</b>	State administrative change by Standards Commissions.
42	Enhancing Accountability	Improve law enforcement accountability and culture	<b>Require notification by both the officer and the agency for specific use of force incidents</b>	State administrative change by Standards Commissions; Task Force collaboration.
43	Enhancing Accountability	Improve law enforcement accountability and culture	<b>Increase transparency about officer discipline and decertification through a publicly available database</b>	NCDOJ policy and procedure change; Task Force collaboration.
44	Enhancing Accountability	Improve law enforcement accountability and culture	<b>Support psychological screenings for all law enforcement officers</b>	State administrative change by Standards Commissions.
45	Enhancing Accountability	Improve law enforcement accountability and culture	<b>Repeat psychological evaluations either after a certain number of years of service or before promotion</b>	State administrative change by Standards Commissions.

SOLUTION #	SECTION HEADER	RECOMMENDATION	SOLUTION	NECESSARY ACTION
46	Enhancing Accountability	Improve law enforcement accountability and culture	<b>Strengthen the ongoing development of a statewide law enforcement accreditation program</b>	Administrative rule change by Standards Commissions; Task Force collaboration; Legislative change.
47	Enhancing Accountability	Mandate use of body worn/ dashboard cameras and increase transparency of footage	<b>Mandatory body-worn cameras for all law enforcement agencies</b>	Legislative change.
48	Enhancing Accountability	Mandate use of body worn/ dashboard cameras and increase transparency of footage	<b>Deploy dashboard cameras in all patrol and field vehicles, except for undercover vehicles</b>	Local agency policy change; State agency policy change; Legislative change.
49	Enhancing Accountability	Mandate use of body worn/ dashboard cameras and increase transparency of footage	<b>Provide citizen oversight boards and local government governing bodies access to law enforcement recordings</b>	Local agency policy change; State agency policy change; Legislative change.
50	Enhancing Accountability	Mandate use of body worn/ dashboard cameras and increase transparency of footage	<b>Require police recordings of critical incidents to be publicly released within 45 days</b>	Legislative change.
51	Strengthening Recruitment, Training, and the Profession	Recruit and retain a racially equitable work force	<b>Develop and disseminate best practices guide for recruitment and retention</b>	Local agency policy change; State agency policy change; Administrative rule change by Standards Commissions; Task Force collaboration; Legislative change.
52	Strengthening Recruitment, Training, and the Profession	Recruit and retain a racially equitable work force	<b>Expand Criminal Justice Fellows program statewide</b>	Legislative change.
53	Strengthening Recruitment, Training, and the Profession	Recruit and retain a racially equitable work force	<b>Collect data on law enforcement recruitment and diversity efforts</b>	Local agency policy change; State agency policy change; Administrative rule change by Standards Commissions; Legislative change.

SOLUTION #	SECTION HEADER	RECOMMENDATION	SOLUTION	NECESSARY ACTION
54	Strengthening Recruitment, Training, and the Profession	Recruit and retain a racially equitable work force	<b>Ensure the North Carolina Administrative Code provisions regarding Minimum Standards and Revocation, Denial, and Decertification are the same for both Commissions</b>	Administrative rule change by Standards Commissions.
55	Strengthening Recruitment, Training, and the Profession	Recruit and retain a racially equitable work force	<b>Require law enforcement agencies of a certain size to create a diversity task force</b>	Local agency policy change; State agency policy change; Task Force collaboration; Legislative change.
56	Strengthening Recruitment, Training, and the Profession	Train law enforcement to promote public safety and earn community support	<b>Revamp basic enforcement training</b>	State policy change by the Standards Commissions and the North Carolina Justice Academy; Administrative code changes; Legislative change.
57	Strengthening Recruitment, Training, and the Profession	Train law enforcement to promote public safety and earn community support	<b>Recommend changes to in-service training</b>	State policy change by North Carolina Justice Academy; Administrative rule change by Standards Commissions; Legislative change
58	Strengthening Recruitment, Training, and the Profession	Train law enforcement to promote public safety and earn community support	<b>Require trainings on internal law enforcement agency policies</b>	Local agency policy change; State agency policy change.
59	Strengthening Recruitment, Training, and the Profession	Train law enforcement to promote public safety and earn community support	<b>Evaluate law enforcement training programs for effectiveness and desired outcomes</b>	State policy change by North Carolina Justice Academy; Task Force collaboration; Legislative change.
60	Strengthening Recruitment, Training, and the Profession	Enhance the law enforcement profession	<b>Study the effects of officers' physical and mental health on job performance</b>	Local agency policy change; State agency policy change; State administrative rule change by the Standards Commissions.



# RACIAL EQUITY AND THE COURTS RECOMMENDATIONS CHART

SOLUTION #	SECTION HEADER	RECOMMENDATION	SOLUTION	NECESSARY ACTION
61	Eliminating Racial Disparities in the Courts	Support restorative justice initiatives and victim equity	<b>Establish and fund restorative justice programs in local communities across the state and at various points of the criminal justice system</b>	Local policy change.
62	Eliminating Racial Disparities in the Courts	Support restorative justice initiatives and victim equity	<b>Form a victim advisory group to help develop restorative justice programs and other equity programs for crime victims</b>	Local policy change; Task Force collaboration.
63	Eliminating Racial Disparities in the Courts	Support restorative justice initiatives and victim equity	<b>Improve and expand access to North Carolina's Victim Compensation Fund to increase racial equity</b>	State policy change by the Department of Public Safety.
64	Eliminating Racial Disparities in the Courts	Support restorative justice initiatives and victim equity	<b>Screen incarcerated individuals for victimization and provide appropriate services</b>	State policy change by the Department of Public Safety.
65	Eliminating Racial Disparities in the Courts	Support restorative justice initiatives and victim equity	<b>Recognize racial equity and the rights and perspectives of, and the potential consequences to, harmed parties, survivors, and their families during the justice system process and when any reform is proposed</b>	State policy change; Task Force collaboration.
66	Eliminating Racial Disparities in the Courts	Stem the school to prison pipeline and rethink juvenile justice	<b>Raise the minimum age of juvenile court jurisdiction to 12</b>	Legislative change.
67	Eliminating Racial Disparities in the Courts	Stem the school to prison pipeline and rethink juvenile justice	<b>Require a school administrator or school social worker to sign a school-based petition initiated by a School Resource Officer before it can be accepted for filing in juvenile court</b>	Legislative change.



SOLUTION #	SECTION HEADER	RECOMMENDATION	SOLUTION	NECESSARY ACTION
68	Eliminating Racial Disparities in the Courts	Stem the school to prison pipeline and rethink juvenile justice	<b>Allow prosecutors the discretion to accept pleas in juvenile court for juveniles charged with Class A through G felonies, in line with the Raise the Age Act</b>	Legislative change.
69	Eliminating Racial Disparities in the Courts	Stem the school to prison pipeline and rethink juvenile justice	<b>Replace juvenile life without parole with life with parole sentences and parole eligibility after twenty-five years for first degree murder convictions</b>	Legislative change.
70	Eliminating Racial Disparities in the Courts	Stem the school to prison pipeline and rethink juvenile justice	<b>Establish a juvenile review board within the Governor's Clemency Office</b>	State policy change.
71	Eliminating Racial Disparities in the Courts	Decriminalize marijuana possession	<b>Deprioritize marijuana-related arrests and prosecution</b>	State agency policy change; Local agency policy change; Prosecutorial policy change.
72	Eliminating Racial Disparities in the Courts	Decriminalize marijuana possession	<b>Decriminalize the possession of up to 1.5 ounces of marijuana</b>	Legislative change.
73	Eliminating Racial Disparities in the Courts	Decriminalize marijuana possession	<b>Convene a task force of stakeholders to study the pros and cons and options for legalization of possession, cultivation and/or sale of marijuana</b>	State policy change; Legislative change.
74	Eliminating Racial Disparities in the Courts	Shrink the criminal code	<b>Reclassify Class III misdemeanors that do not impact public safety or emergency management as noncriminal/civil infractions</b>	Legislative change.
75	Eliminating Racial Disparities in the Courts	Shrink the criminal code	<b>Enact legislation with a sunset provision for all local ordinance crimes that criminalize poverty or behavior in public places</b>	Legislative change.
76	Eliminating Racial Disparities in the Courts	Shrink the criminal code	<b>Eliminate citizen-initiated criminal charges</b>	Legislative change.
77	Eliminating Racial Disparities in the Courts	Shrink the criminal code	<b>Review and recommend changes to the criminal code</b>	Legislative change.
78	Eliminating Racial Disparities in the Courts	Shrink the criminal code	<b>Provide for the appointment of counsel in cases where the defendant is facing a \$200 fine</b>	Legislative change.
79	Eliminating Racial Disparities in the Courts	Improve pre-trial release and accountability practices	<b>Eliminate cash bail for Class I, II, and III misdemeanors unless risk to public safety</b>	Judicial policy change; State policy change by Administrative Office of the Courts; Legislative change.

SOLUTION #	SECTION HEADER	RECOMMENDATION	SOLUTION	NECESSARY ACTION
80	Eliminating Racial Disparities in the Courts	Improve pre-trial release and accountability practices	<b>Require first appearance within 48 hours or next day in which District Court is in session</b>	Judicial policy change; State policy change by Administrative Office of the Courts; Legislative change.
81	Eliminating Racial Disparities in the Courts	Improve pre-trial release and accountability practices	<b>Require preventative detention hearing within five days and repeal bond doubling</b>	Legislative change.
82	Eliminating Racial Disparities in the Courts	Improve pre-trial release and accountability practices	<b>Promote court appearance strategies and develop alternative responses to failure to appear</b>	Judicial policy change; State policy change by Administrative Office of the Courts; Local policy change; Legislative change.
83	Eliminating Racial Disparities in the Courts	Improve pre-trial release and accountability practices	<b>Create independent pretrial services and improve data collection</b>	Local policy change; State policy change by Administrative Office of the Courts.
84	Eliminating Racial Disparities in the Courts	Implement racial equity training for court system actors	<b>Require racial equity training for court system personnel, including judges, DAs, and public defenders</b>	State policy change by Administrative Office of the Courts.
85	Eliminating Racial Disparities in the Courts	Implement racial equity training for court system actors	<b>Require implicit bias and racial equity training for parole staff</b>	State policy change by the Department of Public Safety.
86	Eliminating Racial Disparities in the Courts	Implement racial equity training for court system actors	<b>Require racial equity and victim services training for Victim Compensation Fund employees and members</b>	State policy change by the Department of Public Safety.
87	Eliminating Racial Disparities in the Courts	Promote racially equitable prosecutorial practices	<b>Educate prosecutors, their staff, and officers of justice on unconscious bias in the criminal justice process and prosecutorial decision-making</b>	State policy change by the Conference of District Attorneys.
88	Eliminating Racial Disparities in the Courts	Promote racially equitable prosecutorial practices	<b>Enhance prosecutors' data collection, technology, training opportunities, and staffing</b>	Prosecutorial policy change; Legislative change.
89	Eliminating Racial Disparities in the Courts	Promote racially equitable prosecutorial practices	<b>Study and adopt evidence-based reforms for reducing and eventually eliminating racial disparities in charging decisions and prosecutorial outcomes</b>	Prosecutorial policy change; Legislative change.
90	Eliminating Racial Disparities in the Courts	Promote racially equitable prosecutorial practices	<b>Establish working groups led by district attorneys to review and approve every habitual felony charging decision</b>	Prosecutorial policy change.

SOLUTION #	SECTION HEADER	RECOMMENDATION	SOLUTION	NECESSARY ACTION
91	Eliminating Racial Disparities in the Courts	Facilitate fair trials	<b>Increase representation of North Carolinians serving on juries through expanded and more frequent sourcing, data transparency, and compensation</b>	Local policy change; Local policy change by county jury commissions; Judicial change by senior resident superior court judges; Task Force collaboration; Legislative change.
92	Eliminating Racial Disparities in the Courts	Facilitate fair trials	<b>Broaden protection against the use of preemptory challenges in jury selection for discriminatory purposes</b>	Administrative rule change by North Carolina Supreme Court.
93	Eliminating Racial Disparities in the Courts	Facilitate fair trials	<b>Provide implicit bias training to all jury system actors</b>	State policy change; State policy change of the Administrative Office of the courts; Local judicial district change; Local judicial district change by clerks of court; Task Force collaboration; Legislative change.
94	Eliminating Racial Disparities in the Courts	Facilitate fair trials	<b>Establish a state commission on the jury system, with an eye toward comprehensive reform</b>	State policy change; Legislative change.
95	Promoting Racial Equity Post-Conviction	Reduce current sentencing and incarceration disparities	<b>Increase funding for Governor's Clemency Office and Parole Commission</b>	State policy change; State policy change by the Parole Commission; Legislative change; legislative appropriations.
96	Promoting Racial Equity Post-Conviction	Reduce current sentencing and incarceration disparities	<b>Increase NCDPS flexibility on incarcerated individuals' release dates</b>	State policy change by Department of Public Safety.
97	Promoting Racial Equity Post-Conviction	Reduce current sentencing and incarceration disparities	<b>Establish a Second Look Act to reduce racially disparate sentences through the review and action of those currently incarcerated</b>	Legislative change.
98	Promoting Racial Equity Post-Conviction	Reduce current sentencing and incarceration disparities	<b>Create and fund an independent Conviction Integrity Unit with representation from prosecutors and defense lawyers and to ensure Indigent Defense Services has significant funding to pay lawyers who handle post-conviction work</b>	Legislative change.
99	Promoting Racial Equity Post-Conviction	Reduce current sentencing and incarceration disparities	<b>Amend Motion for Appropriate Relief statute to allow a judge to overcome technical defects in the interest of justice or where the petition raises a significant claim of race discrimination</b>	Legislative change.

SOLUTION #	SECTION HEADER	RECOMMENDATION	SOLUTION	NECESSARY ACTION
100	Promoting Racial Equity Post-Conviction	Reduce current sentencing and incarceration disparities	<b>Reinstate the Racial Justice Act for individuals sentenced to death</b>	Legislative change.
101	Promoting Racial Equity Post-Conviction	Reduce use of fines and fees	<b>Assess a defendant's ability to pay prior to levying any fines and fees</b>	Administrative rule change by North Carolina Supreme Court.
102	Promoting Racial Equity Post-Conviction	Reduce use of fines and fees	<b>Reduce court fines and fees</b>	Legislative change.
103	Promoting Racial Equity Post-Conviction	Reduce use of fines and fees	<b>Eliminate state government reliance on fines and fees</b>	Legislative change.
104	Promoting Racial Equity Post-Conviction	Reduce use of fines and fees	<b>Develop a process to eliminate criminal justice debt</b>	State agency policy change; Local government action; NC Supreme Court rule change; Task Force collaboration; Legislative change.
105	Promoting Racial Equity Post-Conviction	Amend incarceration facilities' practices and programming and address prison discipline	<b>Transform the use of restrictive housing</b>	State policy change by Department of Public Safety.
106	Promoting Racial Equity Post-Conviction	Amend incarceration facilities' practices and programming and address prison discipline	<b>Protect pregnant people in jails and prisons</b>	State policy change by Department of Public Safety.
107	Promoting Racial Equity Post-Conviction	Amend incarceration facilities' practices and programming and address prison discipline	<b>Enhance prison personnel</b>	State policy change by Department of Public Safety; Legislative changes.
108	Promoting Racial Equity Post-Conviction	Amend incarceration facilities' practices and programming and address prison discipline	<b>Increase funding for mental health services and programs in prisons</b>	State policy change by Department of Public Safety.
109	Promoting Racial Equity Post-Conviction	Amend incarceration facilities' practices and programming and address prison discipline	<b>Increase due process protections for people accused of disciplinary offenses</b>	State policy change by the Department of Public Safety.

SOLUTION #	SECTION HEADER	RECOMMENDATION	SOLUTION	NECESSARY ACTION
110	Promoting Racial Equity Post-Conviction	Amend incarceration facilities' practices and programming and address prison discipline	<b>Expand use of restorative justice and rehabilitation programming</b>	State policy change by Department of Public Safety.
111	Promoting Racial Equity Post-Conviction	Study and revise future sentencing guidelines	<b>Broaden the use of Advanced Supervised Release</b>	Prosecutorial policy change; Legislative change.
112	Promoting Racial Equity Post-Conviction	Study and revise future sentencing guidelines	<b>Eliminate the future use of Violent Habitual Felony Status</b>	Legislative change.
113	Promoting Racial Equity Post-Conviction	Study and revise future sentencing guidelines	<b>Eliminate future use of Habitual Felony Status for individuals under the age of 21 or convicted of non-violent drug offenses</b>	Legislative change.
114	Promoting Racial Equity Post-Conviction	Study and revise future sentencing guidelines	<b>Amend the habitual felony statute to limit the "look back" period to within 8 years of the charged offense</b>	Legislative change.
115	Promoting Racial Equity Post-Conviction	Study and revise future sentencing guidelines	<b>Analyze and report on racial disparities in sentencing laws and recommend possible changes</b>	State policy change by the Sentencing Commission.
116	Promoting Racial Equity Post-Conviction	Study and revise future sentencing guidelines	<b>Review all future sentences after 20 years or before</b>	Legislative change.
117	Promoting Racial Equity Post-Conviction	Study and revise future sentencing guidelines	<b>Prohibit capital punishment for people with serious mental illness and people 21 or younger at the time of the offense and prohibit the use of juvenile adjudications from being considered as aggravating factors</b>	Legislative change.
118	Promoting Racial Equity Post-Conviction	Study and revise future sentencing guidelines	<b>Establish a truth and reconciliation commission to study North Carolina's history of criminal justice and race</b>	State policy change; Legislative change.
119	Promoting Racial Equity Post-Conviction	Reduce collateral consequences of criminal convictions	<b>Expand voting rights to those on probation, parole, or post-release supervision for a felony conviction</b>	Legislative change.
120	Promoting Racial Equity Post-Conviction	Reduce collateral consequences of criminal convictions	<b>Opt out entirely of federal ban on SNAP benefits for individuals convicted of certain felony drug charges, eliminating 6-month disqualification period and other eligibility requirements</b>	Legislative change.
121	Promoting Racial Equity Post-Conviction	Reduce collateral consequences of criminal convictions	<b>Allow NCDMV hearing officers to waive license restoration fees and other service fees for failure to appear or failure to pay</b>	Legislative change.

SOLUTION #	SECTION HEADER	RECOMMENDATION	SOLUTION	NECESSARY ACTION
<b>122</b>	Promoting Racial Equity Post-Conviction	Reduce collateral consequences of criminal convictions	<b>Reform the Certificate of Relief petition process to create efficiencies for individuals with multiple convictions across multiple counties</b>	Legislative change.
<b>123</b>	Promoting Racial Equity Post-Conviction	Reduce collateral consequences of criminal convictions	<b>Support the Statewide Reentry Council Collaborative's recommendations</b>	State agency policy changes; Local government policy changes; Task Force collaboration; Legislative changes.

# OVERALL RECOMMENDATIONS

SOLUTION #	SECTION HEADER	RECOMMENDATION	SOLUTION	NECESSARY ACTION
124	Criminal Justice Data Collection and Reporting	Improve data collection	<b>Identify the places along the criminal justice system where data collection directly impacts the implementation, evaluation, and monitoring of the Task Force’s recommendations and broader questions of racial equity within the criminal justice system</b>	State agency policy changes; Local government policy changes; Task Force collaboration; Administrative rule change; Legislative changes.
125	Going Forward	Create permanent structure	<b>Establish the Commission for Racial Equity in the Criminal Justice System as a permanent, independent commission.</b>	State policy change; Task Force collaboration; Legislative changes.