

2023 YEAR-END REPORT

Task Force For Racial Equity in Criminal Justice

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INTRODUCTION LETTER FROM CO-CHAIRS

Dear Governor Cooper,

In November 2022, you extended the North Carolina Task Force for Racial Equity in Criminal Justice for an additional two years with a very specific mandate to continue the implementation of the Task Force's initial recommendations. You directed us to focus on local law enforcement practices and accountability, violence prevention, judicial system policies and the collection, analysis and display of criminal justice system data.

This report will summarize the work of the Task Force, the progress that has been made in specific areas, the challenges that have arisen and some of our goals for the next year.

More than any specific example of a policy that has been adopted, a program that has been established or a collaboration that we have fostered, as chairs we want to highlight the incredible commitment, perseverance, wisdom and effectiveness of our task force committee chairs and the task force members who have given so generously of their time to continue this work. You have assembled a truly remarkable group of diverse stakeholders who have been willing to listen to each other, ask hard questions, search for consensus and continue moving forward even when obstacles have arisen.

Equally important is to recognize the Attorney General's staff who facilitated a transition to new leadership while staying engaged and supportive and the Department of Public Safety staff dedicated to the Task Force work who quickly took the helm and provide crucial day-to-day support of our work.

Our substantive accomplishments for this year include the establishment of the Office of Violence Prevention, thoughtful bi-partisan dialogue on racial equity issues in the criminal justice system, and engaging reentry simulations that allow participants to experience the challenges faced by individuals returning home from incarceration.

We speak for the entire Task Force membership and the broader community that has been working with us and that is central to our efforts: thank you, Governor Cooper, for your courageous leadership on this vitally important issue.

With gratitude and in service to the people of North Carolina,

Secretary Eddie Buffaloe

Senior Associate Justice Anita Earls

TASK FORCE FOR RACIAL EQUITY IN CRIMINAL JUSTICE MEMBERS



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 Supreme Court of
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SECRETARY EDDIE BUFFALOE
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 at Duke University
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 Judicial Committee



APRIL DAWSON
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LT. BILLY GARTIN
 Raleigh Police Department
 Executive Committee



NORLAN GRAVES
 Chief Deputy General
 Counsel
 NC Department of
 Adult Correction
 Executive Committee



THE HONORABLE MIKE HAWKINS
 Former Transylvania
 County Commissioner
 Local Policy Committee



HENDERSON HILL
 Senior Counsel, ACLU
 Capital Punishment Project
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RICKY HURTADO
 Former State House
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 Alamance County
 Local Policy Committee



CHIEF JOHNNY JENNINGS
 Charlotte Mecklenburg
 Police Department
 Legislative Committee



**DEBORAH DICKS
MAXWELL**
President, North Carolina
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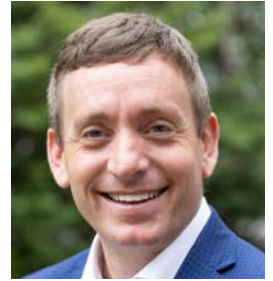
**SHERIFF
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Buncombe County
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**THE HONORABLE
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North Carolina House
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**THE HONORABLE
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**THE HONORABLE
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TALLEY WELLS
Executive Director,
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NISHA WILLIAMS
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North Carolina Coalition
Against Domestic
Violence
Judicial Committee

Introduction

The Task Force for Racial Equity in Criminal Justice (TREC) was initially established by Executive Order 145 in June 2020 by Governor Roy Cooper following the murder of George Floyd. The 25-member Task Force, originally chaired by North Carolina Supreme Court Senior Associate Justice Anita Earls and Attorney General Josh Stein, began its work by taking a holistic look at the criminal justice system and developing strategies and solutions to address racially disparate outcomes. In December 2020, TREC issued 125 recommendations to create a more fair and equitable system. These wide-ranging recommendations were organized under the following categories:

- Reimagining Public Safety
- Improving Policing Practices
- Enhancing Accountability
- Strengthening Recruitment, Training, and the Profession
- Eliminating Racial Disparities in the Courts
- Promoting Racial Equity Post-Conviction

Since submitting recommendations, TREC has worked to promote implementation. The Task Force has seen numerous successes, such as:

- The creation of a North Carolina Supreme Court rule for a procedure for defendants to file a motion for an assessment of their ability to pay legal financial obligations which the court must consider and, if necessary, conduct a hearing prior to imposing costs, fees, fines, restitution or other monetary obligations.
- The passing of S.L. 2021-123, raising the age of juvenile jurisdiction from six to ten years old in most cases and granting prosecutors flexibility to charge 16- and 17-year-olds in juvenile court instead of adult courts.
- The passing of S.L. 2021-138, which improves law enforcement recruitment, training and accountability practices by establishing a duty for officers to intervene and report when they witness another officer use excessive force and requiring law enforcement agencies to have early warning systems to support the professional development and psychological needs of officers and institute behavior interventions when needed.
- The passing of S.L. 2021-143, the Dignity for Women Who are Incarcerated Act, which restricts the shackling of pregnant women to protect their medical health and afford them dignity while incarcerated.

- The re-evaluation and re-imagining of law enforcement training to include more de-escalation and crisis intervention.
- The piloting of a North Carolina Law Enforcement Accreditation program.
- The establishment of the Juvenile Sentence Review Board within the Governor's Clemency Office.
- Furthering the support of local violence prevention initiatives, such as New Hanover County's Port City United, a violence prevention and intervention program established in the wake of school violence; Greensboro Police Department's co-responder team to respond to mental health calls; Duke University Hospital's hospital-based violence interruption program; and Raleigh Police Department's work to train its entire department on its duty-to-intervene policy.
- The creation of resources for local governments and law enforcement agencies including sample policies and information sheets on topics including use of force, diversion, restorative justice, violence prevention and more
- The creation of online maps to display programming and policies around the state that relate to TREC recommendations, so that community members and leaders can explore actors and resources around the state

Transition to



Brandy McKoy, TREC Director

In November 2022, Governor Cooper signed Executive Order 273 recognizing TREC's recommendations and accomplishments, as well as the imperative for the Task Force's vital work to continue. The executive order transitioned TREC to be housed administratively under the Department of Public Safety (DPS) and appointed Secretary Eddie Buffaloe to serve as co-chair alongside Justice Earls.

Following E.O. 273, TREC kept its structure of four committees (Executive, Judicial, Legislative and Local Policy) focused on implementing identified recommendations assigned to each committee. DPS selected a Director, Brandy McKoy, to assist with the day-to-day logistics and help advance the recommendations and projects identified by the Task Force.

This report will highlight progress made on promoting racial equity in criminal justice in North Carolina. Information in this report includes statewide updates, TREC committee updates, updates from the advisory groups and the work ahead. The report concludes with a status chart of each of the 125 TREC recommendations.



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Reentry simulation participants

Full Task Force Work

The Task Force met regularly throughout the year to report on and discuss implementation efforts, as well as hear from criminal justice experts and the public.

January 25th Planning Meeting

TREC held an in-person, half-day planning meeting to kick off the year. This meeting allowed staff to welcome new members, discuss the transition of the task force from the Department of Justice (DOJ) to DPS and prioritize the recommendations for implementation during the year. The Committees met and began discussions on prioritization. Lastly, the Task Force adopted a resolution supporting the creation of a statewide Office of Violence Prevention by Governor Cooper (see Appendix A). This resolution was an extension of Task Force Recommendation 4 to “develop and provide funding to help communities build violence prevention programs.”

February 24th Quarterly Meeting

Thaddeus Johnson, Senior Fellow, Council on Criminal Justice, and William Sabol, Professor, Georgia State University, presented on “Trends on Racial Disparities in the Criminal Justice System.” The Task Force also received updates from the committees and heard public comments.

[North Carolina Task Force for Racial Equity in Criminal Justice - YouTube](#)

April 21st Quarterly Meeting

Chief Kevin Roberts with the Clayton County, GA Police Department presented on the topic of Police Culture. Chief Roberts shared best practices for addressing police culture within his department. The Task Force also received updates from the committees and heard public comments.

[North Carolina Task Force for Racial Equity in Criminal Justice - YouTube](#)

July 28th Quarterly Meeting

The new Director of the North Carolina Office of Violence Prevention (OVP), Dr. Gerard Tate, was introduced and shared his vision for OVP. Former King County Sheriff Sue Rahr also presented on her experience as a member of President Obama’s Task Force on 21st Century Policing and discussed that Task Force’s recent publication, [A Renewed Call to Action](#). The TREC members also heard from Ms. Aneela Khalil-

Khan, a Fulbright-Stephen Lawrence Scholar, researching how police forces can utilize and improve community engagement to enhance the recruitment, retention and progression of female officers of color. The Task Force also received updates from the committees and heard public comments.

[North Carolina Task Force for Racial Equity in Criminal Justice - YouTube](#)

October 27th Quarterly Meeting

The Task Force members heard a presentation from Annie Hudson-Price from the United States Department of Justice on the topic of fines and fees in the criminal justice system. Annie Hudson-Price serves as Senior Counsel at the U.S. Department of Justice's Office for Access to Justice where she focuses on criminal justice policy, including the intersection of economic justice and our criminal legal systems. The members also welcomed Jon Powell, the Director of the Restorative Justice Clinic at Campbell University School of Law, who briefed the Task Force on a recent restorative justice case in North Carolina. The Task Force also received updates from the committees and heard public comments.

[North Carolina Task Force for Racial Equity in Criminal Justice - YouTube](#)

Statewide Updates



Dr. Gerard Tate, OVP Director

Office of Violence Prevention (OVP)

In March, Governor Cooper signed Executive Order 279, establishing a statewide Office of Violence Prevention (OVP) and fulfilling TREC Recommendation 4. OVP is a partnership between the NC Department of Public Safety (DPS) and the NC Department of Health and Human Services (DHHS). OVP will use a public health approach to implement a state-wide, whole of government approach to reduce violence. This includes sharing best practices, offering training and assistance to localities, facilitating information sharing, conducting public awareness campaigns and identifying funding for the expansion of programs statewide. Dr. Gerard Tate was hired as Executive Director of OVP, and more staff announcements will follow. An OVP Community Violence Advisory Board was also named and will provide input for the Office's strategic plan.

Deflection and Pre-Arrest Diversion Collaborative

Following TREC Recommendations 16 and 17—the Governor’s Office, in collaboration with the NC Department of Justice, the NC Department of Health and Human Services and the nonprofit research institution RTI International, joined a six-month multistate learning collaborative run by the National Governors Association to support the development of state-level deflection and pre-arrest diversion (DPAD) initiatives.

The collaborative culminated in a convening in June 2023 that brought together 130 public health officials, law enforcement, crisis intervention practitioners and others interested in expanding diversion and deflection initiatives. The convening explored the diversity of current diversion and deflection initiatives in North Carolina and examined ways that behavioral health and public safety partnerships can be expanded in communities across the state to improve trust and coordination between law enforcement and communities managing the consequences of the ongoing drug overdose crisis. The group reflected on recent findings in the evaluation of deflection programs and identified how programs can optimize operations and reach different populations in their communities.

Participants heard from Attorney General Stein, Chapel Hill Police Chief Celisa Lehew, DHHS Secretary Kody Kinsley, Durham County District Attorney Satana Deberry and others, including national experts in DPAD programs.

Department of Adult Correction (DAC)

The Department of Adult Correction focused on improving prison personnel—Recommendation 107—by implementing programs to enhance recruitment and retention. DAC implemented salary increases targeting approximately 4,000 employees that were not in a standardized salary plan. This provided either a 7% or 8% salary increase. DAC also launched the Employee Referral Bonus Pilot Program in February 2023 which enabled DAC employees to earn up to \$1,000 for referring an eligible correctional officer, correctional food service officer, probation/parole officer, registered nurse or licensed practical nurse candidate hired by DAC who stays on the job for one year. DAC also launched a retention bonus program in June 2023 for employees in 34 different classifications. The total bonus amounts ranged from \$1,500 to \$5,000 and targeted over 9,000 employees. Lastly, in October 2023, DAC implemented a career progression program to assist with retention.

The department also revamped its policies and procedures as they pertained to restrictive housing—Recommendation 105. The Disciplinary Procedures Revision

Committee drafted a new policy expected to launch in January 2024. New policy revisions included the creation of the Unit Level Disciplinary Committee to address lower-level rule violations that do not lead to restrictive housing. The policy update also included additional disciplinary credits for good behavior while in restrictive housing status. DAC also is working to become a fully accredited system by meeting national standards developed by the American Correctional Association to include standards related to restrictive housing.

DAC Victim Support Services held two pilot Victim Offender Dialogues (VOD) in 2023. VODs bring together perpetrators and victims of a crime to provide an opportunity for both parties to engage in open and facilitated communication to address the harm caused, understanding the impact of the offense and finding ways to promote healing and resolution. DAC has now begun drafting a department-wide policy for this new program. The VOD program will be initiated in 2024 after the finalization of policies and procedures, training of facilitators and DAC staff, and the implementation of a strategic statewide outreach effort.

Department of Justice (DOJ)

The North Carolina Justice Academy has completed the development of the new Basic Law Enforcement Training curriculum which includes content aligned with TREC Recommendation 56. This complete rewrite of the training resulted in an increase from 640 to 868 training hours. The first pilot delivery of this new curriculum is being conducted at Fayetteville Technical Community College with 15 additional pilot delivery sites scheduled for Winter 2024.

Specific topic areas receiving new and/or expanded content are: De-escalation, Ethical Problem-Solving, Crisis Intervention Skills, Use of Force, Duty to Intervene, Decision-Making Skills and Response to Active Assailant, to include Solo Officer Response.

The Justice Academy has also developed training for the Joint In-Service Training Committee (required for all law enforcement officers) on topics such as:

- Ethics: Preempting Misconduct and Increasing Integrity (2022)
- Incorporating a Co-Response: Partnering with Community Professionals (2022)
- The Process of De-escalation: Listening, Talking, Defensive Tactics (2022)
- Raising the Bar: Enhancing Community Engagement (2022)
- Ethics and Duty to Intervene (2023)
- Mental Health Responses (2023)

- Enhancing Community Policing (2023)
- Ethics: Increasing Professionalism (2024)
- Active Assailant: Preparation and Response (2024)
- Ethics: Leading by Example (2025)

DOJ is working to implement [Session Law 2023-6/HB 40](#), which enacts, in part, TREC Recommendation 27, regarding the development of model policies for law enforcement facilitation of peaceful protests. The report is due to the Joint Legislative Oversight Committee on Justice and Public Safety no later than March 1, 2024. The department will consult with the Department of Public Safety, the Criminal Justice Education and Training Standards Commission and the Sheriffs' Education and Training Standards Commission, as well as community stakeholders, to meet this mandate.

The Criminal Justice Education and Training Standards Commission is also undertaking rule-making to clarify the reporting periods and content for Critical Incident Reporting that was required in [Session Law 2021-138/SB 300](#). Effective January 1, 2024, every agency will be required to report any critical incidents or to report that there were “no reportable cases.” The commission believes this will lead to increased reporting.

The Sheriffs' Education and Training Standards Commission is in the process of completing the development of their Detention Officer Training Course (DOCC) and their Telecommunicator Course (TCC) which TREC expects will also include content consistent with TREC and other stakeholder recommendations.

TREC Committee Updates

Executive Committee

The Executive Committee works to support the implementation of Executive Branch-related recommendations.

Department of Public Safety (DPS) - Early Intervention, Use of Force

At the direction of DPS Secretary Eddie Buffaloe, staff convened a multi-division workgroup to consolidate and standardize DPS policies around reportable use of force and early intervention systems for law enforcement which are aligned with TREC recommendations. All DPS law enforcement divisions were represented in the workgroup: Alcohol Law Enforcement (ALE), State Capitol Police (SCP), and State Highway Patrol (SHP). The workgroup reviewed recommendations and sample policies from TREC around use of force—Recommendation 35—define and collect use of force data, and early intervention—Recommendation 34—establish early intervention systems for officers repeatedly violating use of force policies. The workgroup also extensively analyzed the use of force definition recommendation from the North Carolina Center for Law Enforcement Use of Force Reporting and Analysis Research Project.

The workgroup came to a consensus and ultimately received department leadership approval to update policies around reportable use of force and early intervention systems. This change represents the first known time in DPS history that all law enforcement divisions (ALE, SCP, and SHP) have tracked reportable use of force and early intervention systems under the same definition. In addition, all three divisions are now using the same software (IA Pro/Blue Team) that allows for easier tracking and reporting. The updated DPS policies are included on pages 16-17.

Looking towards 2024, Secretary Buffaloe has directed a workgroup to begin reviewing the DPS Division of Juvenile Justice and Delinquency Prevention use of force policy.

DPS Law Enforcement Reportable Use of Force:

A reportable use of force is an action taken to control an individual(s) by a DPS law enforcement officer acting in an official capacity, except for in approved training, which includes any of the following:

- Intentional discharge of a firearm
- Intentional pointing of a firearm at an individual(s)
- Intentional discharge of a conducted energy weapon (e.g., Taser)
- Intentional discharge of a non-lethal impact munition (including but not limited to bean bag, foam projectile, etc.)
- Intentional pointing of a conducted energy weapon at an individual(s)
- Intentional pointing of a weapon capable of discharging a non-lethal impact munition at an individual(s)
- Use of chemical agents (including but not limited to pepper spray, CS gas, etc.)
- Striking with an impact weapon (including but not limited to batons, flashlights, etc.)
- Striking techniques (this includes intentionally striking an individual with any part of the law enforcement officer's body)
- Any action that involves placing an individual on the ground through the use of physical force
- Use of joint locks, pressure points, or other similar departmentally approved techniques except as is minimally necessary to handcuff or guide an individual to another location
- Use of chokeholds or bi-lateral vascular neck restraints – NOTE: chokeholds, strangleholds, lateral vascular neck restraints, carotid restraints, or any other tactics that restrict oxygen or blood flow to the head or neck are a significant use of force and shall only be used in a situation where deadly force is justified
- Intentional vehicle-to-vehicle contact with the intent to bring a suspect vehicle to a stop, including but not limited to a Precision Immobilization Technique (PIT) maneuver and ramming
- Any of the above that results in or is connected to the death of an individual or an injury that requires medical attention or complaint of such injury to an individual

The above list represents all instances of reportable uses of force by DPS law enforcement divisions to provide for consistent tracking and reporting across the department. In certain circumstances, division-level policies and procedures may prohibit the use of an individual item or technique listed above. This list is not intended to supersede these prohibitions, but rather to require reporting and tracking if they are used.

DPS Law Enforcement Early Intervention:

If any of the following criteria is met within any consecutive twelve-month period, an Early Intervention System alert shall be created for the employee by the Internal Affairs Unit:

- Three reportable use of force incidents
- Two preventable vehicle collisions
- Three documented complaints
- Any combination totaling four of the above

Department of Health and Human Services (DHHS) - Mental Health/988 Program

The TREC Executive Committee spent time in 2023 learning about the DHHS 988 program in relation to TREC Recommendation 1 – respond more appropriately to situations concerning mental illness, autism, intellectual disabilities, substance abuse, homelessness and other nonemergency situations.

At the August TREC Executive Committee meeting, Kelly Crosbie, Director of DHHS Division of Mental Health, Developmental Disabilities and Substance Use Services, provided an update on the program. The national 988 program launched in July 2022 and provides 24-hour access to trained crisis counselors. The service can be accessed via phone call, text or chat. The North Carolina 988 vendor is REAL Crisis Intervention, Inc. This organization has been providing service statewide since 2012 as a suicide lifeline and began 988 operations in July 2022. Statistics from the first year of the program include:

- About 5,000 people call 988 each month in North Carolina
- Since its launch last July, there has been a 31% increase in North Carolinians reaching out for support
- 60% of callers are new callers
- 40% are repeat callers looking for additional support
- 90% of individuals with thoughts of suicide reported improvement in how they were feeling by the end of their call
- North Carolina's average speed to answer is 19 seconds, while the national average is 41 seconds (at the start of last year, the national average was 2 minutes and 39 seconds)

The TREC Executive Committee elected to form a 988 subcommittee to discuss ways TREC could further support the program. Director Crosbie reported the need for increased funding and increased awareness of the program statewide. To support the need for increased awareness, the subcommittee invited Director Crosbie and her staff to present to the TREC Law Enforcement Advisory Group (LEAG). DHHS staff presented at the August LEAG meeting to solicit feedback about a potential collaboration between TREC, law enforcement, and the 988 program. Discussions around possibilities for collaboration continue, as the TREC Executive Committee also explores additional opportunities for promoting awareness of the 988 program.

Department of Adult Correction (DAC) – Restorative Justice

In support of TREC Recommendation 61 – regarding the establishment and funding of restorative justice programs in local communities across the state, including during incarceration, and Recommendation 110 which calls for providing restorative justice programming at every correctional unit in the state, the TREC Executive Committee devoted multiple meetings to this topic. At the July meeting, the Committee learned about the restorative justice and victim offender dialogue (VOD) program at DAC. DAC recently hosted the first VOD session at Orange Correctional Center. The Committee heard an in-depth review of the process, including an update from Holly Gilmore who was a participant in the VOD. Other attendees included Val Hanson with the Dispute Settlement Center and Jon Powell with the Campbell University Restorative Justice Clinic. Hanson and Powell helped facilitate the dialogue session and provided an overview of best practices for the Committee.

The committee chose to take on the issue of restorative justice and continue the discussions around promoting DAC’s victim offender dialogue program. At the TREC Executive Committee’s October meeting, the group heard from Kim Banko, Director, DAC Victim Support Services. Director Banko provided an overview of best practices, including the 20 Essential Principles of Victim-Centered Victim Offender Dialogue. Director Banko also presented an overview of policies and best practices from other states who have implemented similar VOD programs. In addition, TREC member Emily Coward presented a draft resolution for the committee’s consideration. The committee endorsed the resolution which expresses TREC’s continued support for VOD programs to be implemented at all state-managed prisons and the implementation of a formal VOD policy at DAC. Committee members also discussed ways DAC could publicize the VOD program upon implementation and emphasized the importance of considering equity in outreach and program implementation.

At the October TREC meeting, Jon Powell presented to the full Task Force an overview of the VOD session at Orange Correctional and gave an overview of key restorative

justice practices. The full Task Force will consider the committee's resolution in favor of a formal VOD policy at a future meeting.

Looking forward, the TREC Executive Committee will continue to work closely with DAC staff as the VOD policy is finalized and a program formally implemented. Additional opportunities for partnership regarding restorative justice include learning about the VOD program status within the Department of Public Safety's Juvenile Justice and Delinquency Prevention Division.

NC Department of Justice - NCLEA

The TREC Executive Committee spent time this year on Recommendation 46 — strengthen the ongoing development of a statewide law enforcement accreditation program. At the March meeting, TREC Executive Committee members heard from Jeffrey Smythe, Director of the NC Department of Justice Criminal Justice Standards Division. Director Smythe provided a status update on the NC Law Enforcement Accreditation (NCLEA) program. Accreditation through NCLEA is voluntary for law enforcement agencies in North Carolina. Accreditation promotes both accountability and transparency and can enhance public confidence and trust in law enforcement. Executive committee members emphasized their support for NCLEA and discussed ways for partnership going forward.

NCLEA continues to grow with many successes achieved this calendar year. The Sheriffs' Education and Training Standards Commission and the Criminal Justice Education and Training Standards Commission approved NCLEA in June 2023, a critical step in the process of expanding the program. In addition, the *NCLEA Standards Manual*, a program guide has been adopted by both Commissions.

After the development and pilot program for NCLEA, four agencies were successfully accredited this summer. The first agencies were accredited by the North Carolina Criminal Justice Education and Training and Standards Commission on August 11, 2023. Those agencies are the Roxboro Police Department, the Wilmington Police Department and the North Carolina State University Police Department. The fourth accreditation award was presented by the North Carolina Sheriffs' Education and Training Standards Commission to the Brunswick County Sheriff's Office. NCLEA is jointly administered by both commissions.

The NCLEA program is accepting applications from agencies across North Carolina and has quickly enrolled more than 40 agencies. The program is free to agencies and is designed to dramatically improve professionalism and reduce liability for agencies.

Judicial Committee

The Judicial Committee of TREC is comprised of members who spend their time in and around the North Carolina criminal justice system as prosecutors, judges, advocates and educators. Their focus in 2023 centered around how best to implement TREC recommendations regarding fairness and impartiality of the criminal justice system, as well as supporting people reentering the community from incarceration.

The Judicial Committee's projects highlighted four key topics: (1) structural, legal and cultural obstacles faced by justice-involved individuals when they are released from prison; (2) creating criminal jury pools that accurately represent the community; (3) addressing fines and fees associated with criminal convictions; and (4) school justice partnerships to eliminate the school-to-prison pipeline.

Re-Entry Simulation

The flagship project for the Judicial Committee in 2023 was the creation and sponsorship of a re-entry simulation event held on September 8, 2023 at North Carolina Central University in Durham, NC. A re-entry simulation is an educational outreach event intended to highlight the structural challenges faced by individuals who are transitioning from incarceration back into their communities. Participants in these simulations receive a packet of materials designed to mimic the circumstances of formerly incarcerated people, and participants try to accomplish a number of tasks that are typically required of reentering people: getting a driver's license or other form of identification, obtaining a job and finding food, housing and transportation. Participants in the simulation quickly learn how difficult it can be to accomplish those tasks given the limitations of their particular situations and how seemingly trivial or unintentional non-compliance can result in returning to jail.

The September simulation event was hosted by DPS Secretary Eddie Buffaloe and co-sponsored by the TREC Judicial Committee, DPS, North Carolina Central University School of Law, the Department of Adult Correction, the United States Attorney's Office for the Middle District of North Carolina and Conservatives for Criminal Justice Reform. Over 70 individuals participated in the simulation which was supported by over 25 volunteers and staff. These participants included members of the North Carolina General Assembly, sheriffs and police chiefs, members of re-entry councils and advocates from across the criminal justice system.

After participating in the program, attendees were able to discuss how the simulation affected them. Many commenters noted how they had underestimated how frustrating the process could be for formerly incarcerated people and how the simulation opened

“What made the [re-entry simulation event] exponentially impactful was how many leaders in our community and justice systems took time to embody and experience the lives of individuals reentering from prison.”

Talley Wells, Executive Director, NC Council on Developmental Disabilities (NCCDD)



their eyes to the many hurdles people face when trying to return to their communities. Participants were then able to hear a speaker who had served time in North Carolina prisons before being released and was working with reentering people who are trying to re-assimilate into society.

Moving forward, the Judicial Committee intends to support the Department of Adult Correction reentry simulation programs throughout the state.

Representative Jury Pools

Another key project of the Judicial Committee focused on TREC Recommendation 91 – to “increase representation of North Carolinians serving on juries through expanded and more frequent sourcing, data transparency and compensation.”

In November 2023, the Judicial Committee distributed to all North Carolina Superior Court judges tips to increase jury pool yield and ensure a representative jury pool. This document provided simple suggestions for improving master jury lists which are created in most counties on a biennial basis in odd-numbered years.

Some of the strategies highlighted in the document have been recently implemented in North Carolina jurisdictions, and early anecdotal reports are promising. For example, in Buncombe County, juror addresses are run through the USPS change of address database before they are mailed. Court actors report that this seems to have reduced undeliverable summonses which research shows increases both juror yield and jury pool diversity. Orange County recently began updating the Master Jury List annually which appears to have increased jury pool diversity. In Iredell County, follow-up mailings to non-responsive jurors have increased juror yield and possibly jury pool diversity as well. While more research is needed to understand these impacts, initial reports suggest that strategies that have proven effective at diversifying jury pools elsewhere in the country have the potential to make a positive impact in North Carolina as well.

By improving the accuracy and yield of jury pools, the Judicial Committee hopes to improve fairness in criminal jury trials and achieve the Constitutional right to an impartial jury of one’s peers.

Fines and fees

The Judicial Committee also focused on TREC Recommendations 101 through 104 – to reduce court fines and fees accumulated by defendants during the course of their time in the criminal justice system. The committee heard information from Senior Resident Superior Court Judge Carla Archie regarding efforts being made throughout the state to address issues related to fines and fees. As part of that discussion, the committee discussed Form 415, which was first rolled out in 2022 to allow criminal defendants to request relief from fines, fees and other monetary obligations if they had a documented inability to pay. This form was created as a result of a Supreme Court rule that TREC recommended.

School Justice Partnerships

Finally, the Judicial Committee devoted time to TREC Recommendation 24 — encouraging School Justice Partnerships to reduce students’ juvenile court involvement.

School Justice Partnerships are groups of community stakeholders—including school administrators, law enforcement, court system actors, juvenile justice personnel and others—that develop and implement effective strategies to address student misconduct. These groups work to reduce the number of suspensions, expulsions and referrals to the justice system by quickly and constructively addressing student misconduct when and where it happens, helping students succeed in school and preventing negative outcomes for both youth and their communities.

The Judicial Committee continues to focus on School Justice Partnerships, with a goal of increasing the number and strength of these groups throughout 2024.

“Being a law enforcement practitioner for over thirty-five years, I thought I had a pretty good idea of these barriers. Not until I participated in the reentry simulation, did I understand how frustrating and how difficult it is for someone coming home to navigate through the [system].”

Sheriff Clarence Birkhead, Sheriff Durham County

Legislative Committee

In 2023, the Legislative Committee members focused their implementation work on raising awareness. They identified several TREC recommendations that had bipartisan consensus but had failed to pass the General Assembly in previous sessions. The committee hosted two virtual bipartisan panel discussions on topics including fines and fees — TREC Recommendations 101 through 104, driver’s license restoration — TREC Recommendation 121 and juvenile life without parole — TREC Recommendation 69. Hosting these panel discussions virtually allowed the committee to get panelists from across the state and nation.

Panel Discussion 1 - Indigent Defense Counsel and Driver's License Restoration

April 18, 2023

10am via WebEx and YouTube - <https://www.youtube.com/watch?v=j6SH9KnNXtk>

Summary: North Carolinians come to the issue of reforming our criminal justice system from a variety of perspectives. Two areas where there is increasing consensus are the need to provide adequate funding for indigent defense counsel and to restore driver's licenses for people with non-driving related suspensions. This panel will bring together experts from across the political spectrum to discuss these issues and how we can make progress together.

Criminal Justice Reform Across the Political Spectrum: Indigent Defense and Driver's License Restoration



Sponsored by

Task Force for Racial Equity in Criminal Justice and
Conservatives for Criminal Justice Reform

webinar platform: WebEx and YouTube **April 18, 10am**

North Carolinians come to the issue of reforming our criminal justice system from a variety of perspectives. Two areas where there is increasing consensus are the need to provide adequate funding for indigent defense counsel and to restore driver's licenses for people with non-driving related suspensions. This discussion will bring together experts from across the political spectrum to discuss these issues and how we can make progress together.

Laura Holland, License Restoration, NCJC

Doug Kellogg, License Restoration, Americans for Tax Reform

Aisha McWeay, Indigent Defense, Vanderbilt Law & Still She Rises

Matt Martens, Indigent Defense, Author

Jennifer Harjo, Public Defender, New Hanover County

The moderator for this discussion is: **Senator Mujtaba A. Mohammed**

Watch the event live at <https://www.youtube.com/@NCPublicSafety/streams>



Scan to register

April 18, 2023, Bi-Partisan Event Registration

Panel Discussion 1 – Panelist Biographies

Quisha Mallette: Quisha is a staff attorney at the North Carolina Justice Center’s Fair Chance Criminal Justice Project. Her work focuses primarily on statewide coalition building and policy advocacy to end criminal justice debt and improve access to housing and employment for individuals directly impacted by the criminal legal system.

Doug Kellog: Doug is State Projects Director for Americans for Tax Reform. ATR was founded by Grover Norquist in 1986 at the request of President Reagan to advocate for tax reform that saves taxpayer dollars. Doug leads ATR’s efforts on criminal justice and free speech policies.

Aisha Mcweay: Aisha is a career public defender and indigent defense advocate. She is the Executive Director of Still She Rises which provides a holistic defense exclusively to mothers. She is also an adjunct professor of law at both Vanderbilt and UVA.

Matt Martens: Matt Martens: Matt is a former prosecutor, a former law clerk to the U.S. Supreme Court Chief William Rehnquist and author of the forthcoming book entitled *Reforming Criminal Justice: A Christian Proposal*.

Jennifer Harjo: Jennifer is the Chief Public Defender for the New Hanover County Public Defender’s office and has served in this role since 2008. She represents indigent clients in criminal defense, juveniles in the juvenile justice system and parents in Family Court. She practices in both District and Superior Court, as well as DWI Treatment Court. She is a graduate of the University of Tulsa College of Law.

“The conversations our panel discussions generated show how thoughtful the dialogue can be and how close both sides of the aisle are on some of these important criminal justice issues.”

Senator Mujtaba Mohammad, North Carolina Senate

Panel Discussion 2 - Juvenile Life Without Parole

October 2, 2023

1pm via WebEx and YouTube - <https://www.youtube.com/watch?v=swvIEsqcY5E>

Summary: North Carolinians can work together to discuss reforms to our criminal justice system from a variety of perspectives. One topic that draws support from both sides of the aisle is the issue of juvenile life without parole. This event will bring together a panel of experts from across the political spectrum to discuss how we can make progress together.

Task Force for Racial Equity in Criminal Justice (TREC) Juvenile Life Without Parole

North Carolinians can work together to discuss reforms to our criminal justice system from a variety of perspectives. One topic that draws support from both sides of the aisle is the issue of juvenile life without parole. This event will bring together a panel of experts from across the political spectrum to discuss how we can make progress together.

Live Stream: <https://www.youtube.com/@NCPublicSafety/streams>

October 2 from 1pm-2pm (Virtual)

Topic: Juvenile Life Without Parole
Moderator: Representative Marcia Morey

Sponsored by the Taskforce for Racial Equity in Criminal Justice



Scan to register

October 2, 2023, Bi-Partisan Event Registration

“TREC’s panel discussions on criminal fines and fees and juvenile life without parole have generated thoughtful, bipartisan dialogue. Partisan divides on criminal justice issues can often be bridged with facts and understanding.”

Representative Marcia Morey, North Carolina House of Representatives

Panel Discussion 2 – Panelist Biographies

Representative Jon Hardister: Representative Hardister was one of the primary sponsors of HB 424 in 2021 to eliminate JLWOP. Rep. Hardister is in his 6th term representing Guilford County in the North Carolina House of Representatives. Since taking office, Rep. Hardister has proven to be one of the most effective leaders in the General Assembly. He has passed numerous bills, chaired committees and received several awards for his work. His colleagues elected him to serve as the House Majority Whip. Rep. Hardister was born and raised in Greensboro, North Carolina.

Representative Charles Smith: Representative Smith is a freshman legislator from Cumberland County. In 2017, he graduated from the University of North Carolina School of Law and returned to Cumberland County as an Assistant District Attorney. As an ADA, he prosecuted a variety of cases but primarily handled domestic violence and child abuse matters. In 2020, he entered private practice in Fayetteville and focuses on civil litigation/appellate matters.

Senator Diane Larson: Senator Larson worked for 23 years as a civilian at the Bismarck Police Department and as a youth worker in the Police Youth Bureau which provides crisis intervention and education. She served in the North Dakota House of Representatives from 2012-2015 and in the North Dakota Senate from 2016 to the present. She has chaired the Senate Judiciary Committee since 2019. She is also on the Board of Directors for the Children’s Advocacy Center which collects forensic evidence for children who are victims of sexual and physical assault and provides follow-up counseling for the children and their families.

District Attorney Jeff Nieman: DA Nieman worked in the District Attorney’s office for over 16 years before becoming District Attorney. He believes that a prosecutor’s role in the court system is to look at the facts and to seek justice and is an advocate for rehabilitation, racial justice and ending the criminalization of poverty. In 2012, Jeff created Outreach Court in Orange County which seeks rehabilitative alternatives to incarceration for defendants experiencing homelessness, the first diversion court of its kind in North Carolina. He also co-founded the Driver’s License Restoration Project to provide indigent people with free counseling to recover their licenses. Jeff Nieman is a lifelong resident of Orange County and lives in Chapel Hill.

Panel Discussion 2 – Panelist Biographies

Reverend Jason Hackett: Dr. Hackett is a Clinical Chaplain at Piedmont Correctional Institution where he administers pastoral care to staff and incarcerated people. He believes in promoting the growth of others through spiritual enrichment and self-development. Dr. Hackett is currently 1 of 4 North Carolina State Religious Practice Committee members determining religious practice within the Department of Adult Corrections. He is an integral member of the North Carolina Transitional Aftercare Network (TAN) which trains individuals, agencies, faith-based organizations and community organizations to mentor incarcerated people. As a visionary, Dr. Hackett has initiated religious and self-development programs and provided graduation opportunities for incarcerated people in preparation for re-entry.

Anthony Willis: Anthony was formerly incarcerated and received a sentence of life in prison without parole in 1997 for killing a Fayetteville store owner when he was 16. His sentence was commuted by Governor Cooper after review and consideration of the Juvenile Sentencing Review Board. He has committed his post-release life to raising awareness on this issue.

Reverend Tim Webster: Reverend Webster is an elder in the Western North Carolina Conference of the United Methodist Church. He currently serves 3 rural churches in Randolph County, and his previous ministry experience includes pastoring in Alabama, various cities in Mexico, Charlotte, NC and, since 2020, Trinity, NC. He is a member of the High Point NAACP and just recently became the Chair of the Criminal Justice Committee. Rev. Webster has been involved in Epiphany ministries for several years which holds spiritual retreats with incarcerated juveniles. He's held retreats at the youth detention center in Morganton, NC and the facility in Concord, NC.

The TREC Legislative Committee plans to continue raising awareness on criminal justice reform issues that have bipartisan support. Their goal is to sponsor additional panel discussions in 2024

Local Policy Committee

In 2023, the Local Committee decided to organize its implementation work via four projects: the local leaders project, the culture project, the law enforcement outreach project and the grassroots project. TREC members were assigned to each project team to advance TREC ideas at the local level across North Carolina.

Local Leaders Project

This project has been focused on identifying local champions for racial equity in criminal justice and criminal justice reform in local government and giving them the tools to implement recommendations of interest in their local communities. To that end, TREC created a tailored document that identifies recommendations local leaders could implement and also gives them resources, such as funding, training, and technical assistance leads to help them achieve their goals. TREC members have taken this document as a tool to have conversations with local leaders across North Carolina. For example, the presentation for Henderson County included Fletcher, Hendersonville, Laurel Park, Flat Rock, and Mills River. There was also a presentation to the Brevard City leadership and the Transylvania Economic Development Alliance.

This project also continued its regular engagement with the North Carolina League of Municipalities and the North Carolina Association of County Commissioners.



Presentation to Henderson County elected officials

Culture Project

After the murder of Tyre Nichols in Memphis, Tennessee, TREC members discussed what to do when law enforcement agencies have sound policies and procedures, but racial justice and excessive force issues still arise. The Local Committee contemplated how to try to measure law enforcement culture. DOJ, TREC and the Wilson Center for Science and Justice at Duke Law partnered to develop a survey to be used by police chiefs and sheriffs to better understand how their officers approach their work and perceive the culture in their agency. The goal of the survey is to provide insight into agency culture and provide actionable steps that leaders can take to enhance perception of culture within their agency.

Once the project receives Internal Review Board approval, to ensure proper ethics for the study, the survey will be piloted and then broadly disseminated to agency leaders across the state. Results from this project will be available in 2024.

Grassroots Project

To help TREC become more effective in communications and partnering with organizations at the local level, the Local Policy Committee is assembling a list of North Carolina grassroots organizations engaging in criminal justice related work in their communities. TREC members understand that much of this work is done at the grassroots level and wants to better understand the needs of communities across the state and work productively towards solutions. In October, forty organizations in the Triangle area were sent a survey to better understand and map their focus areas.

Law Enforcement Advisory Group

The Law Enforcement Advisory Group continued its work to provide critical feedback to TREC members and staff on the perspective of local law enforcement when implementing change within the criminal justice system. The advisory group met quarterly throughout 2023. Topics included the murder of Tyre Nichols in Memphis, law enforcement culture and how to measure that culture and the newly established 988 suicide and crisis line and its impact on law enforcement. The group is convening in person in January to prioritize focus areas for 2024.

CJAC Data Advisory Group

Using the TREC Data Advisory Group as a model, the Criminal Justice Analysis Center (CJAC), housed within the Governor’s Crime Commission (GCC) created its own data advisory group in 2023. The purpose of the group is to provide a forum for sharing critical information — including racial disparities— across agencies and raise important questions to support evidence-based policy in North Carolina. The Group is comprised of data-focused representatives from agencies throughout the state’s criminal justice and social service systems and is staffed by the CJAC. The focus of the group is to increase efficiency in the collection, analysis, reporting and sharing of North Carolina’s justice-related data across agencies and will include the evaluation and analysis of racial disparities within the criminal justice system.

The CJAC Data Advisory Group and CJAC staff agreed to complete the criminal justice data landscape analysis that was initiated by TREC’s previous Data Advisory Committee. This is expected to be completed in early 2024. The group also met with representatives from **Justice Counts**, a national group working to establish consensus-driven metrics to ensure timely, accurate and accessible data on public safety and criminal justice, and discussed current state government-led efforts underway to facilitate data-sharing and the resulting benefits.

“My experience on TREC has taught me we can’t expect to eradicate [racial biases] overnight, but [we can] keep pushing forward step by step towards an equitable justice system.”

Kerwin Pittman, Founder, Recidivism Reduction Educational Program Services

Implementation Status Charts

Reimagining Public Safety					
Solution Number	Recommendation	Solution	Necessary Action	Implementation Effort	Status
1	Reimagine public safety and reinvest in communities	Respond more appropriately to situations concerning mental illness, autism, intellectual disabilities, substance abuse, homelessness and other non-emergency situations	Local policy change; Administrative rule change by Standards Commissions; Legislative change	Governor's Crime Commission/ DHHS - Funding Opportunity	Partial Success
2	Reimagine public safety and reinvest in communities	Add crisis intervention training for current law enforcement officers	Local policy change; State administrative rule change by the Standards Commissions; Legislative change	Standards Commissions	Success
3	Reimagine public safety and reinvest in communities	Fund grassroots organizations that employ promising and peaceful strategies to help communities promote public safety	Local policy change; State policy change	Local Implementation Work	Partial Success
4	Reimagine public safety and reinvest in communities	Develop and provide funding to help communities build violence prevention programs	Local policy change; State policy change	Governor's Crime Commission/ Funding Opportunity	Success
5	Reimagine public safety and reinvest in communities	Form local Community Safety and Wellness Task Forces to examine public safety and wellness needs	Local policy change	Local Implementation Work	Partial Success

Implementation Status Charts

Improving Policing Practices					
Solution Number	Recommendation	Solution	Necessary Action	Implementation Effort	Status
6	Strengthen community policing practices	Adopt community policing philosophies and plans in collaboration with the communities law enforcement serve	Local agency policy change; State agency policy change	Local Implementation Work	Partial Success
7	Strengthen community policing practices	Train law enforcement agency heads on community policing	State policy change by North Carolina Justice Academy	Legislative	Partial Success
8	Strengthen community policing practices	Encourage or require officers to spend non-enforcement time, or live in, the neighborhoods they serve	Local agency policy change; State agency policy change; Local government policy change	Local Implementation Work	In Progress
9	Strengthen community policing practices	Publicly acknowledge mistakes by law enforcement to build trust and transparency	Local agency policy change; State agency policy change	Local Implementation Work	In Progress
10	Reform investigations	Improve law enforcement drug enforcement data collection and reporting	Legislative change	Legislative	In Progress
11	Reform investigations	Use data and objective criteria, instead of officers' subjective perceptions and beliefs, to drive the level of police presence in neighborhoods	State policy change; Local policy change	Recommendation with Task Force	Partial Success
12	Reform investigations	Deemphasize felony drug possession arrests for trace quantities under .25 grams	State agency policy change; Local agency policy change	Local Implementation Work – Model Policy	Partial Success
13	Reform investigations	Prioritize traffic stops that improve traffic safety	State agency policy change; Local agency policy change	Local Implementation Work – Model Policy	Partial Success
14	Reform investigations	Require all consent searches to be based on written, informed consent	State agency policy change; Local agency policy change; Legislative change	Local Implementation Work – Model Policy	Partial Success
15	Reform investigations	Restrict state law enforcement use of asset forfeiture on low-level seizures where there is no conviction	Agency policy change; Task Force collaboration; Legislative change	Recommendation with Task Force	In Progress
16	Promote diversion and other alternatives to arrest	Establish and expand access to diversion programs	State policy change; Local policy change; Legislative change	Department of Health and Human Services – Funding Opportunity; Inclusion in Budget	Partial Success

Implementation Status Charts

Improving Policing Practices					
Solution Number	Recommendation	Solution	Necessary Action	Implementation Effort	Status
17	Promote diversion and other alternatives to arrest	Treat addiction as a public health crisis, including substance use addictions that disproportionately impact Black and brown communities, such as crack cocaine	State policy change; Task Force collaboration	Local Implementation Work – Model Policy	Partial Success
18	Promote diversion and other alternatives to arrest	Encourage citations and summons in lieu of arrest whenever possible	State agency policy change; Local agency policy change; Legislative change	Local Implementation Work – Model Policy	Partial Success
19	Revise the role of School Resource Officers	Hire behavioral health professionals in schools	Local policy change; Legislative change	Legislative	Partial Success
20	Revise the role of School Resource Officers	Fund school personnel training on mental health, first aid, cultural competence/diversity/inclusion and developmental disability	Local policy change; Legislative change	Legislative	Partial Success
21	Revise the role of School Resource Officers	Develop inclusive processes for selecting and overseeing SROs	Local policy change	Local Implementation Work	In Progress
22	Revise the role of School Resource Officers	Train all public school employees and SROs on the proper role of SROs	State policy change by the Department of Public Instruction and the Justice Academy	North Carolina Center for Safer Schools/North Carolina Justice Academy	Partial Success
23	Revise the role of School Resource Officers	Collect data on discipline in schools and school-based referrals to the juvenile courts	State policy change by the Department of Public Instruction and the Department of Public Safety; Local agency policy change	Department of Public Safety	Success
24	Revise the role of School Resource Officers	Encourage School Justice Partnerships to reduce students' juvenile court involvement	Local policy change	Administrative Office of the Courts	Partial Success
25	Revise the role of School Resource Officers	Support Task Force on Safer Schools State Action Plan	Task Force collaboration	Recommendation with Task Force	Success
26	Codify judicial approval of no-knock warrants and clarify requirements for use of force in serving search warrants	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	Legislative change	Legislative	In Progress

Implementation Status Charts

Improving Policing Practices					
Solution Number	Recommendation	Solution	Necessary Action	Implementation Effort	Status
27	Peacefully facilitate protests and demonstrations	Adopt a mandatory statewide policy on law enforcement facilitation of peaceful demonstrations	Local agency policy change; State agency policy change; State administrative rule change by the Standards Commissions	Department of Public Safety	Partial Success
28	Peacefully facilitate protests and demonstrations	Create and update protest guidelines to consider best practices and First Amendment concerns	State administrative rule change by the Standards Commissions	Standards Commissions	Success
29	Peacefully facilitate protests and demonstrations	Review and update protest and demonstration training	State policy change by North Carolina Justice Academy; State administrative rule change by the Standards Commissions; Task Force collaboration	North Carolina Justice Academy	Success
30	Peacefully facilitate protests and demonstrations	Commission a study on racial disparities in how protests and demonstrations are policed in North Carolina	State policy change	Study	In Progress
31	Revise use of force policies	Strengthen use of force practices including to prohibit neck holds and require the use of the minimum amount of force necessary	Local agency policy change; State agency policy change; Legislative change	Legislative	Partial Success
32	Revise use of force policies	Require officers to have first aid kits and render aid	Local agency policy change; State agency policy change	Local Implementation Work	Partial Success
33	Revise use of force policies	Enact agency policies requiring a duty to intervene and report excessive use of force or other abuse	Local agency policy change; State agency policy change	Legislative	Success
34	Revise use of force policies	Establish early intervention systems for officers repeatedly violating use of force policies	Local agency policy change; State agency policy change; Legislative change	Legislative	Success
35	Revise use of force policies	Define and collect use of force data	Local agency policy change; State agency policy change	Legislative	Partial Success

Implementation Status Charts

Enhancing Accountability					
Solution Number	Recommendation	Solution	Necessary Action	Implementation Effort	Status
36	Improve law enforcement accountability and culture	Expand investigative and oversight authority of local citizen oversight boards	Local policy change; Legislative change	Legislative	In Progress
37	Improve law enforcement accountability and culture	Reform investigation and prosecution procedures for officer-involved use of force incidents	Legislative change	Legislative	Partial Success
38	Improve law enforcement accountability and culture	Establish statewide sentinel event reviews to evaluate law enforcement practices and suggest policy changes	State agency policy change by Standards Commission; Local agency policy change; Legislative change	Recommendation with Task Force	In Progress
39	Improve law enforcement accountability and culture	Support Rap Back Program	Task Force collaboration; Legislative change	Legislative	Success
40	Improve law enforcement accountability and culture	Revise standards to require that officers not engage in excessive or unjustified use of force or abuse the power of the position	State administrative change by Standards Commissions	Standards Commissions	In Progress
41	Improve law enforcement accountability and culture	Expand authority to allow for suspension, revocation, or denial of certification based upon an officer's excessive use of force or abuse of power	State administrative change by Standards Commissions	Standards Commissions	In Progress
42	Improve law enforcement accountability and culture	Require notification by both the officer and the agency for specific use of force incidents	State administrative change by Standards Commissions; Task Force collaboration	Standards Commissions	In Progress
43	Improve law enforcement accountability and culture	Increase transparency about officer discipline and decertification through a publicly available database	NCDOJ policy and procedure change; Task Force collaboration	Legislative	Success
44	Improve law enforcement accountability and culture	Support psychological screenings for all law enforcement officers	State administrative change by Standards Commissions	Legislative	Success

Implementation Status Charts

Enhancing Accountability					
Solution Number	Recommendation	Solution	Necessary Action	Implementation Effort	Status
45	Improve law enforcement accountability and culture	Repeat psychological evaluations either after a certain number of years of service or before promotion	State administrative change by Standards Commissions	Standards Commissions	In Progress
46	Improve law enforcement accountability and culture	Strengthen the ongoing development of a statewide law enforcement accreditation program	Administrative rule change by Standards Commissions; Task Force collaboration; Legislative change	Standards Commissions	Success
47	Mandate use of body worn/ dashboard cameras and increase transparency of footage	Mandatory body worn cameras for all law enforcement agencies	Legislative change	Legislative	In Progress
48	Mandate use of body worn/ dashboard cameras and increase transparency of footage	Deploy dashboard cameras in all patrol and field vehicles, except for undercover vehicles	Local agency policy change; State agency policy change; Legislative change	Legislative	In Progress
49	Mandate use of body worn/ dashboard cameras and increase transparency of footage	Provide citizen oversight boards and local government governing bodies access to law enforcement recordings	Local agency policy change; State agency policy change; Legislative change	Legislative	In Progress
50	Mandate use of body worn/ dashboard cameras and increase transparency of footage	Require police recordings of critical incidents to be publicly released within 45 days	Legislative change	Legislative	In Progress

Implementation Status Charts

Strengthening Recruitment, Training, and the Profession

Solution Number	Recommendation	Solution	Necessary Action	Implementation Effort	Status
51	Recruit and retain a racially equitable work force	Develop and disseminate best practices guide for recruitment and retention	Local agency policy change; State agency policy change; Administrative rule change by Standards Commissions; Task Force collaboration; Legislative change	Legislative	Success
52	Recruit and retain a racially equitable work force	Expand Criminal Justice Fellows program statewide	Legislative change	Legislative	Partial Success
53	Recruit and retain a racially equitable work force	Collect data on law enforcement recruitment and diversity efforts	Local agency policy change; State agency policy change; Administrative rule change by Standards Commissions; Legislative change	Standards Commissions	Success
54	Recruit and retain a racially equitable work force	Ensure the North Carolina Administrative Code provisions regarding Minimum Standards and Revocation, Denial and Decertification are the same for both Commissions	Administrative rule change by Standards Commissions	Standards Commissions	Success
55	Recruit and retain a racially equitable work force	Require law enforcement agencies of a certain size to create a diversity task force	Local agency policy change; State agency policy change; Task Force collaboration; Legislative change	Legislative	In Progress
56	Train law enforcement to promote public safety and earn community support	Revamp basic enforcement training	State policy change by the Standards Commissions and the North Carolina Justice Academy; Administrative code changes; Legislative change	North Carolina Justice Academy	Success
57	Train law enforcement to promote public safety and earn community support	Recommend changes to in-service training	State policy change by North Carolina Justice Academy; Administrative rule change by Standards Commissions; Legislative change	Legislative	Partial Success

Implementation Status Charts

Strengthening Recruitment, Training, and the Profession

Solution Number	Recommendation	Solution	Necessary Action	Implementation Effort	Status
58	Train law enforcement to promote public safety and earn community support	Require trainings on internal law enforcement agency policies	Local agency policy change; State agency policy change	North Carolina Justice Academy	Partial Success
59	Train law enforcement to promote public safety and earn community support	Evaluate law enforcement training programs for effectiveness and desired outcomes	State policy change by North Carolina Justice Academy; Task Force collaboration; Legislative change	North Carolina Justice Academy	In Progress
60	Enhance the law enforcement profession	Study the effects of officers' physical and mental health on job performance	Local agency policy change; State agency policy change; State administrative rule change by the Standards Commissions	Standards Commissions	Partial Success

Eliminating Racial Disparities in the Courts

Solution Number	Recommendation	Solution	Necessary Action	Implementation Effort	Status
61	Support restorative justice initiatives and victim equity	Establish and fund restorative justice programs in local communities across the state and at various points of the criminal justice system	Local policy change	Governor's Crime Commission - Funding Opportunity	Partial Success
62	Support restorative justice initiatives and victim equity	Form a victim advisory group to help develop restorative justice programs and other equity programs for crime victims	Local policy change; Task Force collaboration	Recommendation with Task Force	Success
63	Support restorative justice initiatives and victim equity	Improve and expand access to North Carolina's Victim Compensation Fund to increase racial equity	State policy change by the Department of Public Safety	Department of Public Safety	Partial Success
64	Support restorative justice initiatives and victim equity	Screen incarcerated individuals for victimization and provide appropriate services	State policy change by the Department of Public Safety	Department of Adult Correction	Success

Implementation Status Charts

Eliminating Racial Disparities in the Courts					
Solution Number	Recommendation	Solution	Necessary Action	Implementation Effort	Status
65	Support restorative justice initiatives and victim equity	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	State policy change; Task Force collaboration	Recommendation with Task Force	Partial Success
66	Stem the school to prison pipeline and rethink juvenile justice	Raise the minimum age of juvenile court jurisdiction to 12	Legislative change	Legislative	Partial Success
67	Stem the school to prison pipeline and rethink juvenile justice	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	Legislative change	Legislative	In Progress
68	Stem the school to prison pipeline and rethink juvenile justice	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	Legislative change	Legislative	Partial Success
69	Stem the school to prison pipeline and rethink juvenile justice	Replace juvenile life without parole with life with parole sentences and parole eligibility after twenty-five years for first degree murder convictions	Legislative change	Legislative	In Progress
70	Stem the school to prison pipeline and rethink juvenile justice	Establish a juvenile review board within the Governor's Clemency Office	State policy change	Executive Order	Success
71	Decriminalize marijuana possession	Deprioritize marijuana-related arrests and prosecution	State agency policy change; Local agency policy change; Prosecutorial policy change	Local Implementation Work	Partial Success
72	Decriminalize marijuana possession	Decriminalize the possession of up to 1.5 ounces of marijuana	Legislative change	Legislative	In Progress

Implementation Status Charts

Eliminating Racial Disparities in the Courts					
Solution Number	Recommendation	Solution	Necessary Action	Implementation Effort	Status
73	Decriminalize marijuana possession	Convene a task force of stakeholders to study the pros and cons and options for legalization of possession, cultivation and/or sale of marijuana	State policy change; Legislative change	Legislative	In Progress
74	Shrink the criminal code	Reclassify Class III misdemeanors that do not impact public safety or emergency management as noncriminal/civil infractions	Legislative change	Legislative	Partial Success
75	Shrink the criminal code	Enact legislation with a sunset provision for all local ordinance crimes that criminalize poverty or behavior in public places	Legislative change	Legislative	Success
76	Shrink the criminal code	Eliminate citizen-initiated criminal charges	Legislative change	Legislative	In Progress
77	Shrink the criminal code	Review and recommend changes to the criminal code	Legislative change	Legislative	Success
78	Shrink the criminal code	Provide for the appointment of counsel in cases where the defendant is facing a \$200 fine	Legislative change	Legislative	In Progress
79	Improve pre-trial release and accountability practices	Eliminate cash bail for Class I, II, and III misdemeanors unless risk to public safety	Judicial policy change; State policy change by Administrative Office of the Courts; Legislative change	Local Implementation Work	In Progress
80	Improve pre-trial release and accountability practices	Require first appearance within 48 hours or next day in which District Court is in session	Judicial policy change; State policy change by Administrative Office of the Courts; Legislative change	Legislative	Partial Success
81	Improve pre-trial release and accountability practices	Require preventative detention hearing within five days and repeal bond doubling	Legislative change	Legislative	In Progress
82	Improve pre-trial release and accountability practices	Promote court appearance strategies and develop alternative responses to failure to appear	Judicial policy change; State policy change by Administrative Office of the Courts; Local policy change; Legislative change	Legislative/Local Implementation Work	Partial Success

Implementation Status Charts

Eliminating Racial Disparities in the Courts					
Solution Number	Recommendation	Solution	Necessary Action	Implementation Effort	Status
83	Improve pre-trial release and accountability practices	Create independent pretrial services and improve data collection	Local policy change; State policy change by Administrative Office of the Courts	Local Implementation Work	Partial Success
84	Implement racial equity training for court system actors	Require racial equity training for court system personnel, including judges, DAs and public defenders	State policy change by Administrative Office of the Courts	State Agency Work	Partial Success
85	Implement racial equity training for court system actors	Require implicit bias and racial equity training for parole staff	State policy change by the Department of Public Safety	Department of Adult Correction	Success
86	Implement racial equity training for court system actors	Require racial equity and victim services training for Victim Compensation Fund employees and members	State policy change by the Department of Public Safety	Department of Public Safety	Partial Success
87	Promote racially equitable prosecutorial practices	Educate prosecutors, their staff and officers of justice on unconscious bias in the criminal justice process and prosecutorial decision-making	State policy change by the Conference of District Attorneys	Conference of District Attorneys	In Progress
88	Promote racially equitable prosecutorial practices	Enhance prosecutors' data collection, technology, training opportunities and staffing	Prosecutorial policy change; Legislative change	Local Implementation Work - Model Policy	In Progress
89	Promote racially equitable prosecutorial practices	Study and adopt evidence-based reforms for reducing and eventually eliminating racial disparities in charging decisions and prosecutorial outcomes	Prosecutorial policy change; Legislative change	Local Implementation Work - Model Policy	In Progress
90	Promote racially equitable prosecutorial practices	Establish working groups led by district attorneys to review and approve every habitual felony charging decision	Prosecutorial policy change	Local Implementation Work - Model Policy	In Progress
91	Facilitate fair trials	Increase representation of North Carolinians serving on juries through expanded and more frequent sourcing, data transparency and compensation	Local policy change; Local policy change by county jury commissions; Judicial change by senior resident superior court judges; Task Force collaboration; Legislative change	Study	In Progress

Implementation Status Charts

Eliminating Racial Disparities in the Courts

Solution Number	Recommendation	Solution	Necessary Action	Implementation Effort	Status
92	Facilitate fair trials	Broaden protection against the use of preemptory challenges in jury selection for discriminatory purposes	Administrative rule change by North Carolina Supreme Court	Rule change by North Carolina Supreme Court	In Progress
93	Facilitate fair trials	Provide implicit bias training to all jury system actors	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.	Administrative Office of the Courts	In Progress
94	Facilitate fair trials	Establish a state commission on the jury system, with an eye towards comprehensive reform	State policy change; Legislative change	Study	In Progress

Promoting Racial Equity Post-Conviction

Solution Number	Recommendation	Solution	Necessary Action	Implementation Effort	Status
95	Reduce current sentencing and incarceration disparities	Increase funding for Governor's Clemency Office and Parole Commission	State policy change; State policy change by the Parole Commission; Legislative change; legislative appropriations	Legislative	Success
96	Reduce current sentencing and incarceration disparities	Increase NCDPS flexibility on incarcerated individuals' release dates	State policy change by Department of Public Safety	Department of Adult Correction	Partial Success
97	Reduce current sentencing and incarceration disparities	Establish a Second Look Act to reduce racially disparate sentences through the review and action of those currently incarcerated	Legislative change	Legislative	In Progress

Implementation Status Charts

Promoting Racial Equity Post-Conviction					
Solution Number	Recommendation	Solution	Necessary Action	Implementation Effort	Status
98	Reduce current sentencing and incarceration disparities	Create and fund an independent Conviction Integrity Unit with representation from prosecutors and defense lawyers and ensure Indigent Defense Services has significant funding to pay lawyers who handle post-conviction work	Legislative change	Legislative	In Progress
99	Reduce current sentencing and incarceration disparities	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	Legislative change	Legislative	In Progress
100	Reduce current sentencing and incarceration disparities	Reinstate the Racial Justice Act for individuals sentenced to death	Legislative change	Legislative	In Progress
101	Reduce use of fines and fees	Assess a defendant's ability to pay prior to levying any fines and fees	Administrative rule change by North Carolina Supreme Court	Rule change by North Carolina Supreme Court	Success
102	Reduce use of fines and fees	Reduce court fines and fees	Legislative change	Legislative	In Progress
103	Reduce use of fines and fees	Eliminate state government reliance on fines and fees	Legislative change	Inclusion in Budget	Partial Success
104	Reduce use of fines and fees	Develop a process to eliminate criminal justice debt	State agency policy change; Local government action; NC Supreme Court rule change; Task Force collaboration; Legislative change	Local Implementation Work	Partial Success
105	Amend incarceration facilities' practices and programming and address prison discipline	Transform the use of restrictive housing	State policy change by Department of Public Safety	Department of Adult Correction	Success
106	Amend incarceration facilities' practices and programming and address prison discipline	Protect pregnant people in jails and prisons	State policy change by Department of Public Safety	Legislative	Success

Implementation Status Charts

Promoting Racial Equity Post-Conviction					
Solution Number	Recommendation	Solution	Necessary Action	Implementation Effort	Status
107	Amend incarceration facilities' practices and programming and address prison discipline	Enhance prison personnel	State policy change by Department of Public Safety; Legislative changes	Legislative	Partial Success
108	Amend incarceration facilities' practices and programming and address prison discipline	Increase funding for mental health services and programs in prisons	State policy change by Department of Public Safety	Department of Adult Correction	Partial Success
109	Amend incarceration facilities' practices and programming and address prison discipline	Increase due process protections for people accused of disciplinary offenses	State policy change by the Department of Public Safety	Department of Adult Correction	Partial Success
110	Amend incarceration facilities' practices and programming and address prison discipline	Expand use of restorative justice and rehabilitation programming	State policy change by Department of Public Safety	Department of Adult Correction	Partial Success
111	Study and revise future sentencing guidelines	Broaden the use of Advanced Supervised Release	Prosecutorial policy change; Legislative change	Local Implementation Work - Model Policy	In Progress
112	Study and revise future sentencing guidelines	Eliminate the future use of Violent Habitual Felony Status	Legislative change	Legislative	In Progress
113	Study and revise future sentencing guidelines	Eliminate future use of Habitual Felony Status for individuals under the age of 21 or convicted of non-violent drug offenses	Legislative change	Legislative	In Progress
114	Study and revise future sentencing guidelines	Amend the habitual felony statute to limit the "look back" period to within 8 years of the charged offense	Legislative change	Legislative	In Progress
115	Study and revise future sentencing guidelines	Analyze and report on racial disparities in sentencing laws and recommend possible changes	State policy change by the Sentencing Commission	Study	In Progress

Implementation Status Charts

Promoting Racial Equity Post-Conviction					
Solution Number	Recommendation	Solution	Necessary Action	Implementation Effort	Status
116	Study and revise future sentencing guidelines	Review all future sentences after 20 years or before	Legislative change	Legislative	In Progress
117	Study and revise future sentencing guidelines	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 to be considered as aggravating factors	Legislative change	Legislative	In Progress
118	Study and revise future sentencing guidelines	Establish a truth and reconciliation commission to study North Carolina's history of criminal justice and race	State policy change; Legislative change	Recommendation with Task Force	In Progress
119	Reduce collateral consequences of criminal convictions	Expand voting rights to those on probation, parole or post-release supervision for a felony conviction	Legislative change	Legislative	In Progress
120	Reduce collateral consequences of criminal convictions	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	Legislative change	Legislative	In Progress
121	Reduce collateral consequences of criminal convictions	Allow NCDMV hearing officers to waive license restoration fees and other service fees for failure to appear or failure to pay	Legislative change	Legislative	Partial Success
122	Reduce collateral consequences of criminal convictions	Reform the Certificate of Relief petition process to create efficiencies for individuals with multiple convictions across multiple counties	Legislative change	Legislative	In Progress
123	Reduce collateral consequences of criminal convictions	Support the Statewide Reentry Council Collaborative's recommendations	State agency policy changes; Local government policy changes; Task Force collaboration; Legislative changes	Recommendation with Task Force	Success

Footnote for solution 119: This recommendation was noted a partial success in our 2022 report due to litigation rulings expanding the franchise. Note that it is being changed to in-progress due to the NC Supreme Court's 2023 decision in [Community Success Initiatives v. Moore](#), which reversed an earlier ruling in the case that restored voting rights to some North Carolinians.

Implementation Status Charts

Criminal Justice Data Collection and Reporting

Solution Number	Recommendation	Solution	Necessary Action	Implementation Effort	Status
124	Improve data collection	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	State agency policy changes; Local government policy changes; Task Force collaboration; Administrative rule change; Legislative changes	Fact finding / Research	Partial Success

Going Forward

Solution Number	Recommendation	Solution	Necessary Action	Implementation Effort	Status
125	Create permanent structure	Establish the Commission for Racial Equity in the Criminal Justice System as a permanent, independent commission.	State policy change; Task Force collaboration; Legislative changes	Recommendation with Task Force	In Progress



Reentry simulation participants

The logo for the North Carolina Task Force for Racial Equity in Criminal Justice is centered in a dark blue rectangular box. It features the text "North Carolina Task Force" in a large, white, sans-serif font, with "for Racial Equity in Criminal Justice" in a smaller, white, sans-serif font below it. Two white horizontal lines are positioned above and below the text, and two yellow circular accents are placed above and below the lines.

North Carolina Task Force *for Racial Equity in Criminal Justice*

Resolution: In Support of the Creation of a Statewide Office of Violence Prevention

WHEREAS, Governor Roy Cooper established the Task Force for Racial Equity in Criminal Justice (TREC) in June 2020 and re-established it in November 2022 to “develop and help implement solutions that will eliminate disparate outcomes in the criminal justice system for communities of color;” and

WHEREAS, the Task Force made one hundred and twenty-five (125) recommendations to reimagine public safety, improve policing practices, enhance accountability, strengthen the law enforcement profession, eliminate racial disparities in the courts, and promote racial equity post-conviction; and

WHEREAS, Executive Order 273, which re-established the Task Force, directed the Task Force to prioritize violence prevention efforts; and

WHEREAS, TREC recommendation four (4) is to support communities to develop violence prevention programs, including by providing grant funding and technical assistance; and

WHEREAS, public input and other data reviewed by the Task Force identified the importance of violence prevention efforts in addressing racial disparities and inequities in the criminal justice system; and

WHEREAS, North Carolina state government can promote local success in violence prevention by enhancing coordination across state agencies, improving data collection and sharing, offering technical assistance to local officials, promoting collaboration and sharing of best practices between localities, and managing grant programs to identify and direct available federal funding to law enforcement and community-based organizations focused on reducing gun violence; and

NOW, THEREFORE, BE IT RESOLVED, that the Task Force for Racial Equity in Criminal Justice supports the creation of a statewide office of violence prevention in fulfillment of TREC recommendation four (4).



North Carolina Task Force for Racial Equity in Criminal Justice
January 25, 2023 Planning Meeting

Time: 10:00- 1:00 PM

Location: Governor's Crime Commission office- 1201 Front Street, Raleigh, NC 27609

Co-Chairs Secretary Eddie Buffaloe and Justice Anita Earls, Presiding

AGENDA

- I. Co-Chair welcome and call to order (*10 minutes*)
- II. Introductions of members and staff (*20 minutes*)
- III. Task Force overview and past committee structure (*30 minutes*)
- IV. Breakout groups (*45 minutes*)
- V. Lunch (*20 minutes*)
- VI. Report out from breakout groups (*40 minutes*)
- VII. New Business (*5 minutes*)
- VIII. Meeting wrap-up and adjourn (*5 minutes*)

Please join us virtually for the next Task Force meeting on February 24th at 10 AM.



North Carolina Task Force for Racial Equity in Criminal Justice
February 24, 2023 Taskforce Meeting

Time: 10:00 AM- 11:30 AM

Location: Virtual

Co-Chairs Secretary Eddie Buffaloe and Justice Anita Earls, Presiding

AGENDA

- I. Co-Chair welcome and call to order (*5 minutes*)
- II. Introduction of Speaker (*5 min*)
- III. Trends on Racial Disparities in the Criminal Justice System- Insights from Research, Thaddeus Johnson, Senior Fellow, Council on Criminal Justice and William Sabol, Professor, Georgia State University (*45 minutes*)
- IV. Committee Updates (*10 minutes*)
- V. New Business (*10 minutes*)
- VI. Public Comment (*10 minutes*)
- VII. Meeting wrap-up and adjourn (*5 minutes*)



North Carolina Task Force for Racial Equity in Criminal Justice

April 21, 2023 Taskforce Meeting

Time: 11:00 AM- 12:30 PM

Location: Virtual

Co-Chairs: Secretary Eddie Buffaloe, Jr. and Justice Anita Earls, Presiding

AGENDA

- I. Co-Chair welcome and call to order (*5 minutes*)
- II. Introduction of Speaker (*5 min*)
- III. Police Culture, Clayton County, GA Police Chief Kevin Roberts (*40 minutes*)
- IV. Committee Updates (*20 minutes*)
 - a. Executive (*5 min*)
 - b. Judicial (*5 min*)
 - c. Legislative (*5 min*)
 - d. Local Policy (*5 min*)
- V. New Business (*5 minutes*)
- VI. Public Comment (*10 minutes*)
- VII. Meeting wrap-up and adjourn (*5 minutes*)



North Carolina Task Force for Racial Equity in Criminal Justice

July 28, 2023 Taskforce Meeting

Time: 10:00 AM- 12:00 PM

Location: Virtual

Co-Chairs Secretary Eddie Buffaloe and Justice Anita Earls, Presiding

AGENDA

- I. Co-Chair welcome and call to order (*5 minutes*)
- II. Introduction of OVP Director, Gerard Tate (*5 minutes*)
- III. OVP Presentation (*15 minutes*)
- IV. Introduction of Presenter (*5 minutes*)
- V. Renewed Call to Action, Sue Rahr (*30 minutes*)
- VI. Remarks from Ms. Aneela Khalil-Khan (*10 minutes*)
- VII. Committee Updates (*30 min*)
 - a. Executive (*5 min*)
 - b. Judicial (*10 min*)
 - c. Legislative (*5 min*)
 - d. Local Policy (*10 min*)
- VIII. New Business (*5 minutes*)
- IX. Public Comment (*10 minutes*)
- X. Meeting wrap-up and adjourn (*5 minutes*)



North Carolina Task Force for Racial Equity in Criminal Justice

October 27, 2023 Taskforce Meeting

Time: 10:00 AM- 12:00 PM

Location: Virtual

Co-Chairs Secretary Eddie Buffaloe and Justice Anita Earls, Presiding

AGENDA

- I. Co-Chair welcome and call to order (*5 minutes*)
- II. Introduction of Presenter (*5 minutes*)
- III. Fines and Fees Presentation, Annie Hudson-Price (*30 minutes*)
- IV. Restorative Justice Presentation, Jon Powell (*20 minutes*)
- V. Committee Updates (*40 min*)
 - a. Executive (*10 min*)
 - b. Judicial (*10 min*)
 - c. Legislative (*10 min*)
 - d. Local Policy (*10 min*)
- VI. New Business (*5 minutes*)
- VII. Public Comment (*10 minutes*)
- VIII. Meeting wrap-up and adjourn (*5 minutes*)



The North Carolina Task Force for Racial Equity in Criminal Justice (TREC), established by Governor Roy Cooper in 2020, seeks to eliminate racial disparities in the criminal justice system and ensure fair and impartial justice for all. In furtherance of this goal, TREC adopted 125 recommendations which TREC now works to implement through four different committees: Executive, Judicial, Legislative, and Local Policy.

The TREC Judicial Committee writes to you today to highlight TREC recommendation 91 relating to achieving representative jury pools.¹ As 2023 draws to a close, county jury commissions are hard at work creating new master jury lists that will take effect in 2024. The importance of ensuring that these jury lists are both inclusive and representative is threefold, as diverse jury pools: (1) increase public confidence in the justice system,² (2) increase the quality of deliberations,³ and (3) lead to less biased verdicts.⁴ TREC's strategies for achieving representative jury pools are reflected in the attached Tip Sheet for your consideration.⁵

Some of these strategies have been implemented in North Carolina jurisdictions already, and early anecdotal reports are promising. For example, in Buncombe County, juror addresses are run through the USPS change of address database before mailed. Court actors report that this seems to have reduced undeliverable summonses, which research shows increases both juror yield and jury pool diversity.⁶ Orange County recently began updating the Master Jury List annually, which appears to have increased jury pool diversity.⁷ In Iredell County, follow-up mailings to non-responsive jurors have increased juror yield and possibly jury pool diversity as well.⁸ More research is needed to understand these impacts, but these initial reports suggest that strategies that have proven effective at diversifying jury pools elsewhere in the country have the potential to make a positive impact in North Carolina as well.

If you have questions about the attached recommendations or wish to collaborate on local representative jury initiatives, please contact TREC's Judicial Committee or the Inclusive Juries Project at Duke University School of Law by emailing nwilliams@nccadv.org or emily.coward@duke.edu. We are eager to support your efforts to ensure a representative jury pool and welcome your feedback and engagement.

¹ "North Carolina should increase representation on juries by expanding jury list sources to ensure that more eligible individuals are included in the pool. [. . .] TREC recommends updating master jury pool lists at least annually, rather than every two years, and correcting addresses to reduce undeliverable summonses." TREC's December 2020 report at p. 101, available at https://ncdoj.gov/wp-content/uploads/2021/02/TRECReportFinal_02262021.pdf.

² See, e.g., Leslie Ellis & Shari Seidman Diamond, *Race, Diversity, and Jury Composition: Battering and Bolstering Legitimacy*, 78 Chi.-Kent L. Rev. 1033, 1049 (2003).

³ See, e.g., Samuel R. Sommers, *On Racial Diversity and Group Decision Making: Identifying Multiple Effects of Racial Composition on Jury Deliberations*, J. Personality & Soc. Psych., V. 90, No. 4, pp. 597-612 (2006).

⁴ See, e.g., Shamena Anwar, Patrick Bayer, Randi Hjalmarrsson, *The Impact of Race in Criminal Trials*, The Quarterly Journal of Economics, 1-39 (2012).

⁵ More details about these recommendations can be found in TREC's December 2020 report at p. 101, available at https://ncdoj.gov/wp-content/uploads/2021/02/TRECReportFinal_02262021.pdf and in TREC's Suggested Jury Practices, available at <https://ncdoj.gov/wp-content/uploads/2022/08/Suggested-Jury-Practices.pdf>.

⁶ National Center for State Courts, *Characteristics of an Effective Master Jury List* (many courts also conduct National Change of Address (NCOA) updates before printing and posting summonses), available at <https://www.jurytoolbox.org/more/Characteristics%20of%20Effective%20MJL.pdf>.

⁷ This practice reduces undeliverable summonses, increases juror yield, and increases jury diversity. See, e.g., Judge William Caprathe (ret.) et al., *Assessing and Achieving Jury Pool Representativeness*, The Judges' Journal, Vol. 55 No. 2 (Spring 2016) (master jury list should be updated at least annually to ensure the accuracy of the addresses).

⁸ Paula Hannaford-Agor, National Center for State Courts, Center for Jury Studies, *An Overview of Jury System Management* (May 2011) (reporting that non-response and failure-to-appear rates are 34% - 46% less than in courts that do not follow up with additional mailings to non-responders).

Creating the Master Jury List

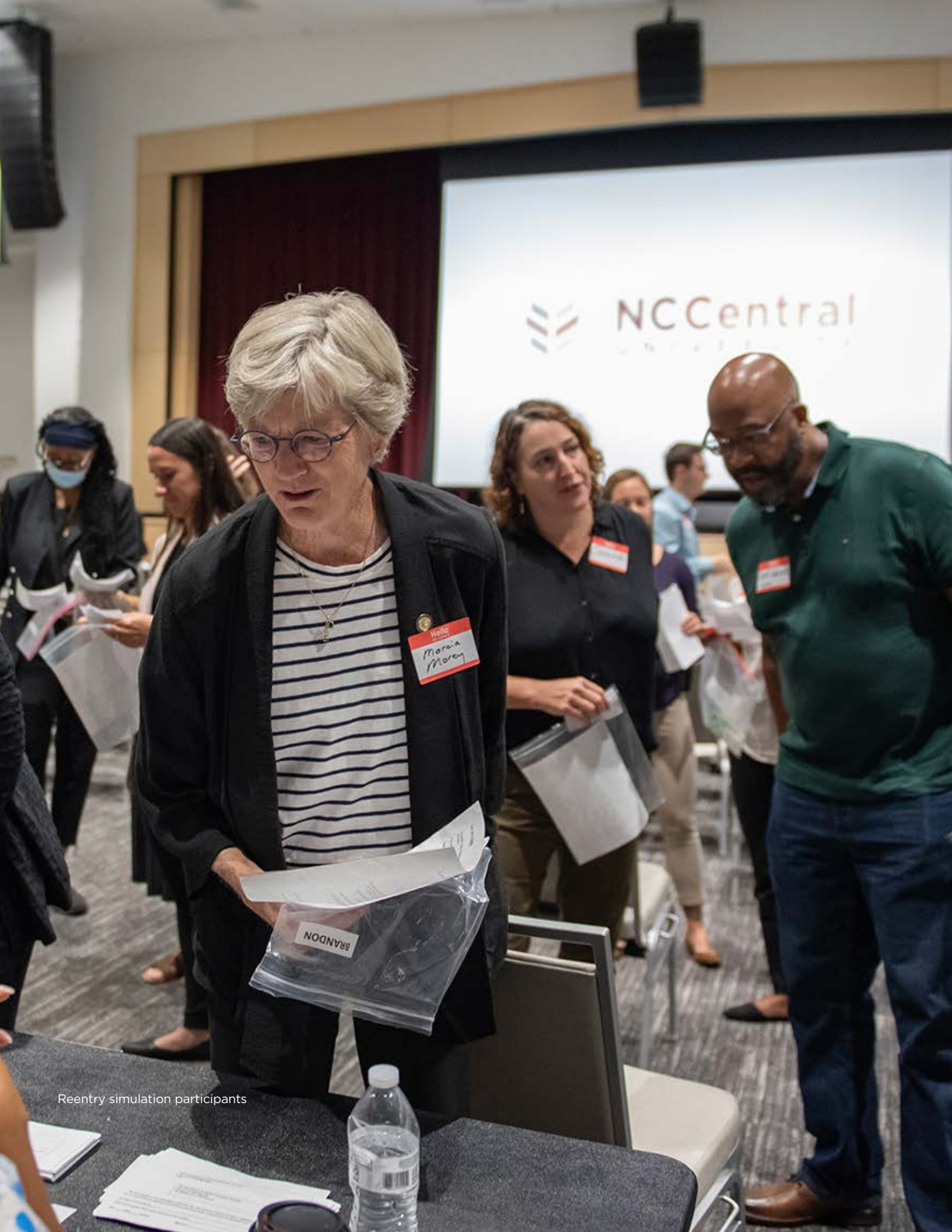
1. After receiving the list of drivers and voters, compare the race and gender data to county census data to monitor compliance with the fair cross-section guarantee.
2. Retain the raw list of voter and driver names received from the Commissioner of Motor Vehicles to enable monitoring of the fair cross-section guarantee.
3. Consider adding names from other lists of county residents.⁹ Using lists beyond the voter and driver lists can help ensure a fair cross-section of the community is represented in the jury pool.¹⁰ Other states have added the following source lists:
 - i. Recipients of public assistance and unemployment insurance
 - ii. Tax filers
 - iii. Non-driver identification cards
 - iv. Newly naturalized citizens

Assembling Representative Jury Pools

1. To ensure accuracy, run all addresses through the USPS change-of-address database.
2. To increase juror yield and jury diversity, consider sending more than one mailing to each juror receiving a summons.
3. Create a new master jury list each year, as permitted by N.C.G.S. § 9-2(a).

⁹ See N.C. Gen. Stat. Ann. § 9-2(b) (“In preparing the master list, the jury commission shall use the list of registered voters and persons with drivers license records supplied to the county by the Commissioner of Motor Vehicles The commission may use other sources of names deemed by it to be reliable.”); see also NC Governor’s Task Force for Racial Equity in Criminal Justice, [Suggested Jury Practices: Superior and District Court Judges](https://ncdoj.gov/wp-content/uploads/2022/08/Suggested-Jury-Practices.pdf), available at <https://ncdoj.gov/wp-content/uploads/2022/08/Suggested-Jury-Practices.pdf>.

¹⁰ Judge Gregory E. Mize, [Jury Trial Innovation Round #2](#), Court Review Vol. 59 at 67, National Center for State Courts (“The traditional top two sources—voter registration and driver license records—do not capture significant portions of the community who do not vote or do not drive motor vehicles. Courts’ sole use of these narrow lists undermines the representativeness of sitting juries.”)



Reentry simulation participants

ACKNOWLEDGEMENTS

The members and staff of TREC would like to take a moment to express our gratitude to those who helped with the implementation efforts in 2023. In particular, we would like to acknowledge the Wilson Center for Science and Justice at Duke Law, Conservatives for Criminal Justice Reform, the United States Attorney's Office for the Middle District of North Carolina, and North Carolina Central University.



North Carolina Task Force for Racial Equity in Criminal Justice 2023

