

# **North Carolina's Criminal Justice System/Factors Impacting Who Enters & How It Functions**

Jessica Smith

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UNC School of Government

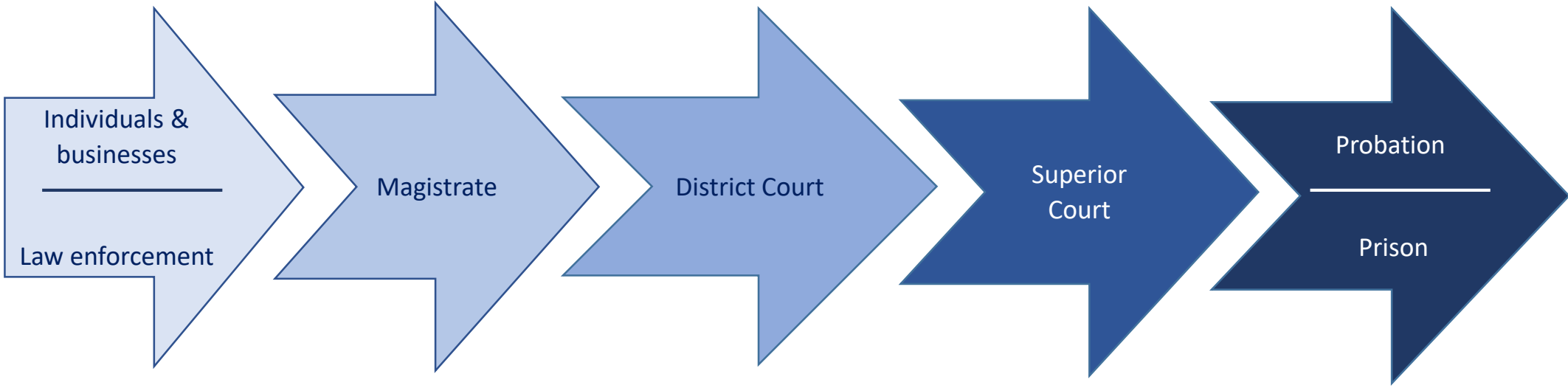
□ Systems map, with key decision-making points/data

- ❑ Systems map, with key decision-making points/data
- ❑ The big picture

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  - ❑ Factors influencing who enters/re-enters
  - ❑ Factors influencing how actors behave

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  - ❑ Factors influencing how actors behave





Individuals &  
businesses

Law enforcement

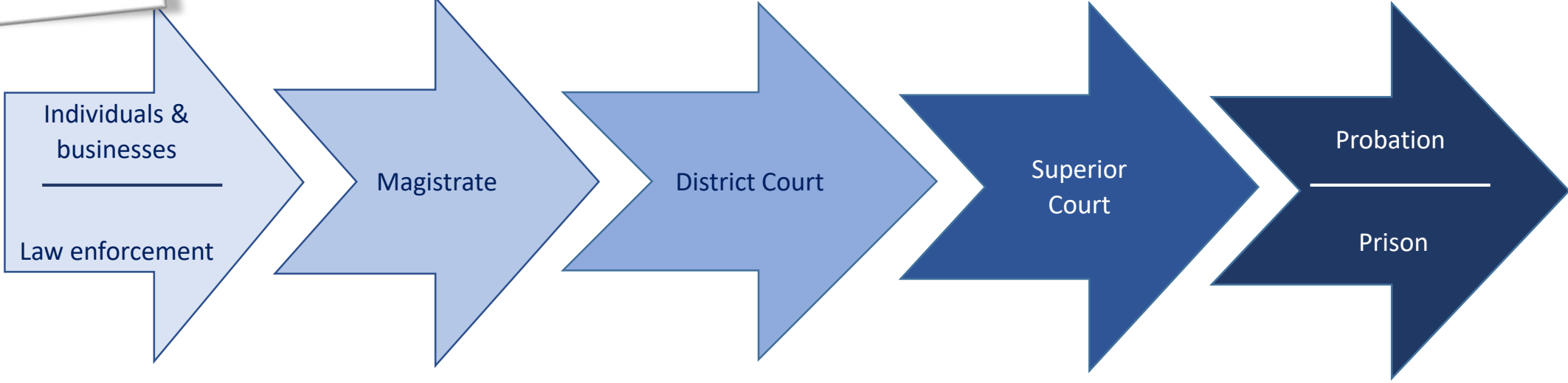
Magistrate

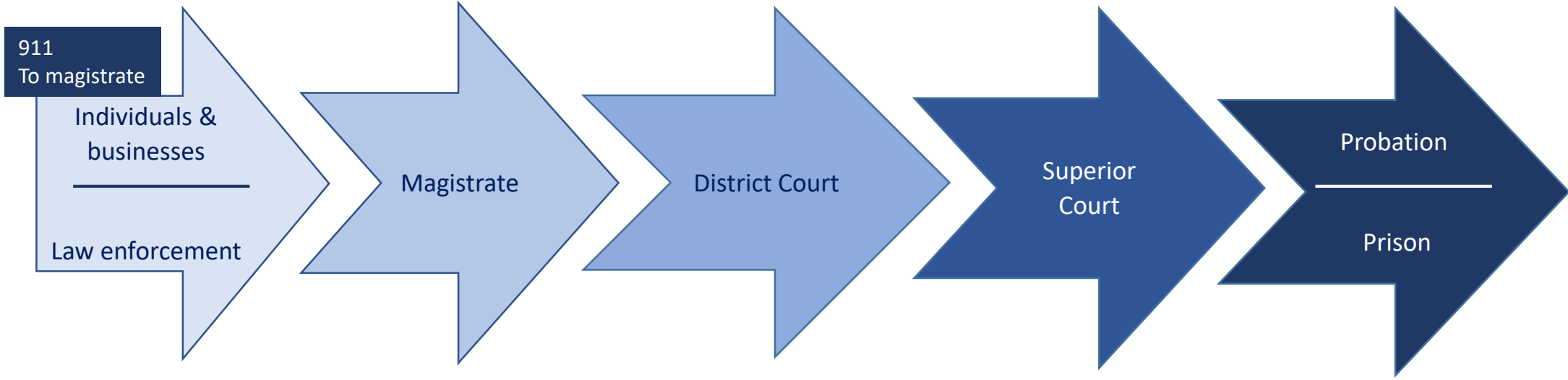
District Court

Superior  
Court

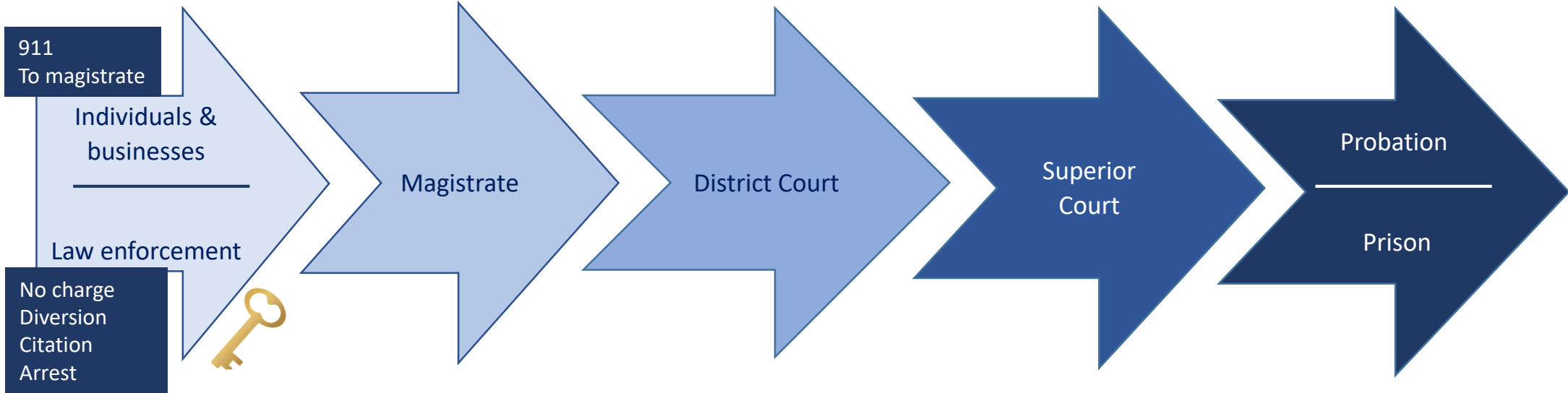
Probation

Prison









## Detailed North Carolina Statewide & County-Level Criminal Charging Data

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

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

### Statewide Data—Felonies

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

**STATEWIDE IN 2019**  
**16.4% OF ALL FELONY CHARGES**  
**WERE FOR VIOLENT OFFENSES;**  
**83.6% WERE FOR NONVIOLENT**  
**OFFENSES**

911  
To magistrate

Individuals &  
businesses

Law enforcement

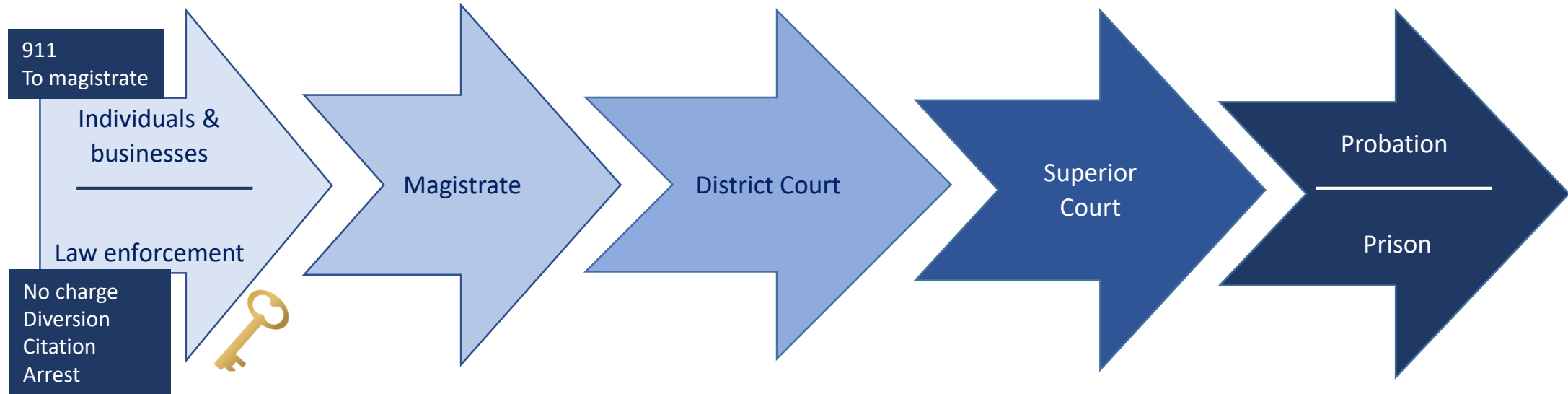
No charge  
Diversion  
Citation  
Arrest



...as violent or nonviolent. For example, even though burglary  
...violent on the reasoning that such a  
...citizens attach to

In 2019:

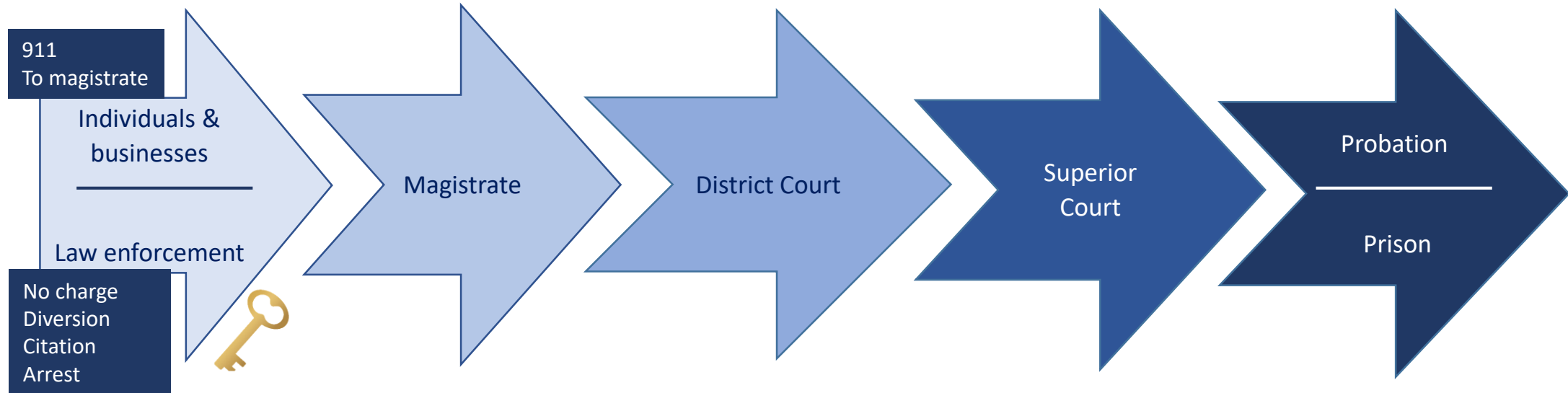
- 1.6M misdemeanor charges
- 343K felony charges



In 2019:

- 1.6M misdemeanor charges
- 343K felony charges

STATEWIDE IN 2019  
6.66% OF ALL MISDEMEANOR  
CHARGES WERE FOR VIOLENT  
OFFENSES

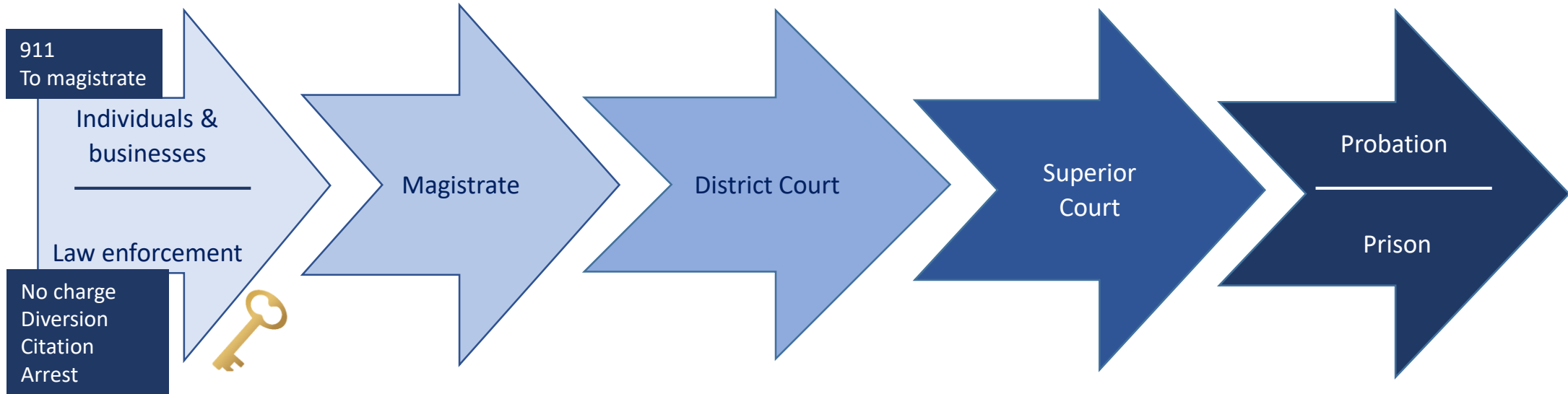


In 2019:

- 1.6M misdemeanor charges
- 343K felony charges

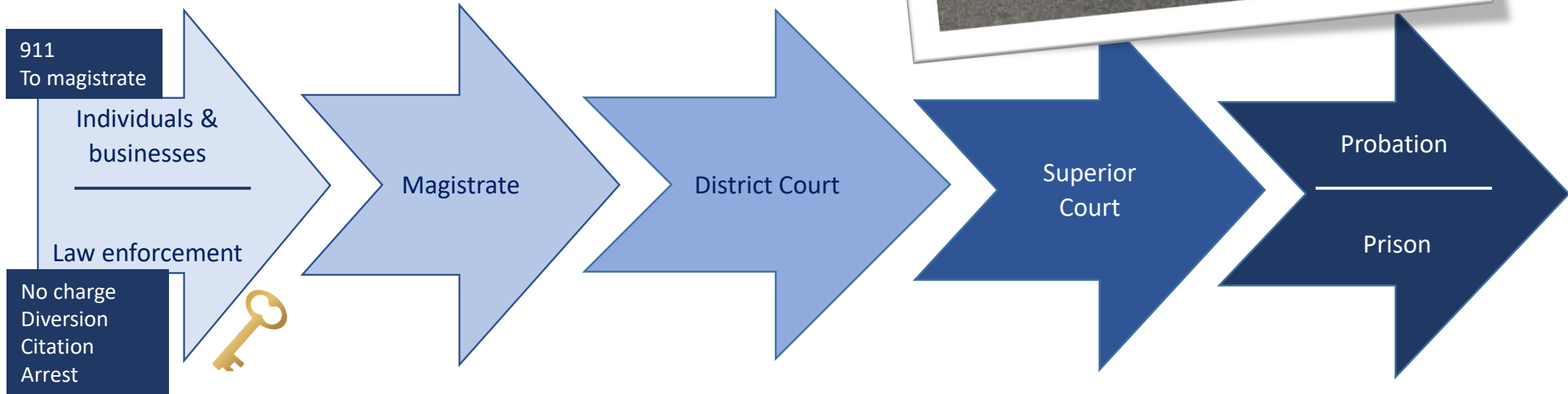
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OFFENSES



In 2019:

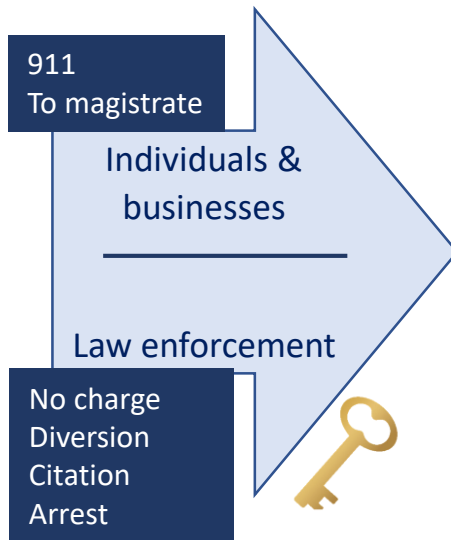
- 1.6M misdemeanor charges  
1M = non-DWI related traffic offenses
- 343K felony charges



In 2019:

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

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

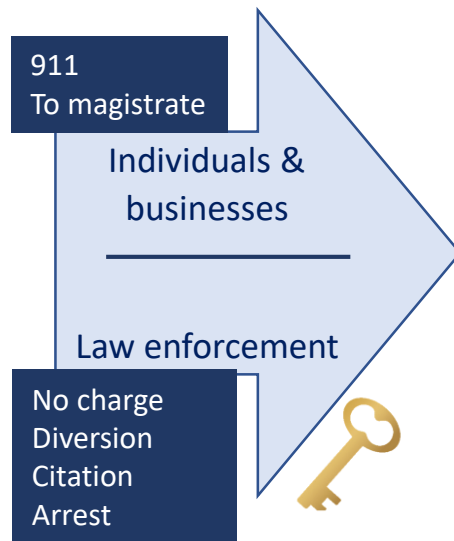


Non-DWI Misdemeanor Traffic Offenses	Number
Speeding	296,281
Expired Registration	208,971
Driving while License Revoked, Not Impaired Revocation	170,663
No Operator's License	117,789
Operating a Vehicle with No Insurance	55,126
Fictitious or Altered Title, Registration, or Plate	39,013
Reckless Driving to Endanger	29,735
Drive or Permit to be Driven Motor Vehicle No Registration	26,717
Canceled, Revoked, or Suspended Certificate or Tag	26,589
Reckless Driving - Wanton Disregard	20,976
Driving while License Revoked, Impaired Revocation	18,576
Window Tinting Violation	12,448
No Liability Insurance	11,442
Possession or Display of Altered, Fictitious, or Revoked Driver's License	5,727

In 2019:

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

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

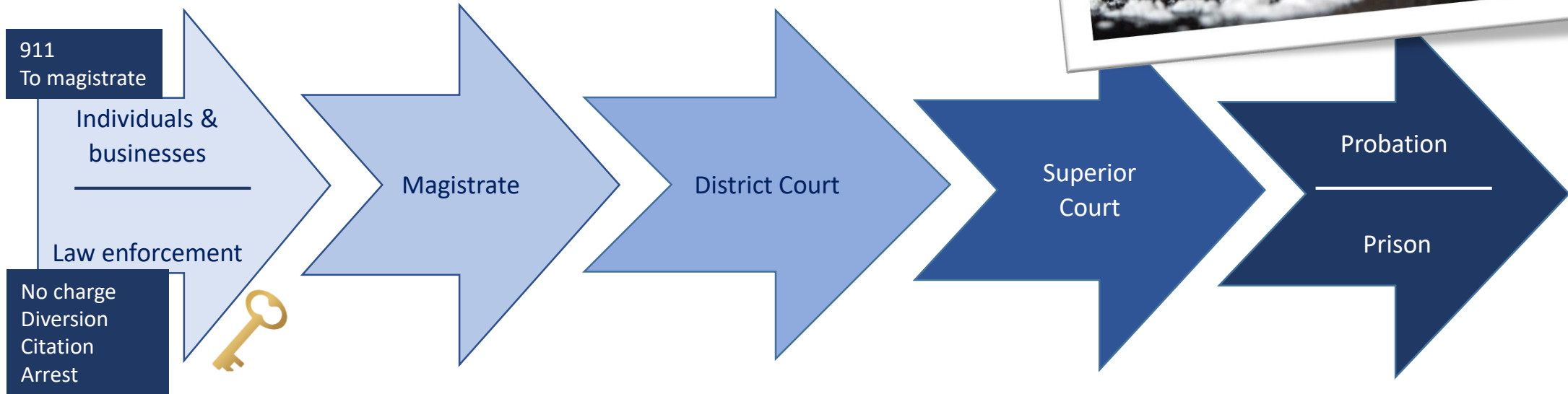


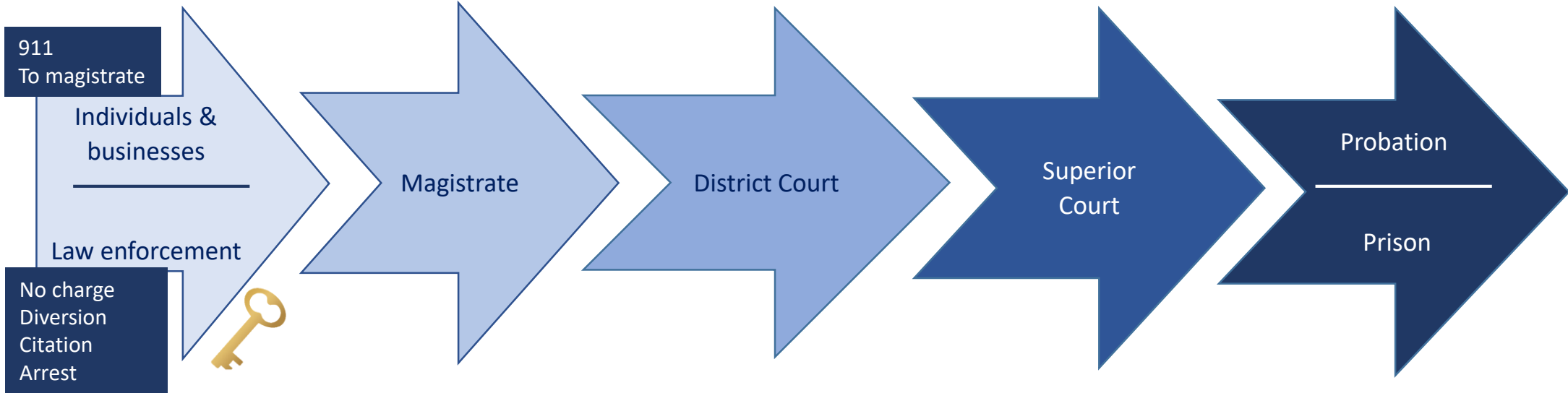
Nonviolent Misdemeanor Charge	Number
Misdemeanor larceny	44,667
Possession of drug paraphernalia	38,688
Possession of up to 1/2 ounce marijuana	31,287
Possession of marijuana paraphernalia	30,623
Resisting an officer	28,016
Second-degree trespass	22,701
Injury to personal property	15,925
Possession of a Schedule VI controlled substance	12,883
Possession of stolen goods	9,027
Public order, free text	8,276
Shoplifting, concealment of goods	6,916
Injury to real property	6,491
Caring concealed gun	6,473
Possession of Schedule IV controlled substance	4,808



In 2019:

- 1.6M misdemeanor charges – 6.66% violent
- 343K felony charges – 16.4% violent  
33% (112,648) = drug charges





911  
To magistrate

Individuals &  
businesses

Law enforcement

No charge  
Diversion  
Citation  
Arrest



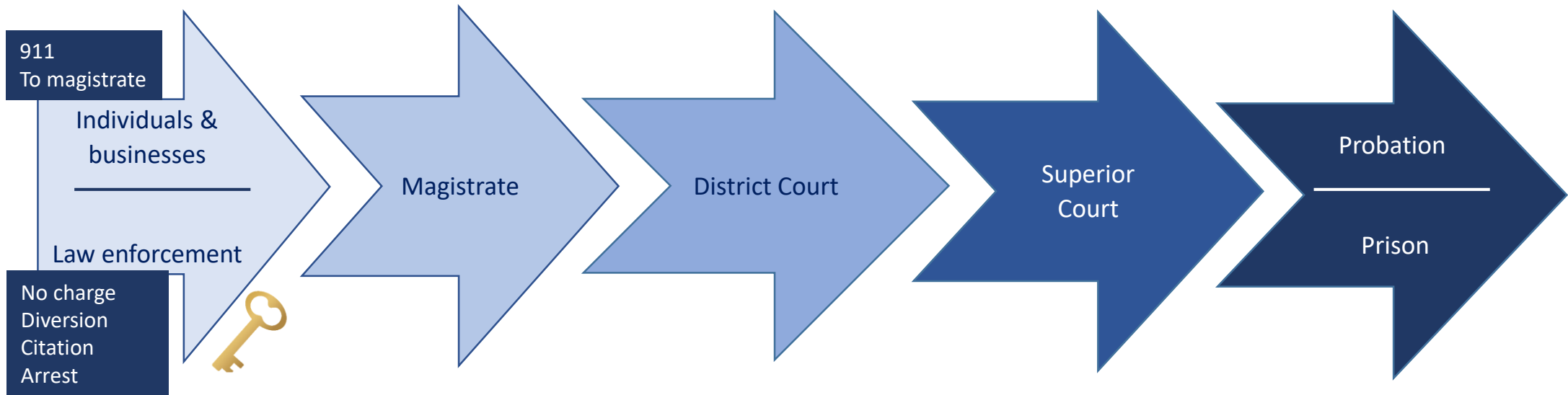
## Citation Versus Arrest by North Carolina Law Enforcement Officers: A County-Level Analysis

Jessica Smith, W.R. Kenan Jr. Distinguished Professor, UNC School of Government  
Ross Hatton, UNC MPA Graduate Research Assistant

September 2019

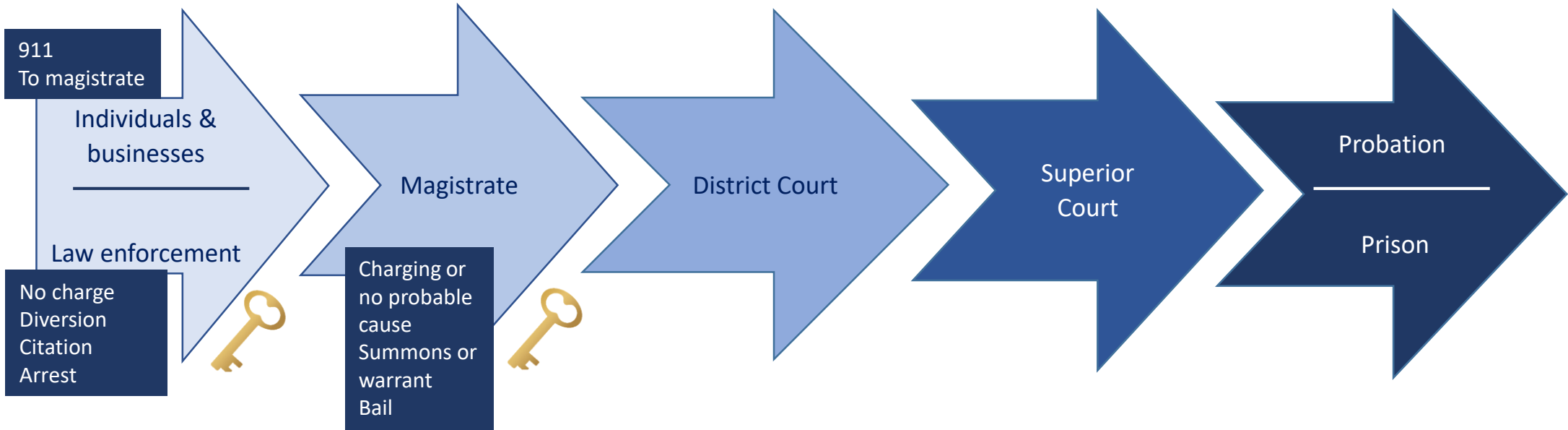
Charged with identifying best practices and offering recommendations on how policing practices can promote effective crime reduction while building public trust, the [Presidential Task Force on 21st Century Policing](#) recommended that law enforcement agencies develop and adopt policies and strategies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

Working with court system data we compiled a statewide and county-level analysis of the prevalence of citation in lieu of arrest in North Carolina. Because we knew that a misdemeanor charge with an associated felony charge was a common outcome, we limited our data to cases where the highest charge was a misdemeanor. The Office of the Courts (NC AOC)



In 2018:

- Officers charged 87.8% of highest charge misdemeanor cases by citation



911  
To magistrate

Individuals &  
businesses

Law enforcement

No charge  
Diversion  
Citation  
Arrest

Magistrate

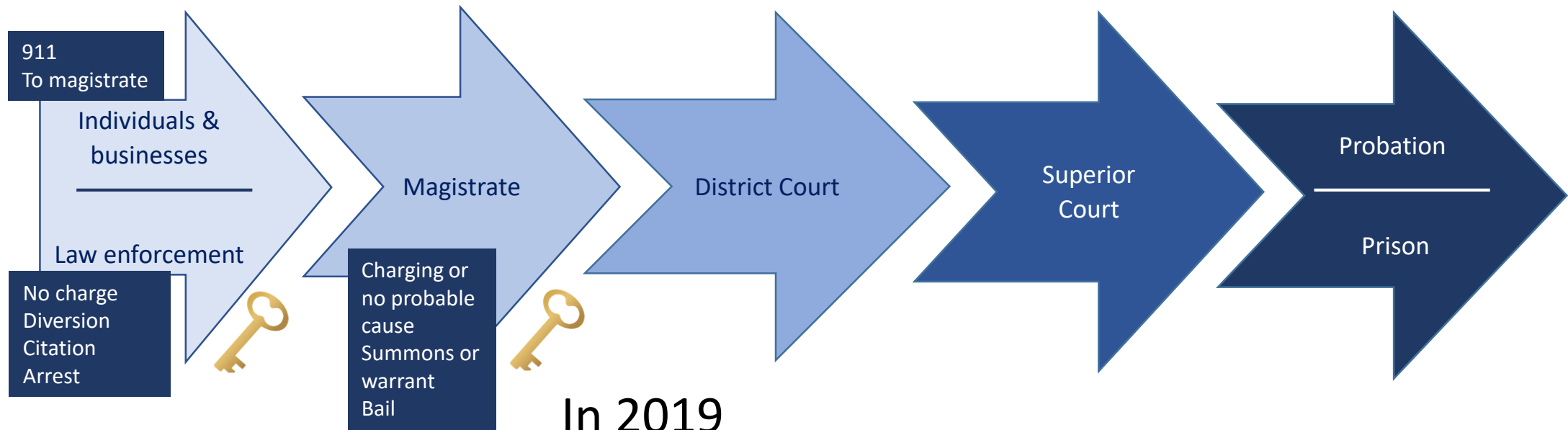
Charging or  
no probable  
cause  
Summons or  
warrant  
Bail

Analysis conducted by the UNC Criminal Justice Innovation Lab  
Contact: Jessica Smith

<https://cjl.sog.unc.edu/>  
smithj@sog.unc.edu

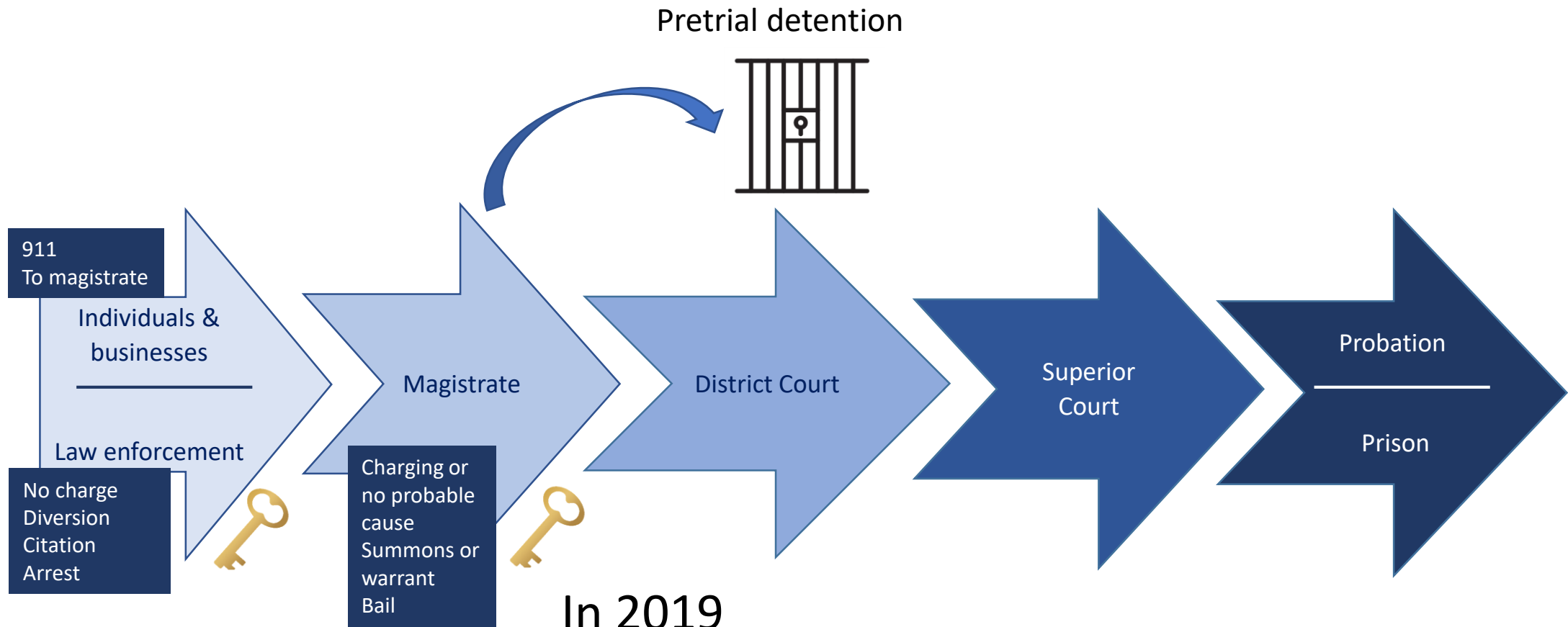
### Percentage Change in Financial Conditions Imposed, 2018-2019, Highest Charge Misdemeanor Cases

County	2019 Financial Conditions Imposed Total	2019 Financial Conditions Imposed Percentage	2018 - 2019 Change in Percentage Financial Conditions
Statewide	149,239	66.2%	-1.3%
ACKSON	401	36.1%	-18.0%
HAYWOOD	820	39.1%	-14.8%
WATAUGA	86	40.2%	7.3%
WYOMING	31	41.3%	-3.2%
TYRRELL	135	45.9%	-11.8%
CLAY	13,226	46.2%	4.4%
MECKLENBURG	3,947	48.8%	-6.4%
SUNCOMBE	26	49.1%	2.1%
HYDE	506	49.5%	-2.3%
CHEROKEE	2,541	49.5%	-7.9%
DURHAM	506	53.7%	-1.5%
WAKE	2,541	55.2%	1.4%
JOHNSTON	493	57.1%	-2.3%
WANSON	448	57.1%	-2.3%
DAVIE	183	57.5%	-5.6%
CASWELL	183	57.6%	-13.7%
CASWELL	3,905	57.6%	-13.7%
CUMBERLAND	3,905	57.7%	-5.5%
CUMBERLAND	194	57.7%	-5.5%
GRAHAM	194	58.0%	-5.5%
GRAHAM	984	58.0%	0.3%
ORANGE	984	59.1%	0.3%
ORANGE	872	59.1%	14.5%
ORANGE	872	59.2%	14.5%
ORANGE	45		



In 2019

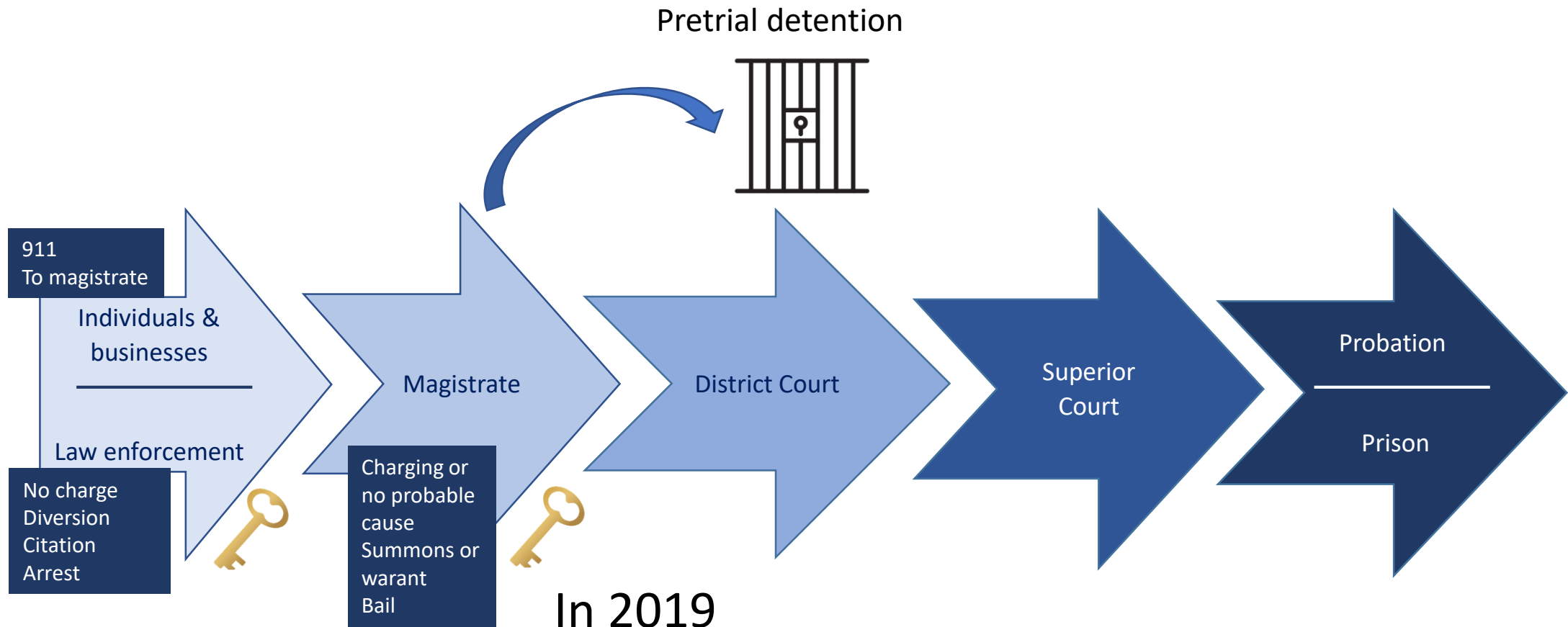
- 66.2% of highest charge misdemeanor cases got a secured bond



In 2019

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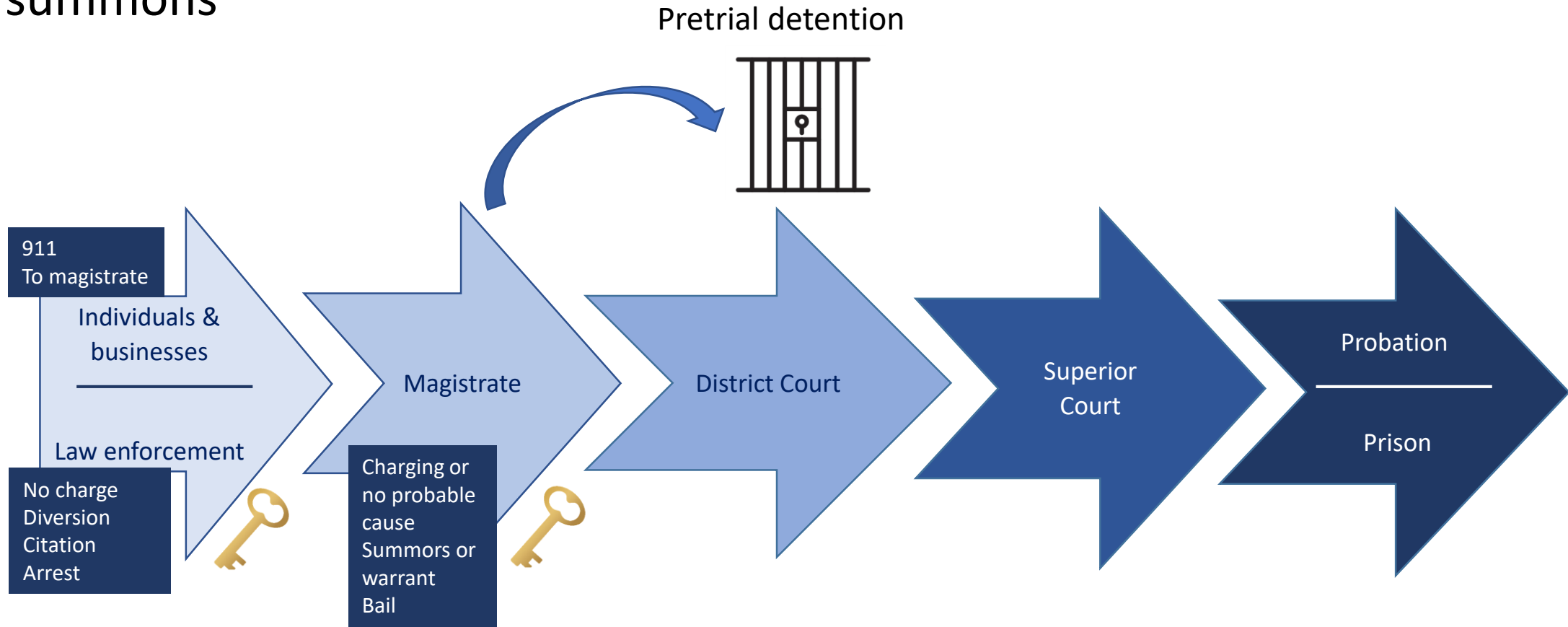


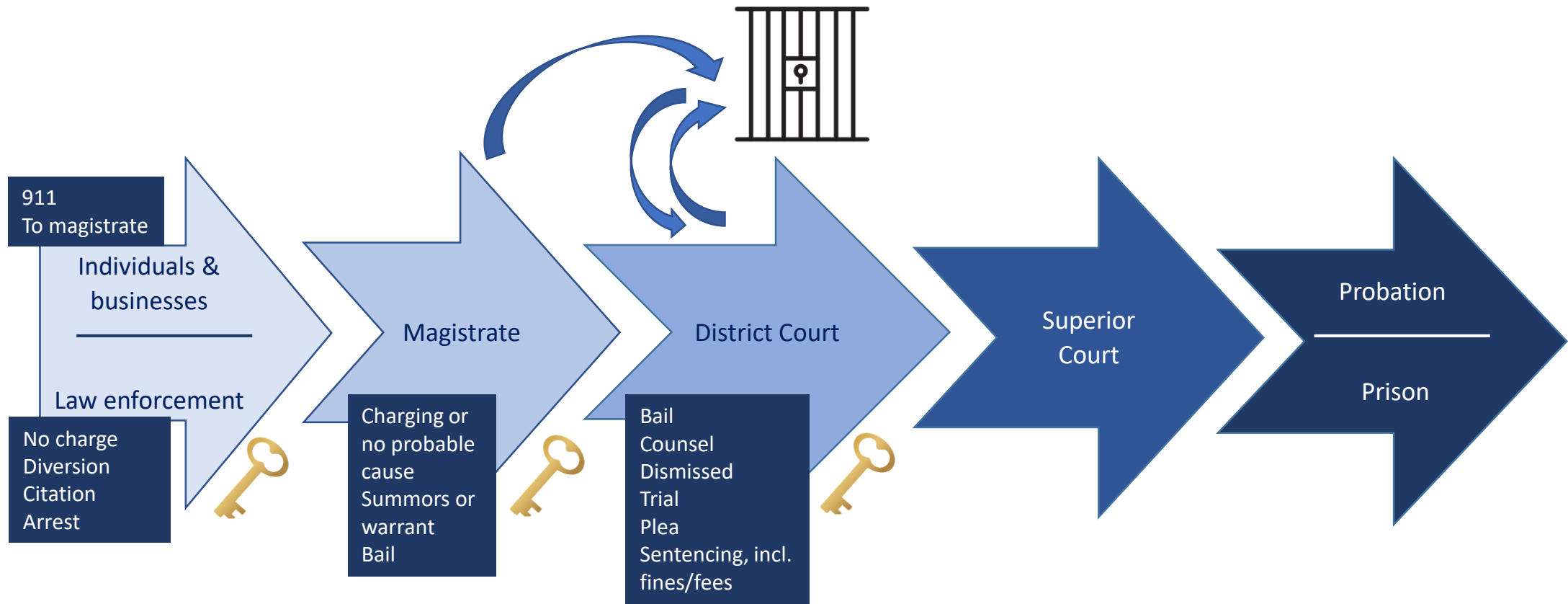
In 2019

- 66.2% of highest charge misdemeanor cases got a secured bond
- Approximately 18K people in jail

In 2018

- Magistrates charged only 32.9% of highest charge misdemeanor cases by summons





*Manner of Disposition*

Case Type	Trial – Guilty Verdict	Trial – Not Guilty Verdict	Guilty Plea Before Magistrate	Guilty Plea No Contest	Felony Heard and Bound Over	Probable Cause Not Found	Felony Probable Cause Waived
<b>Criminal cases</b>	<b>15,157</b>	<b>5,874</b>	<b>2,174</b>	<b>233,612</b>	<b>409</b>	<b>3,757</b>	<b>12,253</b>
Felonies	544	26	0	28,234	409	1,886	12,252
Misdemeanors, other than traffic	8,715	3,995	367	109,787	0	172	1
Traffic misdemeanors (includes DWI)	5,898	1,853	1,807	95,591	0	1,699	0

*Manner of Disposition*

Case Type	Dismissal After Deferred Prosecution	Dismissal With Leave	Worthless Check Waiver	Felony Superseding Indictment	Other*
<b>Criminal cases</b>	<b>9,374</b>	<b>121,720</b>	<b>493</b>	<b>75,372</b>	<b>1,879,456</b>
Felonies	1,376	1,246	0	62,521	50,481
Misdemeanors, other than traffic	7,158	13,062	493	10,151	514,767
Traffic misdemeanors (includes DWI)	840	107,412	0	2,700	1,314,208

\* Other includes dismissal without leave in FY 2019.

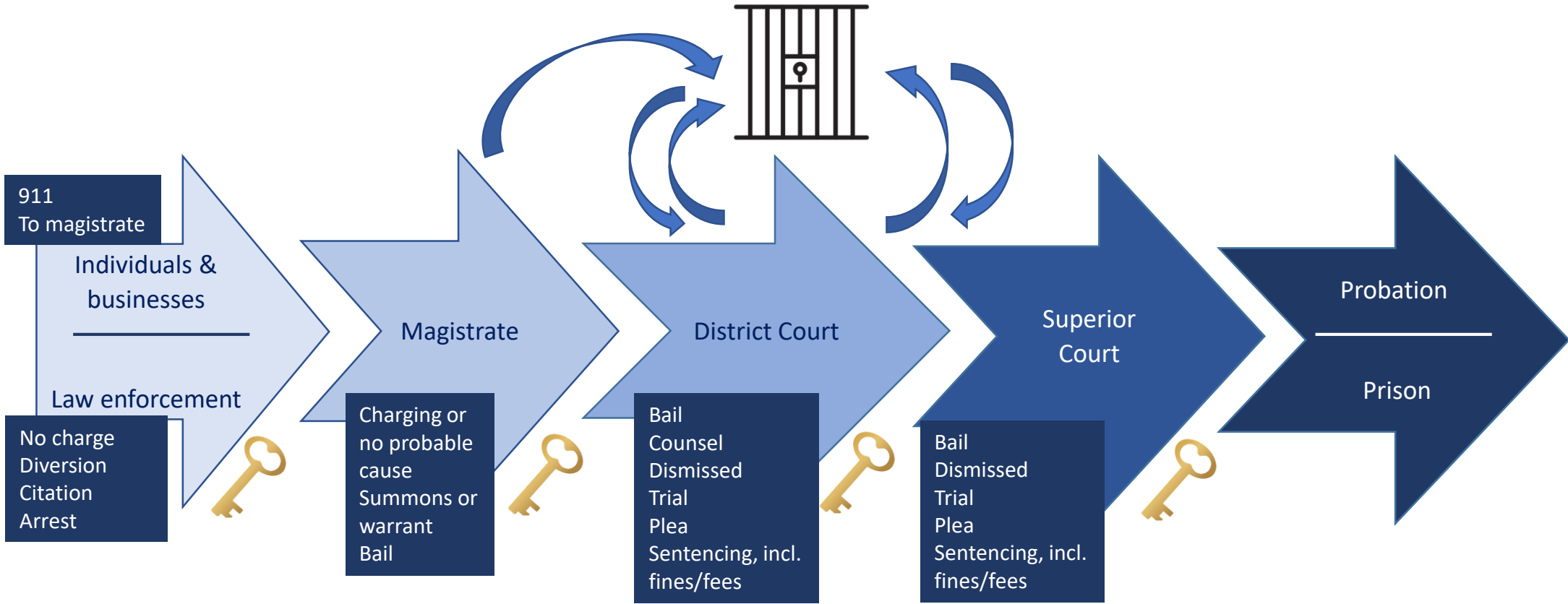
*Manner of Disposition*

Case Type	Trial – Guilty Verdict	Trial – Not Guilty Verdict	Guilty Plea Before Magistrate	Guilty Plea No Contest	Felony Heard and Bound Over	Probable Cause Not Found	Felony Probable Cause Waived
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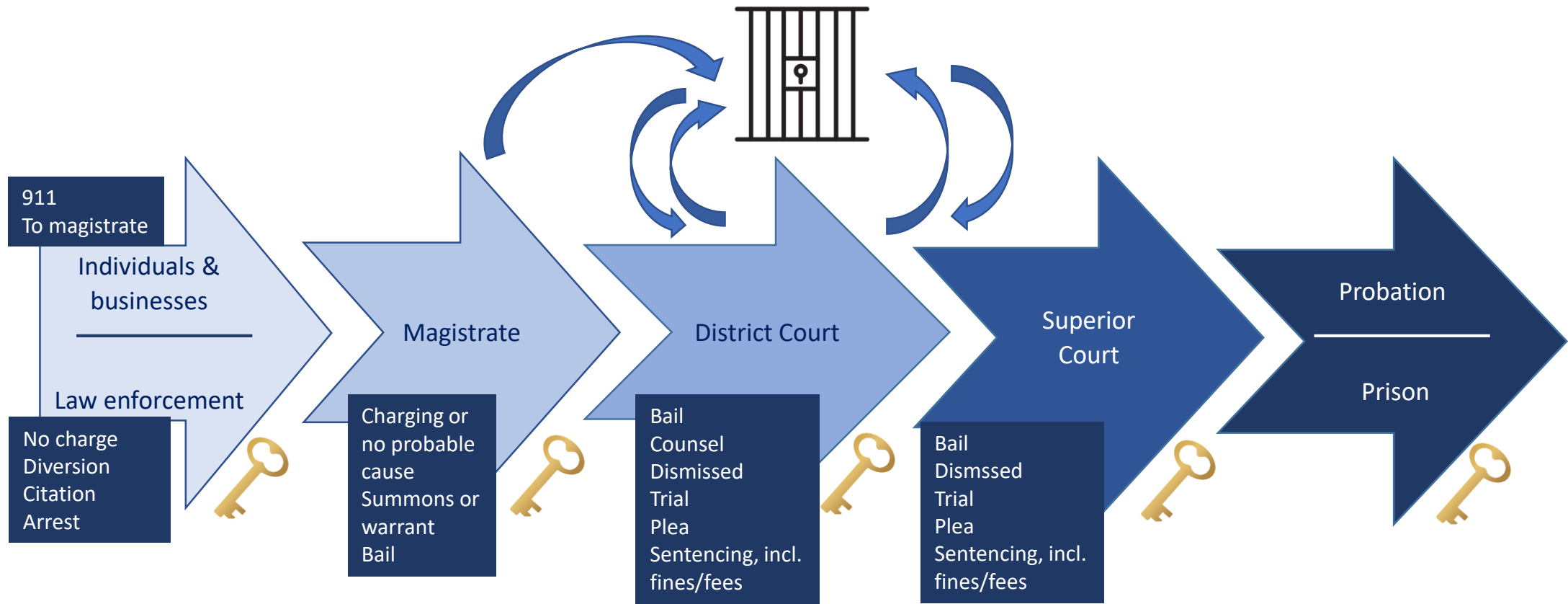
**Superior Court***Manner of Disposition*

Case Type	Jury Trial – Guilty Verdict	Jury Trial – Not Guilty Verdict	Jury Trial – Guilty Plea Before Verdict	Guilty Plea No Contest to Lesser	Guilty Plea No Contest
<b>Criminal cases</b>	<b>1,492</b>	<b>533</b>	<b>234</b>	<b>9,243</b>	<b>63,650</b>
Felonies	1,184	352	204	9,065	56,116
Misdemeanors, other than traffic	179	102	18	113	5,651
Traffic misdemeanors (includes DWI)	129	79	12	65	1,883

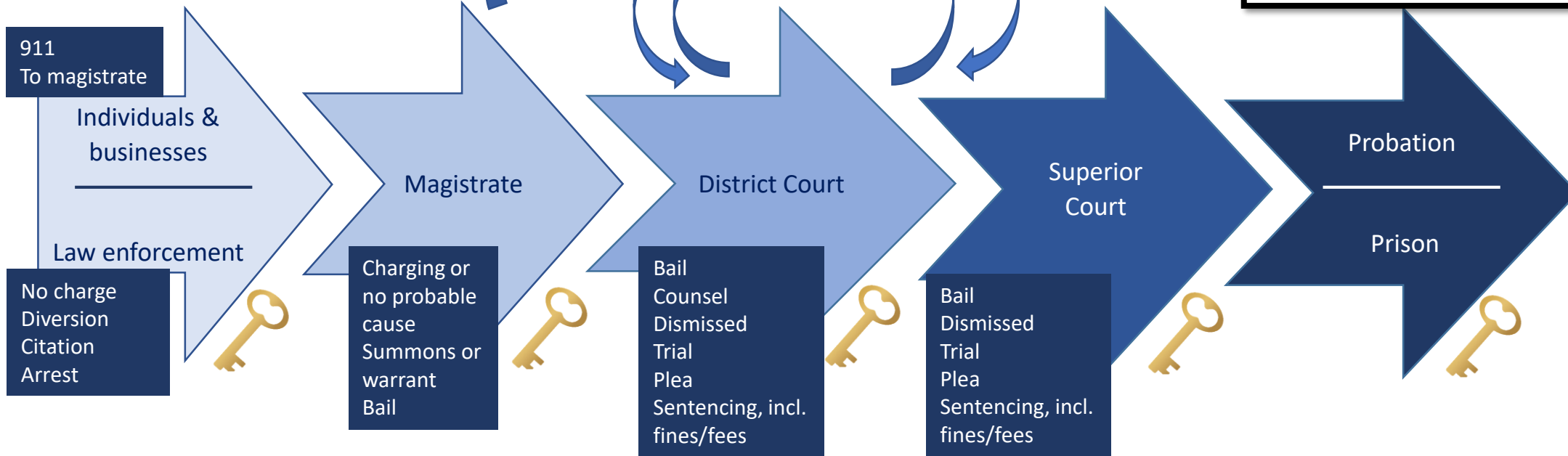
*Manner of Disposition*

Case Type	Dismissal After Deferred Prosecution	Dismissal With Leave	Other*
<b>Criminal cases</b>	<b>1,113</b>	<b>1,715</b>	<b>80,277</b>
Felonies	1,058	1,351	51,727
Misdemeanors, other than traffic	52	168	20,200
Traffic misdemeanors (includes DWI)	3	196	8,350

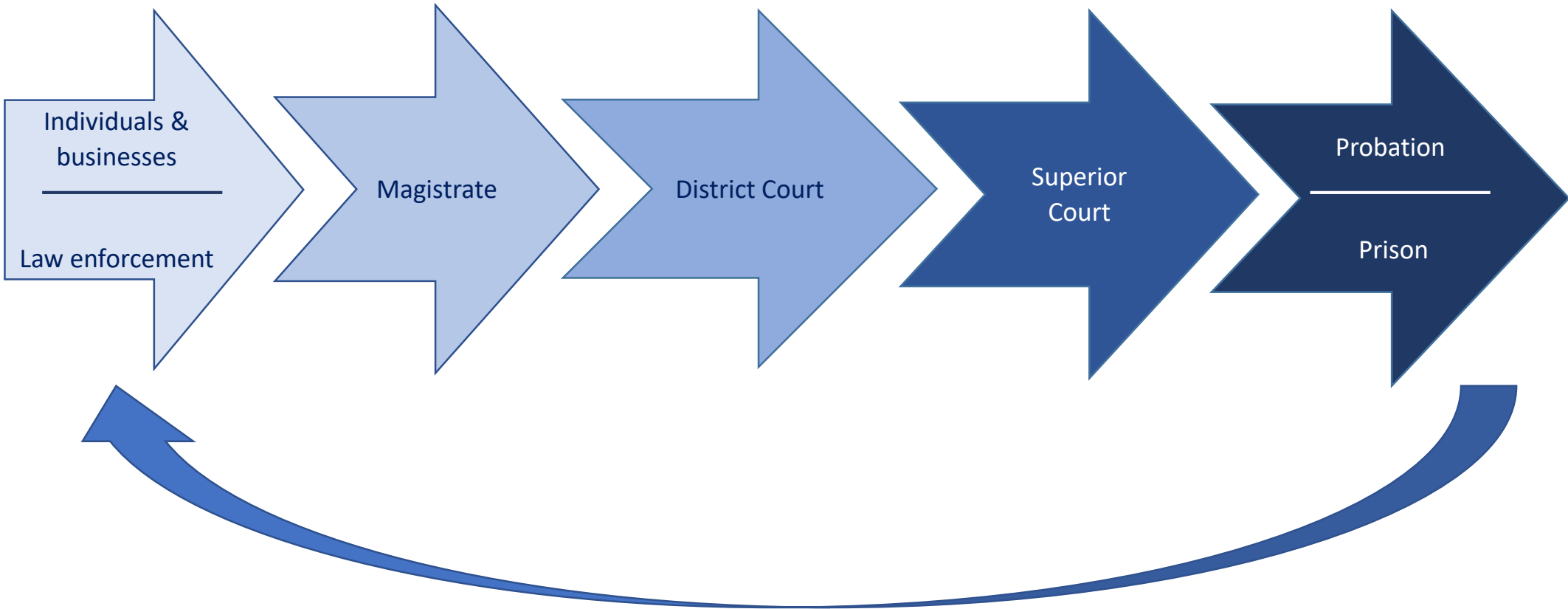
\*Other includes speedy trial dismissals, and in FY 2019, dismissal without leave.

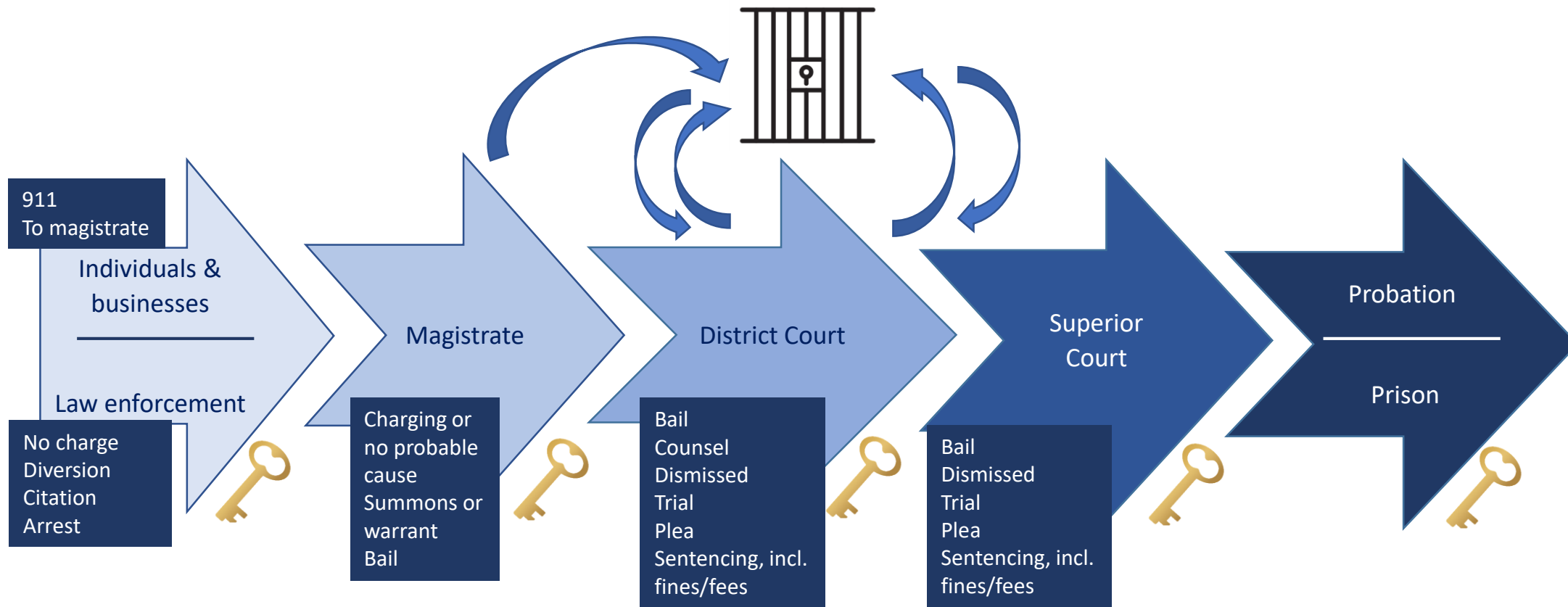




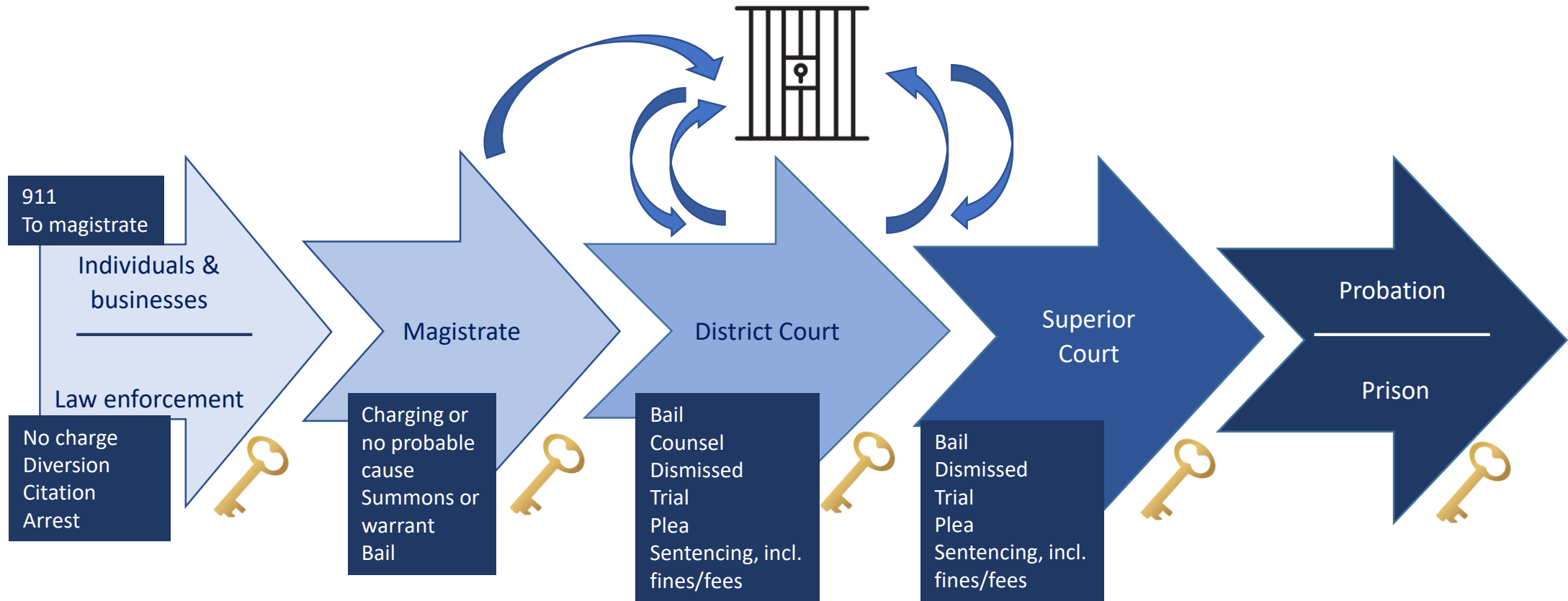


Offender Population Jul 15, 2020	
Group	Number
Prison Inmates	31,986
Probationers	72,062
Post Release/Parole	12,923
<b>Total</b>	<b>116,971</b>
Male Inmates	29,604
Female Inmates	2,382



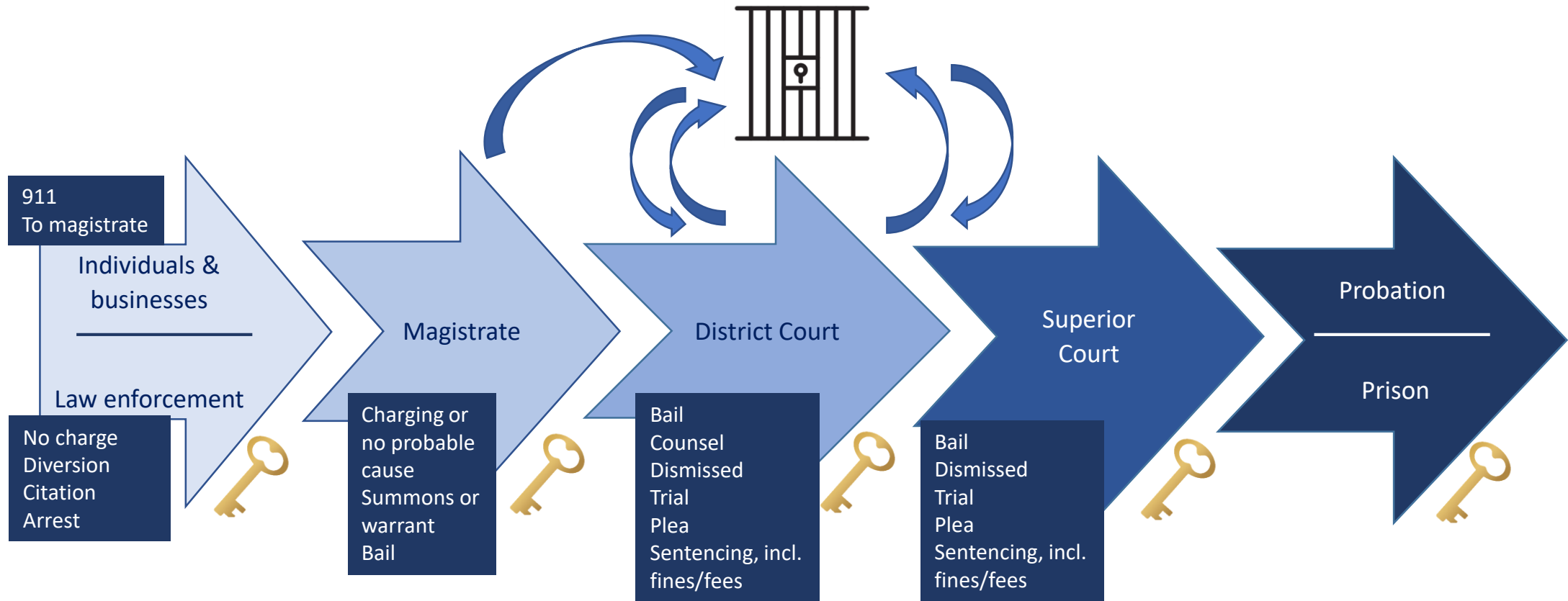


What is criminalized



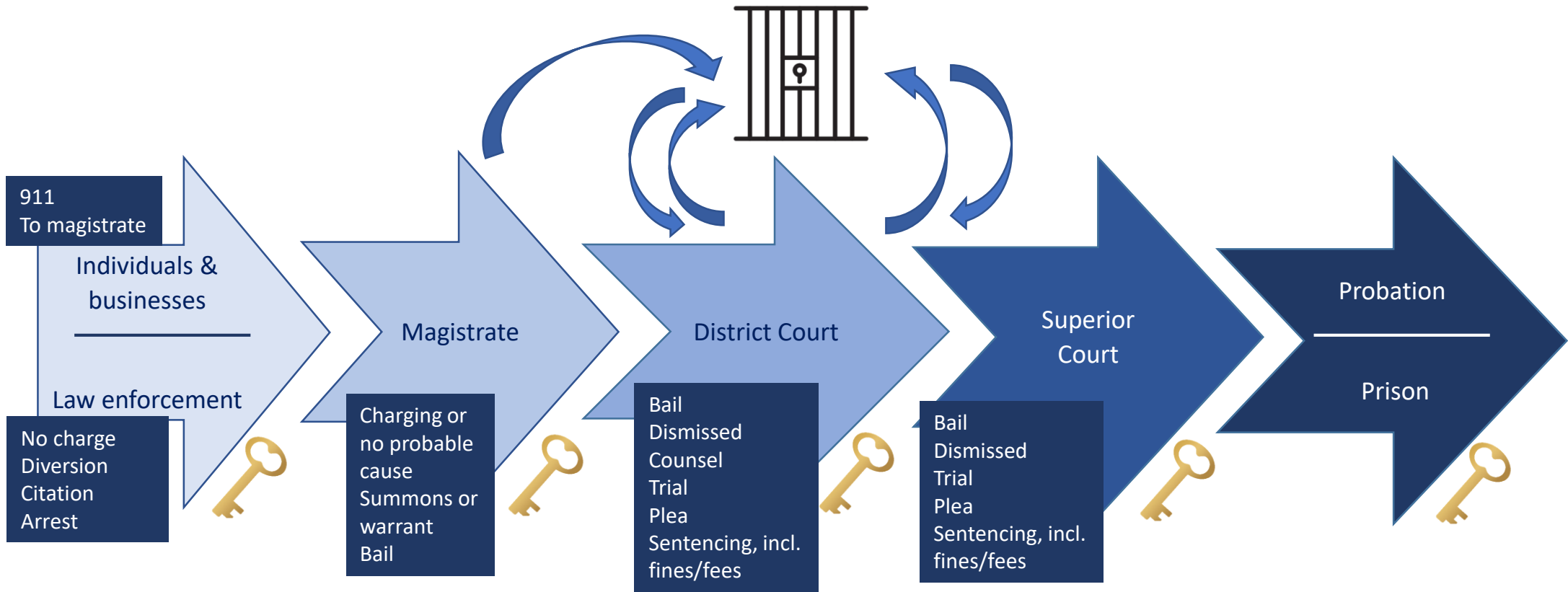
What is criminalized

Health services



What is criminalized

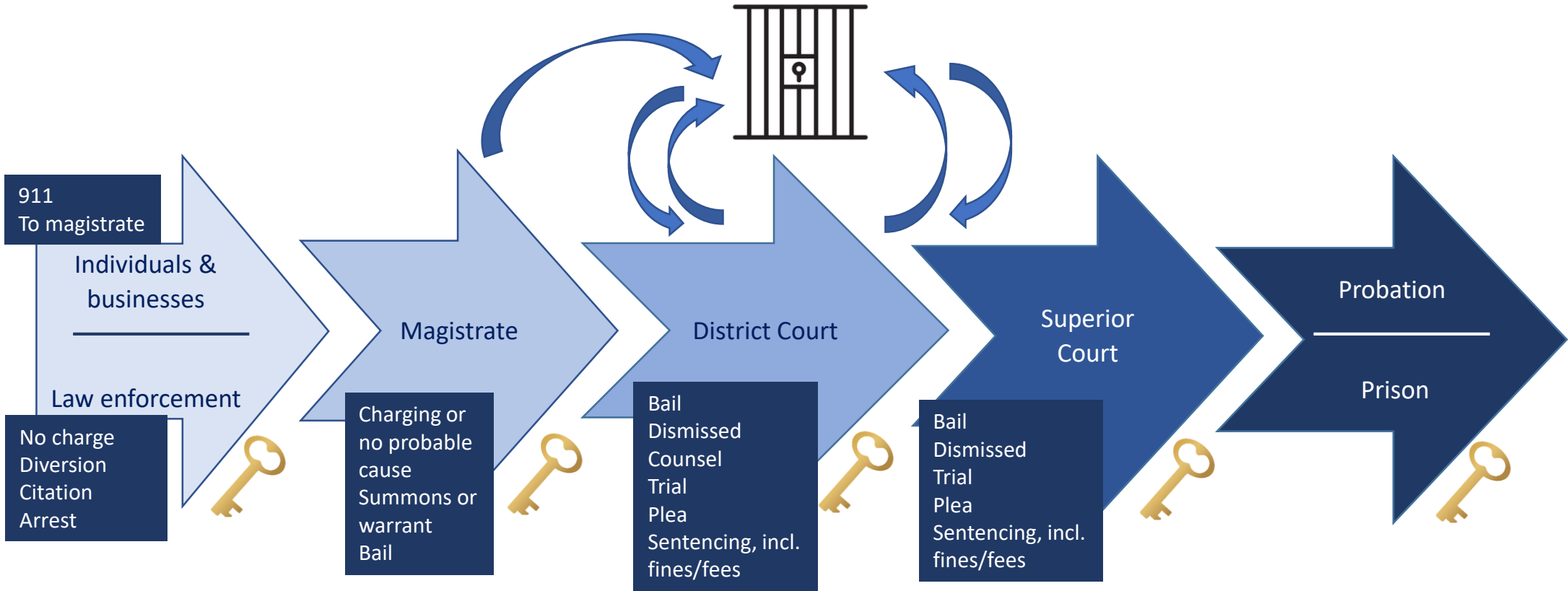
Health services



Legal framework

What is criminalized

Health services

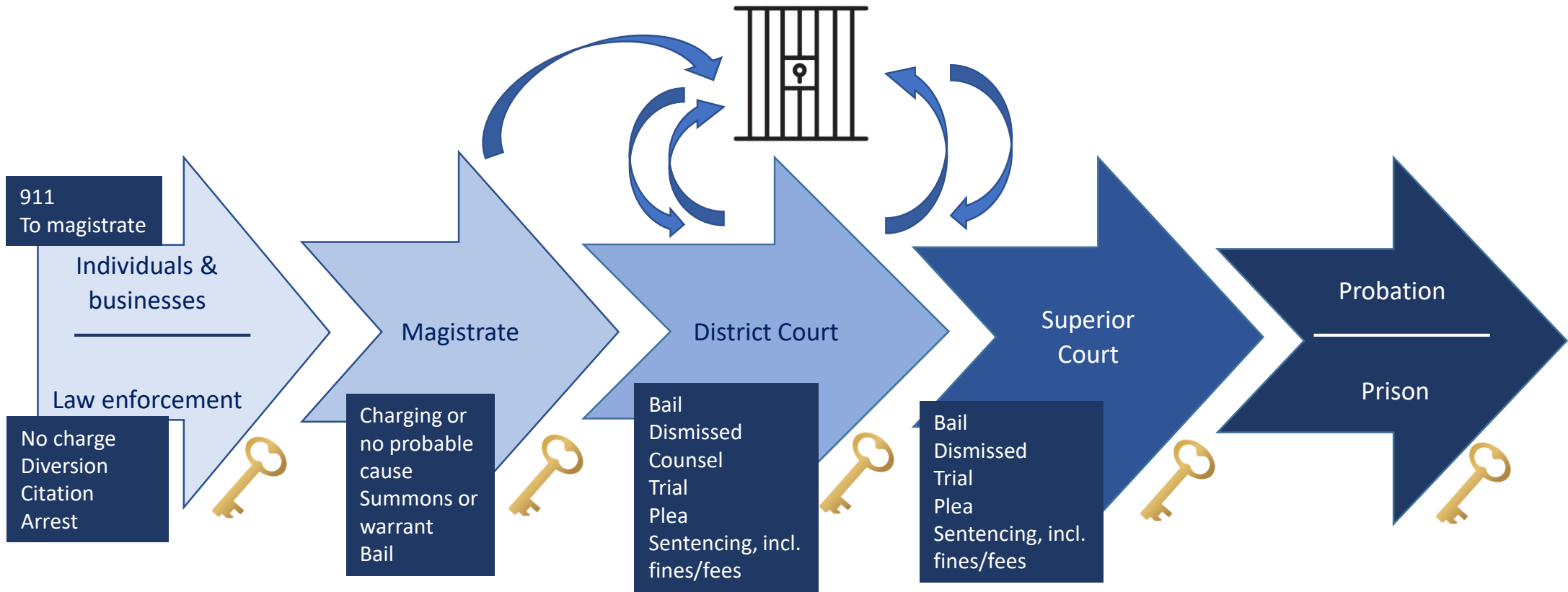


Legal framework

Accountability

What is criminalized

Health services



Legal framework

Accountability

Data



What is criminalized

Health services

Probation Revocation

Fines and Fees

Failures to Appear

Criminal Record

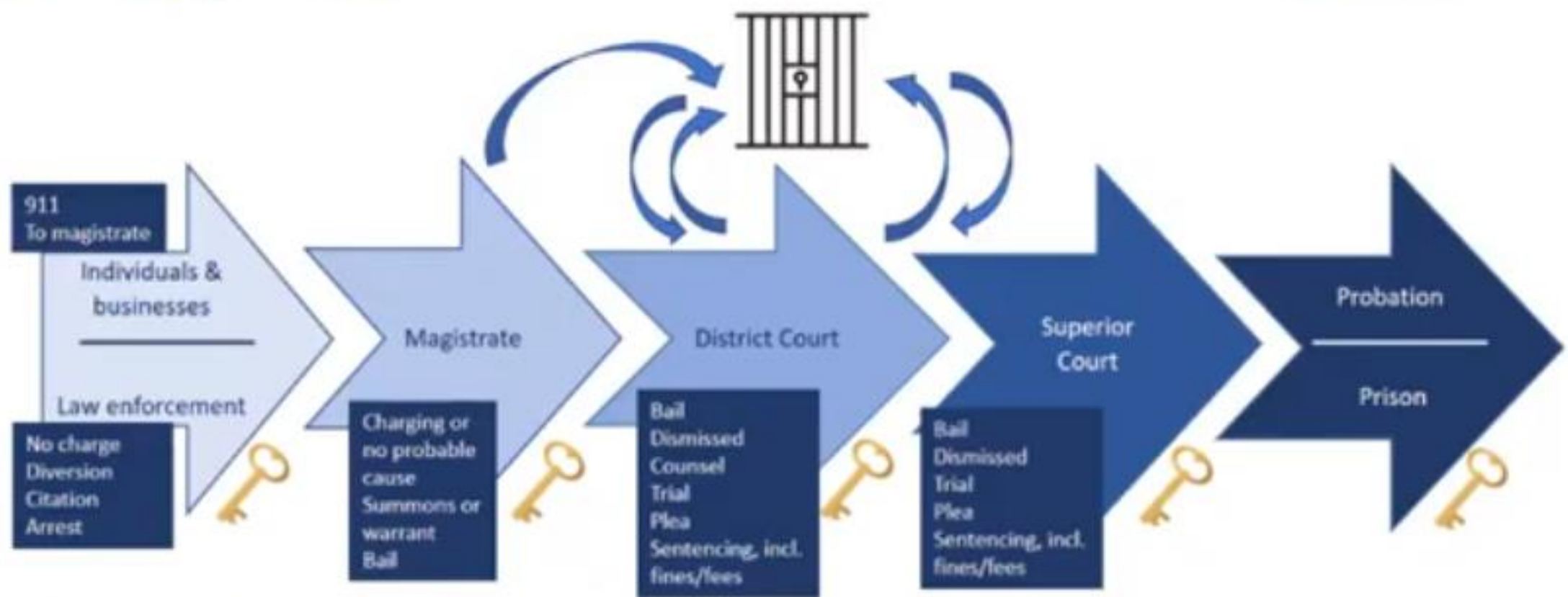
Political Enviromen

Victim Voices

Trauma

Economic opportunities

Race



Legal framework

Accountability

Data

Politics

Crime Rate & Local Policies around it

Transparency

Authority

Discretion

Culture

Training

Legislative Mandate



Questions?

Reach out or visit us on the web:

Jessie Smith, [smithj@sog.unc.edu](mailto:smithj@sog.unc.edu)

[cjil.sog.unc.edu](http://cjil.sog.unc.edu)



# **Racial Disparities In the Criminal Justice System**

**Kami Chavis**

Professor of Law and Director  
of the Criminal Justice Program

Wake Forest University School  
of Law

# The Roots of Racial Disparities in Policing

- Slave patrols and night watches (Antebellum)
- Complicity with Ku Klux Klan/Lynching (Reconstruction)
- Civil Rights Enforcement (Jim Crow)
- War on Drugs vs. Opioid Crisis (Modern Era?)



**Sheriff's Deputies Beat Volunteer Civil Rights Worker at the Courthouse**

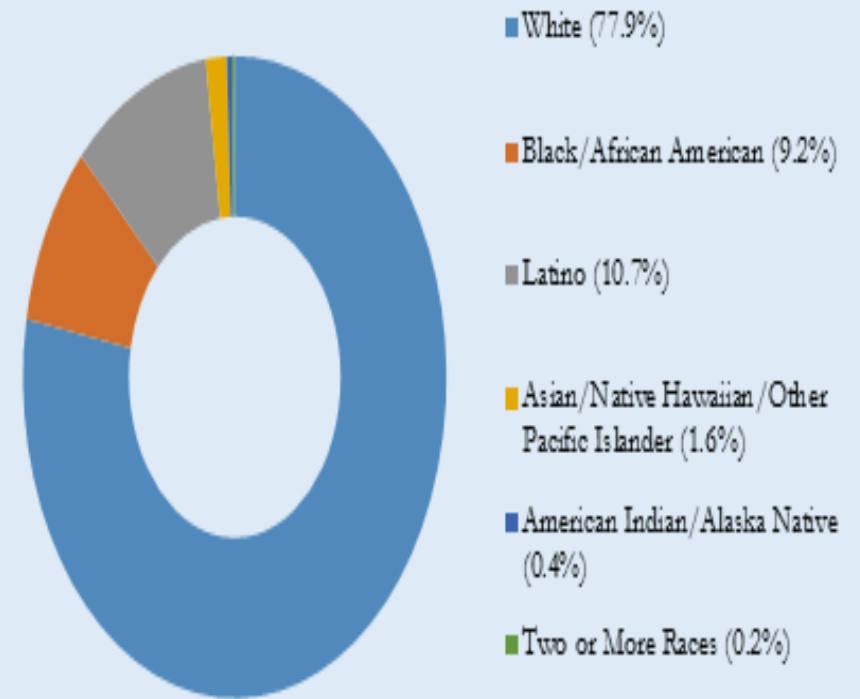
# Racial Disparities in Traffic Stops in North Carolina

- Greensboro and Asheboro police departments are twice as likely to search Black drivers
- NC State troopers are three times as likely to search Hispanic drivers
- Officers 250% more likely to use probable cause as justification to search black motorists
- Black drivers are 43% more likely to be arrested than whites in Raleigh

# Modern Law Enforcement

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

Sheriffs' Offices Breakdown by Race (2013)



# Menu of Police Reform/ Accountability Efforts

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



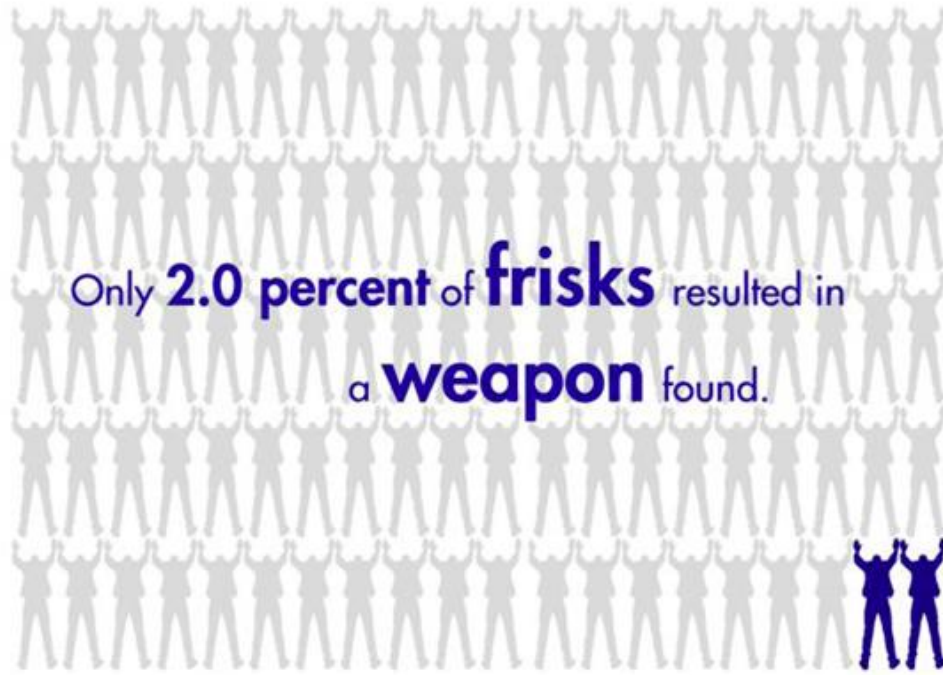


Image created by the New York Civil Liberties Union.

## Stop-and-Frisk 2012

Stops by Race

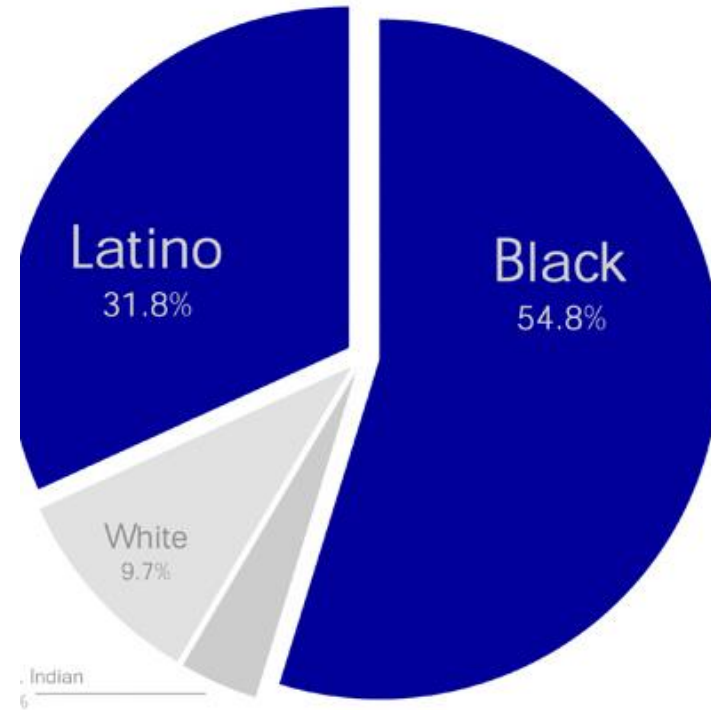
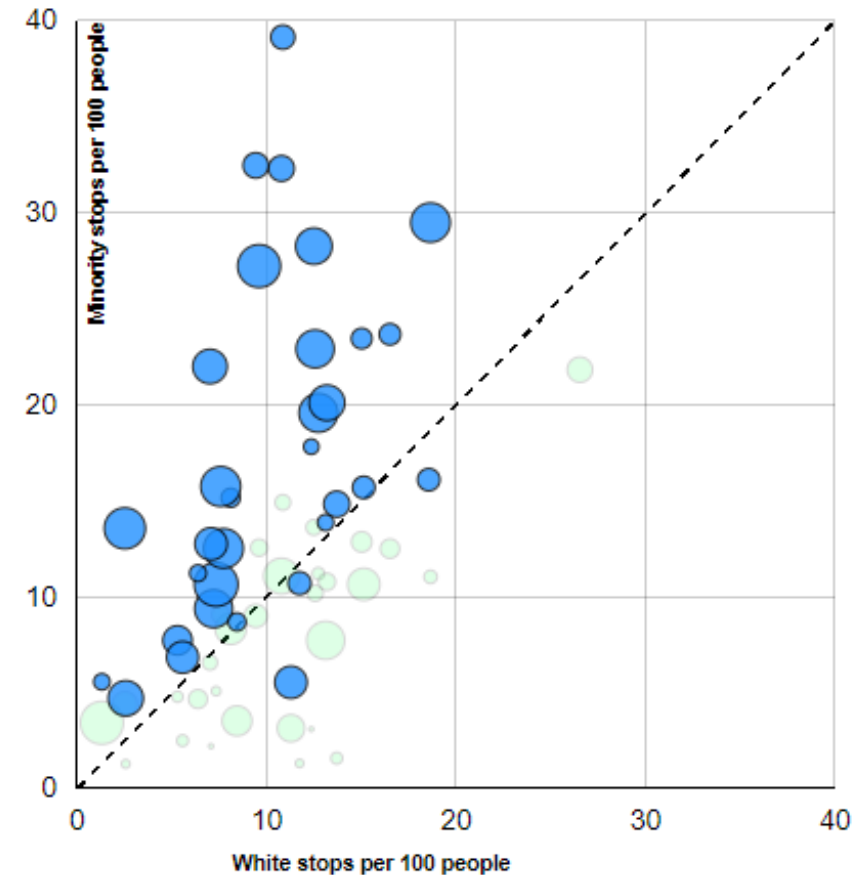


Image created by the New York Civil Liberties Union.

# Racial Disparities in Police Stops: Example: Terry Stops in NYC

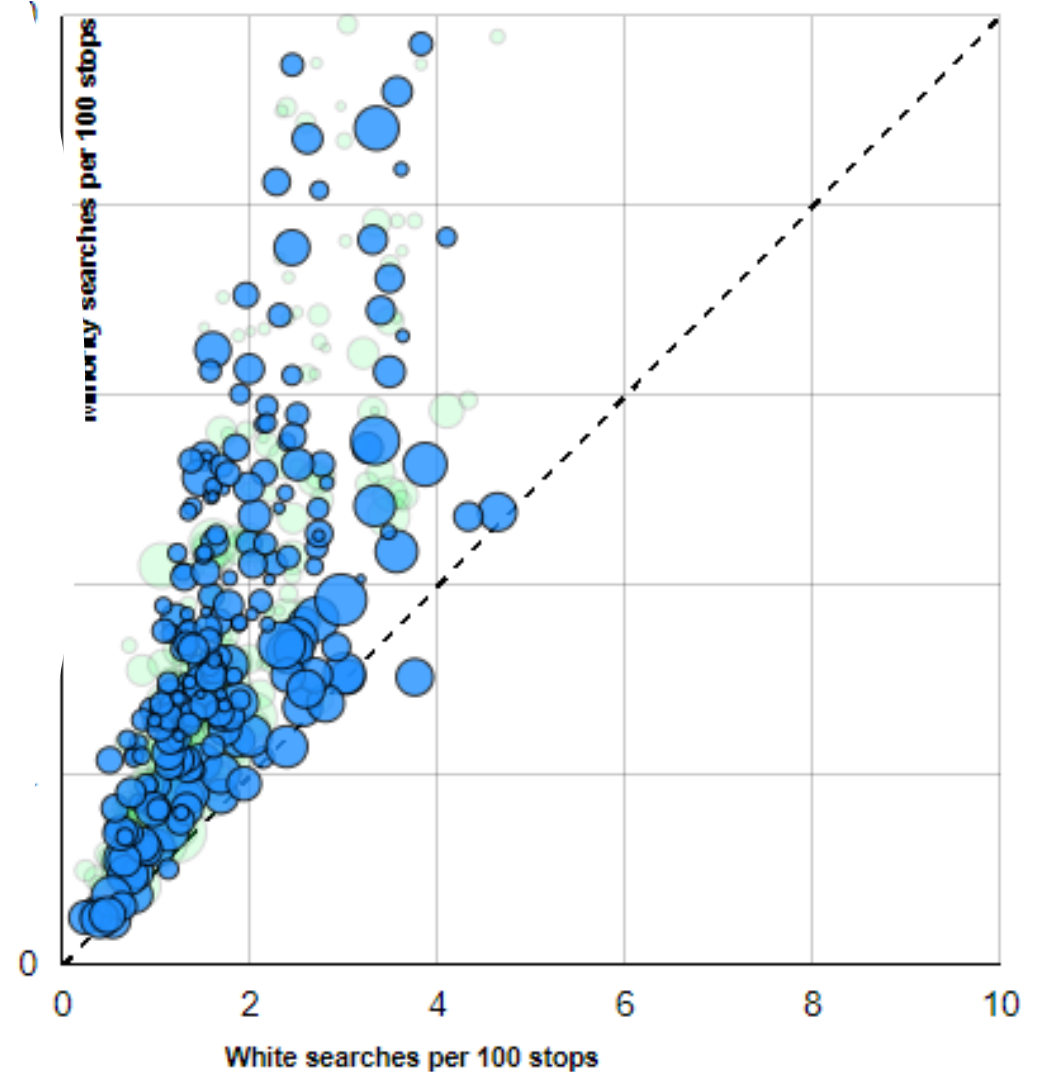
# African-Americans are more likely to be stopped by law enforcement.

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



# African-Americans are subjected to more searches, on average, than whites.

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



# Use of Force (National)

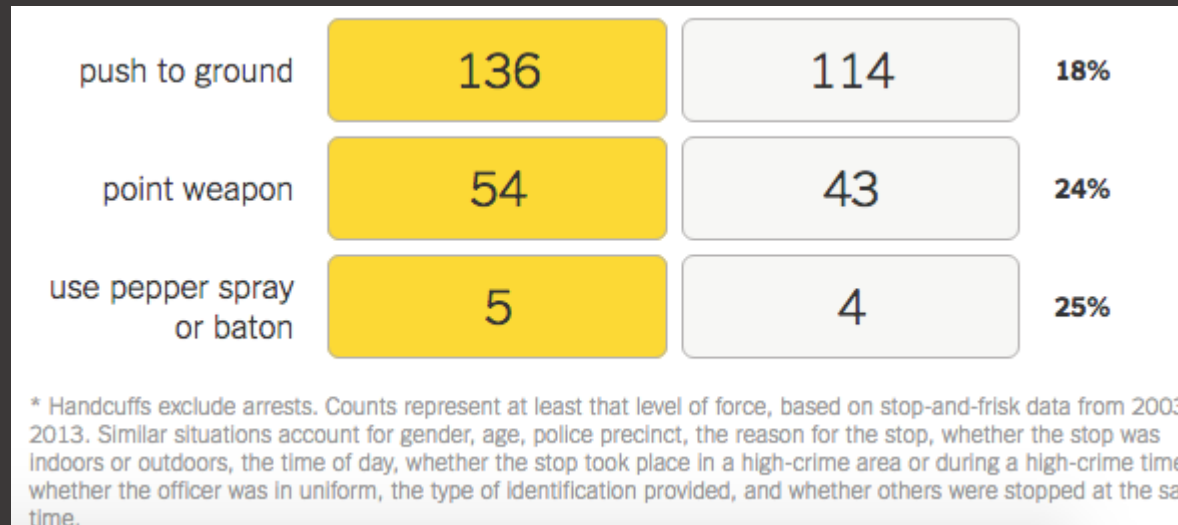
Police are more likely to...

	with <b>blacks</b>	than with <b>whites</b> in similar situations	
use hands	<b>2,165</b> for every 10,000 stops in New York City	<b>1,845</b> for every 10,000 stops in New York City	<b>17% more likely</b>
push into wall	<b>623</b>	<b>529</b>	<b>18%</b>
use handcuffs*	<b>310</b>	<b>266</b>	<b>16%</b>
draw weapons	<b>155</b>	<b>129</b>	<b>19%</b>

Source: [http://www.nytimes.com/2016/07/12/upshot/surprising-new-evidence-shows-bias-in-police-use-of-force-but-not-in-shootings.html?smid=pl-share&\\_r=0](http://www.nytimes.com/2016/07/12/upshot/surprising-new-evidence-shows-bias-in-police-use-of-force-but-not-in-shootings.html?smid=pl-share&_r=0)

# Use of Force Cont.

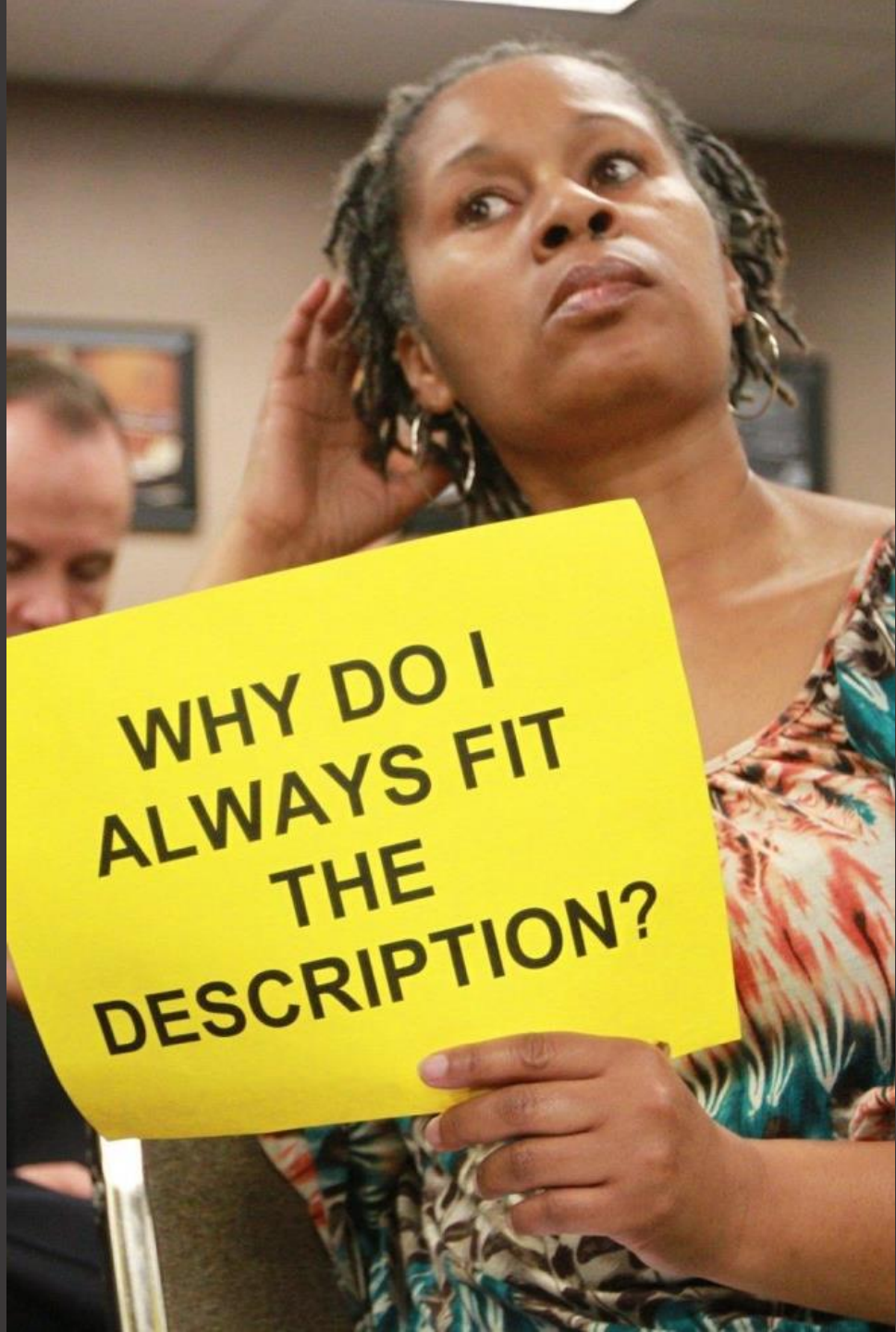
Police are more likely to...



Source: [http://www.nytimes.com/2016/07/12/upshot/surprising-new-evidence-shows-bias-in-police-use-of-force-but-not-in-shootings.html?smid=pl-share&\\_r=0](http://www.nytimes.com/2016/07/12/upshot/surprising-new-evidence-shows-bias-in-police-use-of-force-but-not-in-shootings.html?smid=pl-share&_r=0)

# Racial Disparities in Police Shootings

- Unarmed African Americans are nearly 3.5 times more likely to be shot by police than unarmed whites
- Non-suicidal unarmed Black men are **13 times** more likely to be *fatally* shot by the police than whites.
- While people of color make up fewer than 38 percent of the U.S. population, they make up almost 63 percent of unarmed people killed by police.



# Racial Disparities in Policing

## San Francisco Study:

- African Americans accounted for 42% of all non-consensual searches following stops

- Of all people searched, African Americans and Hispanics had the lowest “hit rate”

## Ferguson Numbers:

- Nearly 90% of the documented instances of uses of force were against African Americans

- Every documented instance of K-9 bites involved African Americans

From 2013-2019, police in North Carolina killed 204 people.  
Do you know their names?

Click for more information on an incident.

All

By Race

By Sex

By Armed Status

By Mental Illness

By Cause of Death

By Year

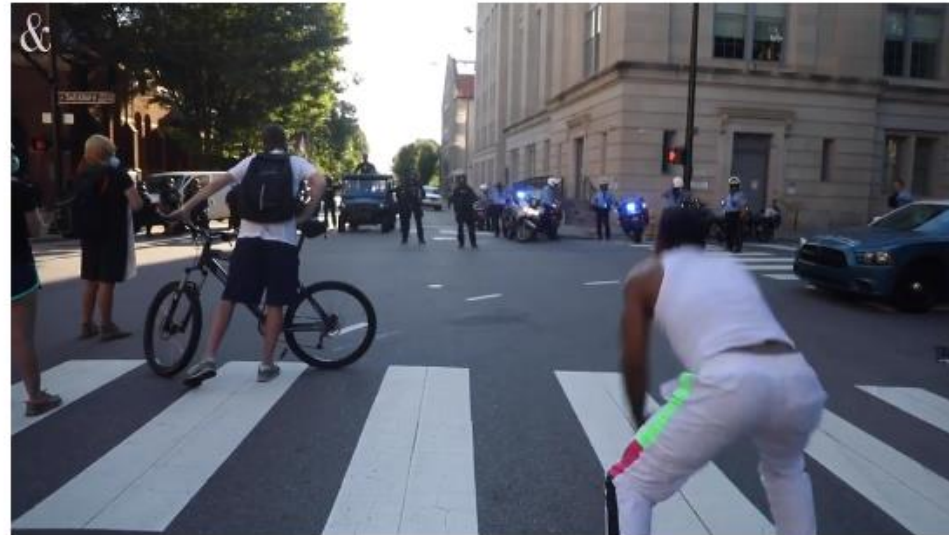




## How do cops use force in NC? Most agencies won't say

BY LUCILLE SHERMAN

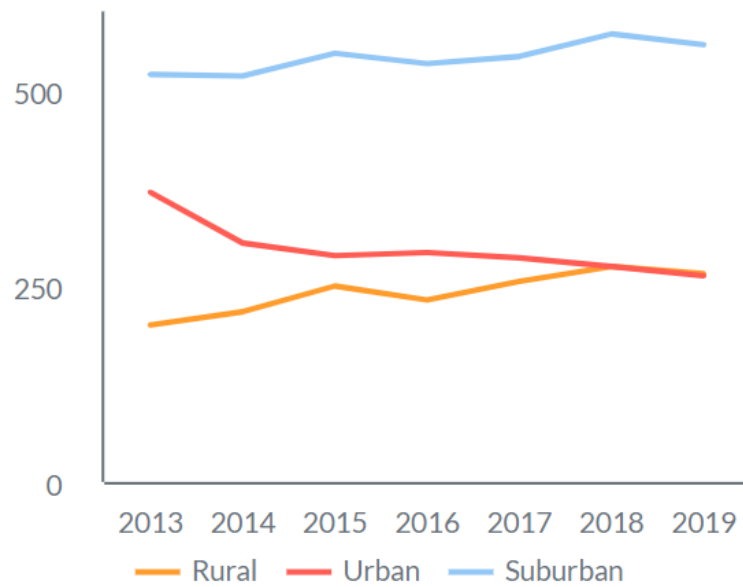
JUNE 16, 2020 11:29 AM , UPDATED JUNE 21, 2020 06:42 PM



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

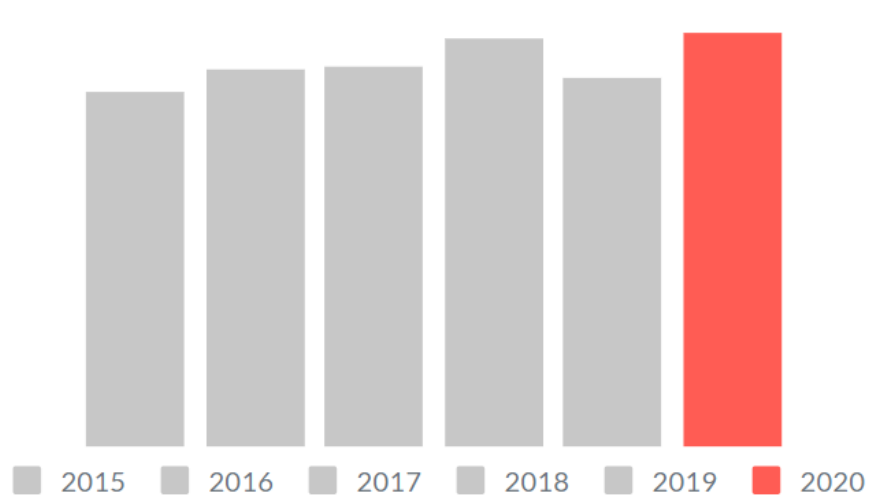
## Police violence is changing over time

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



Killings by Police by Zipcode Population Density

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



Killings by Police from 1/1 - 6/30 of Each Year

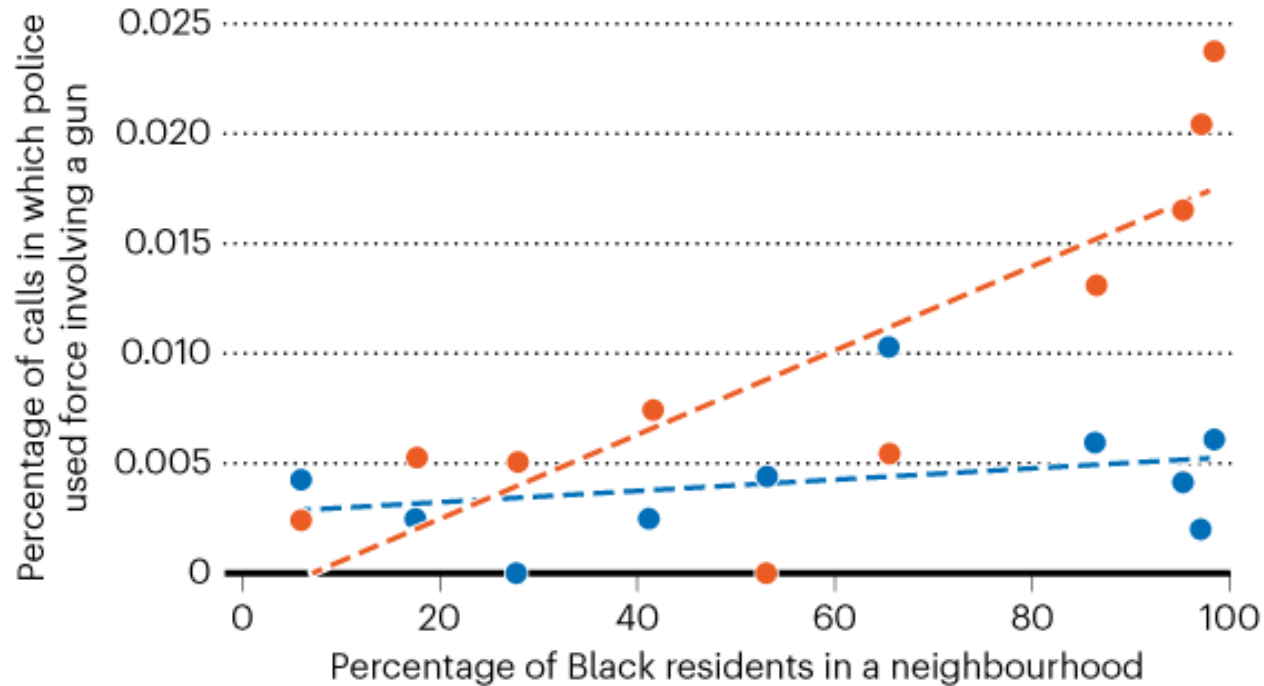
# Racial Disparities in Police Brutality

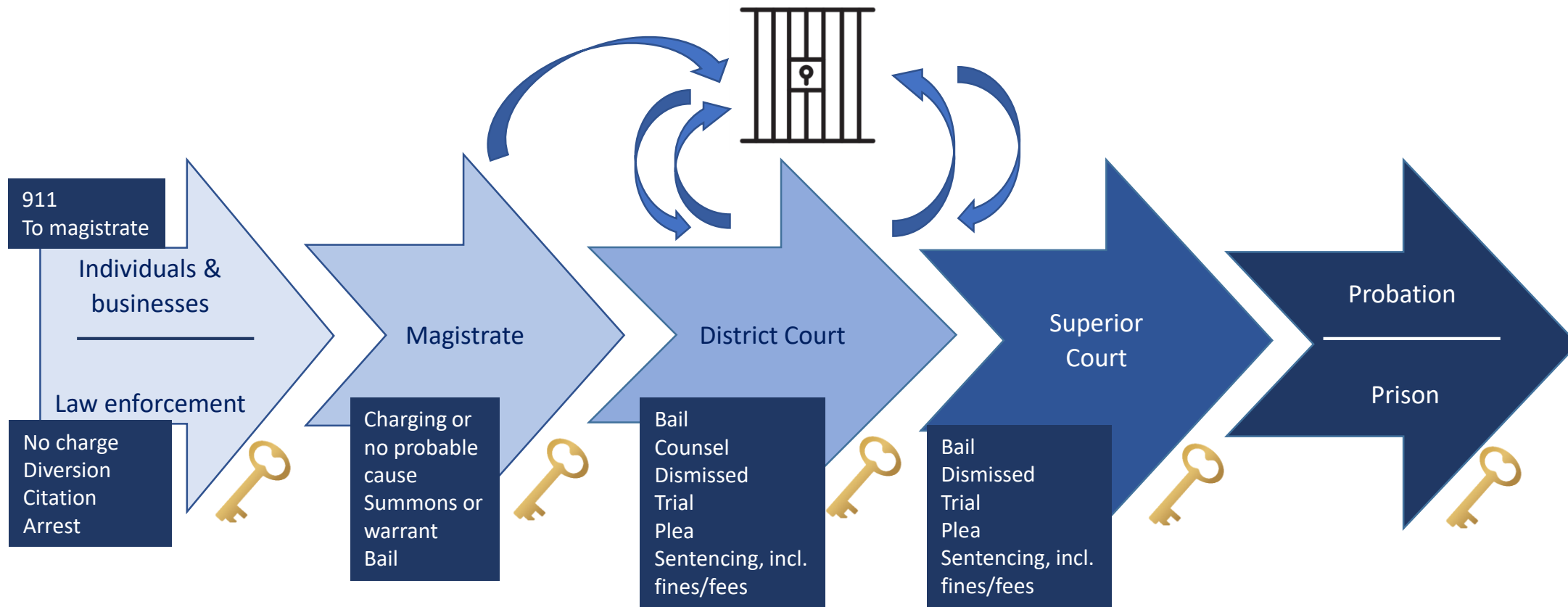
- As of July 9, 2016:
  - Whites represented 54% of police shooting victims
  - Blacks represented 28%
  - Hispanic Represented 18%
- A study found that African Americans are victims of police use of force compared to other racial and ethnic groups
  - Force is used against African Americans at a rate three times that used against whites

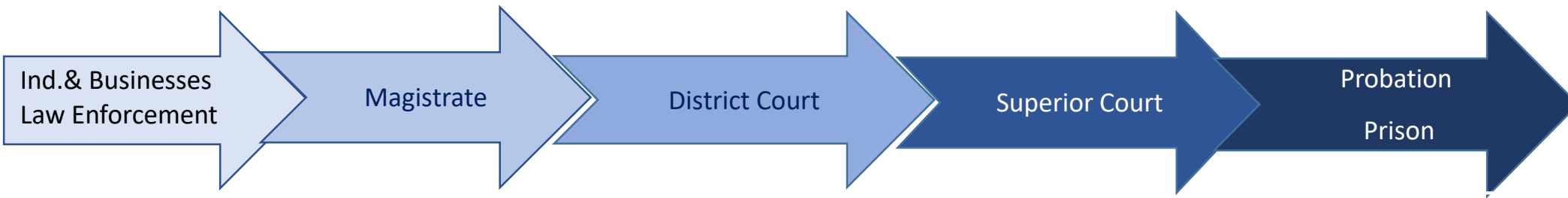
## ANSWERING THE CALL

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

● White officers ● Black officers

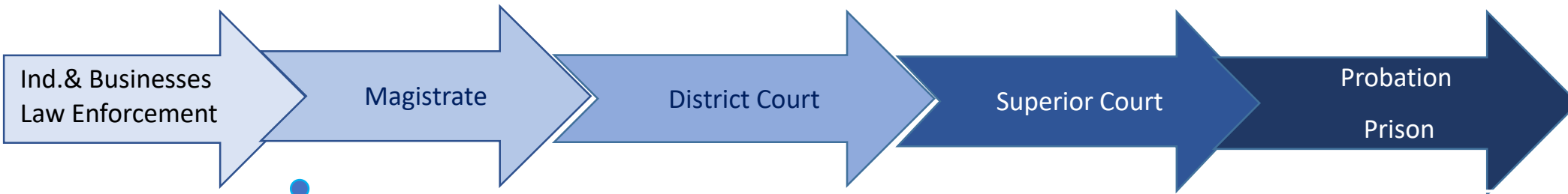






## Arrest Statistics (National)

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



## Racial Disparities in Pretrial Detention

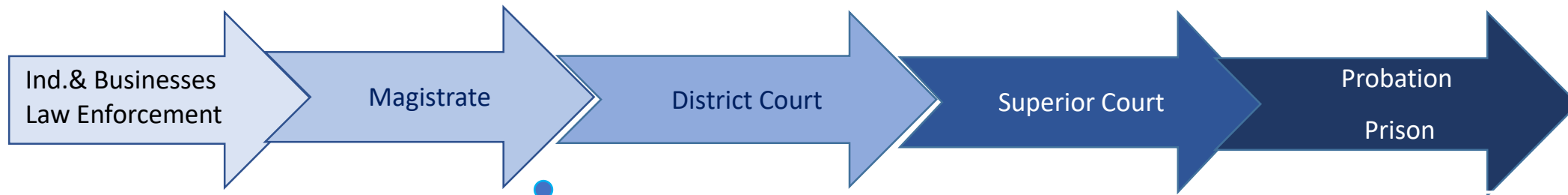
- In large urban areas, Black felony defendants are over 25% more likely than white defendants to be held pretrial.
- Across the country, Black and brown defendants are at least 10-25% more likely than white defendants to be detained pretrial or to have to pay money bail.
- Young Black men are about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



## Charges By Race

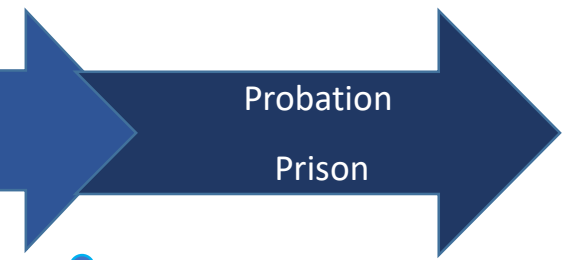
Most serious arrest charge	Number of defendants	Total	Black non-Hispanic	White non-Hispanic	Other non-Hispanic	Hispanic, any race
<b>All offenses</b>	56,978	100%	45	29	2	24
<b>Violent offenses</b>	13,035	100%	47	26	2	25
Murder	368	100%	67	10	1	22
Rape	645	100%	39	30	1	30
Robbery	3,407	100%	57	20	3	20
Assault	6,288	100%	47	26	2	26
Other violent	2,329	100%	33	35	3	30
<b>Property offenses</b>	16,545	100%	39	36	2	23
Burglary	4,412	100%	36	36	1	27
Larceny/theft	5,186	100%	44	34	2	20
Motor vehicle theft	1,626	100%	38	26	5	31
Forgery	1,387	100%	37	40	4	20
Fraud	2,021	100%	39	37	3	22
Other property	1,916	100%	36	40	3	21
<b>Drug offenses</b>	20,904	100%	49	26	1	24
Trafficking	8,348	100%	59	16	2	23
Other drug	12,556	100%	43	33	1	24
<b>Public-order offenses</b>	6,494	100%	41	30	2	27
Weapons	1,934	100%	60	14	-	26
Driving-related	1,793	100%	25	39	2	34





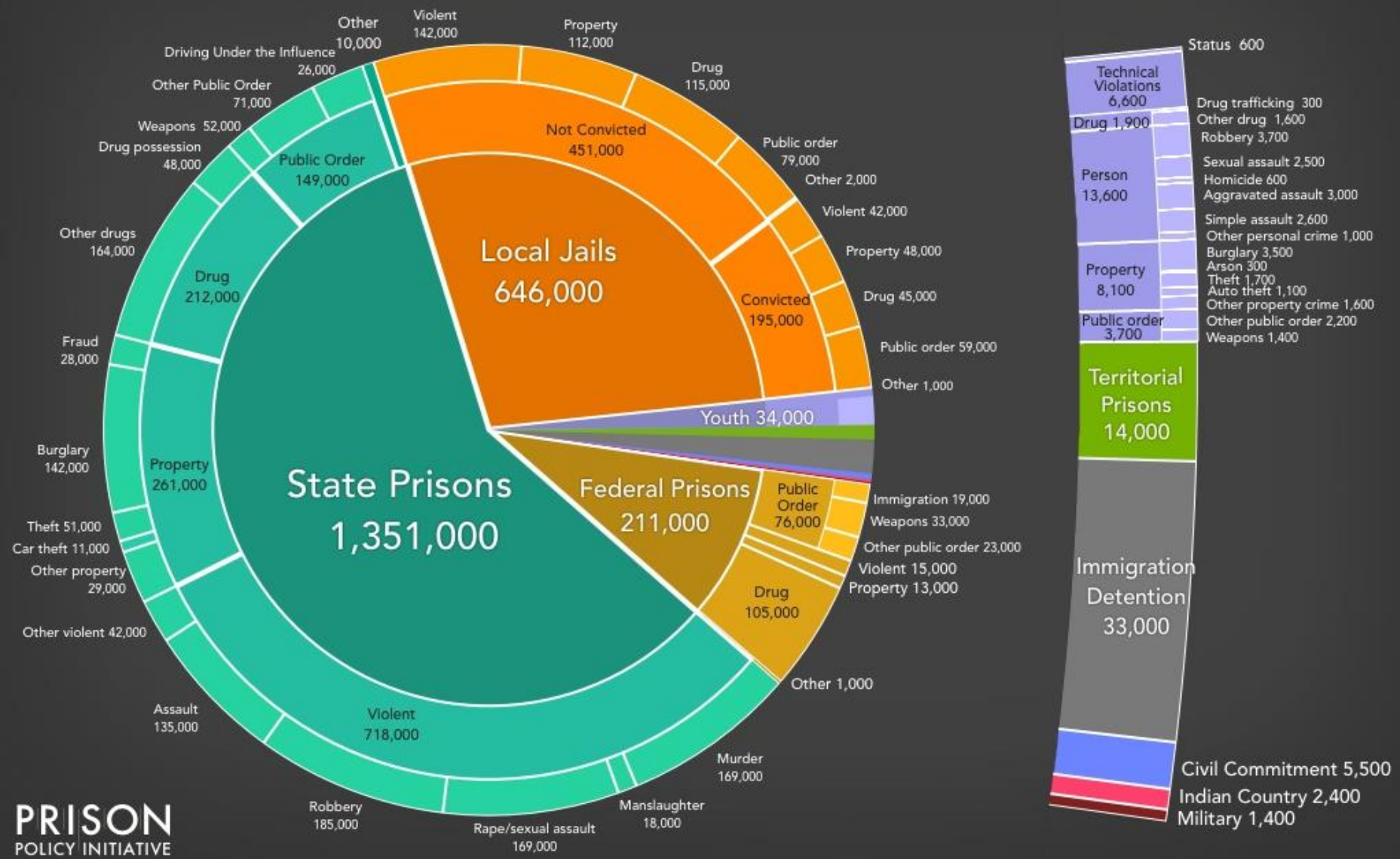
## Severity of Charges

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



# How many people are locked up in the United States?

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



**PRISON**  
POLICY INITIATIVE

Sources and data notes: See <http://www.prisonpolicy.org/reports/pie2016.html>

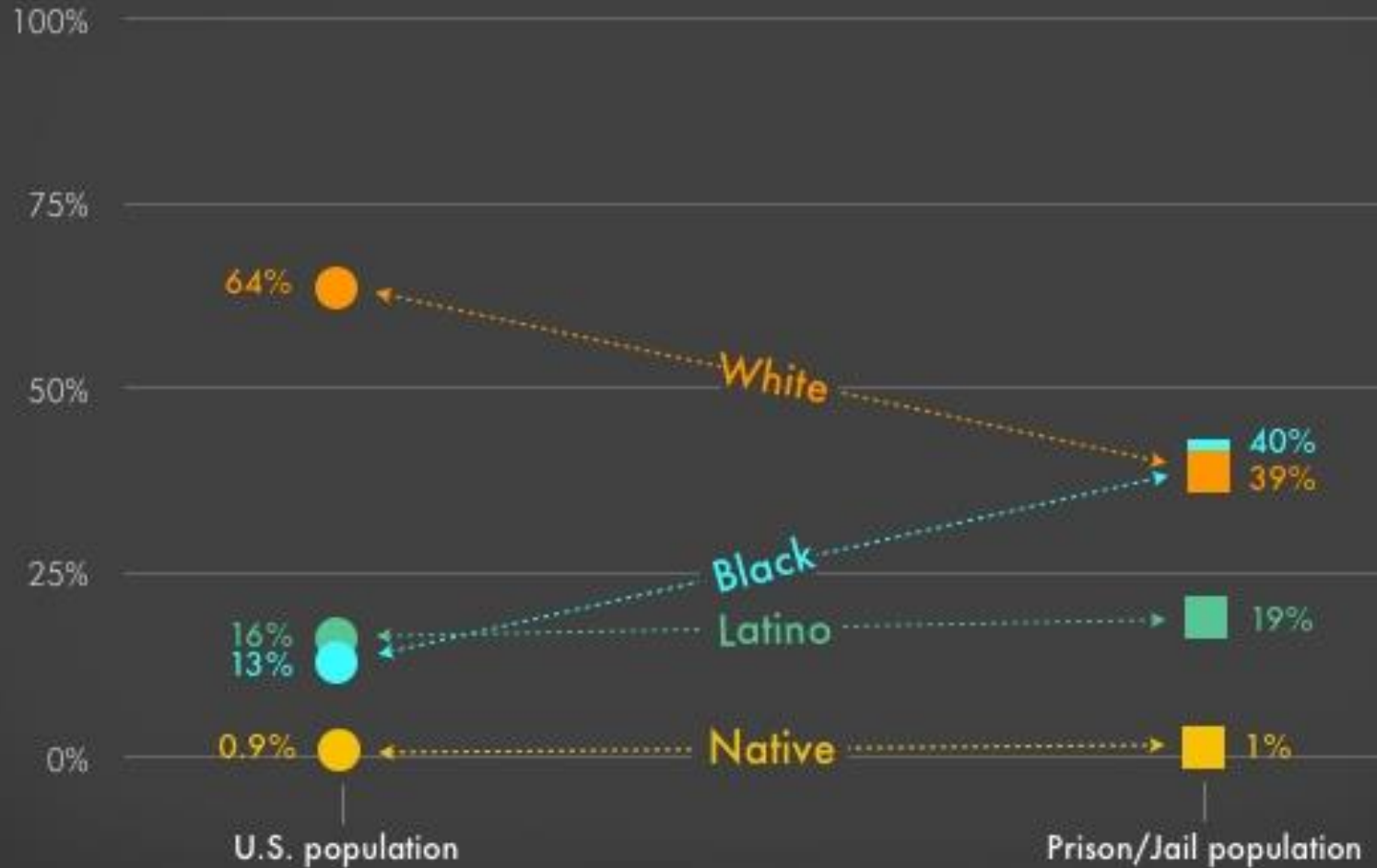
Probation

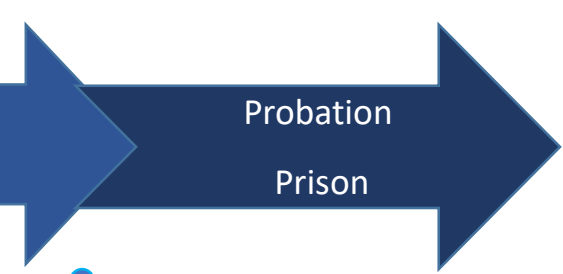
Prison

## Federal

# Racial and ethnic disparities in prisons and jails

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

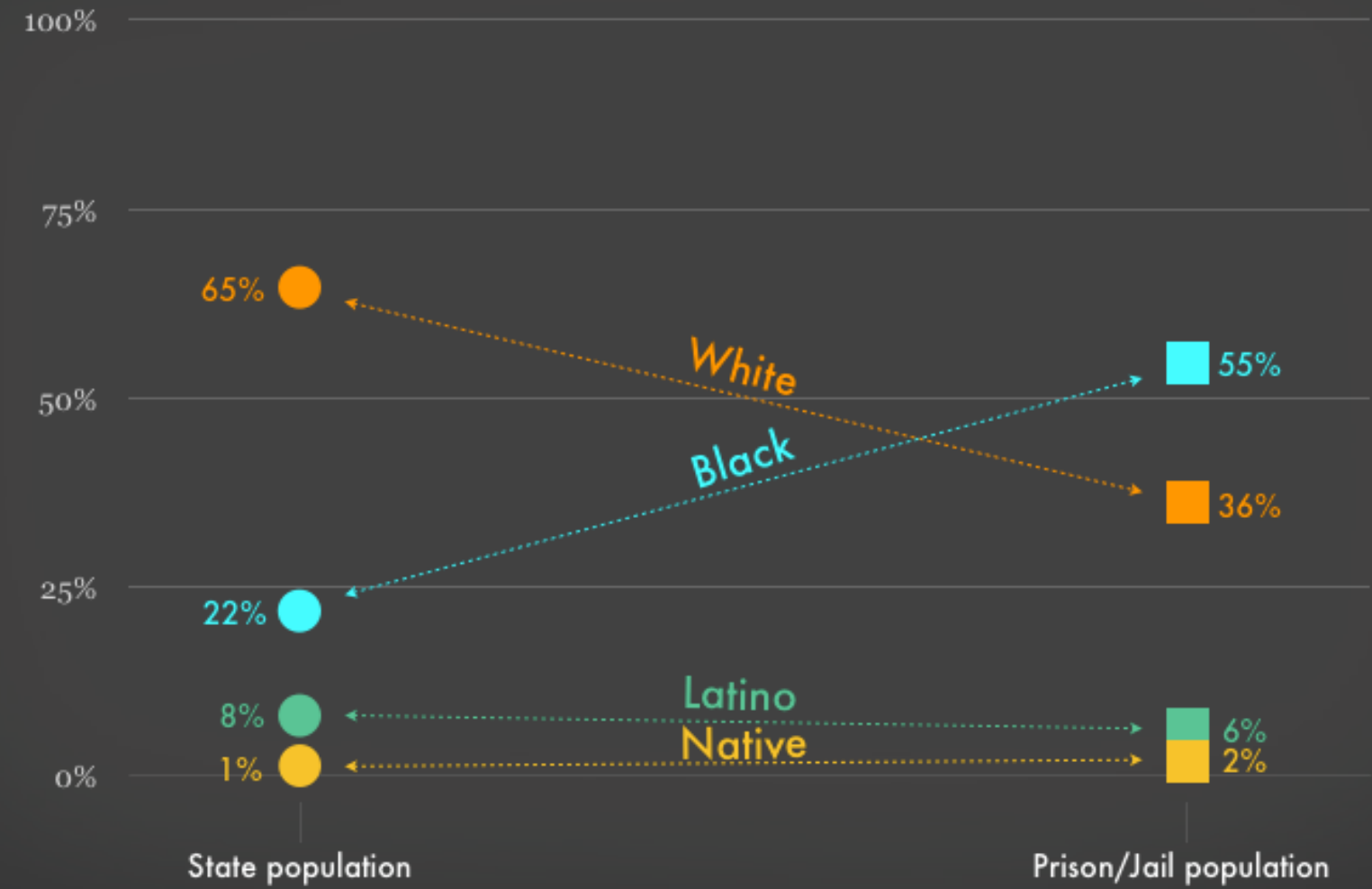


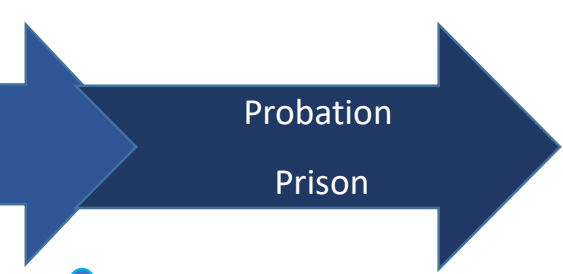


# North Carolina

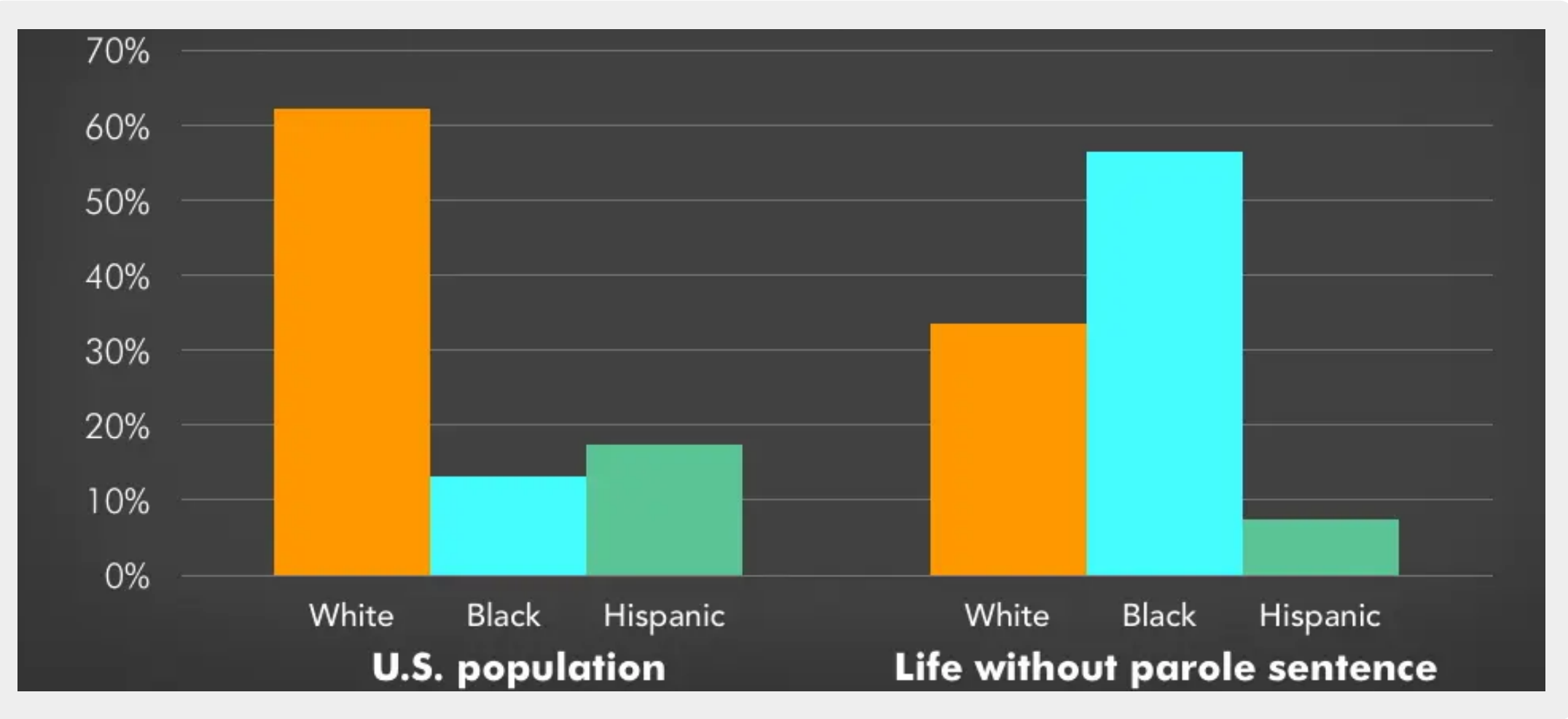
## Racial and ethnic disparities in prisons and jails in North Carolina

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





## Serving Life with Parole Sentence





Probation

Prison

## Have you been convicted of a felony?

Collateral Consequences of a Felony Conviction:

- Right to Vote
- Ability to hold state office
- Ability to sit on a Jury
- Right to Possess Firearms



Probation

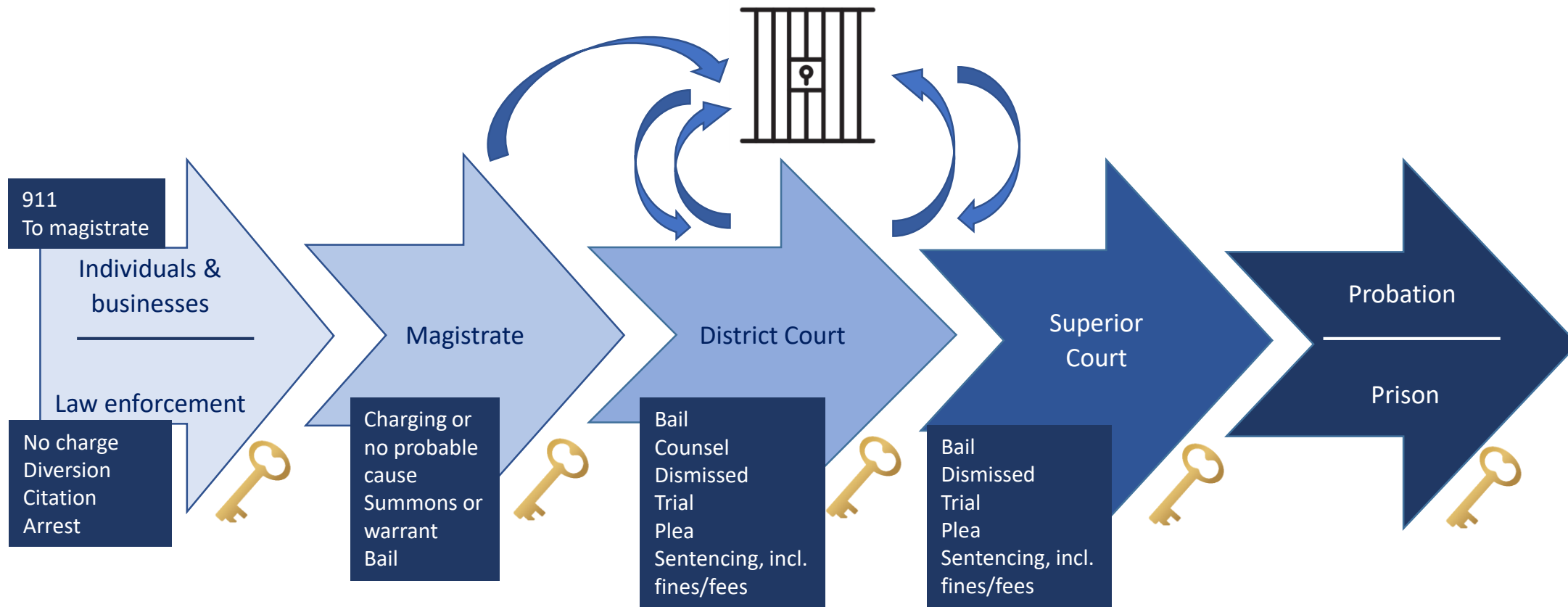
Prison

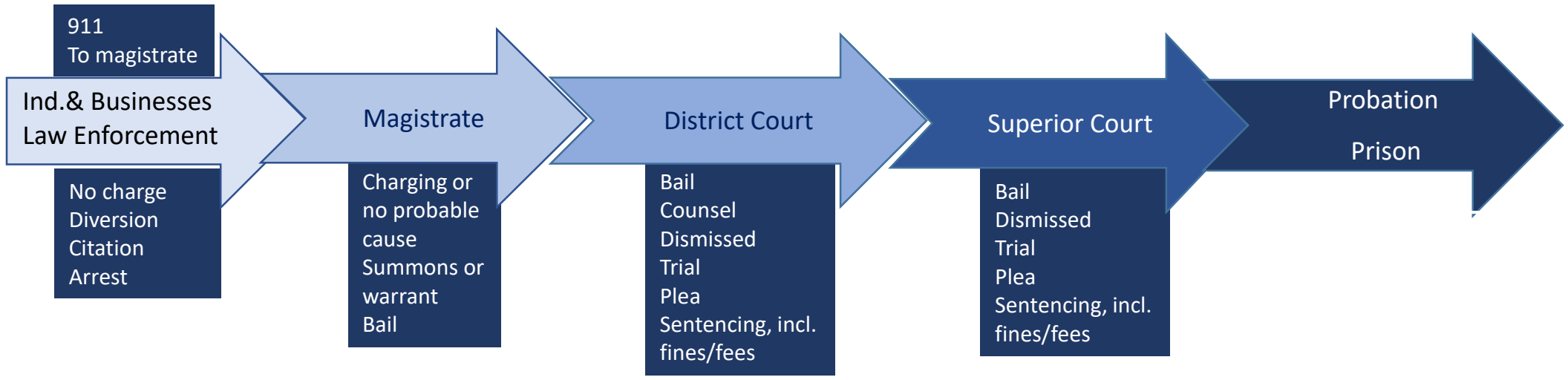
## Collateral Consequences in NC

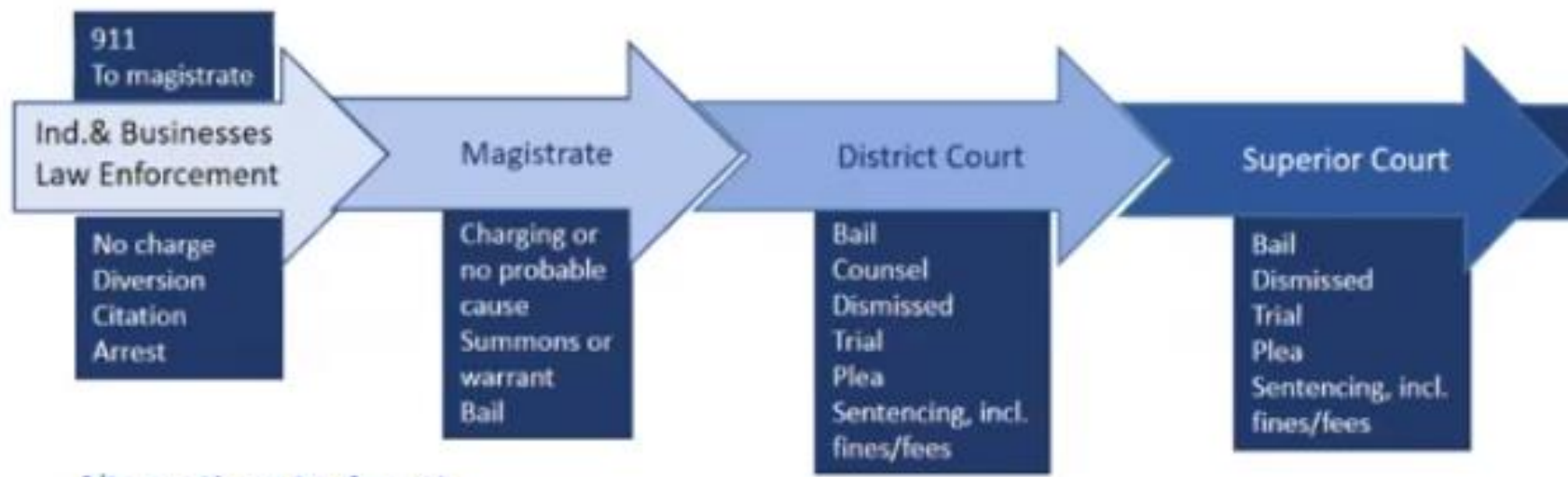
- A person “adjudged guilty” of a state or federal felony or a felony in another state that would be a felony in North Carolina forfeits the rights to vote and to hold public office. N.C. Const. art. VI, §§ 2(3), 8
- A person convicted of a felony is disqualified from jury service. N.C. Gen. Stat. § 9-3
- A professional or occupational license may be denied, suspended, or revoked because of certain convictions
- Right to possess firearms N.C. Gen. Stat. 14-415.1(a)

**10 Minute Break**









### Alternatives to Arrest

Recruitment & Hiring

Restoration of DLs

Private Warrants

Restorative Justice

Data

Officer Diversion

Guardrails on discretion

"status" offenses that impact sentence

Police culture

Transformative justice

Criminalization of traffic and low level offenses

Collateral Consequences of Criminal Record

Crisis Intervention Training

Officer Training

Raise juvenile jurisdiction from 6 to 10

