

## OUTGOING BOARD MEMBER



**NC-CRED's Vice Chair** and founding Board Member, Chief Ken Miller of the Greensboro Police Department (GPD), has accepted a post in Greenville, SC. Chief Miller's last day in Greensboro was August 31st.

Chief Miller embodied the Commission's work and brought a fair and honest police perspective to the Commission's discussions. Always willing to engage in conversations about race and policing, he was responsible for bringing Lorie Fridell's science based training on implicit bias to the GPD. Dr. Fridell is a national expert on racially biased policing and former Director of Research at the Police Executive Research Forum (PERF). Her 1.5 day training will begin at GPD this September and be implemented throughout the entire department by summer 2015.

Commissioners can attend one session of the training on Oct 22 & 23. Contact [chloe@ncaj.com](mailto:chloe@ncaj.com) if interested; there is limited space available.

## CURRENT INITIATIVES

- ◆ Collecting data on pretrial release in two North Carolina counties to determine if race is a determining factor in the types and amounts of bonds set.
- ◆ Conferencing with school administrators to find school districts willing to participate in a pilot project that will develop decision guides and risk assessments designed to make the decision to suspend a student more objective and fair.
- ◆ Hosting Implicit Bias Trainings
- ◆ Advocating to strengthen North Carolina's Traffic Stop Data Statute

## DATA FROM NC-CRED RESEARCH & REPORTS

**AFRICAN AMERICANS** are **66% more likely** to be in jail pretrial than white defendants, and Latino defendants are **91% more likely** to be detained pretrial.

**DEFENDANTS** placed in pretrial detention are **4 times more likely** to be incarcerated & receive sentences **86% longer** than those released pretrial.

\* See Cynthia E. Jones, 'Give Us Free': Addressing Racial Disparities in Bail Determinations, 16 Legislation and Public Policy 937, 941 (2013).

**STUDENTS** who are suspended at least once have a **1 in 7** chance of having subsequent contact with the juvenile justice system.

**AFRICAN AMERICAN** students are **3 times as likely** to be suspended and **3.5 times as likely** to be expelled as compared to Caucasian students. Latino students are **1.5 times as likely** to be suspended and **3.5 times as likely** to be expelled, as compared to Caucasian students.

**ONLY 3%** of school's disciplinary actions are for mandated suspensions and expulsions; the vast majority of school discipline is in the discretion of school personnel.

\* See Dr. Susan McCarter, [\*The School-to-Prison Pipeline: Implications for North Carolina Schools and Students\*](#), University of North Carolina Charlotte (2013).

## UPDATES

**NC-CRED WELCOMES** our two newest members **Raul Pinto & Breana Smith Jeter**. Mr. Pinto is a Staff Attorney for the Immigrants and Refugees Rights Project at the North Carolina Justice Center in Raleigh. Mrs. Smith Jeter is Counsel at Moore & Van Allen PLLC in Charlotte.

**NEXT NC-CRED MEETING** is scheduled for September 12th, 2014.

**NC-CRED**, in conjunction with the **ABA's Racial Justice Improvement Project**, is hosting a Pretrial Best Practices and Implicit Bias Training on **September 19th from 10-2 with Tim Murray from the Pretrial Justice Institute**. Location: Halifax County Courthouse. Free. Please email [chloe@ncaj.com](mailto:chloe@ncaj.com) to register.

**COMMISSIONER DARYL ATKINSON** was recently honored by the White House as part of their Champions of Change program. [www.southerncoalition.org/daryl-atkinson-champion-of-change/](http://www.southerncoalition.org/daryl-atkinson-champion-of-change/)

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*The Commission aspires to be an objective, collaborative, transparent, and research based organization whose recommendations are viewed as progressive, credible, and courageous. We envision a criminal justice system that is perceived by all citizens as fair, human, equitable, effective and credible.*

### **School of Government to Begin Study on Jury Pool Formation**

NC-CRED is excited to be partnering with the Judicial District Executive Committee of Orange and Chatham Counties (JDEC) and Dr. Maureen Berner of the UNC School of Government (SOG) to determine whether there are racial and ethnic disparities between the demographics of the population in Orange and Chatham Counties and those of the jury pools.

There have long been anecdotal complaints from attorneys, judges and other court actors about the homogeneity of jury pools throughout the state. JDEC took the bold step of asking a SOG researcher to systematically document the jury pool formation process of their two counties and to determine whether minorities are disproportionately being excluded from jury service.

Dr. Berner expects the study to be complete in June 2015. We anticipate that there will be racial disparities in the jury pool formation process and assume that these problems stem, in part, from the fact that master jury lists are developed from the lists of registered voters and licensed drivers, in which minorities may be less likely to be included. Economic issues such as loss of pay for hourly wage earners and child care access may also be driving potential disparities. Once the study is complete it will be up to legal professionals in JDEC and NC-CRED to develop appropriate responses to Dr. Berner's findings. NC-CRED plans to replicate this study in other North Carolina counties by 2016.

Nebraska's Minority Justice Committee conducted a similar study and found significant racial disparities in the initial and eligible pools of jurors in eight of Nebraska's most diverse counties. These findings led their Committee to recommend that the jury source lists be expanded to include those with state identification cards. Nebraska's report and updates on our progress in North Carolina can be found on our website.

### **Better SRO Data Requirements Follow Federal Complaint**

Early this year, Legal Aid of NC filed a federal complaint with the U.S. DOJ against the Wake County Public School System (WCPSS) and the law enforcement agencies they contract with, alleging that the district's school policing practices were violating the rights of African American students and students with disabilities. According to the complaint, African American students currently make up approximately 25% of the student population, yet they account for upwards of 74.4% of the school-based delinquency complaints in Wake County.

On July 1, 2014, WCPSS and law enforcement agencies entered into a new Memorandum of Understanding (MOU) that outlines the duties and responsibilities of SROs and school officials in policing matters. One improvement under the new MOU is the requirement of quarterly reports of the number of referrals to the adult criminal and juvenile justice systems. These data will be disaggregated by race, gender and school assignment. This will be informative as the quality and consistency of data currently collected on law enforcement in schools vary significantly across the state.

However, the MOU does not require that these data be disclosed to any organization other than WCPSS. This means advocates will still need to file public record requests to get access to the data, but the consistency of collection required by the new MOU will be a boon to understanding how law enforcement officers are functioning in WCPSS.

Dr. Susan McCarter of UNC-Charlotte noted in her NC-CRED [report](#) on the School to Prison Pipeline that nationally, the presence of School Resource Officers (SROs) increases racially disproportionate arrest rates of youth, even for minor misbehavior. There has never been a comprehensive study on the impact of SROs specific to North Carolina schools. The new data mandate in the Wake County MOU could be the beginning of addressing this gap for our state.

### **New ACLU Report Outlines Problems with NC Traffic Stop Data Collection Statute**

Since January 1, 2000 the North Carolina Department of Justice has collected information on roadside traffic stops per N.C. Gen. Stat. § 114-10.01, which requires officers report information that includes, but is not limited to, the age, sex and race of each individual driver stopped. The Task Force on Racial and Ethnic Bias in the Criminal Justice system, the Commission's predecessor organization, partnered to with UNC Political Science Professor Frank Baumgartner to produce the first statewide statistical study of this database.

Dr. Baumgartner found that, in Durham County, a black motorist is more than twice as likely as a white motorist to be searched after being stopped for speeding. This report (available [here](#)) and strong community advocacy prompted Durham County's Human Relations Commission to recommend reforms designed to alleviate racial disparities in policing outcomes.

This database has the potential to impact every county across North Carolina. However, the database will never fully elucidate the issues of racial disparities without being improved in some ways. The most pressing problem is that the statute does not require specific location information, such as GPS coordinates, of each traffic stop. Officers consistently explain that many seemingly racially disproportionate actions are justified by the fact that officers are more active in certain areas known for high levels of crime. Without specific location data, the criminal justice community will not be able to fully engage this question of police resource distribution and traffic stop demographics.

The NC ACLU has published a well-researched report on this topic available [here](#).