

The Cooper Administration and Attorney General Stein proposals would increase lawlessness and erode public safety, particularly in low-income neighborhoods.

In response to the summer of rioting in 2020, Governor Cooper commissioned a largely partisan task force, the Task Force for Racial Equity in Criminal Justice (TREC). Led by Attorney General Josh Stein (D) (who has recently announced his candidacy for Governor), and North Carolina Associate Supreme Court Justice Anita Earls (D), the task force was charged with recommending solutions to end disparate outcomes in the criminal justice system, mitigate the effects of bias and discrimination, and increase accountability in law enforcement and criminal justice. Citing only the fact that North Carolina blacks are arrested, subjected to traffic stops and incarcerated in disproportionate numbers relative to whites, the task force concluded:

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

The report goes on to make 125 recommendations that it claims will achieve racial equityⁱⁱ in law enforcement and the judicial system.

The recommendations related to law enforcement would tie the hands of law enforcement in detecting and preventing crime, by limiting the use of traffic stops, requiring written permission to conduct searches, and restricting the use of no-knock warrants, among other things. Other recommendations (many of which have been adopted by CMPD in Charlotte) require the use of civilians and medical care experts for non-emergency situations like severe mental illness, homelessness and drug addiction, including crack cocaine addiction. The overall goal of these recommendations is clear: fewer arrests. Of course, this means more such individuals (homeless, mentally ill, drug addicts) left unattended or on the streets. Drug addicts commit crimes to support their habits, and mentally ill persons can turn violent without warning when they fail to take medication or their illness progresses.

When violence erupts, the police would be held to higher standards than ever before under Attorney General Stein's proposals. In the case of riots, police would be responsible for ensuring that the Constitutional rights of "peaceful protesters" are protected—apparently without regard to the ensuing mayhem; and officers would be required to rat-out their fellow officers, if they perceive them to be using excessive force. Perhaps most concerning, when an officer's conduct is questioned, the task force would take the investigation of the incident out of the hands of the internal affairs unit within the police department and substitute a civilian review board. In other words, the lives and careers of police officers would be in the hands of civilians, who may have limited practical knowledge or experience of the challenges police officers face, and who are potentially captive to political whims and anti-police bias. Uses of force, such as shootings, would be subject to investigation by the State Bureau of Investigation. The result of such a misguided policy would be reduced trust among officers, who depend on each other for their lives, and lower morale, as well as increased resignations of experienced officers and further challenges in recruitment. Community safety would suffer.

The recommendations with regard to judicial reform seek to reduce the number of incarcerations: In other words, suspects and criminals are to be released and left on the streets to commit other crimes. The recommendations are a predictable wish-list of progressive policies, including:

- decriminalization of many crimes,
- elimination of cash bail,
- prosecutors would be expected to review case outcomes and address systemic racial disparities in charging decisions, plea offers, status offenses, and other aspects of their work,
- criminals and defense attorneys—including those facing the death penalty—would be given another means of defense in prosecutions and criminal appeals: racial bias,
- jurors would be instructed on implicit racial bias before performing their duties,
- supervised early release programs would be expanded,
- alternative strategies to incarceration would be developed for failure to appear in court, and
- there would be increased flexibility on prison release dates.

Furthermore, at a time when Charlotte is experiencing a sharp increase in violent crimes committed by children – some as young as 14 – and many Charlotte schools are struggling to maintain school discipline and safety – the recommendations seek to keep children who commit crimes in school and out of the juvenile court system. Professional law enforcement officers know that children are often used by criminal gangs to commit crimes, because they will not be prosecuted.ⁱⁱⁱ

In summary, the 125 recommendations of the Racial Equity task force of Governor Cooper and Attorney General Stein—many of which have already been put into place in Charlotte – would **reduce** arrests and incarcerations of criminals and **increase** prosecutions of law enforcement officers. Lack of criminal arrests and prosecutions would encourage more criminal activity. Criminals, drug addicts and mentally ill persons would be left unattended and on the streets. Community safety would be further jeopardized, particularly in low-income communities.

ⁱ TREC Report 2020, Executive Summary. As previously noted, these statistics and cursory conclusions ignore the fact that young black and Hispanic North Carolinians commit crimes – particularly violent crimes – to a greater degree than white North Carolinians.

ⁱⁱ The plain meaning of the phrases “racial equity” and “disparate outcomes in the criminal justice system” suggests the primary goal of the task force is to ensure blacks are no longer disproportionately represented in the criminal justice system. One solution would be for these young men to stop committing crimes in disproportionate numbers. But the task force takes a different approach: Reduce the numbers of black North Carolinians arrested and incarcerated, without regard to future crimes they are likely to commit or the effects on their future victims.

ⁱⁱⁱ Carmichael comments.