

# State of North Carolina

**ROY COOPER**  
GOVERNOR

June 9, 2020

## EXECUTIVE ORDER NO. 145

### ESTABLISHING THE NORTH CAROLINA TASK FORCE FOR RACIAL EQUITY IN CRIMINAL JUSTICE

**WHEREAS**, law enforcement plays an integral role in ensuring the safety of communities across the state; and

**WHEREAS**, the ability of law enforcement to serve and protect the public is dependent on the public support of law enforcement; and

**WHEREAS**, law enforcement efforts to “faithfully and impartially” execute their duties are undermined by significant numbers of incidences of police misconduct and racial bias; and

**WHEREAS**, a fair and equitable criminal justice system, free from racism and bias, is necessary to maintain the safety and well-being of the State of North Carolina; and

**WHEREAS**, there is a long history of structural inequity and racism in the criminal justice system, underscored by the recent officer-involved deaths of Black people; and

**WHEREAS**, communities of color are disproportionately affected throughout the criminal justice system, with national data showing that from the point of arrest through potential conviction and sentencing, members of communities of color are significantly more likely than the white population to not have their murders solved; to be pulled over for a traffic violation; to be jailed and imprisoned at a higher rate; and to be sentenced to longer terms of imprisonment; and

**WHEREAS**, these national inequities and recent incidents have sparked national outrage and challenged the public’s confidence and trust in our system of policing and criminal justice; and

**WHEREAS**, the safety of all people is foundational to all aspects of free society; and

**WHEREAS**, all North Carolina communities should be free from harm and violence; and

**WHEREAS**, the creation of a task force demonstrates and will advance North Carolina’s commitment to eliminate racial inequities in the criminal justice system, and will improve the administration of justice in this state.

**NOW, THEREFORE**, by the authority vested in the undersigned as Governor by the Constitution and laws of the State of North Carolina, **IT IS ORDERED:**

## **Section 1. Task Force**

### **A. Establishment and Purpose**

The North Carolina Task Force for Racial Equity in Criminal Justice (“Task Force”) is hereby established as an advisory task force. The mission of the Task Force is to develop and help implement solutions that will eliminate disparate outcomes in the criminal justice system for communities of color.

### **B. Duties**

This Task Force’s mandate is to develop evidence-informed strategies and equitable policy solutions that address the structural impact of intentional and implicit racial bias while maintaining public safety for at least the following areas:

1. Law Enforcement Practices and Accountability
  - a. Law enforcement training to promote public safety and build community support
  - b. Use of force
  - c. Community policing
  - d. Recruiting and retaining a diverse and racially equitable workforce
  - e. Law enforcement accountability and culture
  - f. Investigations
  - g. Pre-arrest diversion and other alternatives to arrest
2. Criminal Justice Practices and Accountability
  - a. Pre-trial release and bail practices
  - b. Charging decisions and criminal trials
  - c. Use and impact of fines and fees
3. The Task Force is expected to consult with local, state, and national criminal justice and racial justice experts and people with experiences relevant to the Task Force’s mandate. The Task Force shall collaborate with and promote the research and solutions developed by at least the following commissions, councils, and programs to the extent their work intersects with the mission and purpose of the Task Force:
  - State Reentry Council Collaborative;
  - School Justice Partnerships;
  - North Carolina Sentencing and Policy Advisory Commission;
  - North Carolina Criminal Justice Education and Training Standards Commission;
  - North Carolina Sheriffs’ Education and Training Standards Commission;
  - North Carolina Commission on Racial and Ethnic Disparities in the Criminal Justice System;
  - North Carolina Justice Academy;
  - Governor’s Crime Commission; and
  - Center for the Reduction of Law Enforcement Use of Deadly Force.

Furthermore, to the extent they do not already, these groups are strongly encouraged to consider and report on racial and ethnic disparities in their work.

### **C. Membership**

The Task Force shall be comprised of no more than twenty-five (25) members, including chair(s). All members shall be appointed by the Governor and shall serve at the Governor’s pleasure. The Governor shall select the chair or co-chairs to lead the Task Force. The Task Force shall include representatives from the following groups:

- North Carolina Department of Justice;
- North Carolina Department of Public Safety;
- North Carolina Judicial Branch;

- District and Superior Court Judges;
- District Attorneys;
- Public Defenders;
- Organizations or individuals that represent or advocate for marginalized communities, including communities of color, Latinx, American Indian and LGBTQ populations;
- Justice-involved individuals;
- Victim advocates;
- Chiefs of Police;
- Sheriffs;
- North Carolina General Assembly;
- Local elected officials; and
- Other appropriate representatives from local and state government, academic institutions, research or advocacy groups, etc.

D. Meetings, Quorum, and Deliverables

1. This Task Force shall submit a report to the Office of the Governor with recommendations on implementation no later than December 1, 2020. The Task Force may make policy recommendations at any time, upon a simple majority vote of the present Task Force members. A simple majority of Task Force members shall constitute quorum to transact business.
2. Task Force recommendations should include practical implementation plans and improvement metrics. The Task Force shall meet at least twice a month through November 2020. Sub-committee meetings may serve to fulfill the Task Force's duty to meet at least twice a month. Due to challenges created by the COVID-19 pandemic, these meetings may be held virtually. All meetings shall be open to the public consistent with the state Open Meetings Laws, N.C. Gen. Stat. § 143-318.9 et seq.
3. After December 1, 2020, the full Task Force shall meet at least quarterly and shall submit reports describing Task Force activities and any recommendations at least annually.
4. The Task Force shall serve without compensation but may receive per diem allowance and reimbursement for travel and subsistence expenses in accordance with state law and Office of State Budget and Management policies and regulations.

**Section 2. Directives for Cabinet Law Enforcement Agencies and Recommendations for Non-Cabinet Law Enforcement Agencies**

- A. On June 8, 2020, Secretary Erik A. Hooks directed all law enforcement agencies under the purview of the North Carolina Department of Public Safety ("DPS") to:
  1. Conduct a thorough review of their existing policies on use of force and de-escalation techniques, arrest procedures, treatment of persons in custody, cultural sensitivity training, crisis intervention, and internal investigation processes; and
  2. Ensure each division has a clear policy articulating a duty to intervene and report in any case where an officer may be a witness to what they know to be an excessive use of force or other abuse of a suspect or arrestee.
- B. All other Cabinet agencies named pursuant to N.C. Gen. Stat. § 143B-6 and with sworn law enforcement entities shall conduct the policy reviews under Subsection (A) of this Section.
- C. All state agencies not named pursuant to N.C. Gen. Stat. § 143B-6 and whose principal head is not appointed by the Governor and who have a sworn law enforcement personnel under their supervision and control are strongly urged to conduct the policy reviews under Subsection (A) of this Section.
- D. DPS shall continue to recruit, train and retain a more racially diverse workforce to the greatest extent possible.

- E. DPS shall host a forum for interaction between law enforcement and communities of color, to promote positive relationships and work together to create a safer North Carolina.
- F. DPS shall establish paid internship programs within DPS with a special emphasis on Historically Black Colleges and Universities (HBCU) to recruit a workforce reflective of the entire community.

**Section 3. Creating the Center for the Reduction of Law Enforcement Use of Deadly Force**

The North Carolina State Bureau of Investigation shall create a Center for the Reduction of Law Enforcement Use of Deadly Force (“the Center”). The Center shall perform the following functions:

- A. Collect data, conduct behavioral and situational analysis, and produce applied research on the precursors and outcomes of law enforcement use of intermediate and lethal force;
- B. Develop lessons learned and produce training for law enforcement officers that is intended to reduce the potential use of intermediate and lethal force within North Carolina whenever possible to assure the mutual safety and well-being of the general public and law enforcement;
- C. Promote transparency, mutual understanding, and public engagement related to law enforcement use of force issues, with a focus on outreach to minority communities of color and diverse populations; and
- D. Pursue collaborations and partnerships with law enforcement partners, higher education institutions, and community organizations to advance the public policy and research agenda of the Center.


**Section 4. Effective Date**

This Executive Order is effective immediately and shall remain in effect until December 31, 2022, unless repealed, replaced, or rescinded by another applicable Executive Order.

**IN WITNESS WHEREOF**, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 9th day of June in the year of our Lord two thousand and twenty.

  
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Roy Cooper  
Governor

ATTEST:

  
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Elaine F. Marshall  
Secretary of State

