



# North Carolina Department of Public Safety

## Governor's Crime Commission

Roy Cooper, Governor  
Erik A. Hooks, Secretary

Robert Evans, Chairman  
Caroline C. Valand, Executive Director

### Governor's Crime Commission Quarterly Meeting

**Virtual Meeting via WebEx**  
**1201 Front Street**  
**Raleigh, NC 27609**

**Thursday, March 4, 2021**

### Meeting Minutes - APPROVED

#### Attendees:

Sherril Allgood; Patrice V. Andrews; Charles Blackwood; Charles E. Brown; Alan Cloninger; Matthew J. Cooper; Leto Copeley; Julius Corpening II; Benjamin J. Curtis; David Elliott; Samuel J. Ervin IV; Robert A. Evans; Andrew T. Heath; Erik A. Hooks; Dan L. House; Karen Howard; Todd Ishee; Virginia Lee Jicha; Patricia P. Lawler; Anthony Kelly; Hans Miller; Susan Osborne; Hubert Peterkin; Beverly A. Scarlett; Robert Schurmeier; Matthew Scott; Bruce E. Stanley; Theresa Starling (designee for Tracy Lee); Keith Stone; Christopher J. Suggs; Hoyt G. Tessener; Pamela T. Thompson; James D. Williams; Mary Williams-Stover; Michael Yaniero.

#### Call to Order: Chairman Robert A. Evans

Chairman Evans called the meeting to order at 9:05 a.m. Chairman Evans reminded the members of the General Statute, Chapter 138A-35, and other provisions of the State Government Ethics Act/Recusal.

#### Review and Approval of Minutes: Chairman Robert A. Evans

Chairman Evans referenced to the meeting minutes from December 3, 2020. The minutes were approved by the Commission board members.

#### GCC Executive Director

##### Director's Report: Caroline C. Valand

Executive Director Valand introduced new Commission members, Asst. Chief Anthony Kelly of the Fayetteville Police Department and Judge Andrew Heath, Director of the NC Administrative Office of the Courts. Updated Commissioners on grant awards and grant application status. \$107 million was requested and less than \$45 million is expected in funding. GCC is expecting serious funding cuts for FY21.

#### Director of Government Affairs, National Criminal Justice Association

##### Federal Criminal Justice Reform Update: Elizabeth Pyke

Congress has been lifting good examples of policy and practices from the states and voting them into federal law such as the sentencing reform. Congress has also provided new funding for emerging issues, such as the opioid crisis and diversion programs. Now, Congress will be

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tackling criminal justice reform and may dictate to the states on how to run their justice systems through leveraging Byrne JAG funds.

**GCC CJAC Director**

**Traffic Stop Report:** Timothy Parker

Reported on the final part of the Justice Analysis Review (JAR) which concentrates on searches during traffic stops. The analysis is broken down by types of searches, searches by stop purpose, contraband found by race and ethnicity and encountered and engaged in force stops.

**NCSBI Director**

**Center for the Reduction of Law Enforcement Use of Force:** Bob Schurmeier

Presented by Special Advisor, Matt Brody

Presented a plan to develop a data-driven approach to understanding use of force for citizens and policy makers.

**Old Business:** None

**New Business:** None

**Adjournment:**

Chair adjourned the meeting at 11:16 a.m.

Meeting minutes taken by Nicki Livingston

**Attachments:**

1. Commission meeting agenda
2. Commission meeting minutes from December 3, 2020
3. 2021 GCC calendar
4. Justice Analysis Review (JAR), March 2021
5. CJAC JAR Briefing – PPT presentation
6. Ethics Reminder Statement
7. Recusal Form - blank
8. NCSBI – PPT presentation



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9:00 a.m.	Call to Order and Roll Call Approval of December 2020 GCC Meeting Minutes	Robert A. Evans GCC Chairman
9:10 a.m.	Executive Director's Report	Caroline C. Valand GCC Executive Director
9:30 a.m.	Federal Criminal Justice Reform Update	Elizabeth Pyke Director of Government Affairs National Criminal Justice Association
10:00 a.m.	Traffic Stop Report – Part III	Timothy Parker GCC CJAC Director
10:30 a.m.	Center for the Reduction of Law Enforcement Use of Force	Bob Schurmeier Director, NCSBI Matt Brody, Special Advisor
11:00 a.m.	Old/New Business	Robert A. Evans GCC Chairman
11:15 a.m.	Adjourn	

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# Justice Analysis Review

A PUBLICATION OF THE CRIMINAL JUSTICE ANALYSIS CENTER

## North Carolina Traffic Stop Reporting Program Series: Part 3

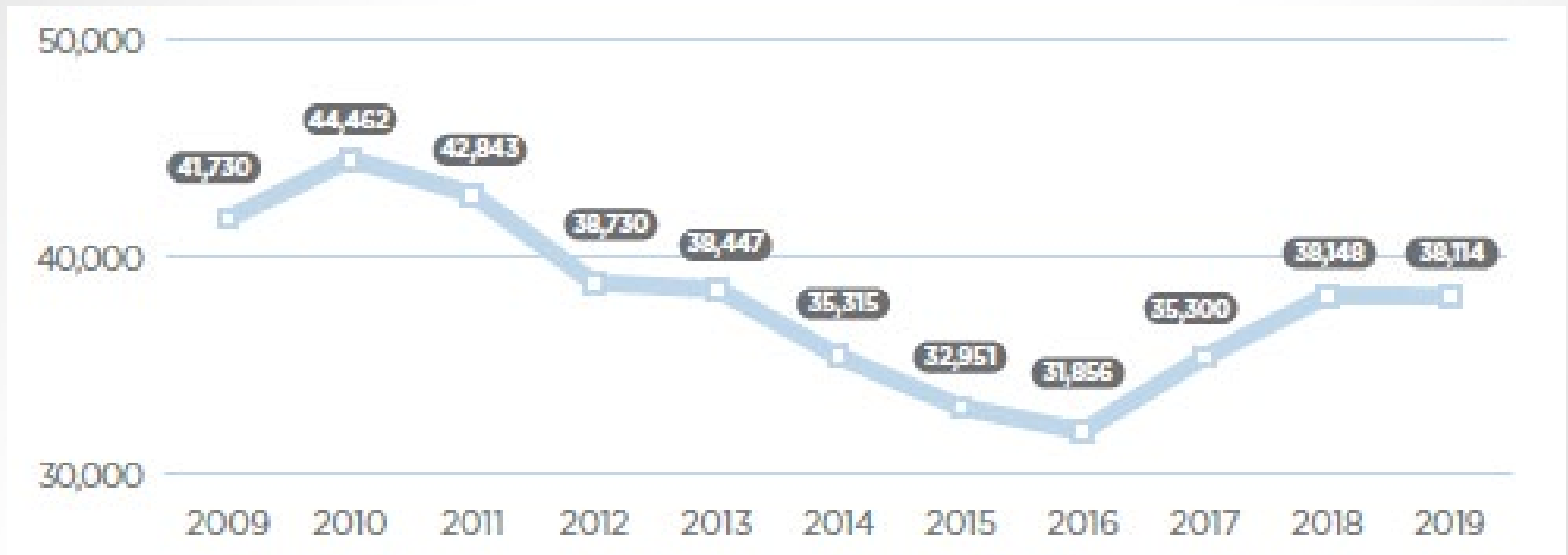
March 2021

# NC Traffic Stop Reporting Program

- ▶ The Traffic Stop Program (TSP) began in 2000 with state law enforcement agencies and in 2002 expanded to include:
  - All County Sheriff Offices
  - Some Law Enforcement Agencies (serving populations of at least 10,000 or employing five or more full-time sworn officers for every 1,000 in the population)
- ▶ There are over 25 million stops in the database administered by the NC State Bureau of Investigation (SBI)
- ▶ CJAC JAR – Three-part series
  - Part 1 focused on “who” was stopped
  - Part 2 focused on “why” individuals were stopped
  - Part 3 focuses on the searches conducted by law enforcement during a stop

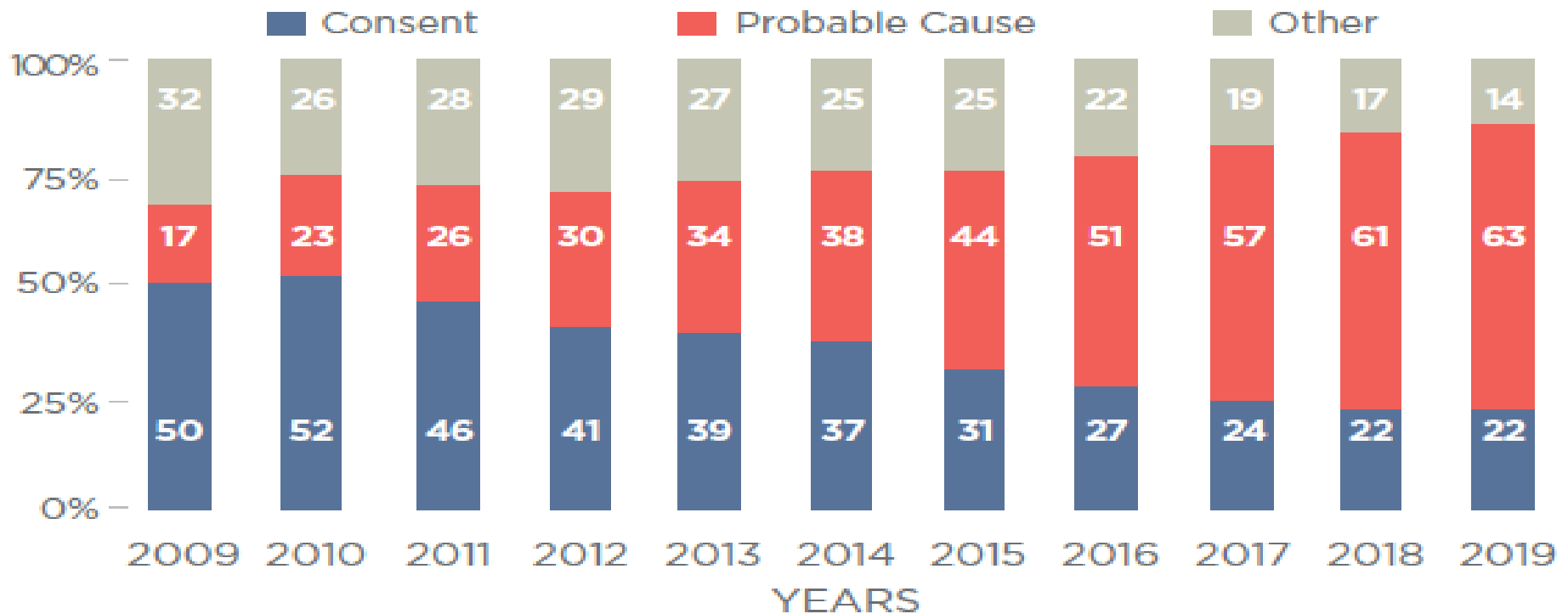
# Traffic Stop Searches from 2009 to 2019

- ▶ A search occurred in about 3% of traffic stops each year



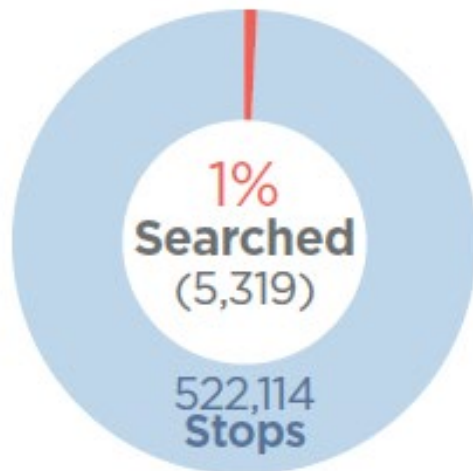
# Shift in Type of Searches from 2009 to 2019

- Consent searches declined from 50% to 22%
- Probable Cause Searches increased from 17% to 63%

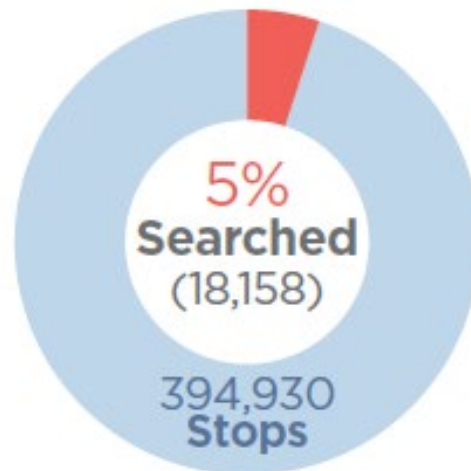


# 2019 Searches Varied Based on the Purpose of the Traffic Stop

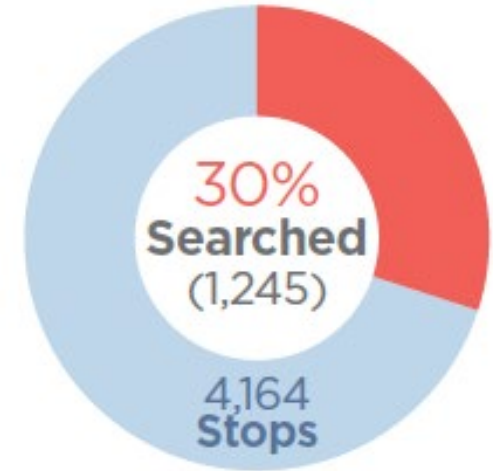
## Speed Limit



## Vehicle Equipment/Regulatory



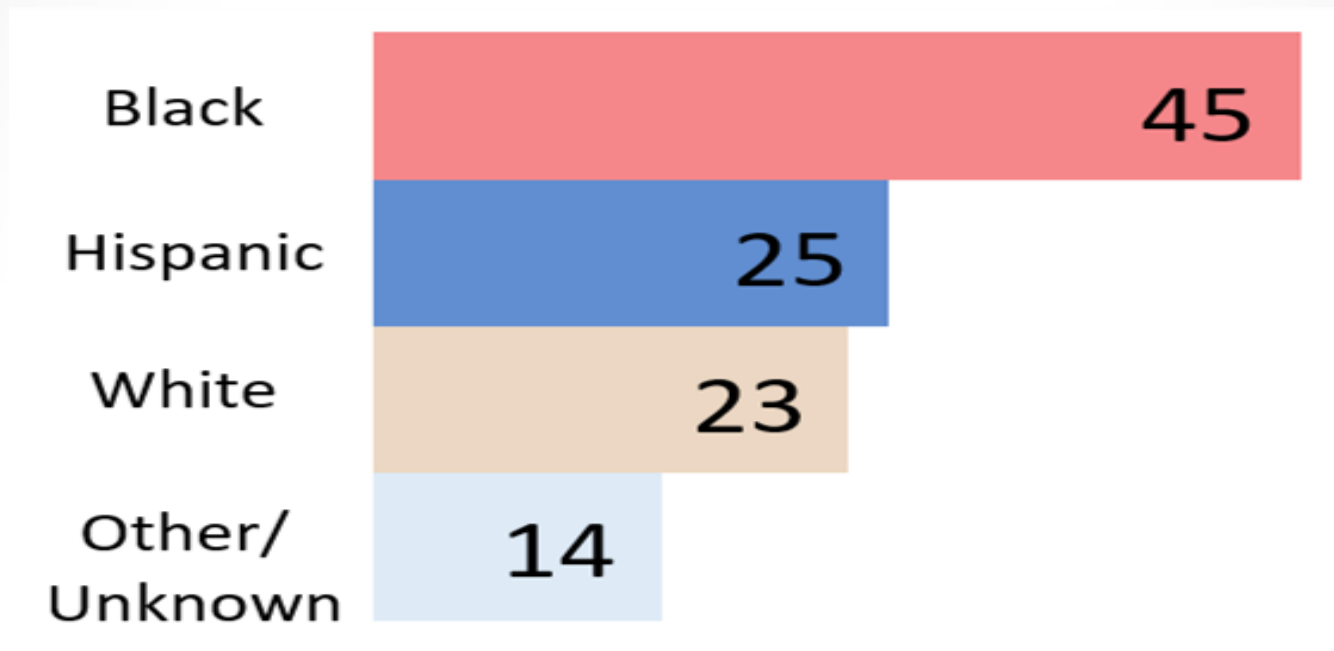
## DWI





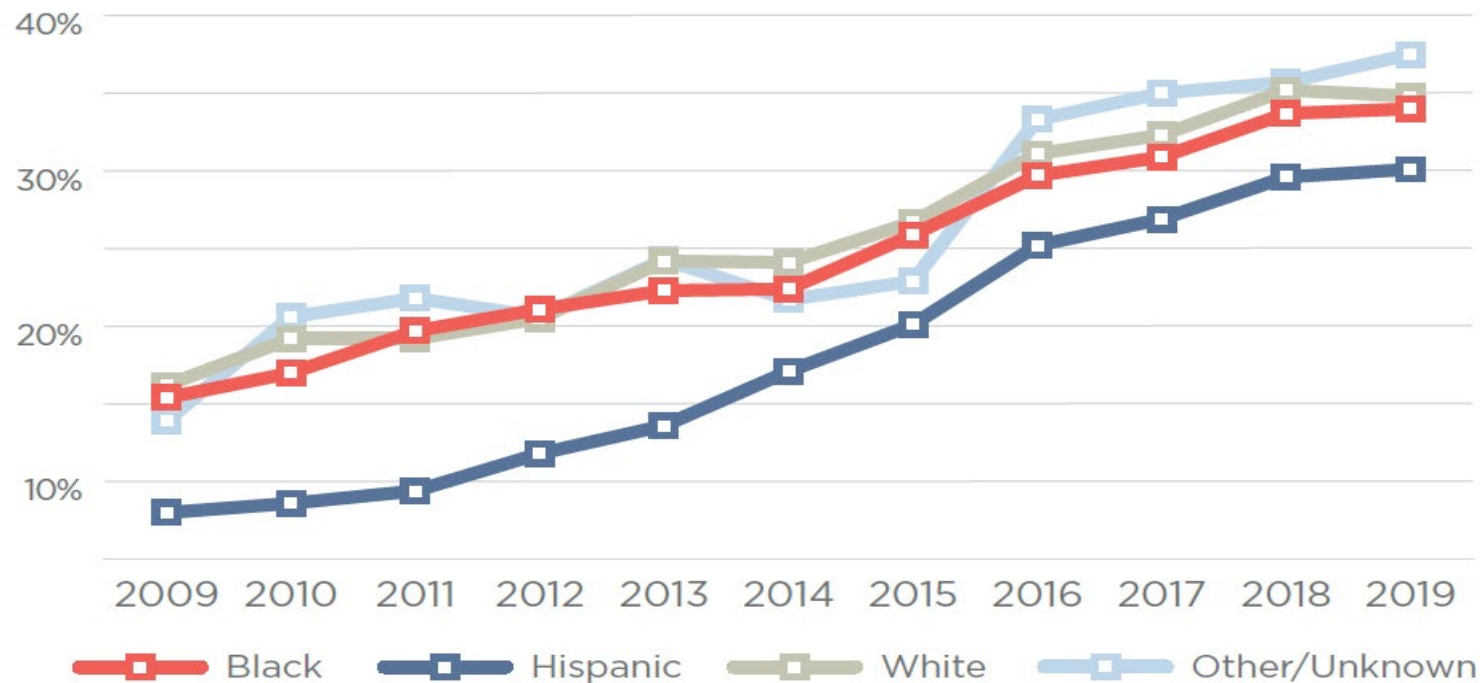
# 2019 Searches per 1,000 Traffic Stops by Race/Ethnicity

- ▶ Racial Differences were found in the rate of searches for 2019 traffic stops



# 2009 to 2019 Contraband Found by Race

- ▶ Searches resulting in finding contraband have increased over time, to 34% in 2019. The majority included drugs (79%). There was no significant difference in the rate contraband was found by race.



# 2019 Traffic Stops Reporting Encountered and Engaged in Force

- ▶ Very few traffic stops (.1%) report encountering physical resistance from a driver or passenger
- ▶ Engaging in force against a driver or passenger was reported even less often, in about half as many stops (.05%)
- ▶ Although there were few incidents, racial differences were found based on the race of the driver:
  - Compared to whites, the rate of force encountered during stops was 2.6 times higher for Blacks and 1.4 times higher for Hispanics

# Next Steps

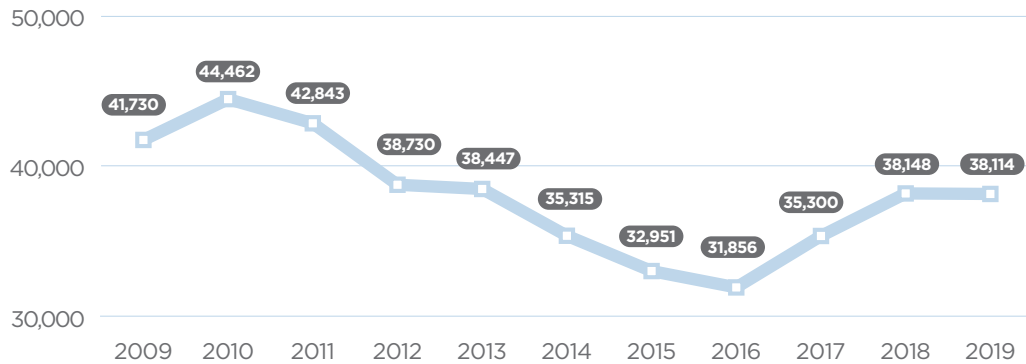
- ▶ The Traffic Stop Program is over 30 years old. Updates and data clarification should be considered.
- ▶ Ongoing analysis. The CJAC, in cooperation with the SBI and GDAC, is developing a near real-time analysis tool.
- ▶ The traffic stop tool is part of a larger project of the CJAC to create a central repository of key criminal justice measures.
- ▶ The repository's infrastructure is complete and testing is in progress.

## North Carolina Traffic Stop Reporting Program Series: Part 3

The North Carolina Traffic Stop Reporting Program Series has analyzed racial disparities among drivers being stopped ([Part 1](#)) as well as the purpose of these stops and the action taken by law enforcement ([Part 2](#)). This final part of the series concentrates on searches conducted during traffic stops.<sup>1</sup>

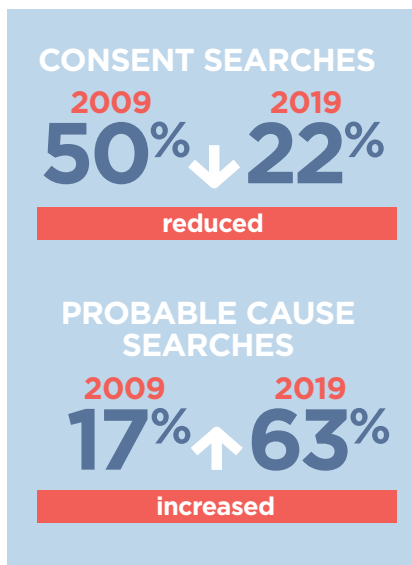
### 2009-19 Searches Conducted During Traffic Stops

Between 2009 and 2019, a search occurred during approximately 3% of all reported traffic stops each year.<sup>2</sup>

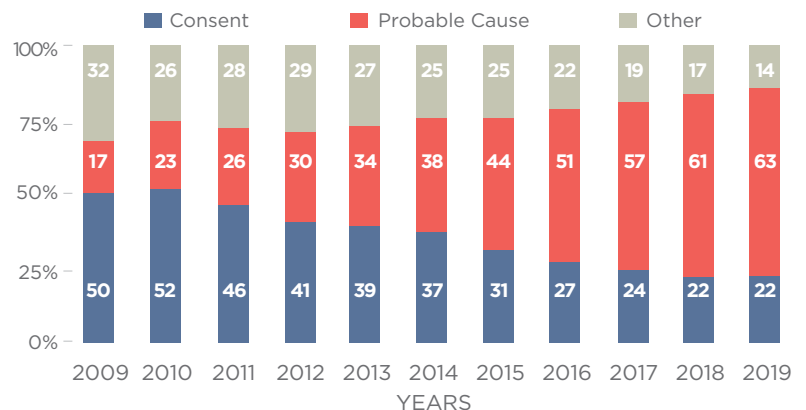


### Types of Searches

The most frequent type of search conducted during a traffic stop from 2009-19 shifted from a consent search to a probable cause search.<sup>3</sup> Other search types include search incident to arrest, by search warrant and protective frisks. This shift in search type was consistent across all race/ethnicity categories.



### 2009-19 Types of Searches



<sup>1</sup> NC Traffic Stop Database as of 04/16/20.

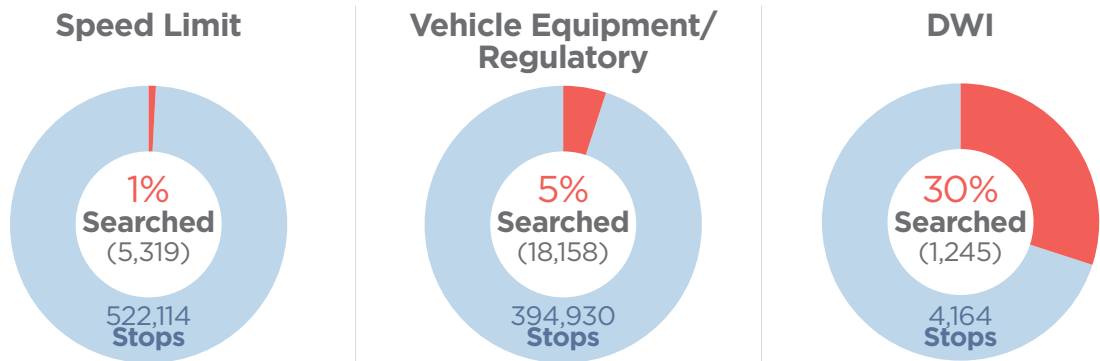
<sup>2</sup> For the purposes of this analysis, a search has occurred when one or more of the following is searched: driver, passenger, property or vehicle.

<sup>3</sup> A consent search is a search made by a law enforcement officer based on the voluntary consent of the individual whose person or property is being searched. A probable cause search is done without the consent of the individual and requires that the facts known to the officer at the time of the search reasonably indicate that a crime has been committed.

## Searches by Stop Purpose

Speed limit violations and vehicle regulatory/equipment violations are consistently the most common types of traffic stops, making up an average of 40% and 29% of stops each year between 2009 and 2019, respectively. However, these types of stops are searched at much different rates. During the same time period, drivers stopped for speeding were searched less than 1% of the time compared to 4% of those stopped for vehicle equipment/regulatory violations. In contrast, DWI stops regularly made up less than 1% of stops each year but were searched at a much higher rate. The chart below represents these data for 2019.

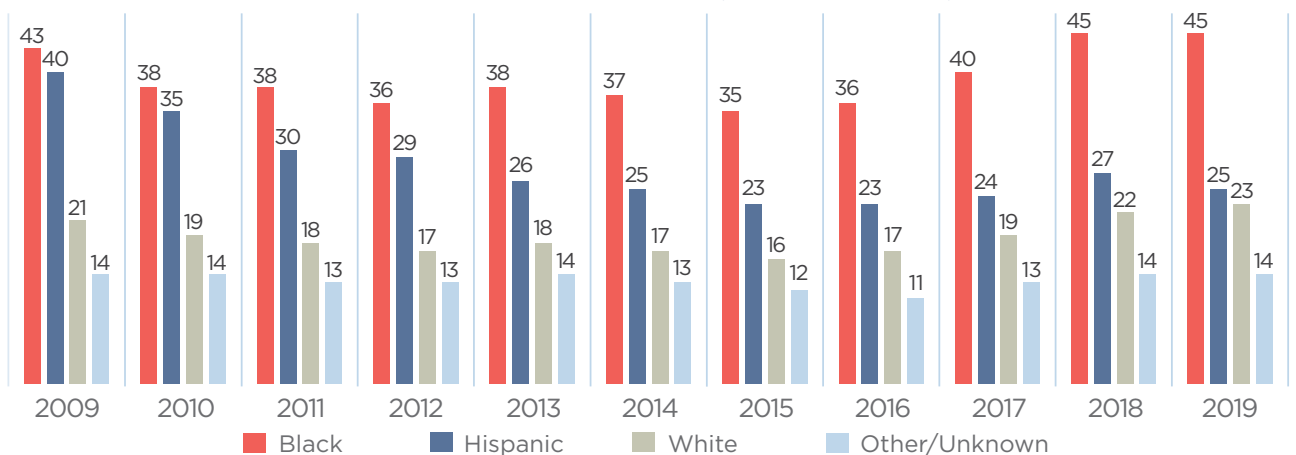
### 2019 Types of Stops Searched at Different Rates



## Search and Contraband Rates by Race/Ethnicity

In 2019, Black drivers in North Carolina were searched during a traffic stop more often than drivers of other races—for every 1,000 Black drivers stopped for a traffic violation, 45 were searched. This compares to 23 of 1,000 white drivers, 25 of 1,000 Hispanic drivers and 14 of 1,000 drivers of other/unknown races.

### 2009-19 Search Rate per 1,000 Traffic Stops by Race/Ethnicity<sup>4</sup>

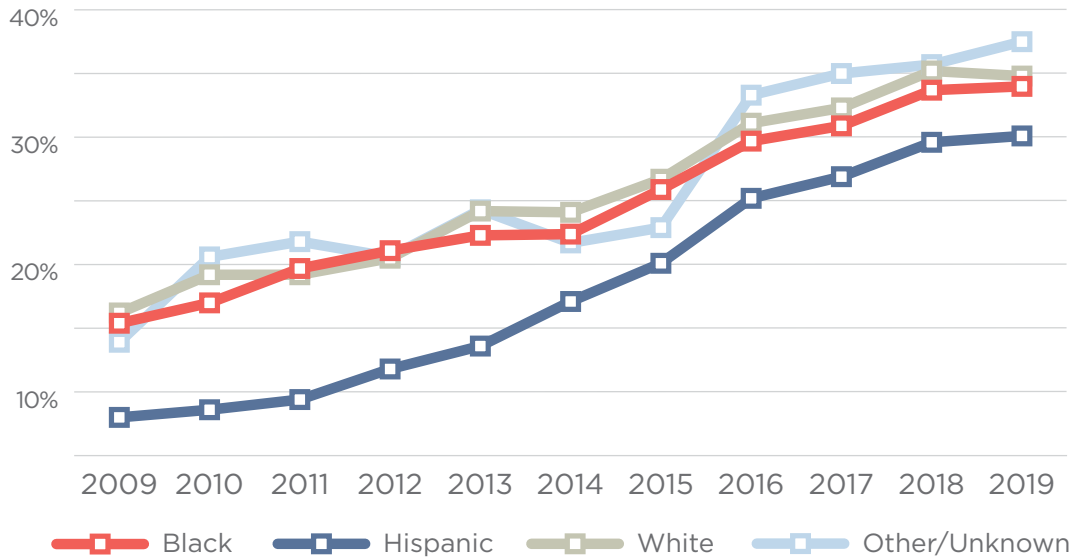


<sup>4</sup> For the purposes of this analysis, the variables for race and ethnicity were combined into a single variable using ethnicity as the principle determinant.

## Contraband Found by Race/Ethnicity

The overall percent of searches where contraband is found has steadily increased each year from 2009-19. In 2009, 15% of all traffic stop searches resulted in finding one or more types of contraband.<sup>5</sup> This increased to 34% of all searches by 2019. While the rate at which searches are conducted varied by race/ethnicity, the rate at which contraband is found has not. In searches where contraband was found, 75% included some type of drug.<sup>6</sup>

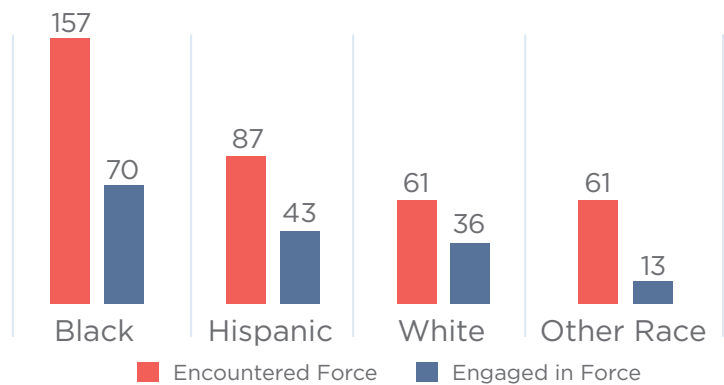
2009-19 Contraband Found by Race



## Encountered and Engaged in Force

Law enforcement officers report encountering any physical resistance from a driver and/or passenger in .1% of traffic stops (in 2019, 1,224 of 1,252,063) and engaging in force against the driver and/or passenger about half as often (596 stops in 2019). The rate at which these incidents occur varies by the race of the driver.

2019 Rate of Incidents of Force Per 100,000 Traffic Stops By Race



<sup>5</sup> Contraband includes drugs, alcohol, money, weapons or other items that are being used in a manner which violates the law.

<sup>6</sup> Drug type is not captured by the traffic stop data form. It may be captured at a later point in the law enforcement process, if applicable.



**A DATA-DRIVEN APPROACH TO  
UNDERSTANDING USE OF FORCE:  
INFORMING POLICY MAKERS AND  
THE GENERAL PUBLIC**

**NC STATE BUREAU OF INVESTIGATION  
CENTER FOR REDUCTION OF LAW  
ENFORCEMENT USE OF FORCE**

**UPDATE TO THE  
NC GOVERNOR'S CRIME COMMISSION  
MARCH 2021**





USE OF FORCE  
CENTER  
MISSION  
STATEMENT

**To proactively develop, advocate, and support the implementation of evidence-based measures to reduce law enforcement use of force and in doing so enhance the safety of both members of the general public and law enforcement officers.**



## CENTER'S ADVISORY COMMITTEE

The **SBI Use of Force Center** has created an advisory committee representing a diverse group of stakeholders to inform its work and advise the **SBI leadership team** ...

- **NC Sheriff's Association**
- **NC Police Chiefs Association**
- **NC Chapter of the NAACP**
- **ACLU of NC**
- **National Alliance for Mental Illness NC**
- **El Centro Hispano**
- **NC Conference of District Attorneys**
- **Conservatives for Criminal Justice Reform**
- **NC Internal Affairs Investigators Association**
- **NC Office of Indigent Defense Services**
- **NC Criminal Justice Education & Training Standards**
- **NC Sheriff's Education & Training Standards**
- **NC Justice Academy**
- **Research Triangle Institute (RTI)**
- **UNC-Chapel Hill School of Government**
- **NC Central University Criminal Justice Department**
- **NC State University Public Safety Leadership Initiative**



## USE OF FORCE CENTER OBJECTIVES

- **Collect data, conduct behavioral and situational analysis, and produce applied research** on the precursors and outcomes of law enforcement use of force in North Carolina
- **Promote training** for law enforcement officers that will reduce potential use of force within North Carolina and assure the mutual safety and well-being of members of the general public and sworn
- **Promote transparency**, mutual understanding, and public engagement related to law enforcement use of force issues, with a focus on outreach to minority communities as well as individuals with mental illness
- **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



## DATA DRIVEN INITIATIVES

- Design and implement a **standardized state-wide use of force reporting model** including detailed reporting criteria and data elements to be captured
- Identify and develop necessary **infrastructure and resources** to implement the reporting model
- Propose a **statutory use of force reporting mandate** for all NC law enforcement agencies
- Develop companion **public dashboard** to provide transparent and accurate access to use of force data
- Develop **analytical capabilities** to better understand use of force predicates and outcomes in order to inform future policy making and best practices



## SUPPORTING INITIATIVES

- Develop a discussion guide and related training for law enforcement executives on engaging with community members and stakeholders on use of force issues
- Offer actionable recommendations to the NC Sheriffs and NC Criminal Justice Training & Standards Commissions and NC Justice Academy on potential enhancements to law enforcement officer use of force-related training ...
  - Unconscious/implicit bias
  - Encounters involving mental health issues
  - De-escalation
  - Defensive tactics and use of force techniques
  - Interpersonal communications skills
- Promote model use of force policies through agency accreditation standards being pursued by the State's law enforcement training and standards bodies



## KEY POINTS

- Develop systemic approaches to collect accurate and valid use of force data to move toward informed, evidence-based decision making rather than inference or anecdotal observation
- Engage with a broad spectrum of law enforcement and community stakeholders to obtain ideas on best practices and align initiatives to community need
- Develop mechanisms to share use of force data more broadly in order to provide public transparency and trust
- Connect law enforcement with the higher education and research community to take advantage of advanced subject matter expertise, especially in the areas of data science and analytics



➤ For more information ...

- **Audria Bridges**, NC SBI Assistant Director, Professional Standards Division; Email: [abridges@ncsbi.gov](mailto:abridges@ncsbi.gov)
- **Matthew S. Brody**, Special Advisor to the Director, NC State Bureau of Investigation, Email: [msbrody@ncsbi.gov](mailto:msbrody@ncsbi.gov)



B I O G R A P H Y

# JUDGE ANDREW T. HEATH

DIRECTOR

NORTH CAROLINA ADMINISTRATIVE OFFICE *of the* COURTS



Andrew T. Heath is the Director of the North Carolina Administrative Office of the Courts (NCAOC), appointed to the position by Chief Justice Paul Newby on January 8, 2021. The NCAOC is the administrative agency for the Judicial Branch,

providing support services for more than 6,400 employees and hundreds of courthouses and facilities in every county of the state.

Judge Heath has served on the Superior Court bench since 2016, presiding over hearings and trials in civil in criminal matters in nearly half of the 100 counties across the state. Prior to serving as a judge, Heath served on Governor Pat McCrory's Senior Leadership Team as the North Carolina Budget Director, managing the Office of State Budget & Management. Heath was Chairman of the North Carolina Industrial Commission for three years beginning in 2013. In that role, he served as the Commission's Chief Executive Officer and Chief Judicial Officer responsible for administering the state's

workers' compensation claims and presiding as a hearing officer in appeals of workers' compensation and tort claims.

Heath practiced law in Wilmington, North Carolina. He started out representing indigent clients, DSS matters, juvenile court and criminal court before transitioning to insurance defense litigation with the firm of Hedrick Gardner Kincheloe & Garofalo. Heath has served on various boards and committees, including the Executive Committee of the nonprofit Welcome Home Angel, the New Hanover County Bar Association, the North Carolina Economic Investment Committee, the State Health Plan for Teachers and State Employees, and as Secretary of the North Carolina Council of State.

Judge Heath has been named one of Business North Carolina's Legal Elite, Triangle Business Journal 40 Under 40, and was awarded the Order of the Long Leaf Pine.

Judge Heath received a B.S. in Business Administration and Management from the University of North Carolina at Asheville, where he played Division I soccer. He earned his J.D. from Indiana University Robert H. McKinney School of Law, and an LLM from Nottingham Trent University in the United Kingdom. He and his wife reside in Raleigh with their two children. They are members of Christ Baptist Church where they volunteer in the children's and missions programs.



## **Assistant Chief of Police Anthony Kelly**

Chief Kelly is a native of Fayetteville and began his career with the Fayetteville Police Department in April of 1995. Chief Kelly holds a BS in Criminal Justice from Fayetteville State University. Chief Kelly has over 27 years of Law Enforcement experience. Chief Kelly worked in the Office of Professional Standards and Inspections (Internal Affairs) and has also been assigned to the Major Crimes Investigative Division as the Youth Services Supervisor. He was promoted to Lieutenant in 2005. He was then assigned to the training section of the police department; responsible for Recruitment and Retention where he worked for almost three years. Chief Kelly was transferred to the Patrol Division in the Cross Creek District as a Watch Commander in 2008. In February of 2009, he was promoted to the rank of Captain and became the Patrol District Commander of the Cross Creek District. His assignment afforded him the opportunity to oversee the Cross Creeks District's Patrol Division (close to 100 officers), 7 member Special Project's Unit, 6 member Crime Prevention Unit and a 12 member Honor Guard Team. In March 2013, Chief Kelly graduated from the 252nd session of the FBI National Academy in Quantico, Virginia. The National Academy is by invitation only for Law Enforcement Officers around the world. Less than half of 1% of law enforcement officers gets to attend this training course. Chief Kelly is also a graduate of the West Point Leadership at Methodist University. Chief Kelly served as interim Chief of Police for 9 months and faced the challenge of being responsible for protecting and saving lives during Hurricane Matthew in 2016.

Chief Kelly has been married for 20 years to his wife, Jennifer, who is a Detective in the Fraud Unit for Fayetteville Police Department. He is the proud father of 2 daughters Kaylicia, who is 28 and a recent graduate at East Carolina University, and Kendell, aged 15. Chief Kelly has also is the father of twin boys, Evan and Ian who are 10 years of age.