

Misdemeanor Reform

DANIELLE BATTAGLIA, THE INSIDER, 8/20/20

Of North Carolina's 1.9 million criminal charges, 1.6 million of those are misdemeanors, some members of the N.C. Task Force on Racial Equity learned Wednesday evening. Jessica Smith, a professor of public law and government at the UNC School of Government, addressed Work Group 3 Wednesday about her own findings within the criminal justice system. Smith told the work group that only 6.7% of those misdemeanors were considered violent. "I would say that the justice system is largely a non-violent misdemeanor system," Smith said.

Smith said that the majority of the nonviolent misdemeanor charges are traffic, including speeding, driving with a revoked license, expired registration or not having an operator's license. But outside traffic violations, the most charged misdemeanors are larceny, possession of drug paraphernalia, possessions of a half-ounce of marijuana and possession of marijuana paraphernalia.

A speaker before Smith, Ameshia Cooper, a Durham County assistant district attorney, asked the group to consider legalizing recreational or medical marijuana or decriminalize marijuana. Cooper offered up several suggestions, including eliminating criminal penalties or penalizing someone with a fine instead of a charge.

Smith told the group she wanted to point out some of the misdemeanors clogging up the court system. That included not having a city dog tag, leash law violations or having tinted windows. She also pointed out that writing a worthless check can be considered felony obtaining property by false pretense. Smith said some of the misdemeanors target poverty. Those include charges of sleeping in public and begging. Smith said if someone gets charged enough, they can end up with jail time, and putting someone like this behind bars makes it harder for them to find housing and a job.

Smith also encouraged the task force to look at where law enforcement is issuing citations instead of making arrests. Smith said reviewing the types of charges within the criminal justice system is a way the task force can have a large impact on racial equity. The group ran out of time to talk with one another Wednesday night and agreed to meet Aug. 26 to discuss what recommendations they would make to the entire task force in a meeting on Aug. 28.