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Dear House Committee and Task Force Members,

The R Street Institute wishes to thank members of the North Carolina House Select Committee on Community Relations, Law Enforcement and Justice and the Governor’s Task Force for Racial Equity on Criminal Justice for their efforts to create a more equitable criminal justice system by proposing various police oversight and sentencing reforms. R Street Institute is a Washington, D.C.-based, right-of-center think tank that has worked extensively on criminal justice issues at the state and federal level. We believe that carefully crafted reforms can create a freer, safer and more just society.

R Street has long supported some of the specific recommendations in both proposals. In particular, we applaud the House Committee’s call for the passage of legislation that would create a statewide database of law enforcement officials’ disciplinary actions, terminations and de-certifications. We also agree heartily with its proposals to bolster data collection efforts and, especially, with its recommendation to provide law enforcement agencies with additional tools to deal with citizens humanely who experience mental health problems.

Likewise, we praise the Governor’s Task Force for its broad scope, ambitious agenda and support for innovative concepts—such as delegating some traditional law enforcement tasks to social service agencies and screening incarcerated individuals for prior experiences of victimization so survivors of crime can be provided appropriate services. As the task force itself has noted, however, the recommendations are just a starting point on the road to substantive change. It will take a lot of hard work to pass a meaningful legislative package that garners bipartisan support and actually leads to real world improvements.

Although the R Street Institute works on a wide range of criminal justice reform issues, we currently want to call attention to North Carolina’s policies affecting probation and other forms of [community supervision](#). Unfortunately, justice reformers sometimes overlook the potential for continued improvement in this area—even though community supervision has become such a complex regulatory web that it undermines other proposed reforms.

Keep in mind that an estimated [45 percent](#) of all state prison admissions stem from community supervision violations, with half of those being technical in nature. Such violations often involve non-serious infractions such as missing a post-release meeting, being out past a set curfew or even drinking an alcoholic beverage. This practice of punishing technical violations with prison time has been a large contributor to the current state of overcrowding in state and federal prisons. If we want to create a more just system, then it is imperative that we look not just at sentencing and prisons—but at the process that helps reintegrate people into society.

As the General Assembly and governor's office turn their ideas into a legislative package, we urge them to improve upon the substantive community supervision reforms they made in 2011 under the Justice Reinvestment Act. Those reforms have been remarkably successful. A decade later, however, there is a need for more progress. The House Committee's and Governor's Task Force proposals only touch on these probation issues tangentially—by proposing the reclassification of certain low-level crimes. We recommend a more direct approach to probation-related reform.

First, we suggest that North Carolina adopt shorter probation sentences and focus probation on goals and incentives. Currently, state law allows for a person convicted of a misdemeanor or felony to be sentenced to [five years of probation](#). Research [shows](#) that probation terms beyond two years are counterproductive. North Carolina imposes longer community supervision sentences than other states. States including [Missouri](#) and Texas have found that they can save money and reduce probation caseloads by shortening terms and providing compliance credits for good behavior. In North Carolina, a person on probation can only have their case terminated by a court.

Second, North Carolina should reduce the number of probation violations that lead to incarceration. North Carolina in 2011 capped the amount of time that an individual can spend incarcerated for a probation violation and limited the use of revocations, but probation still serves as a significant pathway to incarceration. In 2019, [21 percent](#) of probationers exiting probation saw their probation term ended because they were sent back to prison—sometimes because of a new offense, but often because of a technical violation. [Probation revocations](#) actually accounted for the largest category of prison admissions in fiscal year 2018-2019. The [COVID-19 pandemic](#) has already demonstrated that this can be done safely: Wisconsin released 1,000 people held behind bars for supervision violations, and Colorado temporarily suspended arrests for low-level technical violations.

Again, we thank the House Committee and the governor for their efforts to address systemic problems in North Carolina's criminal justice system. We applaud those goals and are willing to help in any way that is needed. We would be pleased to provide any additional information related to our criminal justice reform ideas, including those related to probation.

Best regards,

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