



BUNCOMBE COUNTY  
**JUSTICE RESOURCE  
ADVISORY COUNCIL**  
*Leveraging best practices to increase system efficiency,  
promote public safety, and community wellness*

# Welcome

February 2020



BUNCOMBE COUNTY

# Agenda

1. Welcome
  - a. Approval of December minutes and January agenda
2. Old Business
  - a. Adoption of By-law
  - b. Appointment of Chair
  - c. Election of Vice-Chair
  - d. Membership by appointment (JRAC Photo)
3. New Business
  - a. Justice Services Request for Proposal
  - b. SJC Updates
  - c. Driver License Restoration (Fees and Fines Reform)
  - d. Behavioral Health Urgent Care Update
4. Public Comment
5. Announcements and Departmental Updates



# JRAC Governing Document

1. Adoption of By-law
2. Appointment of Chair
3. Election of Vice-Chair
4. Membership by representation
5. Membership by appointment (JRAC Photo)

## By-Laws of Buncombe County Justice Resource Advisory Council (JRAC)

### Article I - Name and Purpose

*Section 1 – Name:* The name of the organization shall be the Justice Resource Advisory Council, known as “the JRAC” henceforth.

*Section 1 – Authority:* Approved by the Buncombe County Board of Commissioners in 2017, the JRAC is Buncombe County Board that serves in an advisory capacity regarding justice system improvements to include policy and allocation of fund recommendations to the Buncombe County Board of Commissioners.

*Section 3 – Purpose:* The purpose of the JRAC is to serve as an advisory body to the policy makers, judiciary, and stakeholder groups of the criminal justice system in Buncombe County. The JRAC examines potential improvements to the system, sets priorities, makes recommendations, and guides with their implementation. The JRAC utilizes evidence based methods to identify goals and priorities, develops solutions, and measures results to ensure policies and programs are cost effective, efficient and produce maximum outcomes for the community.

To achieve its purpose, the JRAC is committed to enhancing the efficiency and effectiveness of the Buncombe County criminal justice system with emphasis on strategies that are cost effective, prioritize public safety, provide greater resources to law enforcement and the courts and supportive services to individuals involved in the justice system. Based on this goal, the objectives are:

- to align efforts to ensure cohesive systemic planning;
- to produce and continually improve a comprehensive criminal justice plan;
- to identify and initiate programs or strategies for improvements of the criminal justice system;
- to utilize evidence based system planning, evaluation and data driven decision making and;
- to address jail population management in a holistic manner considering resources, safety, and disparities.

*Section 4 – Strategic Plan:* The JRAC will develop and adopt a comprehensive criminal justice plan that aligns with the understanding the needs of the community, best practices, and allocation of resources. Once adopted the progress of the plan will be reviewed quarterly with the JRAC to ensure we are meeting the goals and objectives set forth. The plan will be reviewed and updated every two to three years to reflect the changes in needs, and resources.

### Article II – Membership

*Section 1 – Membership by position:* There are ten voting members of the JRAC who are members due to the position they hold. These eleven members serve on the JRAC for as long as they occupy the position:

- Chief District Court Judge, 28<sup>th</sup> Judicial District
- Chief of Police, Asheville Police Department
- Chief Public Defender, 28<sup>th</sup> Judicial District
- Chief Juvenile Justice Counselor, 28<sup>th</sup> Judicial District
- Chief Magistrate, 28<sup>th</sup> Judicial District
- Clerk of Court, 28<sup>th</sup> Judicial District
- District Attorney, NC 40<sup>th</sup> Prosecutorial District Attorney’s Office



# Justice Services Request for Proposal

Presenter: Rachael Nygaard, Director for Strategic Partnerships





Supported by the John D. and Catherine T.  
MacArthur Foundation

Presenter: Tiffany Iheanacho, Justice Resource Coordinator



# Strategy & Budget Updates

- Court Reminder Cards
- PSA Implementation
  - 6 Pretrial Screeners
  - 24/7 Staff
  - Currently providing PSA tool at 1<sup>st</sup> Appearance
  - Will provide to magistrates once all staff are fully trained and Pretrial Release (Bail/Bond) Policy reflects PSA implementation



# COURT DATE REMINDERS



If you would like to receive reminders about your court date,  
sign up for text or email notifications at  
[buncombecounty.org/courtreminder](https://buncombecounty.org/courtreminder)



BUNCOMBE COUNTY  
**JUSTICE RESOURCE  
ADVISORY COUNCIL**  
strengthening their practices to increase system efficiency,  
promote public safety, and community well-being.



**SAFETY + JUSTICE  
CHALLENGE**

Supported by the John D. and Catherine T.  
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**BUNCOMBE COUNTY**



# Bail Reform for Local North Carolina Jurisdictions—Options for Each Stage of the Pretrial Process

Jessica Smith, UNC School of Government, May 2019

ARREST	INITIAL APPEARANCE	FIRST APPEARANCE	SUBSEQUENT COURT PROCEEDINGS
Citation in lieu of arrest policies	Adhere to statutory preference for nonfinancial conditions	Adhere to statutory preference for nonfinancial conditions	Enhanced court date reminder systems
Summons in lieu of arrest policies	Implement better risk assessment tools and provide a structure for pretrial conditions decision	Implement better risk assessment tools and provide a structure for pretrial conditions decision	Offer appropriate pretrial services (e.g., mental health, transportation) and supervision (e.g., check-ins) with no up-front costs to defendants
Pre-charge diversion (e.g., mental health, substance use, youth, etc.)	Require reasons for secured bond	Require reasons for secured bond	Align procedures for OFAs after FTAs with goals (e.g., check on detention before issuing OFA; judge sets conditions in OFA to avoid mandatory bond doubling when appropriate)
Data collection & reporting	Require ability to pay determinations before financial conditions are imposed on appearance bonds	Require ability to pay determinations before financial conditions are imposed on appearance bonds	Regular review of jail rolls by jail administrator or judicial official, with court hearings scheduled as needed
	Set first court date prior to officer's next court date	Timely first appearances for all defendants, including those charged with misdemeanors	Require counsel (or waiver after opportunity to consult with counsel) for time served pleas
	Data collection & reporting	Early involvement of public defender or appointed counsel in release determination, including counsel's access to defendant in jail & to prior history record	Expedited trials for detained defendants
		Require counsel (or waiver after opportunity to consult with counsel) for time served pleas	Data collection & reporting
		Hold detention bond hearings for those detained on detention bonds	
		Data collection & reporting	
LOCAL BOND POLICY			
LOCAL CULTURE			





# Drivers License Restoration Learning Sprint & Next Steps

Presenter: Eric Jackson Data & Analytics Program Manager City of Asheville



# Background

- City of Asheville is part of *What Works Cities*
  - National program & coalition helping cities improve residents' lives by using data and evidence effectively.
    - Center for Government Excellence (GovEx), Johns Hopkins University
    - Government Performance Lab, Kennedy School of Government, Harvard University
    - Sunlight Foundation
- Drivers License Restoration & Reform Sprint
  - GovEx-led opportunity to learn from Durham's DEAR program
  - As a WWC member, City is acting as a convener



# Participation

- Lee Crayton, Buncombe County
- Tiffany Iheanacho, Buncombe County
- Eric Jackson, City of Asheville
- Kathy LaMotte, Public Defender's Office
- Aisha Shephard, Buncombe County
- Diana Sierra, Family Justice Center
- Representatives from Pisgah Legal Services, Western Carolina Rescue Ministries, Goodwill, AB Tech, SPARC
- 5 community members



# The Problem



# AUTOMATIC AND INDEFINITE

## Driver's License Suspensions for Failure to Pay Traffic Fines & Fees in NC

### § 20-24.1. Revocation for failure to appear or pay fine, penalty or costs for motor vehicle offenses.

(a) The Division must revoke the driver's license of a person upon receipt of notice from a court that the person was charged with a motor vehicle offense and he:

1. **failed to appear**, after being notified to do so, when the case was called for a trial or hearing, or
2. **failed to pay a fine, penalty, or court costs ordered by the court.**

Revocation orders entered under the authority of this section are effective on the sixtieth day after the order is mailed or personally delivered to the person

## DRIVEN BY DOLLARS

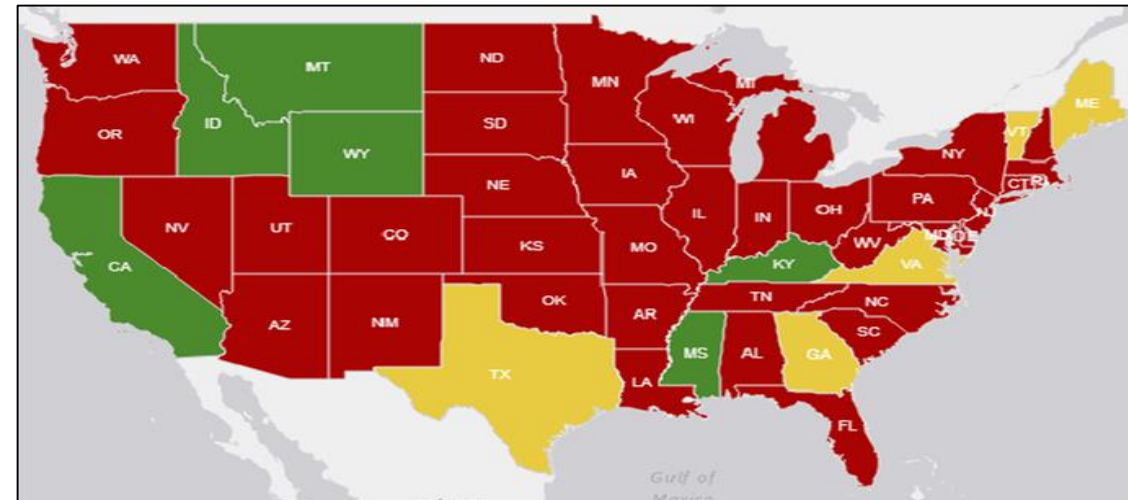
A State-By-State Analysis of Driver's License Suspension Laws for Failure to Pay Court Debt

Authored by Mario Sales and Angela Cicili



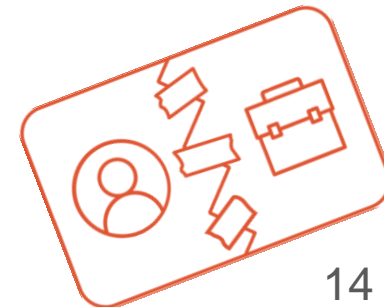
<https://www.justice4all.org/wp-content/uploads/2017/09/Driven-by-Dollars.pdf>

LEGAL AID JUSTICE CENTER



Driver's License Suspensions: National Framework

# Cycle of Poverty and Punishment



# Cycle of Perpetual Suspensions

For many people, a “Failure to Pay” suspensions triggers a devastating cycle of perpetual suspensions that is costly for people, families, other drivers, law enforcement, and courts.

- Person is charged with traffic offense (SPEEDING, EXPIRED/NO REGISTRATION) →
- They cannot afford to pay fines (\$10-\$50) and fees (\$200+) →
- Their license is indefinitely suspended for failing to pay court costs (fine/fees) →
- Person drives without a license →
- Ticketed and charged with DRIVING WHILE LICENSE REVOKED, EXPIRED/NO REGISTRATION, and/or NO LIABILITY INSURANCE →
- Person still cannot afford to pay court costs so they either:
  - Fail to Appear in court to resolve the pending charge →
  - Appear but Fail to Pay court costs →
- Person’s license is indefinitely suspended again and they now have multiple suspensions...

Driver's License Suspensions: National Framework

## Disproportionate Impacts On Communities of Color

- Black drivers are more likely to be stopped
- Communities with higher black populations rely more heavily on fines and fees
- Black communities policed by white officers rely more heavily on fines and fees
- Driver's license suspensions disproportionately impact black Americans





# Some Data From Durham



# What we wanted to learn

How were people affected?

And how many were affected?

**“I haven’t had a license in 22 years. A lawyer said he could help me for \$9,000. I can’t afford that.”**

*– Durham worker*

**“10-15% of our clients have a driver’s license. When they lose it, it is such a killer. That guy with a license is gold when it comes to finding work.”**

*– Durham service provider*

*The Numbers in Durham*

**46,000+**

Number of individuals with a revoked or suspended license as of Sept 2018 due to failure to appear (FTAs) or failure to pay (FTCs) in Durham County.

80% of these are people of color.

*Source: NC AOC*

Understanding how many people are affected and for what reasons

## What we learned from the data

NC DMV (Aggregate) and Jail (Individual)

NC DMV

**1 in 5**

Durham County adults had a revoked or suspended driver's license.

**80%**

Percent of those with a suspended license who are people of color.

Jail

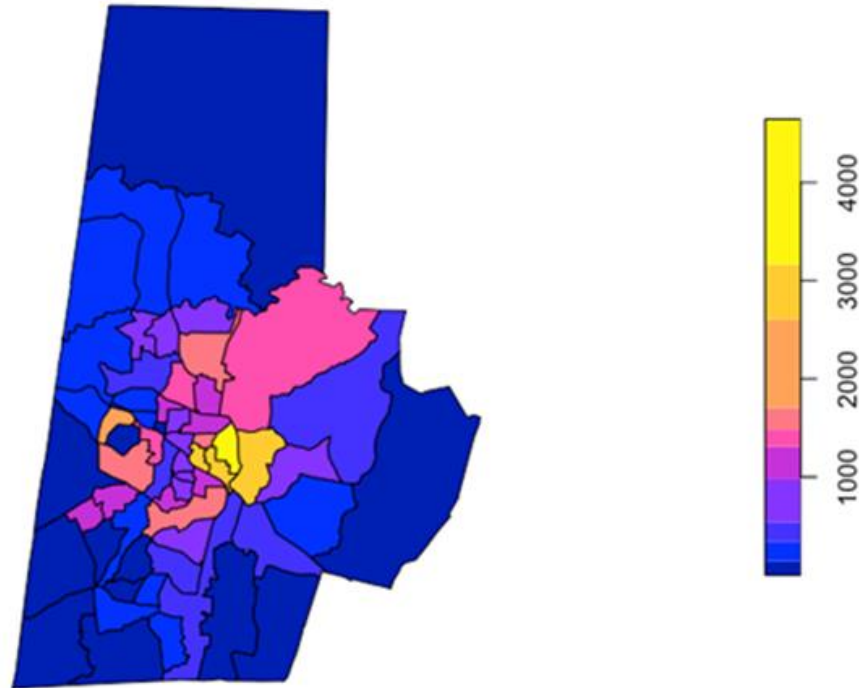
**7th**

Driving while license revoked was the 7th most common charge in the jail.

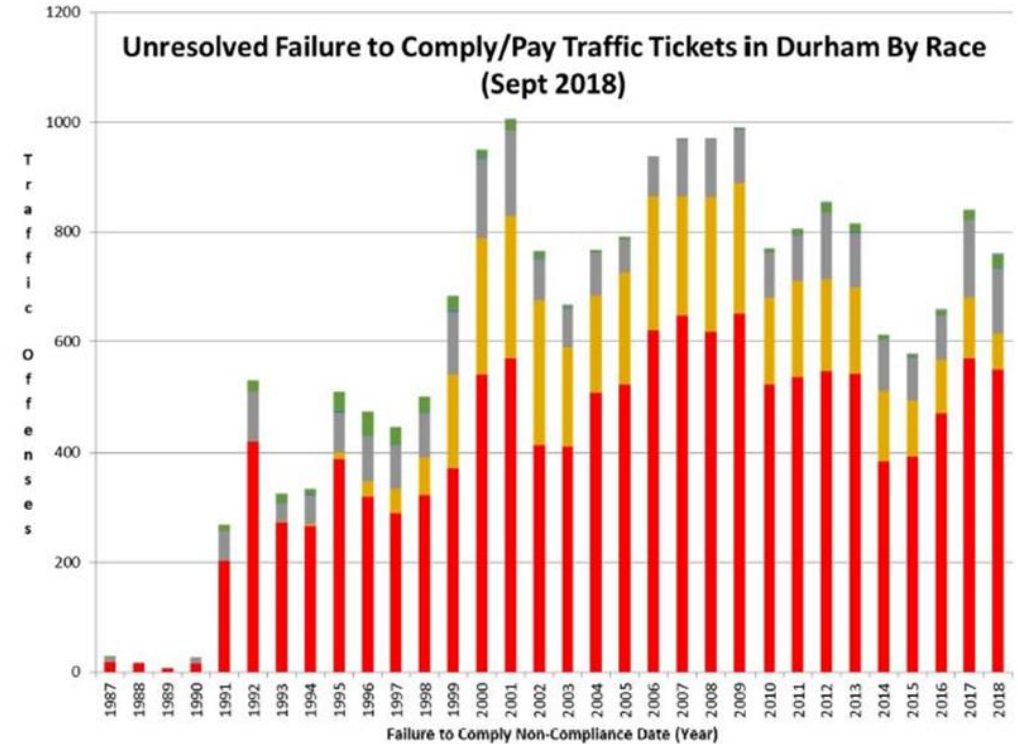
Understanding how many people are affected and for what reasons

# What we learned from the data

NC AOC: Individual level data



License suspensions were geographically concentrated in lower income neighborhoods of color.



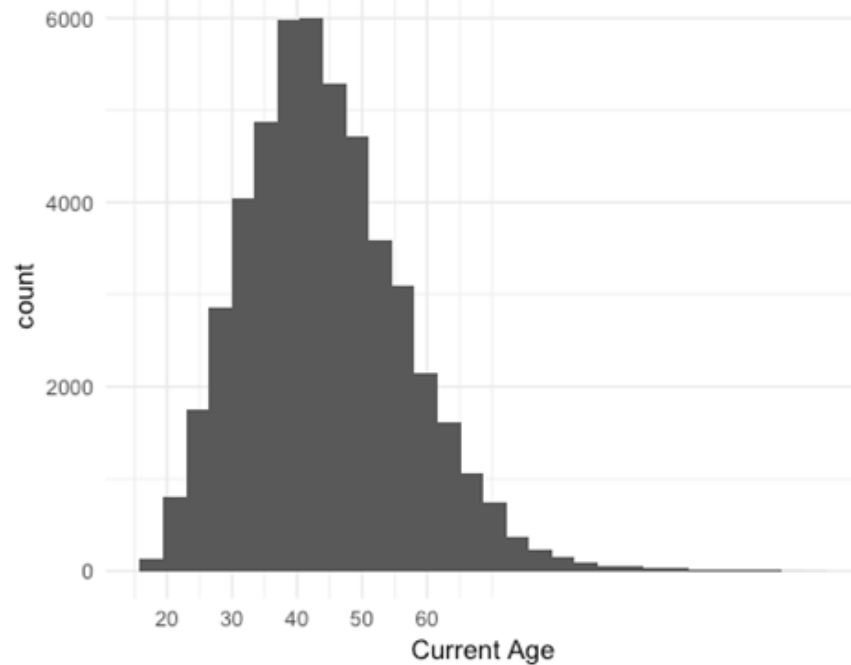
Over 14,000 people had a suspended license due to failure to pay traffic tickets. Tickets were on avg. 16.5 years old, and 80% were owed by people of color.

Understanding how many people are affected and for what reasons

# What we learned from the data

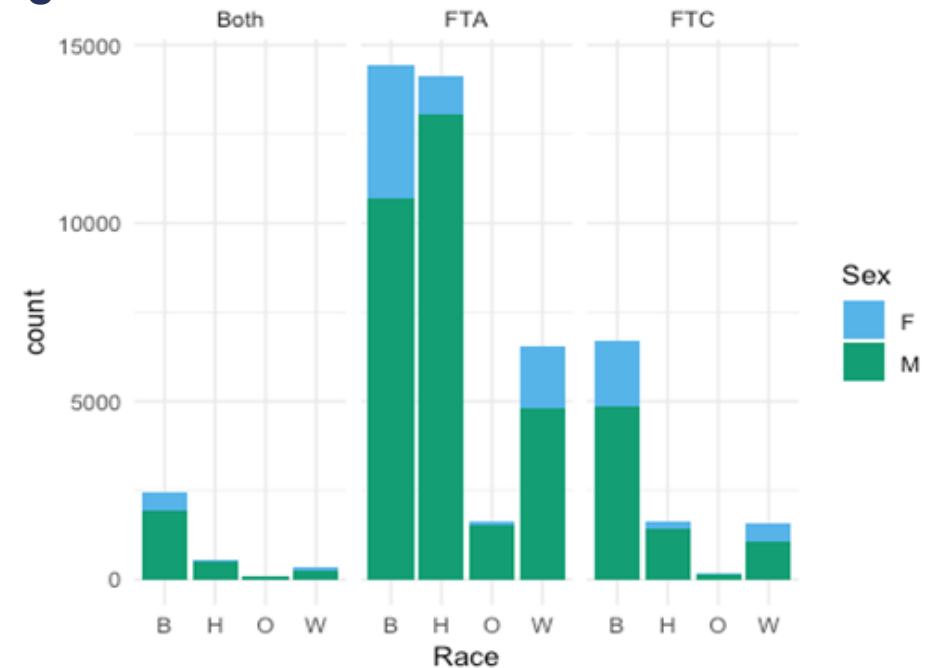
NC AOC: Individual level data

**Number of license suspensions due to failure to appear (FTA), by age**



Most people with a suspended license are in their prime working years.

**Number of license suspensions due to FTA and failure to pay (FTC), by race and gender**



Failure to appear is the leading cause of license suspensions. Both FTAs and FTCs (failure to pay) disproportionately affect people of color.

Understanding how many people are affected and for what reasons

## What we learned from the data

NC AOC: Individual level data

### TOP 7 OFFENSES LEADING TO FTAs OR FTPs for City of Durham Residents

Charge Offense Text	Number of Charges	Percent of Charges
Speeding	9,948	20.12
DWLR	5,778	11.68
No operator's license	5,668	11.46
DWLR not impaired rev	4,457	9.01
Expired Registration card/tag	3,482	7.04
Fail to wear seat belt	1,262	3.33
Expired/no inspection	931	2.46

# 51,000

Number of charges that did not involve DWIs or two dozen other serious traffic offenses.

# Durham's Approach



# Local Context Matters

- The City plays a relatively minor role in the suspension of licenses.
- No municipal court system. Courts operate independent of city government, and as part of a unified state court system.
- State laws require the *indefinite* suspension of driving privileges for failing to appear for traffic charges or failing to pay traffic tickets.
- The local context meant that the only way the City of Durham was going to address the challenge of license suspension was through robust collaboration and strategic partnerships.





# How we built strategic collaborations

Step 1: Identify stakeholders to engage by thinking about groups as they relate to:

Process	<i>Who has discretion over the processes involved in suspending and restoring driving privileges?</i>					
Person	Get ticket	Can't pay ticket	Lose license	Struggle to find work	Can't afford attorney	Choose to drive w/o license
	Police	District Attorney	DMV*	Employer	Legal Aid	Sheriff
		Judges	NCGA*		Durham Bar	
		Public Defender			Law Schools	
		Clerk of Court				
		Criminal Justice Resource Center				

DMV - Department of Motor Vehicles  
 NCGA - North Carolina General Assembly

# Roles of DEAR partners

<b>City</b>	<p>Program design and funding; organizing partners; data analysis; legal services; staff DEAR office</p> <p><i>Involves City Attorney's Office, Innovation Office</i></p>
<b>District Attorney</b>	<p>Mass Relief: dismissed FTAs and petitioned court to waive old traffic tickets; participate in court referral program</p>
<b>Public Defender</b>	<p>Participate in court referral program</p>
<b>Clerk of Court</b>	<p>Process all court paperwork necessary to waive traffic tickets and expunge charges</p>
<b>Judges</b>	<p>Co-Chair Advisory Board; waive traffic tickets</p>
<b>Legal Aid of NC</b>	<p>Legal services, especially expungement; staff DEAR office</p>

<b>NC Justice Center</b>	<p>Legal analysis; Lobbying; Legal services, especially mass relief; staff DEAR office</p>
<b>Duke &amp; NCCU*</b>	<p>Volunteers (law school students); free community clinics</p>
<b>Durham Bar</b>	<p>Volunteers (private attorneys)</p>
<b>NC Pro Bono</b>	<p>Volunteers (private law firms)</p>
<b>County</b>	<p>Provides free office space in courthouse; court date reminder program</p>
<b>Coding groups</b>	<p>Developed text message application tool, second chance driving website, and auto-expunction tool</p>
<b>GARE*</b>	<p>Racial equity framework</p>

NCCU - North Carolina Central University

GARE - Government Alliance on Race and Equity

# Next Steps

- Mecklenburg County Presentation (Date and Location TBD)
- Wrapping Up City Sprint
- Provide Summary of Findings
- Make All Materials Available On Site
- Leadership and Direction from JRAC



# Behavioral Health Urgent Care Update

Presenter: Christy Satterfield, Provider Account Manager Vaya Health



# Public Comment



# Thank you!

Announcements

*Next meeting: April 3, 2020 at 12:30 pm, 200 College St, Ground Floor Conference Room.*

