



# Buncombe County Justice Resource Advisory Council

## Memorandum of Understanding

### OVERVIEW

The Justice Resource Advisory Council (Council) is collaborative initiative with leadership from Buncombe County and representatives from the criminal justice and court system leaders focusing on systemic planning and coordination for crucial needs in the criminal justice system. The purpose of the Council is to serve as an advisory body to the policy makers, judiciary, and stakeholder groups of the criminal justice system in Buncombe County. The Council examines potential improvements to the system, sets priorities, makes recommendations, and guides their implementation. The Council 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.

### VALUES

Efficiency, Integrity, Transparency, Inclusiveness, Collaboration, Equity

### GOAL

The overall goal is to enhance the efficiency and effectiveness of the Buncombe County criminal justice system with emphasis on strategies that are cost effective, prioritize public safety, provide resources to law enforcement and the courts, and divert non-violent offenders to supportive services and community based outcomes.

### OBJECTIVES

- Produce and continually improve a comprehensive criminal justice plan that defines systemic goals and objectives, identifies areas of strength and weakness, and includes an action plan with timelines and evaluative aspects.
- Identify and initiate programs or strategies for improvements of the criminal justice system with system stakeholders through planning and collaboration to enhance public safety.
- Utilize evidence based system planning, evaluation and data driven decision making to review costs and results related to justice activities, avoid duplicate spending, and prioritize the use of limited funds.
- Interconnect and possibly consolidate existing criminal justice groups, committees, and boards operating in Buncombe County to maximize and align efforts to ensure cohesive systemic planning.
- Address jail population management in a holistic manner that considers overuse of jail resources, pretrial justice reform, and disparities.
- Determine potential grant opportunities, identify eligible agencies and programs, and synchronize the grant application processes to amplify impact.

## BACKGROUND

Our community has a long history of collaborative relationships between governmental, nonprofit and community-based organizations in Buncombe County to address criminal justice needs with an emphasis on people impacted by mental illness and substance use disorders. Current collaborative programs in our community include: CIT (Crisis Intervention Team) training for law enforcement, Justice Resource Center, JUST jail diversion and re-entry case management for substance abuse and mental health, Pretrial Services and Specialty Courts (Drug Treatment Court, Family Treatment Court, Sobriety Court and Veteran's Treatment Court).

While Buncombe County's justice resource system includes an array of successful programs, there was a need for enhanced system coordination. In August 2015, Buncombe County Commissioners unanimously passed a resolution to convene a diverse team of leaders and decision makers from multiple agencies who are committed to safely reducing the number of people with mental illnesses in jails through the "Stepping Up Initiative". In February 2017, Buncombe County Commissioners again unanimously supported the creation of a Justice Resource Advisory Council and a coordinator position to formalize and build upon this work.

## MEMBERSHIP

The Council consists of key justice system leaders and decision-makers. Memberships shall consist of one leadership representative from each of the following partners:

Buncombe County Government, including:	NC 28 <sup>th</sup> Judicial District Clerk of Court
• Bureau of Identification	NC 28 <sup>th</sup> Judicial District Community Corrections
• Board of Commissioners	NC 28 <sup>th</sup> Judicial District Juvenile Justice
• Manager's Office	NC 28 <sup>th</sup> Judicial District Magistrates' Office
• Pretrial Services	NC 28 <sup>th</sup> Judicial District Public Defender's Office
• Sheriff's Office	NC 28 <sup>th</sup> Judicial District, Superior and District Court
City of Asheville Police Department	NC 28 <sup>th</sup> Prosecutorial District Attorney's Office
Local Private Defense Bar Association	Regional Area Public Managed Care Organization

**Buncombe County Government** is the local government entity for Buncombe County, North Carolina, with a population of approximately 250,000. The Mission of Buncombe County is to: promote a healthy, safe, well-educated, and thriving community with a sustainable quality of life, provide effective and efficient government our citizens can trust and deliver needed service through a responsive work force committed to excellence, integrity, and teamwork.

**Bureau of Identification** aims to support the criminal justice/public safety community and the citizens of Buncombe County through timely and accurate data entry services and complete and precise dissemination of information. Functions include criminal history records, gun purchase permits and concealed handgun permits.

**Board of Commissioners** is the governing body for Buncombe County Government. The board oversees all departments and sets policy in a council-manager form of government. 7 members serve staggered 4-year terms through partisan elections.

**Manager's Office** is led by the County Manager, who serves as Chief Executive Officer for Buncombe County Government and is appointed by and serving at the pleasure of the Board of Commissioners. In addition to carrying out the day-to-day administration of County government, the County Manager is responsible for implementing policies established by the Board of Commissioners, coordinating the work of all County agencies, and representing the County in dealings with other governmental units and agencies.

**Pretrial Services** is part of the North Carolina Court System and housed within Buncombe County Government. Conducts impartial interviews and runs background checks on individuals that have been arrested and are in custody before their trial. Pretrial conducts interviews and criminal history checks, investigates previous releases, coordinates with law enforcement and community contacts, and prepares a summaries of their findings for the court. Pretrial also provides a supervised pretrial release option for the criminal justice system. As part of supervised pretrial release, the conditions of release are monitored, and noncompliance is reported back to the court.

**Sheriff's Office** is a professional, service oriented law enforcement agency dedicated to improving the quality of life of everyone in Buncombe County by utilizing the highest degree of integrity and professionalism at every level, making certain they lead by example, treat all persons with dignity, and hold themselves accountable to the highest possible standards. The Sheriff's Office administers the Buncombe County Detention Facility, a 604 bed direct supervision Detention Facility to maintain order, control and safety. The foundation principles for the Buncombe County Sheriff's Office are service, integrity, accountability, professionalism and dignity.

**City of Asheville Police Department** is dedicated to providing public safety and maintaining order; maintaining a safe city with safe neighborhoods and enforcing the laws of North Carolina and the United States Constitution and national security. The Asheville Police Department has 278 sworn and non-sworn men and women and approximately 20 volunteers. It is a nationally accredited police department and committed to excellence based on four guiding principles: integrity, fairness, respect and professionalism.

**Local Private Defense Bar Association** includes criminal defense attorneys that practice in the 28<sup>th</sup> Judicial District who gather for the purpose of information sharing and collaboration. The association is informally organized and is not a replacement for the Judicial District Bar which is a subdivision of the North Carolina State Bar.

**NC 28<sup>th</sup> Judicial District Clerk of Court** is vital to the local administration of justice. The Clerk of Superior Court is an elected judicial official, with many judicial responsibilities. The clerical tasks of filing, processing, indexing, and preserving court documents are only a part of the Clerk's job. The office of the Buncombe County Clerk of Court is responsible for assisting the public in filing and accessing court documents, staffing the courtrooms, and performing the many complex duties required in order to ensure that court records are accurate.

**NC 28<sup>th</sup> Judicial District Community Corrections** is responsible for supervising offenders in the community who have been placed on probation, parole or post-release supervision. Community Corrections works to

apply control over offenders while at the same time coordinate community resources to enable those under supervision the opportunity to reform, support their families, pay restitution or reparation to their victims and become productive, law abiding citizens.

**NC 28<sup>th</sup> Judicial District Juvenile Justice** is committed to the reduction and prevention of juvenile delinquency by effectively intervening, educating and treating youth in order to strengthen families and increase public safety. The office includes community programs and case management, intake and supervision for undisciplined and delinquent juveniles, juvenile facility operations and juvenile clinical services.

**NC 28<sup>th</sup> Judicial District Magistrates' Office** are officers of the district court, and they are subject to the supervision of the Chief District Court Judge in judicial matters, including in criminal matters such as arrest warrants, search warrants and setting of bail, as well as in civil matters such as small claims, marriage ceremonies, oaths, pleadings and acknowledgements.

**NC 28<sup>th</sup> Judicial District Public Defender's Office** represents indigent criminal defendants and indigent defendants in civil actions in which there is a right to counsel under North Carolina law. The mission of the Public Defender's Office is to provide high-quality and compassionate representation.

**NC 28<sup>th</sup> Judicial District, Superior and District Court** are a part of the statewide unified court system. The criminal jurisdiction of the District Court Division includes preliminary "probable cause" hearings in felony cases, and virtually all misdemeanor and infraction cases. The District court's jurisdiction also extends to all juvenile proceedings, mental health hospital commitments, and domestic relations cases. The Superior Court has original jurisdiction in all felony cases and in some misdemeanor cases. Most misdemeanors are tried first in the District Court, from which a conviction may be appealed to the Superior Court for trial de novo by a jury. Both criminal and civil cases in superior court are tried before a twelve-person jury.

**NC 28<sup>th</sup> Prosecutorial District Attorney's Office** is committed to seeking justice by ensuring that victims' rights and the public safety are number one priority through the fair, equal, vigorous, and efficient enforcement of the criminal laws.

**Regional Area Public Managed Care Organization, Vaya Health** is the public managed care organization (MCO) that oversees Medicaid, federal, state and local funding for services and supports related to mental health, substance use and intellectual/ developmental disability (IDD) needs. Vaya Health operates in 23 Western North Carolina counties that are home to over 1 million residents who may be eligible for our prevention, treatment and crisis services.

## **COORDINATION**

Staff support for the Council is provided by Buncombe County Government, including coordination, strategic planning and performance management. Primary support is provided by a full time position, Justice Resource Coordinator, which is structured within the County Manager's Office. The Justice Resource Coordinator is the primary point of contact for the Council and organizes logistics, agendas, reporting and all other basic matters pertaining to the Council.

## **MEMBER RESPONSIBILITY**

Member agencies (members) agree to participate on the Council with the purpose of improving cross-system collaboration and designing collective strategies to address justice and mental health needs. Each

member will provide services consistent with its respective organizational mission and expertise within a collaborative model. Members will actively participate in planning, provide relevant data, evaluate the facts and explore alternatives to incarceration while prioritizing public safety. Members will participate in system mapping and data analysis to understand current services and justice-involved populations. Members will engage in discussions on procedures for sharing information between agencies as allowed by statute and not in conflict with the legal or ethical obligations of any member.

#### **AUTHORITY**

The Council is an advisory board that may make recommendations regarding justice related system improvements to the Buncombe County Board of Commissioners and to other justice system stakeholders.

#### **DECISION MAKING**

The Council will make decisions regarding recommendations related to justice system improvements. The Council may not make any decision that improperly infringes on the structural autonomy, statutory obligations or liability of any agency. The Council will strive to make decisions based on group consensus. However, in times that consensus is not attainable, a decision may be made by a two thirds majority of the voting members of a team present at a regularly scheduled team meeting or a special meeting called with 5 (five) days notice via email. Only one representative of each member agency may vote. That representative may be the Council member or a designated proxy representing that member's organization. A quorum will be required for any decision made via a two thirds majority vote. Quorum is a simple majority of the member agencies listed in this agreement.

#### **STANDING COMMITTEES**

Several justice related committees meet regularly to deal with specific issues and populations within the system. A Council member and/or their designee will be represented as a member of each of these identified committees. Communication is key to establishing an effective and efficient justice system. Standing Committees should report updates to the Council. Council representatives will provide information to the standing committees, to ensure all efforts are aligned and equally supported.

#### **AD HOC WORK GROUPS**

Work groups will form on an ad hoc basis to investigate and analyze specific issues within the criminal justice system as determined by the Council. They will form recommendations and submit them to the Council for review. Work groups will also assist in the implementation and evaluation of supported plans. Work groups will be led by a Council member and may include members from the public and private sector. The number of members and meetings will vary. Work groups shall dissolve once they have completed their purpose.

#### **MEETINGS**

The Council generally meets the first Friday of every month at 12:30pm to 2pm at 200 College Street Room 404, Asheville NC 28801. The Council may adjust the meeting schedule as needed. Meetings are facilitated by the Justice Resource Coordinator.

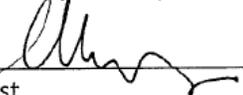
**TERM**

This Memorandum of Understanding shall be in effect for the period of January 2018 through December 2020. Any member shall have the authority to terminate its participation in this agreement upon thirty (30) days written notice to the Coordinator. The withdrawal of less than all the members shall not act as a termination of the Agreement between the remaining members.

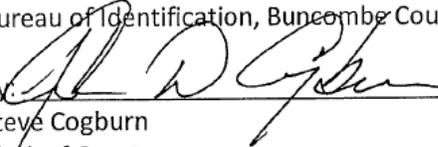
**MEMBER COMMITMENTS**

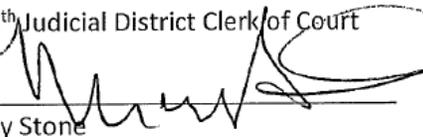
Members and their represented department/agency are committed to improving cross-system collaboration, increasing efficiency in a fragmented system, designing collective strategies to address justice needs, and increase the collection of data to accurately respond to the prevalence of the needs of public safety and community wellness. As evidenced by their representatives' signatures below, members have reviewed the stated goals of the above and commit to working collaboratively towards achieving those goals.

Signed January 2018 by:

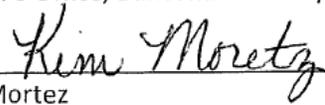
By:   
Ellen Frost  
Commissioner  
Board of Commissioners, Buncombe County

By:   
Pat Freeman  
Identification Director  
Bureau of Identification, Buncombe County

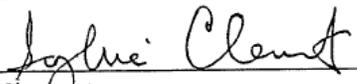
By:   
Steve Cogburn  
Clerk of Court  
NC 28<sup>th</sup> Judicial District Clerk of Court

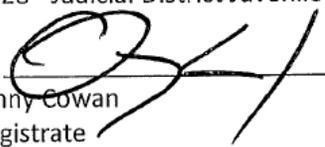
By:   
Mandy Stone  
County Manager  
County Manager Office, Buncombe County

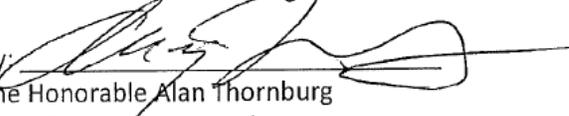
By:   
Van Duncan  
Sheriff  
Sheriff's Office, Buncombe County

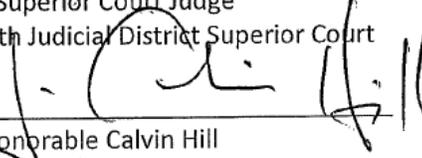
By:   
Kim Mortezy  
Supervisor  
Buncombe County Pretrial Services

By:   
Lori Anderson  
Judicial District Manager  
Department of Community Corrections  
NC 28<sup>th</sup> Judicial District

By:   
Sylvia Clement  
Chief Court Counselor  
NC 28<sup>th</sup> Judicial District Juvenile Justice

By:   
Danny Cowan  
Magistrate  
NC 28<sup>th</sup> Judicial District Magistrates' Office

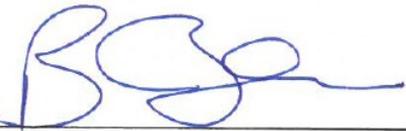
By:   
The Honorable Alan Thornburg  
Chief Superior Court Judge  
NC 28<sup>th</sup> Judicial District Superior Court

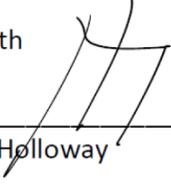
By:   
The Honorable Calvin Hill  
Chief District Court Judge  
NC 28<sup>th</sup> Judicial District Court

By:   
Todd Williams  
District Attorney  
NC 28<sup>th</sup> Prosecutorial District

By:   
LeAnn Melton  
Chief Public Defender  
28th Judicial District, North Carolina

By:   
Tammy Hooper  
Police Chief  
Asheville Police Department

By:   
Brian Ingraham  
CEO  
Vaya Health

By:   
Matthew Holloway  
Attorney  
Local Private Defense Bar Association