Welcome

February 2020
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)
Justice Services Request for Proposal

Presenter: Rachael Nygaard, Director for Strategic Partnerships
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 1st Appearance
  • Will provide to magistrates once all staff are fully trained and Pretrial Release (Bail/Bond) Policy reflects PSA implementation
If you would like to receive reminders about your court date, sign up for text or email notifications at buncombecounty.org/courtreminder
# Ball Reform for Local North Carolina Jurisdictions—Options for Each Stage of the Pretrial Process

**Jessica Smith, UNC School of Government, May 2019**

<table>
<thead>
<tr>
<th>ARREST</th>
<th>INITIAL APPEARANCE</th>
<th>FIRST APPEARANCE</th>
<th>SUBSEQUENT COURT PROCEEDINGS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Citation in lieu of arrest policies</td>
<td>Adhere to statutory preference for nonfinancial conditions</td>
<td>Adhere to statutory preference for nonfinancial conditions</td>
<td>Enhanced court date reminder systems</td>
</tr>
<tr>
<td>Summons in lieu of arrest policies</td>
<td>Implement better risk assessment tools and provide a structure for pretrial conditions decision</td>
<td>Implement better risk assessment tools and provide a structure for pretrial conditions decision</td>
<td>Offer appropriate pretrial services (e.g., mental health, transportation) and supervision (e.g., drug tests) with no up-front costs to defendants</td>
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<td>Pre-charge diversion (e.g., mental health, substance use, youth, etc.)</td>
<td>Require reasons for secured bond</td>
<td>Require reasons for secured bond</td>
<td>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)</td>
</tr>
<tr>
<td>Data collection &amp; reporting</td>
<td>Require ability to pay determinations before financial conditions are imposed on appearance bonds</td>
<td>Require ability to pay determinations before financial conditions are imposed on appearance bonds</td>
<td>Regular review of jail rolls by jail administrator or judicial official, with court hearings scheduled as needed</td>
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<td></td>
<td>Set first court date prior to officer’s next court date</td>
<td>Timely first appearances for all defendants, including those charged with misdemeanors</td>
<td>Require counsel for waiver after opportunity to consult with counsel for time served pleas</td>
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<tr>
<td></td>
<td>Data collection &amp; reporting</td>
<td>Early involvement of public defender or appointed counsel in release determination, including counsel’s access to defendant in jail &amp; to prior history record</td>
<td>Expedited trials for detained defendants</td>
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<td></td>
<td>Require counsel (or waiver after opportunity to consult with counsel) for time served pleas</td>
<td>Data collection &amp; reporting</td>
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<tr>
<td></td>
<td></td>
<td>Hold detention bond hearings for those detained on detention bonds</td>
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<tr>
<td></td>
<td></td>
<td>Data collection &amp; reporting</td>
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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.
Driver's License Suspensions: National Framework

Cycle of Poverty and Punishment

1. Ticket
2. Can’t pay because they can’t afford it
3. Lose their license
4. Can’t drive to work or get a job because they don’t have a license
5. Jail
Cycle of Perpetual Suspensions

For many people, a “Failure to Pay” suspension 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
Understanding the Problem: Marrying Qualitative & Quantitative Data

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

“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

“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
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.
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.
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

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

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**

Who has discretion over the processes involved in suspending and restoring driving privileges?

- **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
  - Sheriff

- **Person**
  - Judges
  - NCGA*
  - Legal Aid
  - Durham Bar
  - Law Schools

- **Public Defender**
  - Criminal Justice Resource Center

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

What Works Cities | RESULTS FOR AMERICA
# Roles of DEAR partners

| City | Program design and funding; organizing partners; data analysis; legal services; staff DEAR office  
Involves City Attorney’s Office, Innovation Office |
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<tbody>
<tr>
<td>District Attorney</td>
<td>Mass Relief: dismissed FTAs and petitioned court to waive old traffic tickets; participate in court referral program</td>
</tr>
<tr>
<td>Public Defender</td>
<td>Participate in court referral program</td>
</tr>
<tr>
<td>Clerk of Court</td>
<td>Process all court paperwork necessary to waive traffic tickets and expunge charges</td>
</tr>
<tr>
<td>Judges</td>
<td>Co-Chair Advisory Board; waive traffic tickets</td>
</tr>
<tr>
<td>Legal Aid of NC</td>
<td>Legal services, especially expungement; staff DEAR office</td>
</tr>
<tr>
<td>NC Justice Center</td>
<td>Legal analysis; Lobbying; Legal services, especially mass relief; staff DEAR office</td>
</tr>
<tr>
<td>Duke &amp; NCCU*</td>
<td>Volunteers (law school students); free community clinics</td>
</tr>
<tr>
<td>Durham Bar</td>
<td>Volunteers (private attorneys)</td>
</tr>
<tr>
<td>NC Pro Bono</td>
<td>Volunteers (private law firms)</td>
</tr>
<tr>
<td>County</td>
<td>Provides free office space in courthouse; court date reminder program</td>
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<tr>
<td>Coding groups</td>
<td>Developed text message application tool, second chance driving website, and auto-expunction tool</td>
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<tr>
<td>GARE*</td>
<td>Racial equity framework</td>
</tr>
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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.