

**JUDICIAL BRANCH COMMITTEE
MEETING 4.22.2021**

Committee #2: JUDICIAL BRANCH

I. Welcome

II. Progress Updates (15 minutes)

- a. School Justice Partnerships (Sam Davis)
- b. Fines & Fees (Judge Thornburg & Judge Clark)
- c. Conviction Integrity Units (Mary Pollard)
- d. Racial Equity Training (April Dawson)
- e. Conference of DAs (Jim Woodall)
- f. Truth and Reconciliation Commission (Sam Davis)

III. Working Session – Recommendation 104

IV. Next Steps (5 minutes)

- a. Deadlines and deliverables

Committee #2: JUDICIAL BRANCH

I. Welcome

II. Progress Updates (15 minutes)

- a. School Justice Partnerships (Sam)
- b. Fines & Fees (Judge Thornburg & Judge Clark)
- c. Conviction Integrity Units (Mary Pollard)
- d. Racial Equity Training (April Dawson)
- e. Conference of DAs (Jim Woodall)
- f. Truth and Reconciliation Commission (Sam)

III. Working Session – Recommendation 104

IV. Next Steps (5 minutes)

- a. Deadlines and deliverables

Recommendation 24

Encourage School Justice Partnerships

Stakeholder Engagement

- Governor / Chief Justice / AOC
- Statewide education leaders
- Local government and judicial officials



- *Draft letter explaining importance of SJPs to achieving racial equity asking for public support*
- *Facilitate listening sessions with key stakeholders*

Data

- Strong indicators, but limited by lack of granular school-level data on suspensions, expulsions, etc.
- Some understanding of barriers to implementation



- *Identify best practices from other states*
- *Survey of key stakeholders*
- *Partial referral to data committee?*

Funding

- Limited grant funding available for implementation
- No dedicated employees supporting local efforts



- *Facilitate connections with philanthropic supporters*
- *Government funding opportunities*

Publicity

- Ongoing resistance based on misperceptions about scope of program, especially among school boards
- Difficulty following through during COVID-19



- *Partial referral to comms committee for advocacy push around school re-openings this summer?*

Committee #2: JUDICIAL BRANCH

I. Welcome

II. Progress Updates (15 minutes)

- a. School Justice Partnerships (Sam)
- b. Fines & Fees (Judge Thornburg & Judge Clark)
- c. Conviction Integrity Units (Mary)
- d. Racial Equity Training (April)
- e. Conference of DAs (Jim)
- f. Truth and Reconciliation Commission (Sam)

III. Working Session – Recommendation 104

IV. Next Steps (5 minutes)

- a. Deadlines and deliverables

Committee #2: JUDICIAL BRANCH

I. Welcome

II. Progress Updates (15 minutes)

- a. School Justice Partnerships (Sam)
- b. Fines & Fees (Judge Thornburg & Judge Clark)
- c. Conviction Integrity Units (Mary)
- d. Racial Equity Training (April)
- e. Conference of DAs (Jim)
- f. Truth and Reconciliation Commission (Sam)

III. Working Session – Recommendation 104

IV. Next Steps (5 minutes)

- a. Deadlines and deliverables

Recommendation 104

Non-Legislative Policy Recommendations from TREC Report

- *Require judges use a standard NCAOC form when considering waiver of fines and fees (in progress)*
- *Conduct comprehensive trainings for judges and magistrates encouraging the waiver of costs and fines when appropriate (in progress)*
- Establish an NCAOC form to strike Failure to Comply for traffic violations.
- Encourage district attorneys to utilize amnesty or mass relief opportunities, such as dismissal of cases, forgiveness of court debt, and expunctions.
- Stop the issuance of arrest warrants for criminal contempt charges due to outstanding court debt and for those who fail to appear for traffic violations without first having a show cause hearing.
- Increase access to license restoration clinics, such as the DEAR Clinic.

Recommendation 104

Non-legislative strategies to eliminate criminal justice debt

Executive reforms

- Realign incentives of private probation companies and private debt-collectors and terminate contracts with private companies who do not meet specified standards
- Supervision of collections agencies
- Greater oversight from AGO to spotlight inequitable practices by local actors (especially in areas such as license suspension or extended supervision)
- AGO can issue legal opinions on constitutional protections and ability-to-pay to provide guidance to judicial actors

Judicial reforms

- Require that criminal justice debt statements be issued to Defendants
- Amend court rules to encourage alternative conditions such as community service, payment plans, or fee waivers
- Create more diversion courts and emphasize training for those court personnel
- Require regular audits of collection practices and discipline judges who do not meet standards (see Michigan and Ohio models) – this could also be from Executive branch and include intensive survey of revenue, fees, etc. (Virginia model)

Recommendation 104

Non-legislative strategies to eliminate criminal justice debt

Make payment of criminal justice debt easier.

- Make repayment rights and options clear and accessible (AGO and AOC should publicize online)
- Prioritize rehabilitation over collection and design collection policies accordingly.
- Ensure access to reasonable and affordable payment plans with forgiveness opportunities.
- Eliminate financial penalties on those unable to pay in full and during financial hardship.
- Minimize the need for in-person court appearances related to criminal justice debt so people do not have to miss work.
- Instruct court personnel on how to conduct ability-to-pay and willfulness hearings and provide judges with bench cards

Sources: Harvard Law School Criminal Justice Policy Program, *Confronting Criminal Justice Debt: A Guide for Policy Reform* (September 2016), <https://www.nclc.org/images/pdf/criminal-justice/confronting-criminal-justice-debt-3.pdf>; National Consumer Law Center, *Criminal Justice Debt in the South: A Primer for the Southern Partnership to Reduce Debt* (December 2018), <https://www.nclc.org/images/pdf/criminal-justice/white-paper-criminal-justice-debt-in-the-south-dec2018.pdf>.

Recommendation 104

Discussion questions

Which of the proposed reforms would have the greatest impact?

Which of the proposed reforms are feasible to pursue now vs. prioritizing over the longer-term?

Are there examples of strategies from North Carolina or elsewhere that are particularly compelling?

What other information would be useful?



What are our next steps?

Next Steps

Proposed Deliverable	Committee Lead	Date
School Justice Partnerships: Draft open letter requesting support from key stakeholders.	Sam Davis	5/20/2021
Fines & Fees: Produce draft bench card and AOC Form for committee review. Develop plan for training judges, clerks, and defense attorneys.	Judge Clark & Judge Thornburg	5/8/2021
Conviction Integrity Units: Draft model CIU based on conversation with IDS and bring to committee for feedback	Mary Pollard	5/20/2021
Racial Equity Training: Check-in with John Rubin on SoG progress. Prosecutorial training proposal (potential trainers and topics for training) for discussion with CoDA.	April Dawson	5/20/21
Conference of District Attorneys: Conduct initial call to establish ongoing partnership on training, data collection, and other relevant initiatives.	Jim Woodall	5/8/2021
Truth and Reconciliation Commission: Memorandum outlining different approaches to statewide TRC. Schedule informational calls with U.S. TRCs.	Sam Davis	5/20/21

Next Steps

Next meeting 5/20/2021