



# WORKING GROUP #4 –

ADDRESSING RACIAL EQUITY IN TRIALS AND POST-CONVICTION

# MEETING #10

OCTOBER 20, 2020

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NORTH CAROLINA TASK FORCE FOR RACIAL EQUITY IN CRIMINAL JUSTICE

# Welcome & Approve Minutes

(8:00-8:05 AM)

## I. Approve Minutes

## II. Slate of Collateral Consequences Recommendations

*Invited Guests:*

- *Irene Lawrence, NCDPS*
- *Daniel Bowes & Quisha Mallette, NC Justice Center*
- *Melissa Radcliffe, Our Children's Place*

## III. Discussion on Collateral Consequences Recommendations

## IV. General Discussions (Fines & Fees, Prison Discipline, Extreme Sentences)

## V. Next Steps and Updated Work Schedule

# Collateral Consequences Recommendations

(8:05-8:20 AM)

[Collateral Consequences](#) - draft working document

## *Invited Guests:*

- *Daniel Bowes & Quisha Mallette, NC Justice Center*
- *Irene Lawrence, NCDPS*
- *Melissa Radcliffe, Our Children's Place*

# Brief Overview

- At least 2 million people have a criminal record in North Carolina
- Collateral Consequences are “civil disabilities triggered by criminal records”
  - Triggered by all types of criminal records (including dismissed charges)

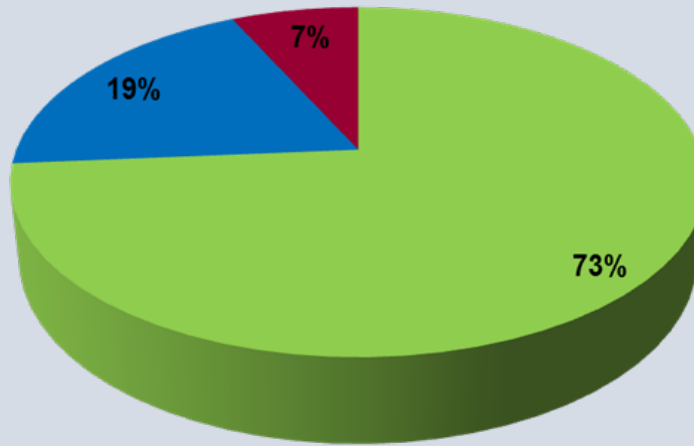
# Civil Disabilities in NC

North Carolina's laws include more than 1000 civil disabilities triggered by criminal records. There are an additional 1200 civil disabilities in federal law. [UNCSOG CCAT](#)

- [Financial Aid](#)
- [Immigration](#)
- [Housing](#)
- [Guardianship/Adoption](#)
- [Firearm Possession](#)
- [Jury Service](#)
- [Occupational Licensure](#)
- [Elected Office](#)
- [SNAP/TANF](#)
- [Public School Attendance](#)
- [Drivers License](#)
- [Seizure of real property](#)
- [Parental Rights](#)
- [Workers Compensation](#)
- [Seizure of personal property](#)
- [Loss of Victim Compensation](#)
- [Vote](#)
- [Military Service/Militia](#)
- [Sex Offense Registration](#)
- [Drug Tax](#)
- [Criminal Justice Debt\\*](#)
- [Hunting/Fishing license](#)

For many individuals, the collateral consequences of a criminal record are more far-reaching and destructive than the direct consequences of a criminal conviction (incarceration, probation, fines, etc.)

**Employer Survey: Does your organization, or an agency hired by your organization, conduct criminal background checks for any job candidates?**



*\*Society of Human Resource Management, "Background Checking: Conducting Criminal Background Checks"*

- All job candidates
- Selected job candidates
- No, my organization does not conduct this type of background check for any of its job candidates

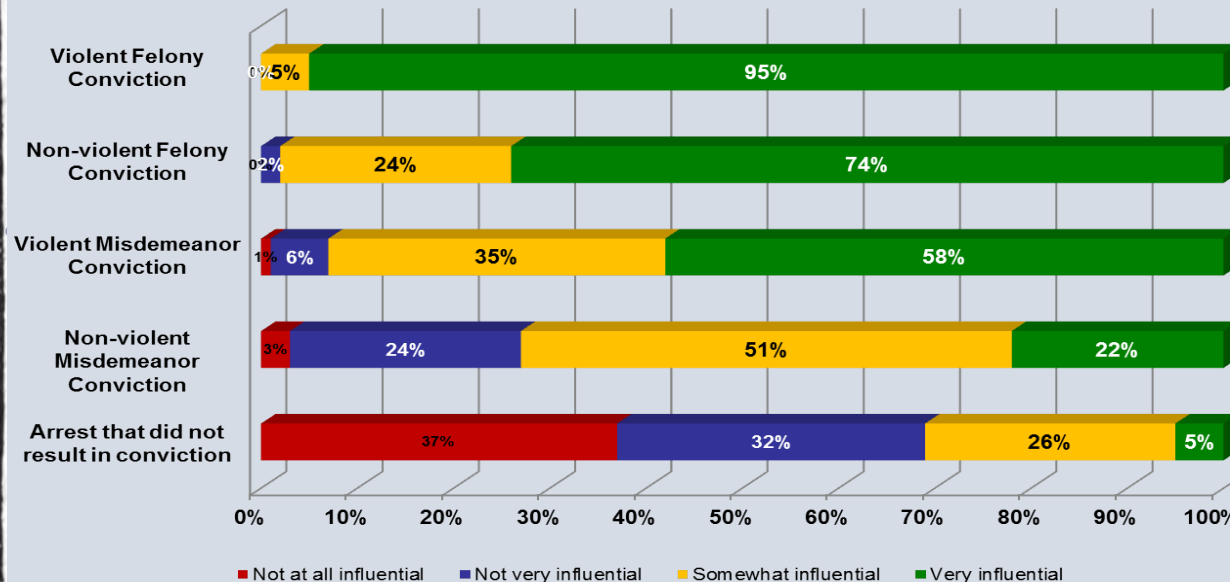
# Employer



# Exclusions



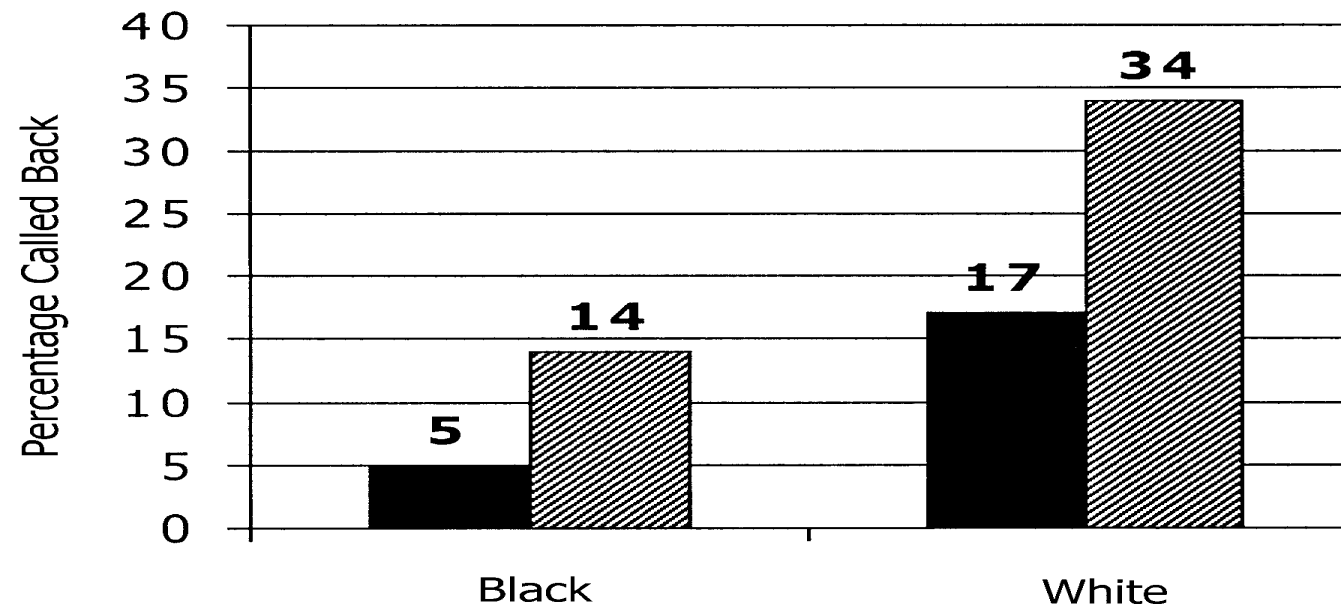
**Employer Survey: How much influence does a criminal record have on your decision to NOT extend a job offer?**



# Racial Disparities in the Impact of a Criminal Record

The Mark of a Criminal Record, Devah Pager

Findings: The ratio of callbacks for white applicants with no felony convictions to white applicants with single felony convictions was 2:1. This same ratio for black applicants is nearly 3:1. The impact of a criminal record is thus 40% larger for blacks than for whites.



# Statewide Reentry Council Collaborative

- **Collaborative process**
  - Lots of input by impacted people, service providers, and state agencies
  - Recommendations were generated in 2018
- **Legislative Successes**
  - Freedom to Work/OLB reform
  - Second Chance Act



# Strategies for Dealing with Collateral Consequences

- Eliminate criminal record/expunction
- Limit or prohibit review of the criminal record/  
fair chance considerations
- Eliminate collateral consequence
- Resources/guidance/mentorship
- De-stigmatization

# Collateral Consequences Discussion

(8:20-9:05 AM)

## Collateral Consequences - draft working document

- 1) Extend voting rights to everyone, regardless of felony conviction
- 2) Repeal provisions denying SNAP benefits for those convicted of felonies by amending the current law to specifically opt out of 21 U.S.C 862(a) - Denial of assistance and benefits for certain drug-related convictions.
- 3) Amend NCGS 20-24.1(c) to allow for waiver of license restoration fee and service fee after FTP
- 4) Reform the petition process so that individuals with multiple convictions across multiple counties only have to petition for relief once in the county of their most serious conviction rather than having to submit a separate petition in each county
- 5) Adopt Recommendations by Statewide Reentry Council Collaborative.

# Recommendation #1

(8:05-8:20 AM)

Extend voting rights to everyone, regardless of felony conviction.

# Recommendation #2

(8:05-8:20 AM)

Repeal provisions denying SNAP benefits for those convicted of felonies by amending the current law to specifically opt out of 21 U.S.C 862(a) (Denial of assistance and benefits for certain drug-related conviction)

*This Federal law puts a blanket ban on all people convicted of certain drug related felonies at the state level unless the state specifically opts out.*

# Recommendation #3

Amend NCGS 20-24.1(c) to allow for waiver of license restoration fee and service fee after Failure to Pay

# Recommendation #4

(8:05-8:20 AM)

Reform the petition process so that individuals with multiple convictions across multiple counties only have to petition for relief once in the county of their most serious conviction rather than having to submit a separate petition in each county.

# Recommendation #5

(8:05-8:20 AM)

Adopt Recommendations by Statewide Reentry Council Collaborative.

- *Pending Charges*
- *Employment Related*
- *Driving Related*
- *Children & Families*
- *Resources*

# Select SRCC Recommendations

Allocate \$120,000 to hire a full-time employee within the North Carolina Department of Public Safety (NCDPS) Reentry, Programs & Services to implement and maintain a guided pathways pilot that would map all educational and vocational programs and services at NC prisons, youth development centers, and local jails.



# Select SRCC Recommendations

North Carolina General Assembly (NCGA) appropriate new funding to hire a housing support specialist and a peer support counselor in each of the state's 17 local reentry councils (LRCs), working with local partners to help returning citizens rent from private landlords, public housing agencies, and other permanent housing providers. We also recommend that the legislature appropriate new funding that would cover 3 months of reentry rental assistance for returning citizens at all 17 LRCs.

# Select SRCC Recommendations

Share data between the North Carolina Department of Public Safety (NCDPS) and the Department of Health and Human Services (DHHS) to:

1. Identify people who are incarcerated in North Carolina who have active Medicaid coverage, and redirect those premium payments to Local Management Entity-Managed Care Organizations (LME-MCOs) to related services and support of those Medicaid-eligible people who have been released from prison in the last 12 months.
2. Facilitate the timely re-establishment of Medicaid for eligible individuals upon their release from prison.

# Select SRCC Recommendations

North Carolina Department of Public Safety (NCDPS) work with the NC Department of Health and Human Services (DHHS), county Division of Social Services (DSS) offices, and county Guardian Ad Litem (GAL) programs to develop and improve resources, policies, and procedures that would help incarcerated parents and their children more effectively maintain their relationships during periods of incarceration.

# General Discussion

(9:05-9:10AM)

- Select Public Comments
- Fines & Fees – [Survey Results](#)
- Prison Discipline – [Survey Results](#)
- Death Penalty – Draft Recommendation

# Next Steps

- **Offline/Before Next Meeting –**
  - Review feedback from Task Force on Fines & Fees Survey
  - Finalize Prison Discipline recommendations for input from Task Force
  - Survey Task Force on Fines & Fees recommendations
- Survey Working Group on Collateral Consequences recommendations
- Review Death Penalty recommendation

