

North Carolina Task Force

for Racial Equity in Criminal Justice

DRIVER'S LICENSE RESTORATION

HOW DISTRICT ATTORNEYS CAN RESTORE DRIVER LICENSES

Steps:

1. Reach out to NC Equal Access to Justice Commission - Leigh Wicclair, leigh@ncprobono.org – to discuss the scope and process of relief.
2. Establish criteria for remitting court debt pursuant to 15A-1363.
 - *For example:* 2 years or older case age; choose from list of underlying charges; etc.
3. Request and receive list of cases that meet the chosen criteria. NCAOC generates lists annually and provides them to the NC Equal Access to Justice Commission.
4. Establish working group of champions with, e.g., Clerk's Office, Senior Resident Superior Court Judge and Chief District Court Judge or other District Court judges.
 - *Note:* This is a LOT of work for the Clerk's Office, in particular, so they need to be a part of the conversation from the beginning once a prosecutorial district decides to proceed.
 - *Note:* If clerk staffing is a barrier, the NC Equal Access to Justice Commission can explore additional resources that may be available.
5. Present mass remittance motion to Judge.
 - *Note:* Criteria can affect how many to include in a single motion - some districts have done all at once; some districts present motion for set number of cases every 2 weeks
6. Judge to issue order.
7. Inform the community and/or individual defendants of relief – <https://ncfairchance.org/>
 - *Note:* Attorneys with the NC Pro Bono Center, a program of the Equal Access to Justice Commission, can help with drafting advice letters.

Possible Outcomes:

1. If the case is resolved, penalties/fees/costs/fines remitted, and Failure to Comply Orders (FTC) stricken.
2. If the case is not resolved, case is reviewed by DA office to determine if dismissal is appropriate.

OTHER OPTIONS TO ADDRESS DRIVER LICENSE RESTORATION

1. Address defendant's ability to pay on the front end at sentencing. Collaborate with judges to create a standing open session of court to handle [AOC Form 415](#), the form through which a person can make a motion for relief from costs, fines, and other monetary obligations.
2. Work with judges to establish a policy of allowing one Failure to Appear (FTA) before imposing any fines and fees. *Note:* See UNC SOG Project with Orange County [here](#).

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EXPUNCTIONS

HOW DISTRICT ATTORNEYS CAN EXPUNGE PRIOR CONVICTIONS

Steps:

1. NCAOC has several versions of eligible case lists that District Attorney offices can choose from. After discussion of your intended population for eligibility, request and receive list of eligible cases from NCAOC. ADAs should review the list to ensure that it includes the intended population.
 - *Example of eligible case list:* All defendants who:
 - Were 16- or 17-years old at the time of offense and
 - both their eligible charge *and* any consolidated case are eligible for expunction under the Second Chance Act.
 - *Note:* Contact UNC School of Government Criminal Justice Innovation Lab for assistance with data.
2. Create working group with Clerk's Office, Senior Resident Superior Court Judge and Chief District Court Judge or other District Court judges.
 - *Note:* This is a LOT of work for clerks so they need to be a part of the conversation from the beginning once a district decides to proceed.
 - *Note:* Contact the NC Equal Access to Justice Commission to explore ways to fund overtime or temp positions for this project.
3. Establish criteria for expunction of eligible cases.
4. Reach out to AOC to assist with populating information on petitions and mail-merging to send both defendant notification letters and, if applicable, victim notification letters.
 - *Note:* DA's office will need to provide language for letters – New Hanover DA office has a template.
5. Hold Special Session to make the expunction motions to Judge. Unlike driver's license restoration, expunctions must be done via individual petitions.
6. Judge to issue orders.

OTHER OPTIONS TO ADDRESS EXPUNCTION

1. Partner with Legal Aid of North Carolina to host Expunction Clinics.
 - Legal Aid can help with 1) intake by running record checks and offering legal advice through a centralized process from their office in Raleigh's Expunction Team and 2) a public education campaign to encourage people to register and apply.
 - Consider including your local Community College to offer vocational opportunities for people seeking expunctions regardless of whether a person is able to obtain relief.
2. Promote use of Certificates of Relief where appropriate. While prosecutors do not

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initiate these, they can be brought by Legal Aid, private attorneys or defendants pro se when someone is not eligible for expunction yet, but they have satisfied all conditions of Order of the Court/not on probation/etc.

- *Note:* This is often a helpful and necessary step when an individual is trying to obtain a professional license to secure a good job.

ABOUT THE TASK FORCE FOR RACIAL EQUITY IN CRIMINAL JUSTICE

The North Carolina Task Force for Racial Equity in Criminal Justice, which is co-chaired by Supreme Court Associate Justice Anita Earls and Attorney General Josh Stein, was established in June 2020. For more information about the Task Force, please visit <http://ncdoj.gov/trec> or email criminaljustice@ncdoj.gov.