



Durham County Criminal Justice Advisory Committee

March 25, 2014

Committee Members Present: Lao Rubert, Lawrence M. Campbell, Judge Marcia Morey, Adam Clayton, Judge Nancy Gordon, Doug Scott, Celeste Kelly, and Gudrun Parmer

Committee Members Absent: Brenda Howerton, Judge Jim Hardin, Gayle Harris, Antonia Pedroza, Ann Oshel, DeWarren Langley, Gilda Womble, Kristen Rosselli, Jackie Brown, Marcia Owen, Sharon Elliott-Bynum, Larry Parker, Lee Worsley, A. R. Marsh Sr.,

Guests: Daryl Atkinson, Kari Hamel

Staff: Celia Jefferson, Roshanna S. Parker, Peter Baker, Kelly Andrews

Welcome and Introductions

Judge Marcia Morey, Committee chair, opened the meeting with a welcome and asked everyone to introduce themselves.

Reports from CJAC Subcommittees

Veterans Court: Judge Gordon will be traveling to Rochester NY with three other people to observe a mentor veteran treatment court. She will share results with the committee at the next committee meeting. The next subcommittee meeting is April 9th. Judge Gordon gave an overview of how Harnett County veteran's court was set up. A concern was expressed in regards to best practices about their qualifications to be a good mentor. Some of their training was not clear, who decided who came into that court, what problems brought them in. Judge Gordon envisioned Durham's veteran's court as a treatment court as opposed to a court for people who served in the military. The Harnett County court is headed by the chief judge and funded by the Governor's Crime Commission.

Raise the Age: Judge Morey reported that Durham is starting a misdemeanor diversion program with Kelly Andrews as the program coordinator. Any 16 & 17 year old with no prior arrest and accused of a nonviolent misdemeanor can be sent to the diversion program. The District Attorney, Public Defenders, Police Chief, and Sheriff are all on board. The youth will be brought into the courtroom to hear about the consequences of a criminal arrest and potential collateral consequences. Regarding the efforts of "Raising the Age", the General Assembly will be reconvening in mid May. The bill has passed the second reading in the House and will now move to the third reading.

Pipeline to Employment: Gudrun Parmer reported that the group met several times since the last full committee meeting. Jackie Brown invited a group to present on entrepreneurship. The subcommittee looked at funding opportunities and what other cities and other programs have been doing. Members decided to have a planning meeting on April 17 to discuss how they should move forward. Daryl Atkinson helped secure a facilitator.

Presentations:

Kari Hamel, NC Legal Aid, shared that many of their clients have criminal records and they provide services for the ones that meet certain criteria as established by the jurisdiction in which clients live, like legal relief through expunction or certificates of relief. Legal Aid is one of very few, if not the only, statewide agency helping people in low income households. Kari distributed a handout with one of their current legal services models that has information about removing barriers and restoring hope: The basis of expungement and certificates of relief.

She discussed Legal Aid's collaboration with New Hanover County. They have completed approximately twenty mobile clinics with a double digit percentage of individuals that they are seeing in New Hanover County with prior justice involvement in other counties. They have to have the statewide network in order to navigate these issues. There is an education prong as part of their tactical approach and that is open to the general public, but to be a Legal Aid client individuals have to go through an application process. Statewide criminal records are run in advance so that they can provide legal advice based upon the actual record. At one mobile clinic, the district attorney's office provided one Assistant DA at their disposal and they were able to file petitions at the clinic. Another part of the education prong is to train attorneys and then go through the mobile clinic with law students. Kari indicated that they want to raise sensitivity, educate, and promote this issue to the next generation of lawyers, decision makers and leaders.

Legal Aid has completed two clinics at the Durham Housing Authority. They have signed off on an MOU at the Durham VA Medical Center and they will be on site doing a function with referred individuals. They also trained the social workers, so they will know the boundaries of the law. They are partnering with TROSA and one of Moore County vocational rehabilitation programs. The Public Services Committee of the Durham Bar hosts four to six clinics at the Legal Aid field office each year. Of the individuals coming through the mobile clinics, approximately 10 to 35% are eligible for relief and 65% are not eligible. Legal Aid has been doing expunction work for a long time. They have long standing field offices in Greenville, Durham, Charlotte, and Winston Salem.

Daryl Atkinson, Southern Coalition for Social Justice, reported on the Clean Slate Clinic program.

What SCSJ does: Reentry legal services, advocacy in the form of expungement and certificates of relief, driver license restoration as well as legal advocacy in the public forum, advocacy training and certificate of relief leadership development.

Driver License Restoration: SCSJ clears up old traffic offenses, advocates for limited driving privileges and tries to provide a roadmap to people for license restoration.

Legal Advocacy in other forms, employment and professional licensing: One of the things Daryl hears on the community college level is people who begin a vocational track in the health service field only to find out that the hospitals are not going to allow them to start their clinical work at their hospital. He suggested the creation of some kind of a rebuttable presumption of fitness for individuals who are graduates of specific programs and who have gone to Durham Technical Community College, so that hospitals will allow them in with a probationary period. Daryl noted that looking at sectoral employment, the health industry is a growing field for the next 10 to 20 years and those are the kind of jobs that can be a bridge out of poverty.

Housing both public and private: This is where the certificate is impactful because there is a provision in the statute that grants a level of immunity to anyone who transacts business with certificate holders. Landlords and employers had expressed concerns about taking a chance with people with a criminal conviction and if they could be sued. The certificate serves as evidence of due care and blocks those types of lawsuits.

Advocacy Training: It was noted that this is the key piece of what SCSJ does. Because 70% of the people they screen will not be eligible, they will do a Public Policy 101 for them.

Leadership Development: Daryl commented it would take a mass movement to undo what has been done in the last 30 to 40 years with the broad expansion of incarceration, as well as criminalization. Movements are led by the people directly affected. This movement, to encourage society to be more forgiving and not to define people by their worst mistakes, has to be led by the people that are directly affected and their families.

How do we do it: Key components are outreach and partnership, community clinics as with DERC, service provider partnerships where referral comes from people in the community that provide other types of reentry services. It is the combination of the two that will produce the best outcome for the community.

The indicator of success: Daryl discussed some of the outcome measures that SCSJ settled on for evaluating the success of the program.

Community education and organizing: Daryl discussed the movement building and storytelling project. He learned at a media communication training institute that when telling a story, not to lead with facts. People care about stories and emotional connections such as stories of success, and people they have not been able to help in regards to their legal advocacy. Hopefully, with stories, the community will be able to shift public policies for greater expansion of these relief options.

Program Evaluation: SCSJ has to rigorously evaluate what they are doing is working, and why they are doing it. The numbers: nationwide, 65 million people with criminal convictions; 1 in 31 adults under correctional control; 1 in 100 incarcerated. In NC, we prosecute children as adults and many times mar their lifetime prospect as being productive citizens. 1 in 38 under correctional control; nationally, 1 in 15 African American males are in prison or jail, for age 20-34 the ratio is 1 in 9. In NC, African Americans represent about 21% of the population and 57% of the prison population. In Durham, in 2011 12,000 people were booked in the county jail, 75% were African Americans.

How you can help: He commented that their referral system is community based and that Durham is the perfect place for a system based referral system. There are reentry courts and to start one, a federal grant is not needed; it can be done with a coordination of services. Information and advice are passed in multiple stages of the process; the model is the Uniformed Collateral Consequence of Conviction Act.

Completion of Sentences: Letting people know about potential relief options while they are on probation can improve compliance. Programs could provide clients a pamphlet and make a direct referral to Daryl to work on certificate of relief, and/or expunction. Relief from collateral consequences and the certificate be used as evidence of due care.

How to do it in Durham: Prior to pleading guilty individuals could be advised by the Public Defender's Office. At sentencing, district and superior court judges can let people know about the major areas of life where criminal convictions can impact their ability to get jobs, housing, etc. At the completion of a sentence, once someone is about to be released from Probation, he/she should be encouraged to stay law abiding and work on cleaning up their past record.

The meeting was adjourned at 5:30pm.