

TAKE ACTION NOW: ADVOCACY YOU CAN PURSUE IN YOUR COMMUNITY

Thank you for participating in the People’s Convening on Fines and Fees and launching a campaign to end criminal justice debt in North Carolina. Our goal is to improve the experiences of people in the criminal justice system who are unable to pay fines, ever-increasing administrative fees, and other legal financial obligations. Court data and the experiences of impacted people show that people involved in North Carolina’s criminal justice system—especially people of color— are too often being set up to fail because of their inability to pay the range of costs that have become attached to virtually every aspect of the criminal justice system, including reentry. The collateral consequences of criminal justice debt are often long-term, severe, and economically crippling: indefinite driver’s license suspension, violations and extensions of probation, wage garnishment, tax liability, property forfeiture, bankruptcy, civil judgments, liens, and incarceration. People, families, and communities of color disproportionately and more severely experience these costs and collateral harms.

Outlined below are several education and advocacy efforts that can be pursued in your community by impacted people and their allies, including you. For regular updates on campaign activities and additional materials, please visit <https://www.endcriminaljusticedebtnc.org/> and <https://ncsecondchance.org/>.

1. Establish a program to eliminate traffic court debt and restore driver’s licenses.

In NC, failing to pay a traffic ticket causes an automatic, indefinite suspension of a person’s driver’s license. Court data reveals that traffic court costs are very rarely paid after two years of nonpayment. In 2019, district attorneys in Durham and Mecklenburg led initiatives to eliminate millions of dollars in long-term traffic court debt and thousands of driver’s license suspensions. The debt relief programs piloted in these jurisdictions can be efficiently replicated in all North Carolina jurisdictions if there is support from local court officials, including district attorneys, district court judges, and clerks of court.

Local decision-maker(s)/advocacy target(s): district attorney, judges, clerk of court

Contact for additional guidance/support: Laura Holland, NC Justice Center, laura@ncjustice.org, 919-861-1462

Materials and other resources: <https://ncsecondchance.org/resources/second-chance-mobility-starter-packet/>
<https://sites.law.duke.edu/justsciencelab/>

2. Revise the local bail policy to be fairer, reduce pretrial confinement, and comply with the statutory restrictions on secured money bonds.

North Carolina law provides a common-sense procedure for determining conditions of pretrial confinement that only allows a judge to impose a secured cash bond if the judge determines the person is a flight risk, poses a danger of injury to any person, or is likely to tamper with evidence. Unfortunately, many jurisdictions have substituted these statutorily established procedures and considerations with unfair and problematic bail schedules that imposed specific secured cash bond amounts by default based on the charged offense. In 2019, several jurisdictions have piloted bail policies meant to reduce pretrial confinement.

Decision-maker(s)/advocacy target(s): senior superior and chief district court judges, district attorney

Contact for additional guidance/support: Jennifer Marsh, Self-Help, Jennifer.Marsh@self-help.org, 919-956-4692

Materials and other resources: <https://cjl.sog.unc.edu/areas-of-work/bail-reform-2-0/>

<https://nccriminallaw.sog.unc.edu/bail-reform-in-north-carolina-what-are-the-options/>

<https://www.rstreet.org/2019/04/25/how-a-north-carolina-county-became-a-laboratory-for-bail-reform/>

3. Promote regular use of petition and order forms by local court officials to facilitate fair consideration of a person’s ability to pay a fine and/or fee at sentencing and prior to imposition of any sanction for failure to pay.

Several statutes provide judges the authority to waive and otherwise eliminate fines and fees in a broad range of circumstances, including inability to pay, change of circumstances, and “proper administration of justice”. For several reasons, judges are rarely using their authority to eliminate fines and fees, including the absence of petition and order forms in a court system that is purposely reliant on standard forms. Jurisdictions can adopt local forms based on the templates linked below.

Decision-maker(s)/advocacy target(s): senior superior and chief district court judges, district attorney
Contact for additional guidance/support: Whitley Carpenter, Forward Justice, wcarpenter@forwardjustice.org, 919-323-3889

Materials and other resources: <https://nccriminallaw.sog.unc.edu/a-swiss-army-form-for-fines-and-fees/>
<https://ncsecondchance.org/resources/template-forms-motion-and-order-to-waive-remit-fines-and-fees/>

4. Use court facility fees to establish a municipal fund to help people pay criminal justice debt.

In January 2020, the Town of Chapel Hill established the “Fund for Criminal Justice Debt” to provide criminal justice-related debt relief to low-wealth Chapel Hill residents “who are taking steps to successfully reintegrate into the community but who ability to do so is hampered by this debt. The pilot fund was established through the reallocation of the local “facilities fees” court costs that the state returns to any municipality that maintains a courthouse. The fund is administered by the Police Department’s Crisis Unit, with support from an advisory committee made up of representatives from the criminal justice and indigent services provider community in Orange County.

Decision-maker(s)/advocacy target(s): town/city council, local court officials

Contact for additional guidance/support: Daniel Bowes, NC Justice Center, danielb@ncjustice.org, 919-861-2061

Materials and other resources: <https://chapelboro.com/news/local-government/criminal-justice-debt-fund>
<https://ncsecondchance.org/resources/chapel-hill-fund-for-criminal-justice-debt-program-overview/>

5. Host poverty and reentry simulations and roundtables to educate judges, district attorneys, and other court officials on the impact and realities of living in poverty in NC.

One key contributor to the destructive impact of fines and fees is that judges, district attorneys, and other court officials do not understand poverty in North Carolina, including the dire circumstances of the working poor and how a person with a job is unable to afford fines and fees. Local groups can host educational simulations using standard curriculum.

Decision-maker(s)/advocacy target(s): judges, district attorneys, probation officers, public defenders, etc.

Contact for additional guidance/support: Quisha Mallette, NC Justice Center, quisha@ncjustice.org, 919-856-2169

Materials and other resources: <https://www.nccaa.net/poverty-simulation> <http://www.povertysimulation.net/about/>
<https://www.justice.gov/usao-ndwv/reentry-simulation>

6. Fundraise and administer a community bail fund.

Bail funds have been established in communities around the country to fight to end cash bail and provide immediate assistance to those who cannot afford it. For example, the North Carolina Community Bail Fund of Durham currently posts low-cost bail for people who could otherwise not afford it, thereby allowing the clients to return to their homes, jobs, and communities.

Decision-maker(s)/advocacy targets: None

Contact for additional guidance/support: Andrea Hudson, NC Community Bail Fund, muffina17@gmail.com, 919-884-1926

Materials and other resources: <https://www.nccbailfund.org/> <https://ocbailbondjustice.org/>

7. Prevent “mug shot extortion” by limiting access to booking photos.

Many for-profit websites exploit vulnerable individuals by posting mug shots online and charging people hundreds of dollars for removal. In North Carolina, a “mug shot” or “booking photo” is not a public record. Instead, it is a “record of criminal investigation” that is an exception to the public records law. Accordingly, a local sheriff, as the custodian of the mug shots, can choose to develop a policy and procedure for providing access to the photos while preventing the misuse of mugshots by commercial entities, including mug shot extortion websites.

Decision-maker(s)/advocacy targets: sheriff

Contact for additional guidance/support: Daniel Bowes, NC Justice Center, danielb@ncjustice.org, 919-861-2061

Materials and other resources: <https://www.sog.unc.edu/blogs/coates-canons/are-mug-shots-public-records>