

TOWN COUNCIL WORK SESSION

January 6, 2021

Advisory Board Chair: Emma Ferriola-Bruckenstein, Restoration Legal Counsel

Staff Presenter: Megan Johnson, LCMHC, Police Crisis Unit Supervisor

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CRIMINAL JUSTICE DEBT PROGRAM

- Provides criminal justice-related relief to indigent members of our community who are taking steps to successfully reintegrate but whose ability to do so is hampered by debt
- Initial request is for \$20,000 for a 1-year pilot program with a 6-month report to Council
- The Crisis Unit will administer the program, establish procedures and application materials, screen applications for eligibility, and facilitate Advisory Committee meetings

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PROGRAM GOALS

- Provides help to eligible low-income individuals who have not been able to receive other available debt relief opportunities
- By recognizing this important social justice issue, the Town will be a model for other municipalities
- Fills a gap that other efforts are not able to address
- Will collect and document the level of need within Chapel Hill.
- Will enhance and offer information on other efforts that support our residents as they seek to overcome barriers and seek stability

ELIGIBILITY CRITERIA

- Resident of Chapel Hill
- Meets court indingency standards
- Not currently incarcerated
- Has outstanding criminal justice or traffic fees or costs from Orange County or NCDMV
- Has demonstrated that he or she is on the road to stability; could be seeking services from CHPD Crisis Unit, CEF, IFC, CJRD or other local service provider (but not required)
- Other avenues for debt relief have already been pursued (e.g. driver's license restoration program)
- Assistance will have an immediate impact on the participant's stability or successful reentry into the community.

**Individuals convicted of violent felonies will not be eligible for the fund.*

***An individual will only be eligible to receive assistance from the fund once every three years.*

ELIGIBLE FEES

- Post-conviction court fees and costs
- Deferred prosecution court fees and costs
- NCDMV license restoration fees

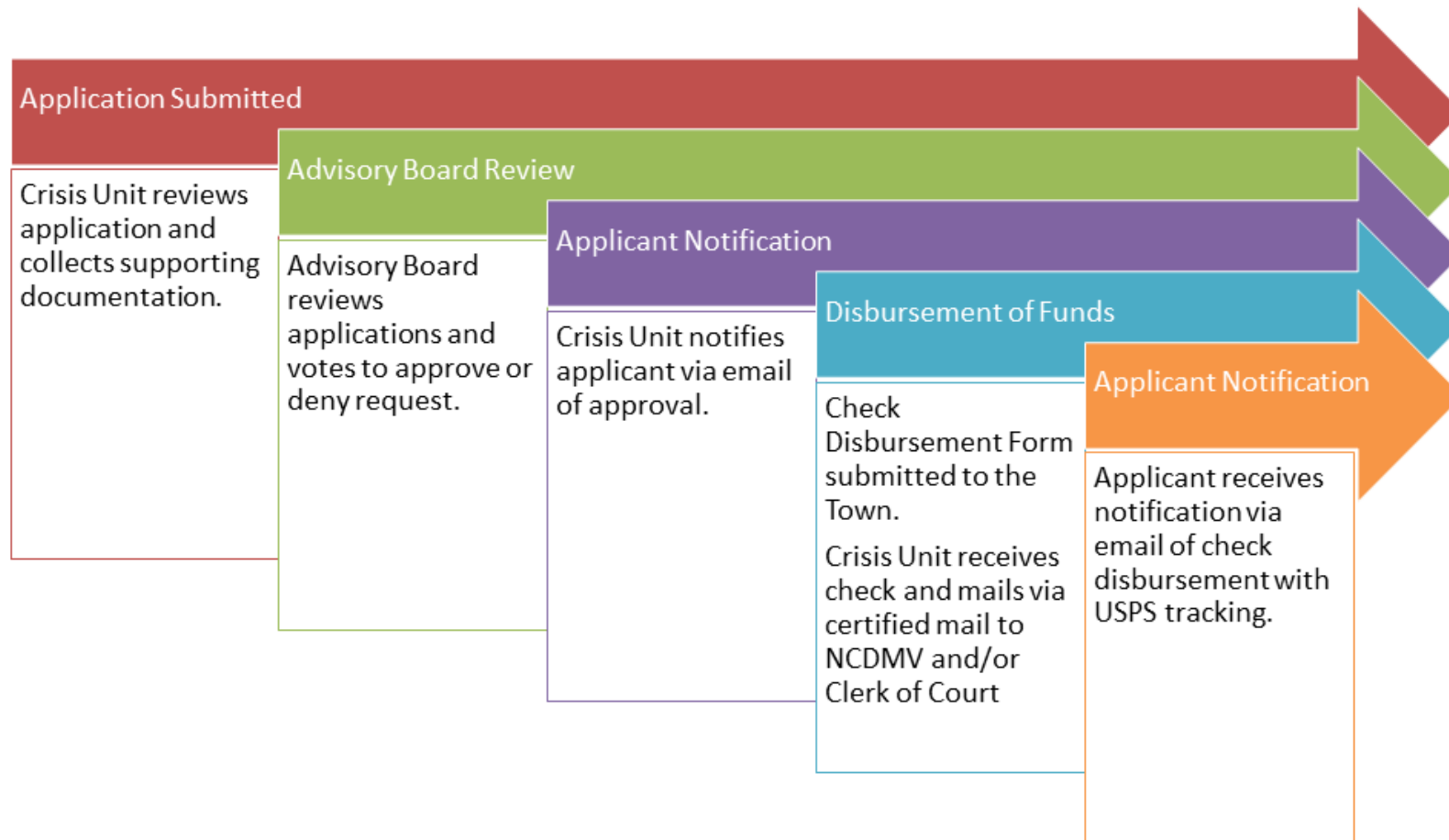
**Fines and restitution payments imposed as part of sentencing will not be eligible for the fund.*

ADVISORY COMMITTEE

- Emma Ferriola-Bruckenstein, JD Restoration Program Legal Counsel **CHAIR**
- Eliazar Posada, El Centro Hispano **VICE CHAIR**
- Donna Carrington, CEF
- Griselidy Marrero, IFC
- Mark Kleinschmidt, Orange County Clerk of Court Office
- Tiffany Bullard, Re-entry Council Case Manager
- Corey Root, Orange County Partnership to End Homelessness (OCPEH)
- Jesse Gibson, NAACP Legal Redress Committee or Criminal Justice Committee member
- Nancy Rosales, impacted community member
- Susan Friedman, Victims' advocate organization **

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PROGRAM WORKFLOW



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TIME COMMITMENT

- 36 hours from January 2020 – June 2020 preparing for the program. This included the following:
 - Filling the Advisory Board
 - Advisory Board meeting preparation and coordination
 - Drafting the application
 - Developing workflow for processing applications and fund disbursement
 - Drafting supporting internal documents (i.e. approval notification letter, disbursement request form, notification of funds sent)
- Each application takes 1 – 1.5 hours of administrative time to be fully processed from point of receiving the application through mailing the checks.

FINANCIALS

- Total of 10 applicants thus far.
- 9 applicants approved and check disbursement request submitted
- 1 applicant denied due to violent felony.
- Total Funds Paid DMV: \$850.00
- Total Funds Paid Clerk of Court: \$1,550.50
- Total Funds Alcohol Assessment: \$100.00

Total Program Funds: \$2,500.50

FINANCIALS

- Total Funds Requested DMV: \$850.00
- Total Funds Requested Clerk of Court: \$618.00

Program Funds Denied: \$1,468.00

SUMMARY OF FUNDS USED

Offenses:

- Driving with a Suspended License
- DWI Fees
- DVPO Violation
- Civil Revocation
- Shoplifting/Concealment of Goods
- Larceny by Removing Anti-Inventory Device

Other Payments:

- Alcohol Assessment
- Limited Driving Privilege Court Fee
- DMV Reinstatement Fee

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ADVISORY BOARD RECOMMENDATIONS

Advisory Board makes the following recommendations after reviewing program's ability to meet community needs:

1. Expansion to Carrboro Residents (unanimous Board Approval)
 - Based on provided MoU from Carrboro Town Council, this would incorporate the addition of \$7,500 for disbursement to residents of Carrboro.
2. To remove the restriction that an applicant can only apply once every three years (unanimous Board approval)
 - Creates a situation where the Program might provide some help, but not enough for full restoration
 - Ex: applicant who needs to pay court costs, DMV fees, and then needs to schedule a DMV Hearing to restore license. DMV hearing costs hundreds of dollars, which applicant cannot afford, but it will likely be a year before applicant is ready to apply for hearing. Would need assistance at that time.

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ADVISORY BOARD RECOMMENDATIONS

Advisory Board makes the following recommendations after reviewing program's ability to meet community needs:

1. To remove the restriction on applicants with a violent felony conviction (unanimous Board approval)
 - Restriction prevents Board from considering relevant factors such as age of conviction, circumstances of conviction, and applicant's efforts post-conviction. Board seeks to have the discretion to review these circumstances and determine whether funds should be granted.
2. Consideration by Council of change allowing Program to pay debts due outside of Orange County (unanimous Board approval)
 - It is likely that, as the Program becomes more widely used, Chapel Hill residents with debts outside of Orange County will express interest in assistance.
 - Restoration Legal Counsel has encountered clients that would fall into this category
 - Board would like Council to consider this expansion of the Program's use
 - Model: Wake County has a similar Program managed by the Blanchard Community Law Clinic that assists Wake residents in paying debts across the state

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ADDITIONAL CONSIDERATIONS FOR COUNCIL

In addition to the previously stated recommendations, the Advisory Board brings the following to Council for future consideration:

1. Possibility of making this task force a Standing Committee (unanimous Board approval)
 - The Board believes in the potential for long-term positive impact on Chapel Hill Community, and supports a shift to a more permanent structure as a Standing Committee
 - The Board seeks Council's guidance on when a formal request for this shift would be appropriate

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