



Durham County Criminal Justice Advisory Committee  
September 23, 2014 Minutes

**Committee Members Present:** Lao Rubert, Clarence Maynor, Brenda Howerton, Kristen Rosselli, Jeffery Clark, Judge Marcia Morey, Lawrence M Campbell, Judge Nancy Gordon

**Committee Members Absent:** Clarence F. Birkhead, Michael Becketts, Adam Clayton, Gayle Harris, Jackie Brown, Sharon Elliott-Bynum, Judge Jim Hardin, Ann Oshel, Marcia Owen, Douglas Scott, A.R. Marsh, Gudrun Parmer

**Guests:** Precious Todd-DERC, Spencer Noble-Probation, Natasha Downey-Probation, Roger Echols-D.A. Office, Melody Powell-PD's Office

**Staff:** Celia Jefferson, Kelly Andrews, Randy Tucker, Ray Brown, Roshanna Parker, Peter Baker

**Welcome and Introductions**

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

**Report from CJAC Subcommittees (15min)**

*Veterans Court* – Judge Nancy Gordon reported that the planning for the veteran's court is at the same place it was the last time this committee met. Potential funding from the Governor's Crime Commission is available and the court will decide how to proceed after the election.

*Misdemeanor Diversion Program / Raise the Age* – Kelly Andrews, Program Coordinator reported thirty six young people between the age of 16 & 17 in the program. They have had thirty successful completions and three pending. She reported meetings with School Resource Officers and school principals, as well as buy-in from the school board and the superintendent. Kelly and Judge Morey will be presenting the Misdemeanor Diversion Program at the 20<sup>th</sup> National Symposium Juvenile Service Conference on October 21<sup>st</sup>. Kelly stated that she has been in contact with the Chief of Police in Warren County; they hope to have a model similar to Durham and plan to start the beginning of the year. Judge Morey commented that the Durham program is slowly growing, and word still needs to get out. Judges, the District Attorney and Public Defender's office if they notice any 16 or 17 year olds in the system who would have been eligible for the program. Also, since half of the criminal justice involved 16 & 17 year olds come from Durham Public Schools, the school system has begun looking at suspension issues

and keeping them out of the criminal process. The next court date is on Friday November 3<sup>rd</sup> at 3:30 p.m., everyone is invited to attend. Judge Morey also shared that Kelly is doing a great job.

*Pipeline to Employment* - Roshanna Parker, Assistant Director at CJRC, reported that they met on August 19<sup>th</sup> and focused on the retreat held in May of this year and how they engaged the employer community more in conversation about employing the offender population. They had one employer come to their subcommittee meeting in July to give them some pointers about what they would like to see when trying to hire this population, and how programs can better prepare people who come to apply for jobs. Roshanna noted that Beth Caldwell who represents Made in Durham is working on updating their description of services. Once the description of programs and services is complete for the Pipeline subcommittee it will serve as a template to include the rest of CJAC. The next scheduled meeting for the Pipeline subcommittee is Tuesday, September 30<sup>th</sup>.

### **District Attorney's Office Focus Areas for CJAC**

Judge Morey introduced Durham's new District Attorney Roger Echols. Mr. Echols noted that his office will focus on better serving victims of crime, particularly those of violent and property crimes. Repeat offenders are of great concern. The staff have asked him to continue looking at ways to provide alternative sentencing such as the 90-96 provision with TASC. He explained 90-96 referenced a statute dealing with controlled substance charges. It is a conditional discharge and expunction of records for a first offense. He noted that traditionally misdemeanor possession of marijuana were cases deferred to TASC. 90-96 was viewed as more punitive than a simple TASC referral. He commented that he is generally open to suggestions as long as it doesn't compromise the safety of victims and the community. He would certainly like to keep up with the many things this committee is doing especially providing services for our victims and alternative sentencing.

Judge Morey shared that she attended a meeting that the Mayor had called to look at the priority law enforcement places on simple possession schedule of marijuana. Should enforcement really be a priority in the criminal process? The group had concerns about the number of jail inmates with these offenses.

Judge Morey also noted that referrals to Drug Treatment Court are increasing, probation is doing well and the superior court is sending more offenders to this court. Peter Baker added that for months he has been working with drug court and looking especially at some candidates with older violent crimes and property crimes related to drug use. He also discussed the prevalence of severe mental health inmates that are in jail. These clients accounted for about 20% of the jail population based on years of data. The jail medical staff provided medications to them while incarcerated and with proper planning they would leave detention with a 30 day supply of medication and an appointment with a community mental health provider. The challenge has been knowing release and court dates so the care can be better coordinated. Peter asked if there was any type of coordination that could happen with the District Attorney's and Public Defender's offices to alert jail MH staff of release dates. He noted that a lot of the severely

mentally ill inmates are repeat offenders because they don't have the necessary connection to treatment to sustain them.

### **Public Defender's Office Focus Areas for CJAC**

Lawrence Campbell, Public Defender, reported that the two areas his office wants to focus on is the mental health patient that is incarcerated in the jail and the increased court cost that the legislatures seem intent on shaking out of the poor defendants in this county. The PD's Office is trying to do more evaluations of folks who refuse to state their problems, and is certainly evaluating the ones known to have a problem. A lot of them are repeaters, most staff recognize them. Unfortunately, when these defendants are picked up on Class 3 Misdemeanors, they don't get an attorney and if a judge offers them time served they are likely to accept the plea to get out of jail immediately. If they stay in jail longer and get an attorney, probation and CJRC get involved, mental health issues are more likely to be identified. Mr. Campbell expressed concerns about confidentiality and HIPPA compliance issues, but mentioned that attorneys in his office are presently discussing those.

Mr. Campbell continued discussing concerns about increased court costs. He stated many citizens are now aware of the tremendous cost that are being incurred just by having to come to court for what one might think as an insignificant charge such as speeding, littering, or driving while license revoked. The cost runs anywhere from \$200-\$1,000 in fines. Mr. Campbell reported hearing about proposed legislation that would require a DWI ignition interlock device installed in all vehicles that are registered in someone's name who is charged with a DWI. A DWI ignition interlock device is a type of mechanism that is installed in a vehicle and requires the driver to perform a breath test in order for the engine to start. Mr. Campbell stated he does not think this is fair because everyone in the family who needs to use that vehicle would have to do the same as the owner.

The Public Defender's Office was also assisting with planning for Veterans Court and with the Misdemeanor Diversion Program. He noted that at the last meeting, Judge Hardin had raised the issue about Superior Court Judges, as well as the District Court Judges, often not knowing the services available at CJRC. Mr. Campbell suggested CJRC could develop literature or training to distribute to Superior Court Judges who come to Durham for rotation every six months. Roshanna Parker indicated CJRC would work on developing a brochure of program options that would be available at the bench for all judges. Mr. Campbell introduced Melody Rowell, a new assistant in his office who would participate on this committee. Ms. Rowell is a Duke University graduate and a graduate of University of N.C.-Chapel Hill Law School.

Lao Rubert added in regards to the court cost issue that she has participated on these committees and they go through items rather quickly. If CJAC wanted to have an impact on these costs, members needed to think carefully about how it could have an impact on it, not just on reducing the fees, but how information could be brought to people on this committee. She commented that it was hard to stop fees. Ms. Rubert asked if Pretrial identified an inmate with MH needs, could the Public Defenders' Office contact Peter Baker to advise when that person would have a court date for release so that the inmate could get connected to a provider and get medication.

Mr. Campbell noted the date was public record and his office would have no problem sharing that information.

Judge Gordon noted the need for a process when no public defender was in first appearance court. Mr. Campbell stated that at this time he did not have funding for an Assistant Public Defender to cover first appearances in the jail as he had in the past.

Judge Morey shared information about the court costs that the State was rolling out and Durham's newly implemented computer system. She gave an example of someone being jailed for 30 days and coming to court for a 45 day sentence with 15 more days to go. When entering the information into the new system, it would automatically add a 30 day pretrial cost of \$40 per day, the remaining 15 days would go to post-conviction at \$10 per day. All these fees and court costs were automatically entered as civil judgments. Unless the defense attorney requested a waiver of the incarceration fees for pretrial jail fees, the post-conviction jail fees and court cost, the client would be subject to all those fees.

### **Programs Services**

Judge Morey asked if anyone present wanted to share program updates. Natasha Downey, Assistant JDM, noted that 90-96 was not cost effective with the high school offenders. Most students could not afford to pay the \$75 TASC evaluation fee to go through the drug education classes. Ray Brown, Director of TASC noted that if an individual did not have the ability to pay, the fee could be waived.

Kristen Rosselli, TROSA, reported that they now had 500 residents. They had made a lot of positive changes for the residents holding focus groups with the residents of what worked and what was helpful. They changed the first 30 days to be about bonding, but also understanding addictions, what is Rational Behavior Therapy, doing more education and team oriented projects so new residents could actually feel connected. The primary approach was Motivational Interviewing and the program was much more individualized. TROSA had a lot of young people around 18-20 year old who came for their first program saying they wanted to get it right, do a deep dive. At this time, the age range was 18 to 73. Kristen Rosella stated TROSA also had more people that wanted to stay on as senior residents with the responsibility of being positive role models. All residents were learning to be supervisors so they could get paid better when looking for employment. Rosselli invited the Public Defender to come out to TROSA for a tour.

Judge Morey shared that Commissioner Howerton had called a meeting the previous day regarding future plans for the Durham County Youth Home that houses youth awaiting juvenile case dispositions. She stated Commissioner Howerton was very supportive that Durham youth would not be sent across the state for detention purposes. Judge Morey stated she felt the County was coming to a crossroads with the Youth Home, either designing a new assessment center, improvement to or elimination of the current facility.

Meeting adjourned at 5:30pm.