



Equal Access to Justice

Senior Associate Justice Anita Earls
November 14, 2024



North Carolina's Criminal Justice System

Who is Responsible for Equal Justice Under the Law in North Carolina?

We recognize the inequalities within our judicial system that stem from a history of deeply rooted discriminatory policies and practices and the ongoing role of implicit and explicit racial, gender, and other biases.

While progress has been made, we are cognizant of the persistence of discrimination in our judicial system, and its effects on those who come before our courts.

Judges are not to make broad policy pronouncements which will call into question their impartiality. The order creating the commission makes findings based solely on the personal opinions of the majority of the Court.

By their statements it seems the majority views the North Carolina judicial system and its current participants as biased.

Lawmaking belongs to the legislative branch, not the judicial branch. When judges invade the lawmaking arena, no one is left to hear disputes: Under our constitutional system, the General Assembly, not the judiciary, establishes policies through laws, including the State's criminal justice policies. The order creating the commission seems to insert the judicial branch into the policymaking arena.

The problem as defined in Executive Order No. 145

- There is a long history of structural inequity and racism in the criminal justice system, ... and
- Communities of color are disproportionately affected throughout the criminal justice system ...
- The mission of the Task Force is to develop and help implement solutions that will eliminate disparate outcomes in the criminal justice system for communities of color.
- This Task Force's mandate is to develop evidence-informed strategies and equitable policy solutions that address the structural impact of intentional and implicit racial bias while maintaining public safety ...

A fair and equitable criminal justice system, free from racism and bias, is necessary to maintain the safety and well-being of the State of North Carolina

Governor's Task Force on Racial Equity in Criminal Justice



CO-CHAIR
THE HONORABLE
ANITA S. EARLS
Associate Justice,
Supreme Court of North
Carolina



CO-CHAIR
THE HONORABLE
JOSH STEIN
Attorney General,
North Carolina



SHERIFF CLARENCE
BIRKHEAD
Sheriff, Durham County
Committees: Executive
Branch Action



SECRETARY EDDIE
BUFFALO
NC Department of Public
Safety
Committees: Executive
Branch Action



MS. TARRAH
GALLAHAN
Executive Director,
Conservatism for
Criminal Justice Reform
Committees: Legislative
Action, Communications



THE HONORABLE
MUFTABA A.
MOHAMMED
North Carolina Senate
Committees: Legislative
Action



THE HONORABLE
MARCIA H. MOREY
North Carolina House
of Representatives
Committees:
Legislative Action



MR. KERWIN
PITTMAN
Founder, Recidivism
Reduction Educational
Program Services
Committees: Executive
Branch Action



MS. MARY SHEEHAN
POLLARD
Executive Director,
North Carolina Office
of Indigent Defense
Services
Committees: Judicial
Branch Action



THE HONORABLE
RONNIE SMITH
Chair, Martin County
Board
of Commissioners
Committees: Local
Policy Action



THE HONORABLE
BROOKELOCKLEAR
CLARK
District Court Judge,
Robeson County
Committees: Judicial
Branch Action



THE HONORABLE
MITCH COLVIN
Mayor, Fayetteville
Committees: Local
Policy Action



PROFESSOR APRIL
DAWSON
Associate Dean of
Technology and
Innovation and Professor
of Law, NCCU School
of Law
Committees: Judicial
Branch Action



THE HONORABLE
JAMES
D. GAILLIARD
North Carolina House of
Representatives
Committees: Legislative
Action



SERGEANT BILLY
GARTIN
Raleigh Police
Department
Committees: Executive
Branch Action



DIRECTOR JEFF
SMYTHE
Director, NC Criminal
Justice Standards
Division
Committees: Local
Policy Action



THE HONORABLE
ALAN THORNBURG
Superior Court Judge,
Buncombe County
Committees: Judicial
Branch Action



MR. TALLEY WELLS
Executive Director, NC
Council on Developmental
Disabilities
Committees: Legislative
Action



MS. ANGELICA R.
WIND
Healthier Together
Regional Director,
Region 1, NC Counts
Coalition
Committees: Local
Policy Action,
Communications



THE HONORABLE
JAMES RAEFORD
WOODALL, JR.
District Attorney,
Prosecutorial District 18
Committees: Judicial
Branch Action



CHIEF GINA HAWKINS
Chief, Fayetteville Police
Department
Committees: Local Policy
Action, Executive Branch
Action



THE HONORABLE
MIKE HAWKINS
Former Transylvania
County Commissioner
Committees: Local
Policy Action



MR. HENDERSON
HILL
Senior Counsel, ACLU
Capital Punishment
Project
Committees: Judicial
Branch Action



MS. DEBORAH DICKSON
MAXWELL
President, North Carolina
NAACP, New Hanover
NAACP
Committees: Local Policy
Action



SHERIFF QUENTIN
MILLER
Sheriff, Buncombe
County
Committees: Judicial
Branch Action

www.ncdoj.gov/trec



SCHOOL OF GOVERNMENT

Criminal Justice Innovation Lab

Measuring Justice Dashboard

[https://cjil.shinyapps.io/
MeasuringJustice/](https://cjil.shinyapps.io/MeasuringJustice/)

- The Measuring Justice Dashboard helps stakeholders understand state and local systems, see where they are doing well, and spot areas that may need attention.
- You will be able to:
 - Compare your county to other jurisdictions
 - Look at state & county-specific results
 - Examine different time periods
 - Drill down on specific case types
 - Explore metrics by race

16,274,094
Total Charges



2014-2023
Time Period



CHOOSE A COUNTY:

ALL

Overview

Charging Map

Charging Trends

Count

Rank

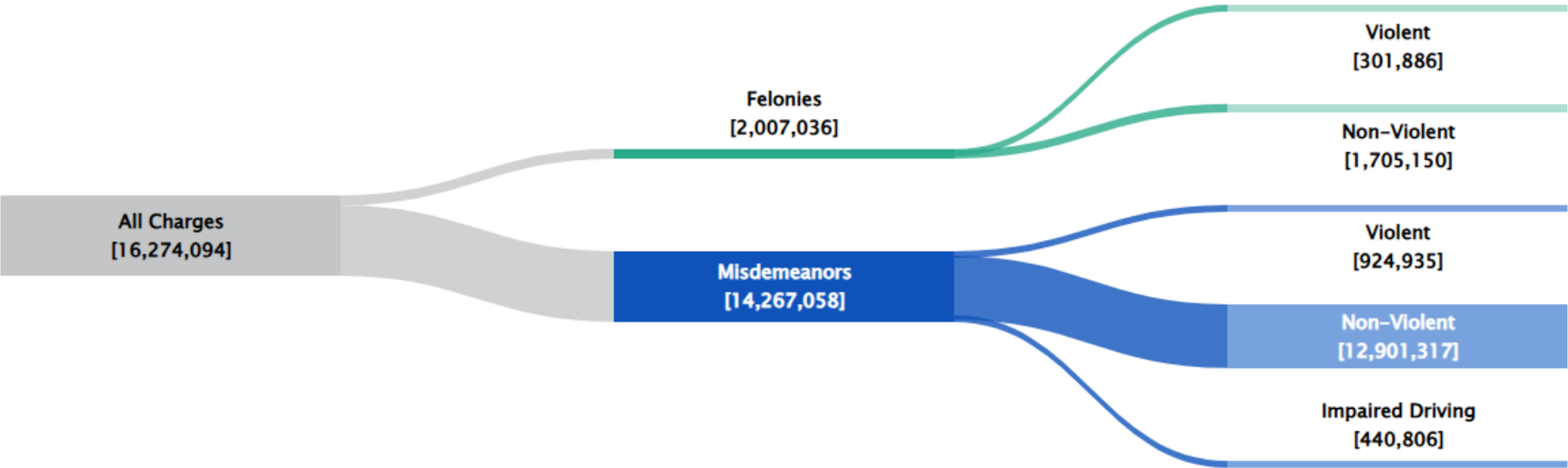
Race

Age

Incident

This tool shows the total number and types of charges in the criminal justice system, giving you a bird's eye view of the system. Total criminal charges are broken down first into felonies and misdemeanors and then into offense subcategories. Displayed numbers show charge counts. Choose a county of interest from the dropdown at top right; choose time periods by using the slider below.

Data notes: (1) The Second Chance Act was in effect for 8 months starting December 1, 2021, resulting in significant deletions of dismissed and not guilty charges. (2) Starting in 2022, all expunged cases are excluded from the data. (3) Although several counties moved to the new Odyssey records system, we do not yet have Odyssey data, impacting statewide and county-level data for Odyssey counties (Harnett, Johnston, Lee, Wake, Mecklenburg). See Methodology, Missing & Incomplete Data for details.



Download

Please zoom in and zoom out prior to downloading.

Selection includes incomplete dat

977,016
Total Charges2014-2021
Time Period

CHOOSE A COUNTY:

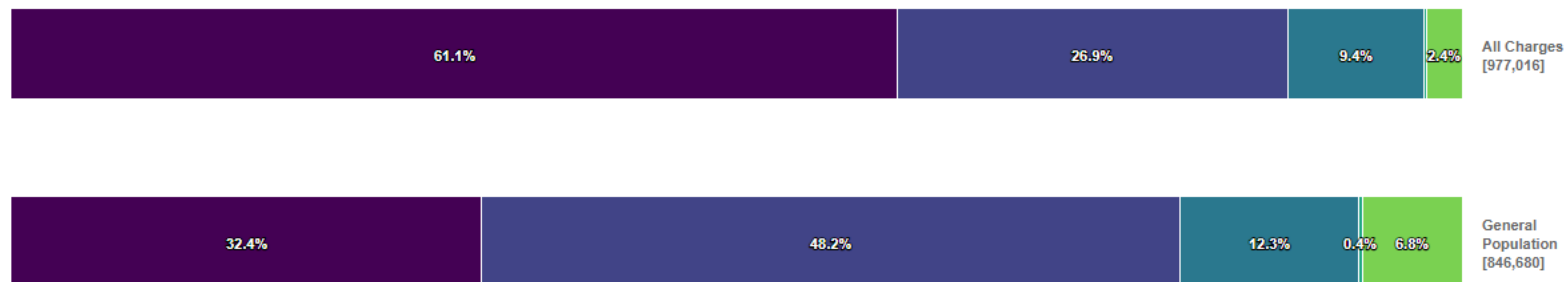
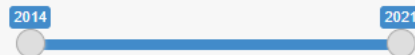
MECKLENBURG

Composition Map Time Count Rank Race Age Incident

This tool shows criminal charging by race and local demographics, giving you a lens for examining racial differences in criminal charging. Choose a county of interest from the dropdown at top right; choose time periods and offense categories using the slider and dropdown below.

Note: Differences may or may not be explained by other factors. Comparisons to local demographics are imperfect because cases may include people who reside in another jurisdiction. Results are displayed at the charge level.

Black White Hispanic American Indian Other

All Charges: 977,016
County: Mecklenburg

All Charges

1,199,396
Total Charges



2014-2023
Time Period



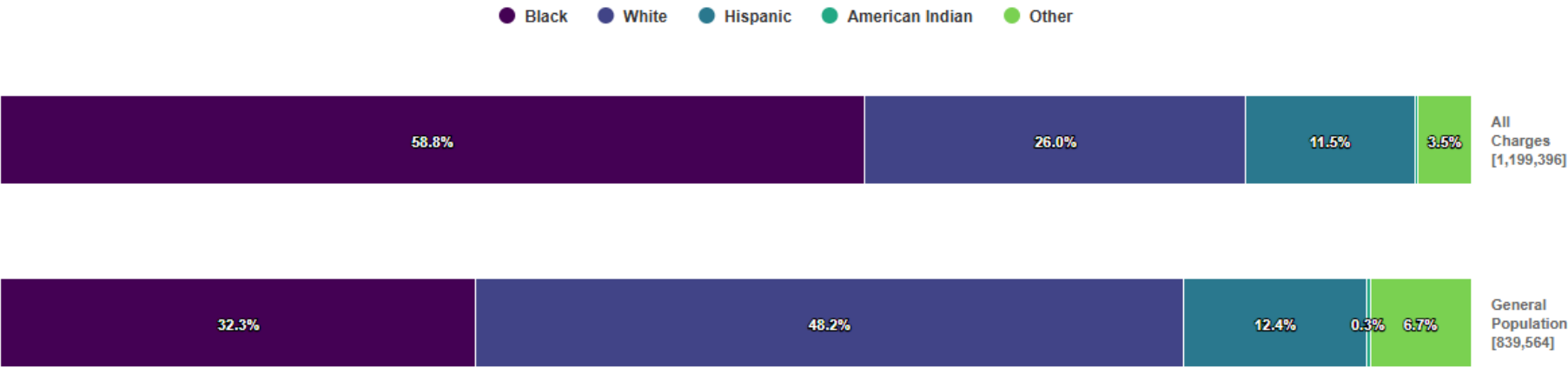
CHOOSE A COUNTY:

MECKLENBURG

- Overview
- Charging Map
- Charging Trends
- Count
- Rank
- Race
- Age
- Incident

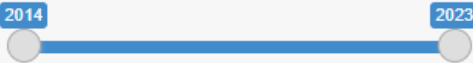
This tool shows criminal charging by race and local demographics, giving you a lens for examining racial differences in criminal charging. Choose a county of interest from the dropdown at top right; choose time periods and offense categories using the slider and dropdown below.

Data notes: (1) The Second Chance Act was in effect for 8 months starting December 1, 2021, resulting in significant deletions of dismissed and not guilty charges. (2) Starting in 2022, all expunged cases are excluded from the data. (3) Although several counties moved to the new Odyssey records system, we do not yet have Odyssey data, impacting statewide and county-level data for Odyssey counties (Harnett, Johnston, Lee, Wake, Mecklenburg). See Methodology, Missing & Incomplete Data for details.



Download

All Charges: 1,199,396
County: Mecklenburg
⚠ Selection includes incomplete data



All Charges

7,741,869
Total Population



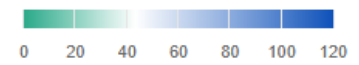
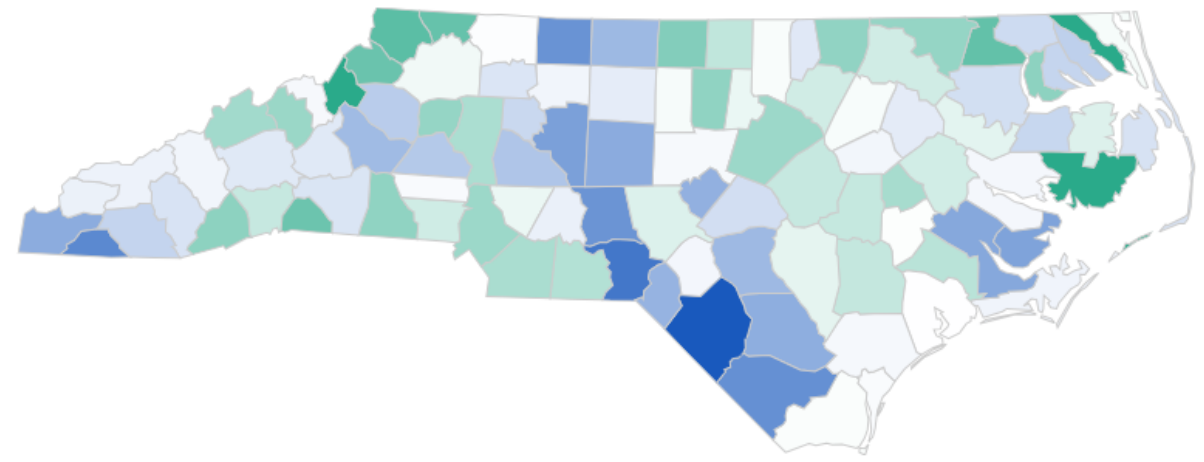
2021
Time Period

CHOOSE A COUNTY:

ALL

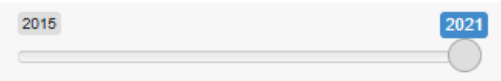
- Opioi
- Opioi
- Mental Health

This tool shows the number of opioi deaths for every 100,000 people at county and state levels, letting you compare a factor that may impact the criminal system. Counties with opioi death rates above the state rate appear in a blue gradient scale; counties with death rates below the state rate appear in a green scale. Hover over a county on the map to see its name, the number of opioi deaths, and the number of deaths for every 100,000 people in that county. Choose a county of interest from the dropdown at top right; choose a year using the slider below.



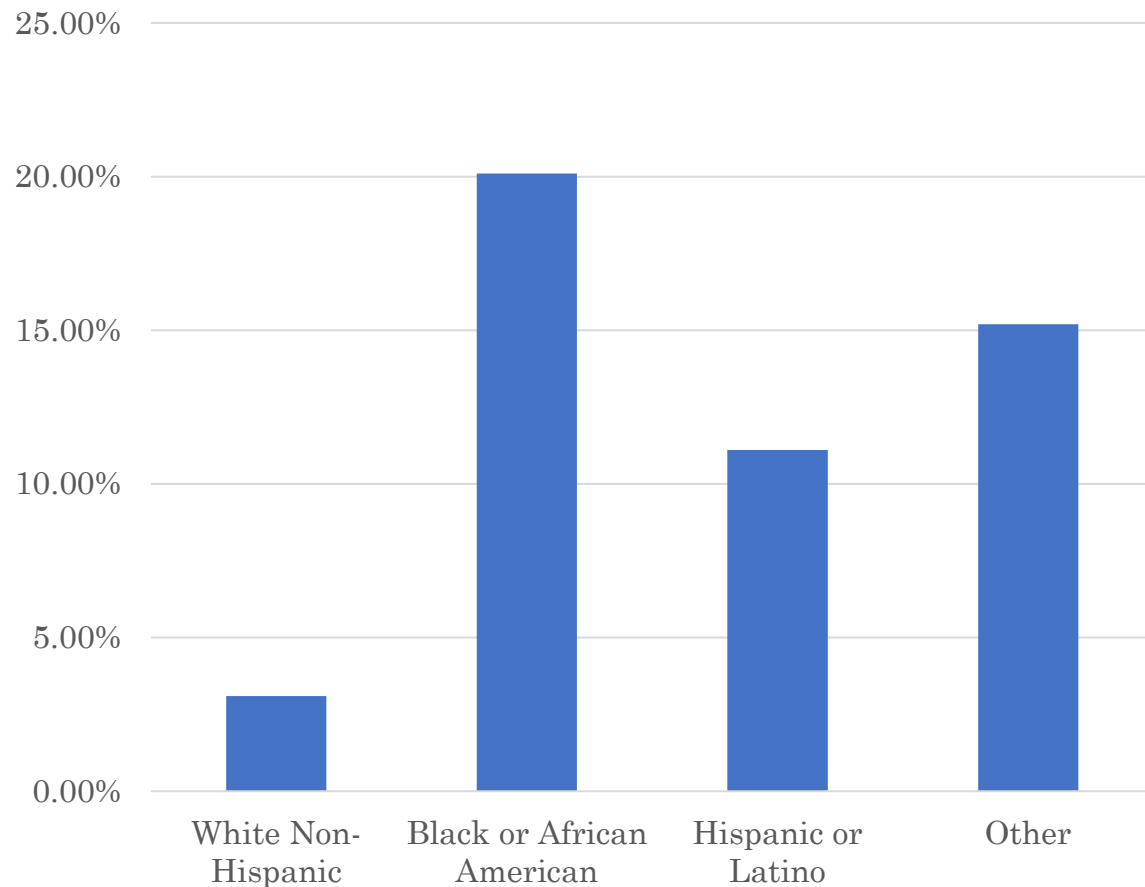
Download

State Rate: 43.3 Deaths per 100,000 People



Race, poverty, and criminal justice involvement are all intertwined

Percent of children in North Carolina living in areas of concentrated poverty



“Boys who grew up in families in the bottom 10 percent of the income distribution (families earning less than about \$14,000) are 20 times more likely to be in prison on a given day in their early 30s than children born in top-decile families (where parents earn more than \$143,000). . . . [O]ne in ten boys born to families in the lowest income decile are incarcerated at age 30 and they make up about 27 percent of prisoners that age.”

Studies of “the association between high levels of incarceration and social isolation and high-density poverty examined in a range of other disciplines” have pointed to factors such as “the social determinants of health, the school to prison pipeline, and epidemiological studies that examine the biological stressors associated with childhood poverty”

North Carolina Offender Population

Offender Population - Nov 12, 2024



February 2023

• Prison Offenders	31,430
• Probationers	63,912
• Post Release/Parole	12,166
Total	107,508

• Male Prison Offenders	28,831
• Female Prison Offenders	2,599

Table 1
Prison Population Projections and Capacity

Fiscal Year End	Prison Population ²		Prison Capacity ^{3,4,5}		Difference between Current Projection and EOC ⁸
	Previous Projection	Current Projection	Standard Operating Capacity ⁶	Expanded Operating Capacity ⁷	
2023	30,015	30,197	31,055	35,420	5,223
2024	30,355	30,437	31,055	35,420	4,983
2025	31,031	30,763	31,055	35,420	4,657
2026	31,187	31,162	31,055	35,420	4,258
2027	31,569	31,525	31,055	35,420	3,895
2028	32,096	31,886	31,055	35,420	3,534
2029	32,639	32,319	31,055	35,420	3,101
2030	33,238	32,812	31,055	35,420	2,608
2031	33,788	33,225	31,055	35,420	2,195
2032	N/A	33,680	31,055	35,420	1,740

Note: Prepared in conjunction with the North Carolina Department of Adult Correction (DAC).

Long-term incarceration of people of color

People of color make up:

- 25% of the state population in 1990
- 37.4% of state population today
- 59.7% of the current prison population
- 63.8% of the people serving more than 20 years in prison
- 65.8% of the people serving life sentences or the equivalent
- 66.9% of the people serving LWOP who will never be released
- 79% of the children serving life with parole sentences
- 84% of the people serving LWOP sentences for violent habitual felon status
- 91.5 % of the children sentenced to LWOP

Criminal Justice System Debt

- Over 1.72 million cases total
- 120,000 cases each year
- Over 650,000 people, or one in twelve adults in North Carolina currently have unpaid criminal court debt
- Debt is largely uncollectable and may total well over one hundred million dollars
- Debt disproportionately burdens NC's racial minority residents (African-Americans are over half of everyone with unpaid court debt)
- Much of this debt arises in low-level traffic cases and infractions

Crozier, Garrett & Maher, Center for Science & Justice, Apr. 2020
Report

Costs & Fees Schedule

Sample of 2020 Court Costs and Fees

- **General Court of Justice fee (District): \$147.50**
- General Court of Justice fee (Superior): \$154.50
- Jail fee: \$10 per day of pretrial confinement
- Facilities fee (District): \$12
- Facilities fee (Superior): \$30
- Telecommunications and Data fee: \$4
- Law enforcement officer retirement fee: \$7.50
- Community Service fee: \$250
- **Failure to Appear fee: \$200**
- **Failure to Comply fee: \$50**
- State Crime Lab fee: \$600
- **Installment fee: \$20**
- Probation fee: \$40 per month
- **Appointment of Counsel fee for Indigent Defendant: \$75**

Additional Fees for Traffic Offenses

- Chapter 20 fee: \$10
- Chapter 20, Improper Equipment fee: \$50
- Seat Belt fee: \$10
- Civil Revocation fee: \$100
- Limited Driving Privilege fee: \$100

In 1995, the General Court of Justice Fee (District) was \$41. In 2020, it is \$147.50.

260% Increase

Drivers' License Suspensions in North Carolina

- Approximately 1 out of 7 driving-age individuals currently have their license suspended
- Of those suspensions, 827,000 are for failure to appear in court
- 263,000 are for failure to comply with orders to pay traffic fines or court fees, and
- 135,000 for both failure to appear and failure to comply
- Driver's license suspensions are disproportionately imposed on minority residents across categories of offense
- Both race and class matter -- the racial disparity observed in suspensions can also be correlated with economic distress

What offenses?

At a Clinic in Durham in 2019, relief was sought for:

- A speeding in a highway work zone case from 2000
- A driving with a revoked license case from 2003
- A speeding ticket from 2011
- A failure to stop at a red light from 2001
- A driving with a revoked license case from 2006

Promising Practices

[NCDOJ > Task Force for Racial Equity in Criminal Justice \(TREC\)](#)

Task Force for Racial Equity in Criminal Justice (TREC)

North Carolina Task Force for Racial Equity in
Criminal Justice

Established by Governor Roy Cooper in June 2020, Attorney General Josh Stein and NC Supreme Court Associate Justice Anita Earls are leading the Task Force for Racial Equity in Criminal Justice (TREC), which consists of twenty-four members from a wide range of backgrounds.

The Task Force's work will focus on addressing existing policies and procedures that disproportionately affect communities of color and developing solutions to ensure racial equity in North Carolina's criminal justice system.

TREC Reports

TREC Events

**Meeting
Schedule &
Materials**

**Sample
Policies
and
Publications**

**Task Force
Roster and
Structure**

**Contact the
Task Force**

**Policy and
Program
Maps**



TREC PROGRAM MAP

This map contains the program types listed below. Where available, we also linked to TREC-produced Information Sheets or Sample Policies that can help you start such a program in your community.

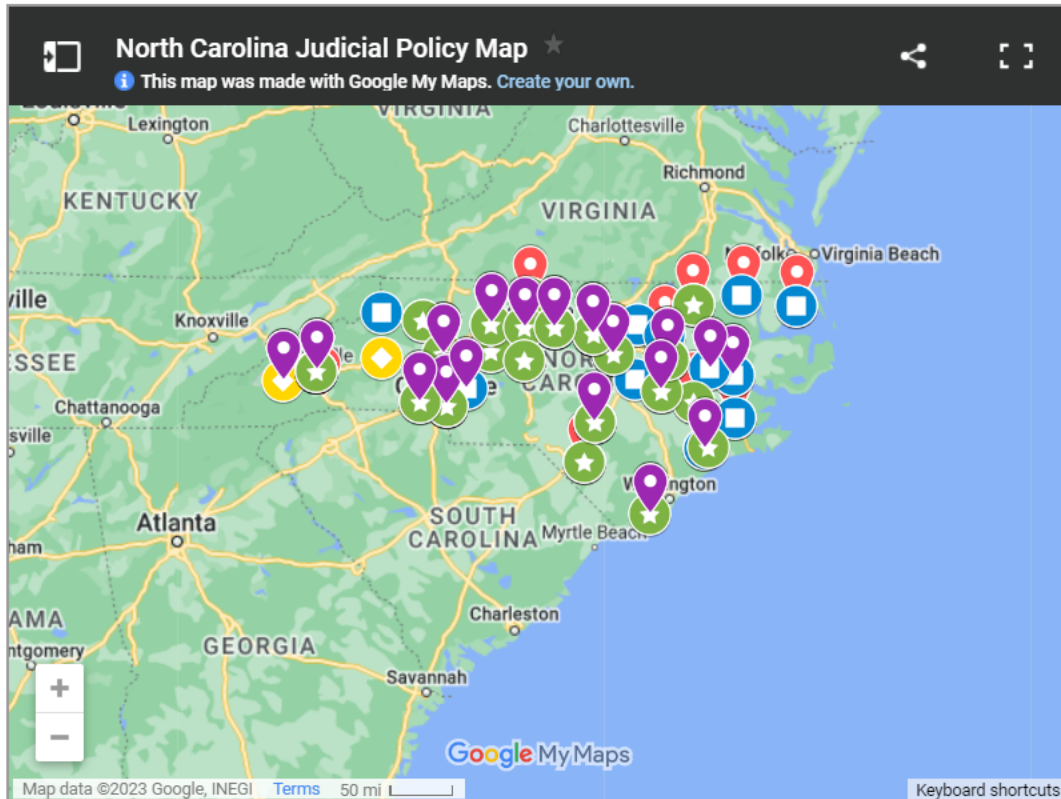
1. Alternative Response Programs: [InfoSheet Link](#)
2. Community Bail Fund + Expunction Programs: [Expunction InfoSheet Link](#)
3. Diversion + Substance Use Harm Reduction: [InfoSheet Link](#)
4. Restorative Justice Programs: [InfoSheet Link](#)
5. Violence Prevention Programs: [InfoSheet Link](#)



JUDICIAL POLICY MAP

This map contains the programs and policies listed below. Where available, we also linked to TREC-produced Information Sheets or Sample Policies that can help you start such a program in your community.

1. Post-arrest Diversion: [InfoSheet Link](#)
2. Use of Court Reminder System
3. Pretrial Services: [Link to Sample Bail Policy](#) (UNC SOG Criminal Justice Lab)
4. Ability to pay assessments before levying fines and fees: [Link to AOC Form](#)
5. Failure to Appear policies; Mechanism for curing FTAs or OFAs without paying the associated fines and fees
6. Expunction and Divers License Restoration ([InfoSheet Link](#))



SJPs in North Carolina

North Carolina is working to implement School Justice Partnerships in all 100 counties. Find more information about existing SJPs.

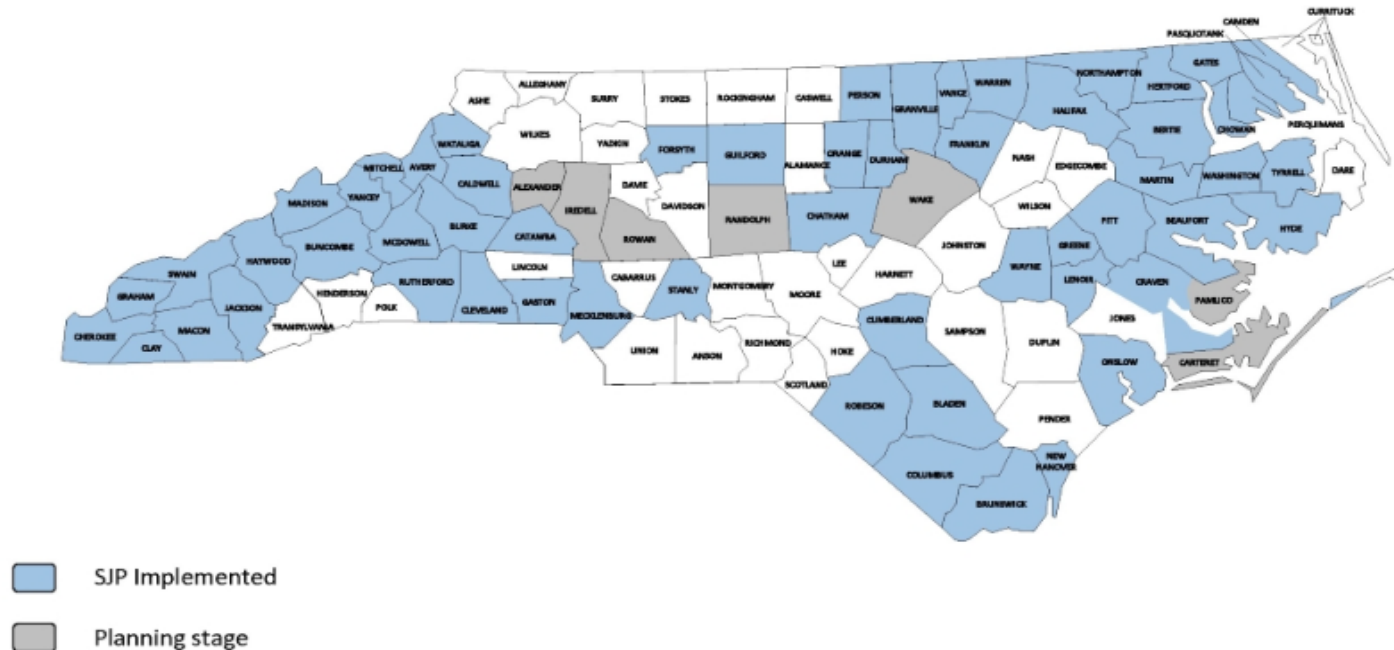
North Carolina is working to implement School Justice Partnerships in all 100 counties. Select the county to access more information about existing programs, including a list of the community stakeholders, a copy of the collaborative agreement, and other helpful resources. [View the SJP map.](#)

School Justice Partnership

SJP Data

SJP Resources

- SJPs in North Carolina



LAW ENFORCEMENT POLICY MAP

This map contains the program policies listed below. Where available, we also linked to TREC-produced Information Sheets or Sample Policies that can help you start such a program in your community.

1. Policy on issuing a citation in lieu of an arrest whenever possible for misdemeanors: [Link to Sample Policy](#) (UNC SOG Criminal Justice Lab + NCACP Project)
2. Require officers to obtain a person's written consent before performing a warrantless search without probable cause: [Link to Sample Policy](#)
3. Ban or resist the use of choke holds by officers: [Link to Sample Policy](#)
4. Limit entry by force: [Link to Sample Policy](#)

← Charlotte-Mecklenburg Police ...

name
Charlotte-Mecklenburg Police
Department

address
801 E 4th Street, Charlotte, NC 28202

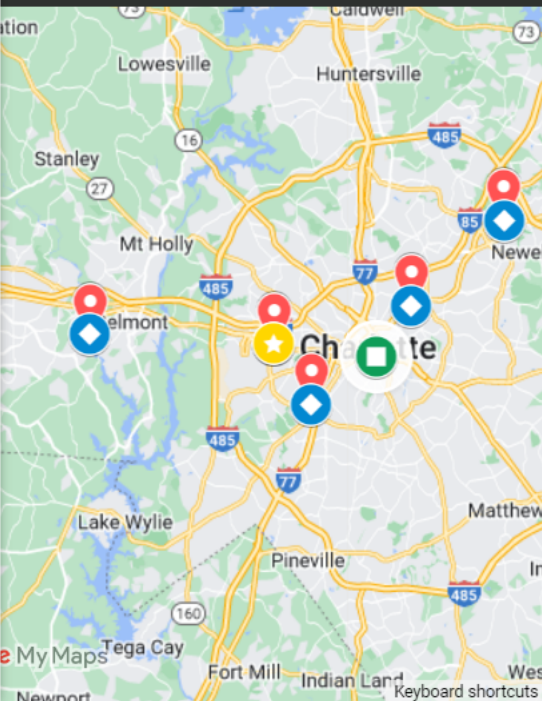
Policy or Program
Limit entry by force

County
Mecklenburg

Details
"Charlotte -Mecklenburg Police
Department Directives Here:
<https://charlottenc.gov/CMPD/Pages/Resources/DepartmentDirectives.aspx>
• "a. CMPD will not seek or serve 'No-Knock' search warrants.
• b. An officer engaged in the execution

Policy Map

ate your own.



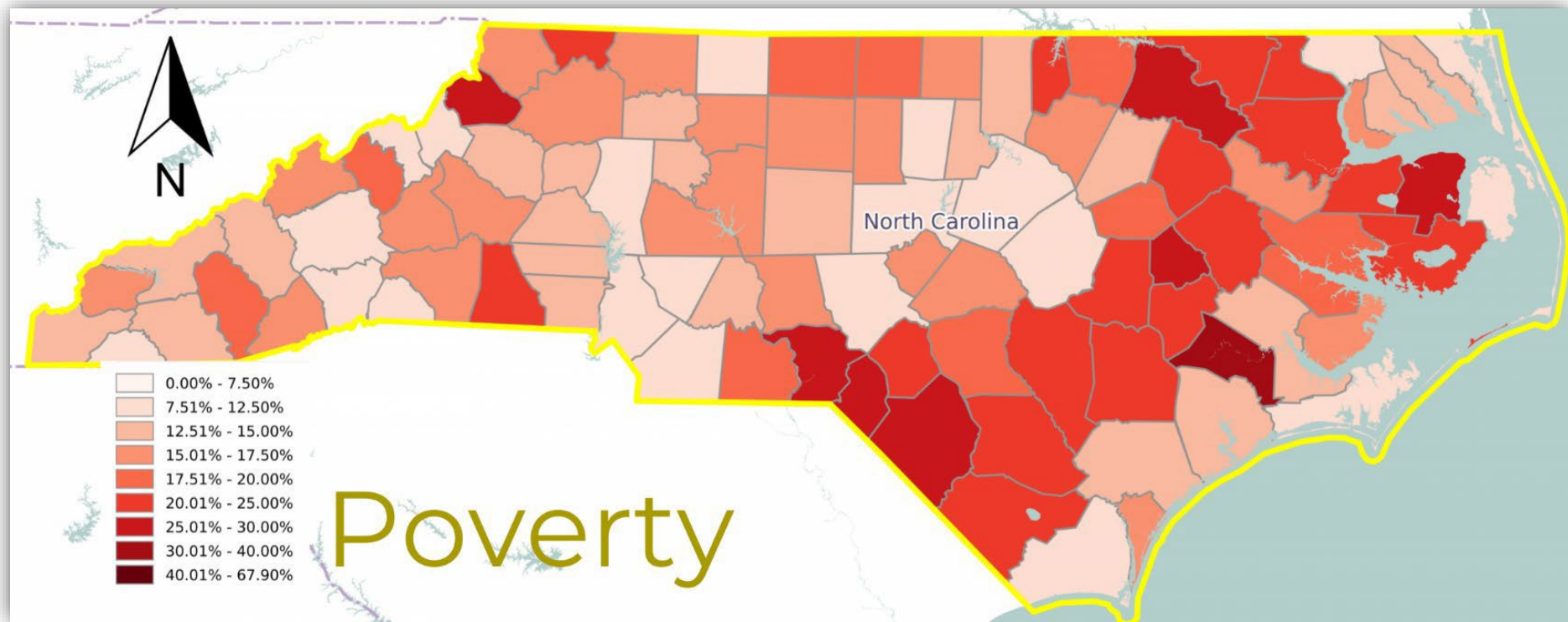
My Maps Keyboard shortcuts





Civil Justice

North Carolina Equal Access to Justice Commission – Legal Needs Study,
April 2021



Nearly a third of households in the state live at 60% or less of this median income.
Disproportionately African American households are twice as likely to live in poverty.



Fast Facts:

Legal Aid in NC

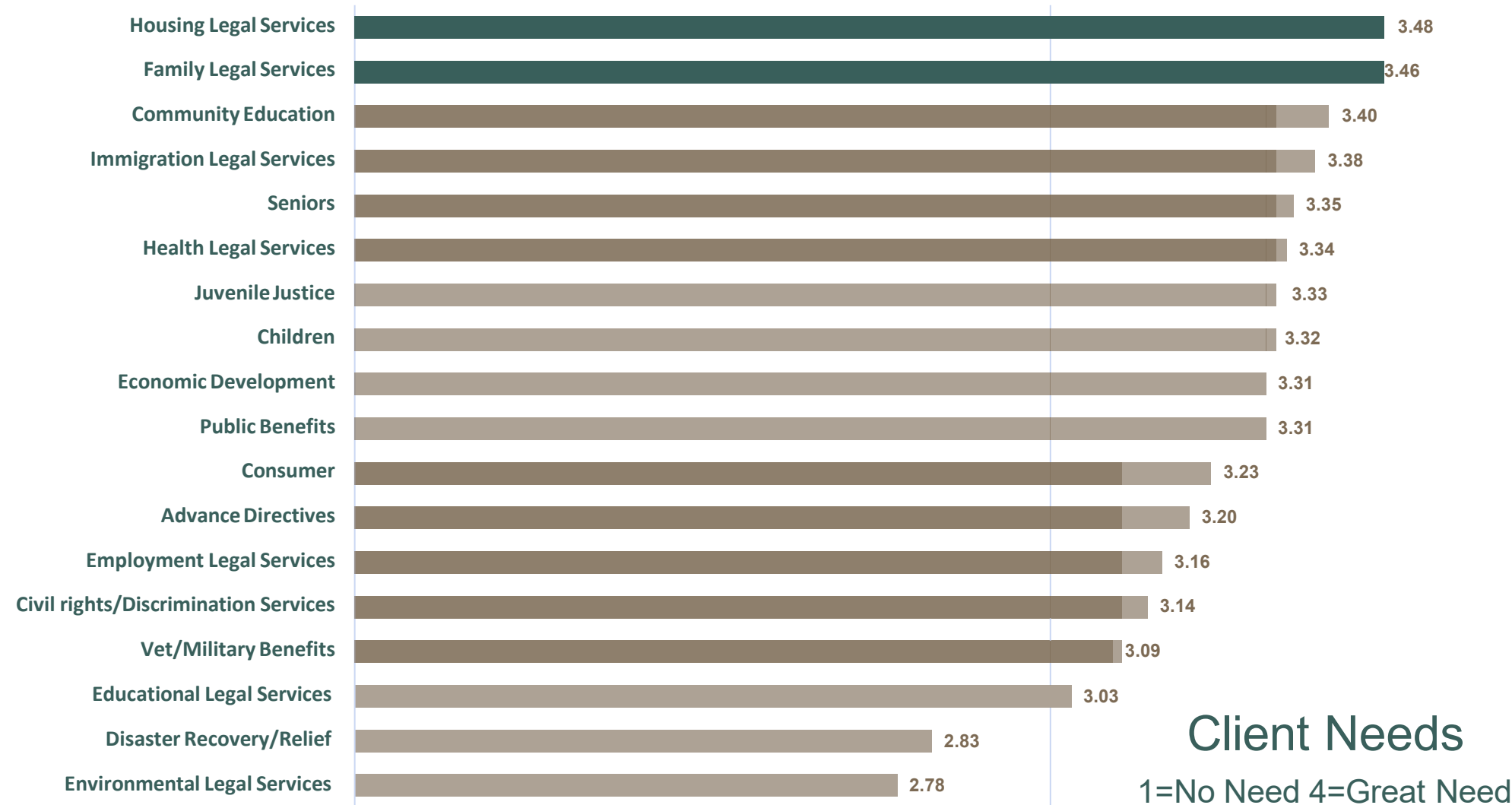
More than 2 million low-income North Carolinians were eligible for the services of legal aid providers in 2018.

71% of low-income families will experience at least one civil legal problem in a given year.

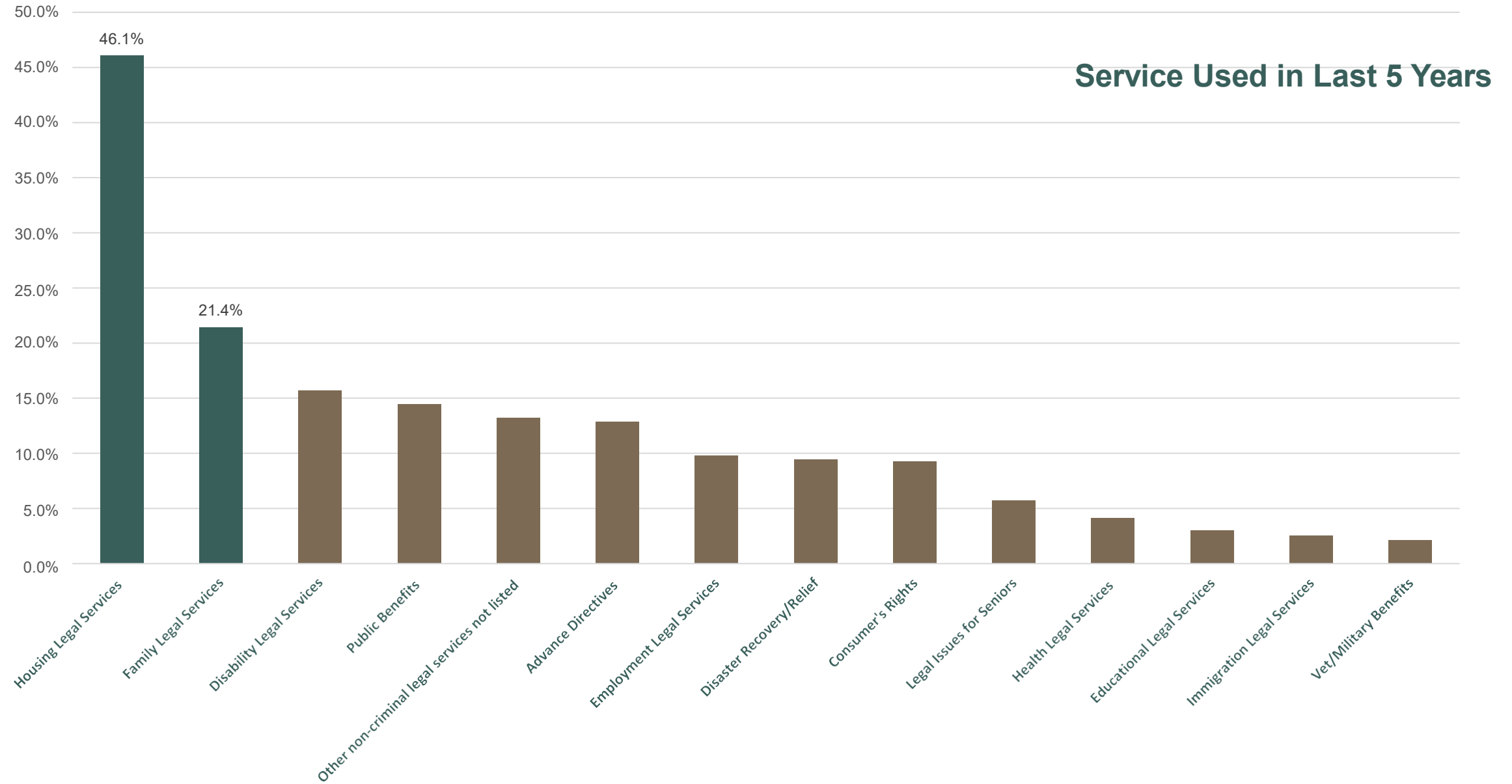
86% of these legal needs go unmet because of limited resources for civil legal aid providers.

There is 1 legal aid attorney for every 8,000 North Carolinians eligible for legal services, compared to 1 private lawyer for every 367 North Carolina residents.

Survey of Lawyers & Stakeholders



Survey of Clients

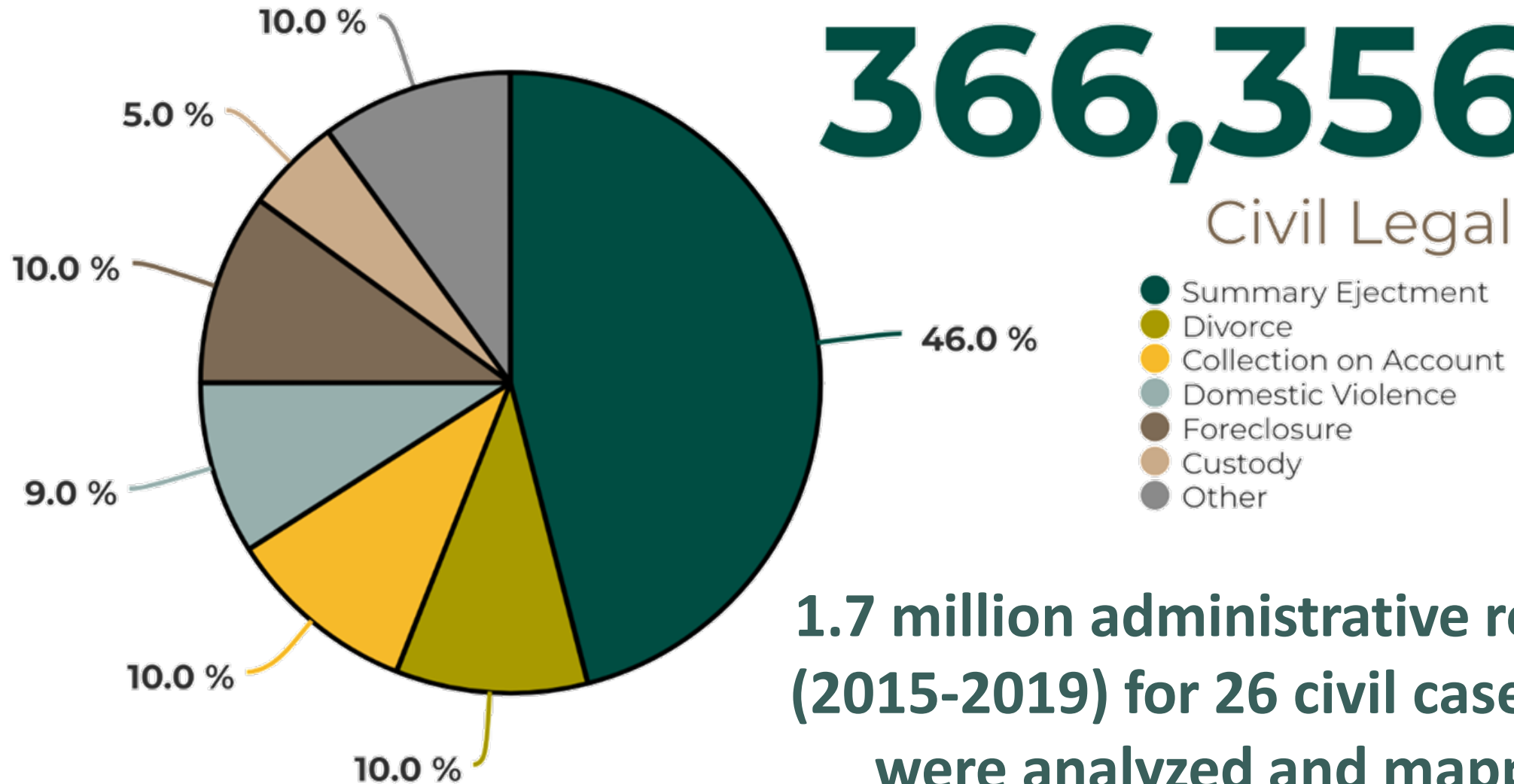


366,356



Civil Legal Cases

Annually



1.7 million administrative records
(2015-2019) for 26 civil case types
were analyzed and mapped

Civil Legal Agencies Reported: 1% of cases

Evictions	Foreclosures
1,897	284

Prevented in 2019

Evictions	Foreclosures
170,046	23,778

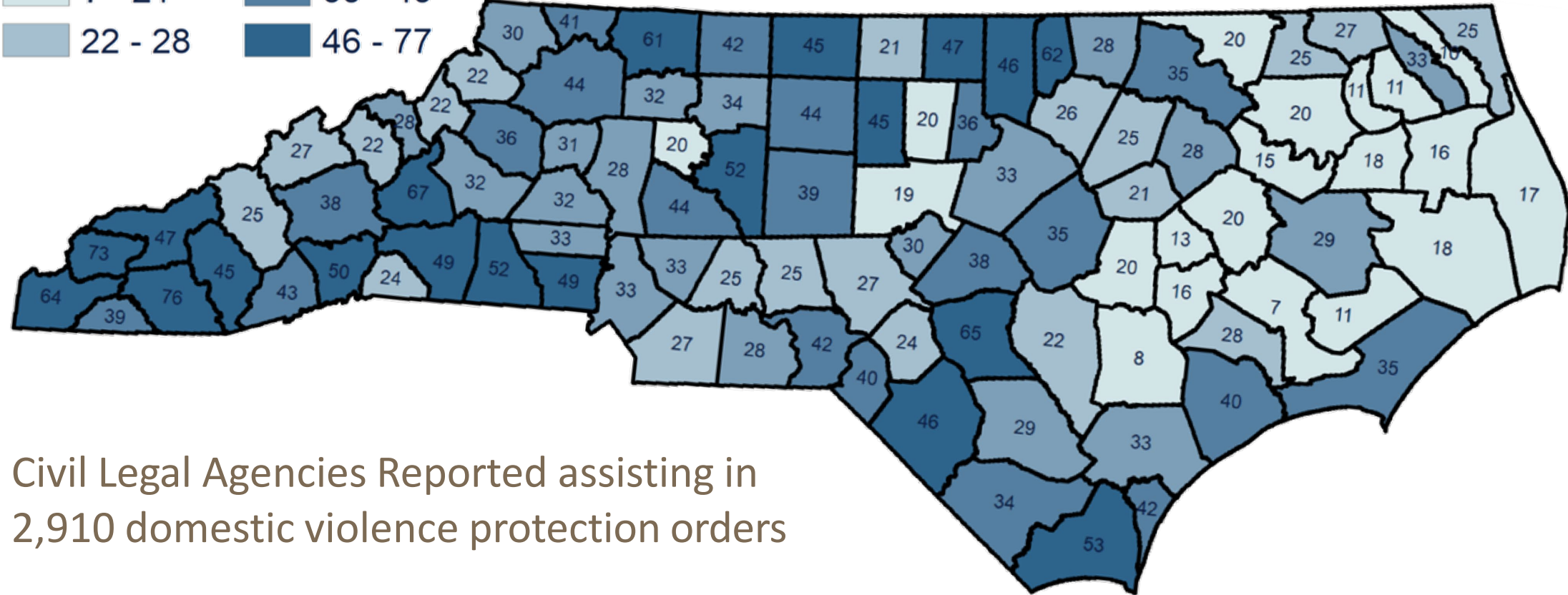
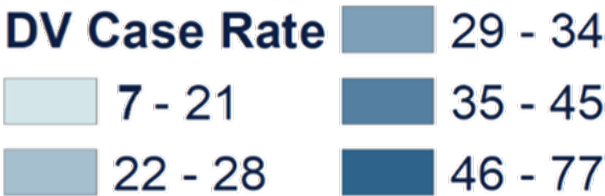
Filed Annually

“We fight evictions one after another after another after another, because income doesn’t match housing costs, ultimately, and you can’t fix that by fighting evictions.”

“Most people see [eviction] as an income problem and not a legal problem.... Very often we will have a counterclaim for the code violations which greatly exceeds the deficiency in rent. And the landlord then ends up owing the client money, and our client has no clue that that’s how it works before they get to us.”

Cases per 10,000 pop.

60,154
Domestic Violence Clients
2019



Civil Legal Agencies Reported assisting in 2,910 domestic violence protection orders

Services Provided vs. Cases Filed

Legal Services Providers: (2019 data)

1,897 Evictions
prevented (1.1%)

284 Foreclosures
prevented (1.2%)

2,910 Domestic
Violence Protective
Orders Obtained
(8.9%)

Civil Court Filings: (annualized data, 2015-2019)

170,046 Summary
ejectment actions

23,778
Foreclosures

32,651 Domestic
violence actions

Costs Are Largest Barrier to Receiving Services

The top 4 most frequently mentioned barriers, according to client survey respondents:

Costs: 91.2%

Lengthy legal processes: 25.5%

Perception that case would be unimportant to a lawyer: 16.3%

Missed workdays: 13.4%

Residents of rural areas were more likely to face additional barriers such as lack of public transport and living further from a legal aid office.

Executive Summary

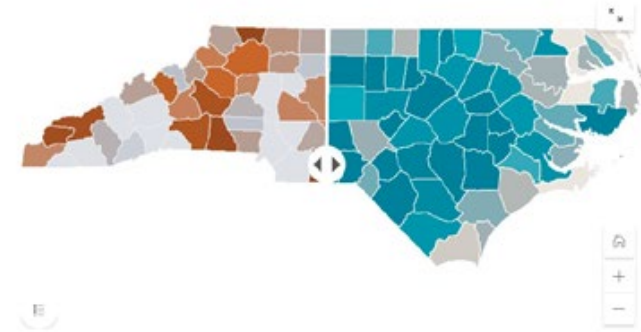
www.nclegalneeds.org

- Key Data
- 15 Pages
- PDF easily downloaded



Interactive Story Map

www.nclegalneeds.org



In Pursuit of Justice

An Assessment of Civil Legal Needs in North Carolina

created by UNCG CHCS | March 30, 2021

“

That middle-income group of 200% to 400% of the federal poverty level, folks who don't qualify for legal aid but also can't pay a \$10,000 retainer ... they're out of luck. -Legal Services Attorney

Lawyers said they feel forced at times to make uncomfortable decisions about which client to represent, choosing from those who may be equally eligible for services and whose cases may be equally deserving. Whether the legal issue falls within one of the organization's priority subject areas can play a role.

Non-Profit Legal Services Providers
Percent indicating a need for each of the following civil legal services in their area.



Legal needs as identified by stakeholder survey

infographics

- Seven summary sheets
- Access through website
- Link at end of story map

NC Legal Needs Assessment



"If we don't get to some of those root causes... we're going to be like hamsters running in a wheel and we'll never get to a place where we're able to come close to closing that gap and covering the need."

- Legal Provider



<https://chcs.uncg.edu/wp-content/uploads/2021/04/legalNeedsInfographics.pdf>

County Profiles

- 11 pages
- Demographic and AOC Data
- All 100 Counties
- Access through drop down menu at top of home page, using interactive map

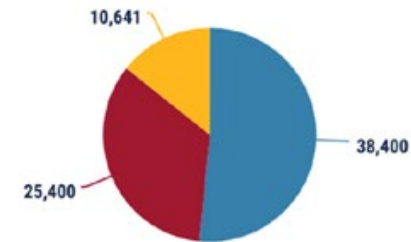
GUILFORD COUNTY PROFILE

COURT DISTRICT 18

GUILFORD COUNTY POPULATION SNAPSHOT

34.6%	7.6%	2.5%	6,710
African American Population	Hispanic Population	Limited English Proficiency	Domestic Violence Clients

Driver's License Suspensions - Unpaid Fees and Fines and Failure to Appear
(1980 to 2018)



● failure to appear in court ● failure to pay traffic costs ● combination of both



Data Sources: American Community Survey, 2014-2018;
Eviction Lab, 2016; NC Department of Administration, 2018-2019;
NC Administrative Office of the Courts, 1980-2018





[Home](#) > [Commissions](#) > [North Carolina Equal Acc...](#) > North Carolina Faith And...

North Carolina Faith and Justice Alliance

A coalition of faith-based groups and legal practitioners formed to address unmet legal needs of low-income North Carolinians.

“Solving the access to justice gap is our moral obligation and an obligation of the faith community. Faith and justice must walk hand in hand to serve our communities. Working together we can ensure that all people have access to justice.”

The North Carolina Faith and Justice Alliance (FJA) is an exciting new program through which legal and faith-based communities can come together to address the legal needs of low-income North Carolinians. Inspired by an [established model in Tennessee](#), the FJA will build a coalition of faith-based groups and legal practitioners to help meet the growing need for legal assistance for North Carolinians who lack the resources to access our courts and protect their legal rights. The Alliance will empower legal practitioners to serve those in need of legal services by partnering with the religious leaders and faith institutions that are so often the first to know of the legal issues facing the members of their community. Guided by a [statewide, interfaith steering committee](#), this partnership will equip faith leaders in local communities to identify the legal needs affecting their congregations and connect them to resources that can help. To learn more about this program, [view this resource](#).

North Carolina Equal Access to
Justice Commission

[About Civil Legal Aid](#)

[About Equal Access to Justice
Commission](#)

[Equal Access to Justice
Commission Members](#)

[Equal Access to Justice
Commission Staff](#)

- [North Carolina Faith and Justice Alliance](#)

[North Carolina Pro Bono
Resource Center](#)

Meetings