



Racial Equity Framework

Step 1: What is your proposal and desired results and outcomes?

We propose to test several new approaches in Durham designed to remove barriers to employment and housing for justice-involved residents by greatly expanding our community's capacity to expunge criminal records, grant certificates of relief (COR), and restore long-term suspended driver's licenses through an innovative program called, the Durham Expunction and Restoration (DEAR) program, and other prototypes that facilitate the goals of DEAR. The DEAR program (hereinafter "DEAR") will be administered as a partnership between the City of Durham, Durham Courts, Legal Aid of NC, N.C. Justice Center, and several community partners and area law schools in Durham. DEAR will identify individuals eligible for expunction, COR, or restoration of their driving privileges within the court system and community and refer them to a network of providers within the community who will assist them with obtaining the relief needed.

Tens of thousands of Durham residents currently have records eligible for expungement or suspended driver's licenses due to reasons other than a history of DWI (Driving While Impaired). In the past five years alone, Durham has had over 87,000 charges dismissed or adjudicated not guilty that remain on the criminal records of Durham residents who are potentially eligible to have those charges expunged and thereby increase their employability. Additionally, under a new law that will go into effect at the end of this year, an estimated 90 percent of charges will meet eligibility requirements for COR.

Our community's ability to address both expungements and driver's license restoration at scale is one of the crucial missing pieces to increasing employment and opportunities in housing, education and other realms of life for justice-involved residents and their families. The DEAR program and other prototypes the City plans to explore commit to the principle that we, as a city and community, can do more to assist all people with success in life and assure that access to justice and the relief provided under the law is available to all of our residents.

New approaches we propose testing as early as this summer through DEAR & other prototypes include:

- The creation of a pilot DEAR office dedicated to expungements, COR, and driver license restoration, co-located, in part, at the courthouse to staff and administer the court-referral program – the first of its kind in our state.
- A network of organizations and clinics at established area law schools working in concert to provide pro bono expunction and driver's license restoration clinics throughout the year, referred to below as the Durham Expunction (and Restoration) Network (DEN) within the DEAR Program.
- Use data from the NC AOC (Administrative Office of the Courts) to identify Durham residents who have charges that are eligible for expungement or driver's license restoration assistance.
- The development of digital tools that facilitate self-representation.

Desired results: As a result, we aim to file at least 4,000 petitions for expungement, grant 250 CORs, and restore driving privileges for at least 1,000 Durham residents over a twelve month pilot period. We will track employment outcomes for

participants, with the goal that nine months after the completion of expungements, COR, or restoration of licenses that at least 15% of individuals will report either securing new jobs, higher paying job, or housing.

Why we believe this proposal can lead to increases in employment: Both expungement and license restoration are connected to increased employment opportunities.

- A 2018 study found that “clean slate clinic participants experience significant increase in average employment rates and average real earnings immediately following the record clearing intervention.”¹ A cost benefit analysis at Stanford University found that the benefits from expungement – from increased income and tax revenues and reductions in government assistance – outweighed costs by \$5,800 per person in a one year period.
- Nearly 1,900 job categories require a driver’s license (and as recent as this fall, 65% of the City’s job classifications). While “not all jobs require a driver’s license, particularly those that pay very low wages ... having one is a very common requirement for the sorts of job that can actually lift people out of poverty,” including construction, manufacturing, security, and utilities.
- 45% of people with driver’s license suspensions, in one study in New Jersey, reported losing their job and not being able to find a new one. For individuals who did find work, 88% reported decreases in income.²

Step 2: What is the data? What does the data tell us?

The data is clear: the racial disparities are staggering when it comes to who faces barriers to employment and housing due to criminal records and suspended or revoked driver licenses.

A) Expungement

From July 1, 2016 – May 9, 2017, there were 338 expunction orders issued in Durham County – ranking seventh in the state in number of expunction requests. Most expunction orders are filed either by private attorneys, pro bono attorneys participating in legal clinics organized by non-profit organizations such as Legal Aid of North Carolina, Southern Coalition for Social Justice, and the North Carolina Justice Center, or by law students under the supervision of an attorney. In general, there are a very limited number of staff attorneys at the aforementioned nonprofits available to assist the public with expunctions or other forms of relief and limited opportunities for free or public expunction clinics given the existing demand for this type of legal assistance. Those in need of expunctions are also disproportionately low-income making the choice to hire a private attorney for expunction assistance an often insurmountable obstacle to gaining relief.

The court system has not been involved in referring individuals to expunction clinics in the past, and clinic providers have largely operated independently of one another on irregular schedules providing little predictability to the public in ascertaining when or where a clinic might be available. Without a system or cohesive structure in place to guide residents seeking expunctions, most need a little luck on their side to obtain relief: they hear about clinics by word of mouth, or save up money for private attorneys, often not even knowing if they have records eligible for expunction.

Recent changes to state law that went into effect on December 1, 2017 dramatically expanded the number of individuals eligible for an expunction. For example, individuals can now expunge all dismissed charges and acquittals as often as needed so long as they do not have a felony conviction (previously, expunction of these types of charges was limited to a

¹ Jeffrey Selbin, Justin McCrary, and Joshua Epstein, *Unmarked? Criminal Record Clearing and Employment Outcomes*, 108 J. Crim. L. & Criminology 1 (2018).

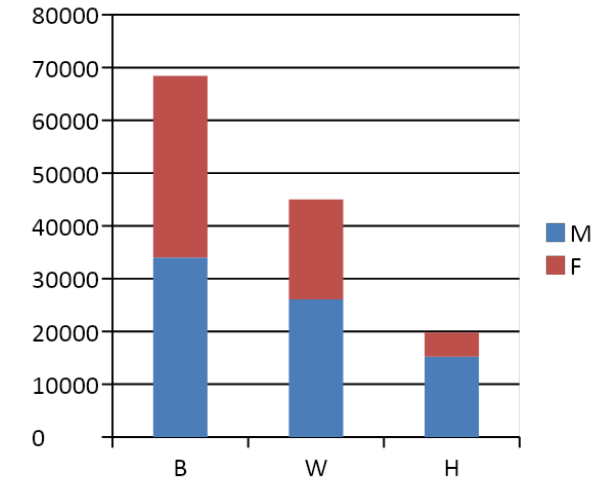
² Alan M. Voorhees Transportation Center et al., *Motor Vehicles Affordability and Fairness Task Force Final Report* (February 2006), p 38

one-time expunction of charges incurred within an arbitrarily-selected 12-month period). The changes have created an enormous backlog in records eligible for expungement. Based on data from the NCAOC, we estimate that as many as 140,000 people with a last known address in Durham County are eligible to have dismissed charges or acquittals expunged from their criminal record. For many members of the Durham community, you are guilty of everything you are charged with. In North Carolina, adult criminal records are public and permanent. Therefore, until they are expunged, dismissed and not guilty charges will appear on background checks run by employers, which can make it much harder for individuals to secure employment. At our current pace, it would take years to work through this backlog.

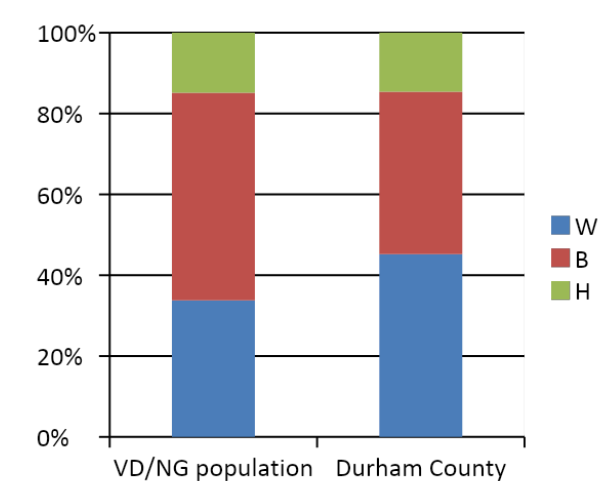
Analysis of Data on Individuals with Voluntary Dismissals or Not Guilty Charges Eligible for Expunction

Based on analysis of data received from the NC Administrative Office of the Courts, we identified over 144,000 people with VD/NG charges in Durham County that are likely eligible for expungement (they do not appear to have felonies in North Carolina). People of color are disproportionately represented among this population, as the graph below demonstrates. The majority with these charges are working aged men, and the average of is 40.

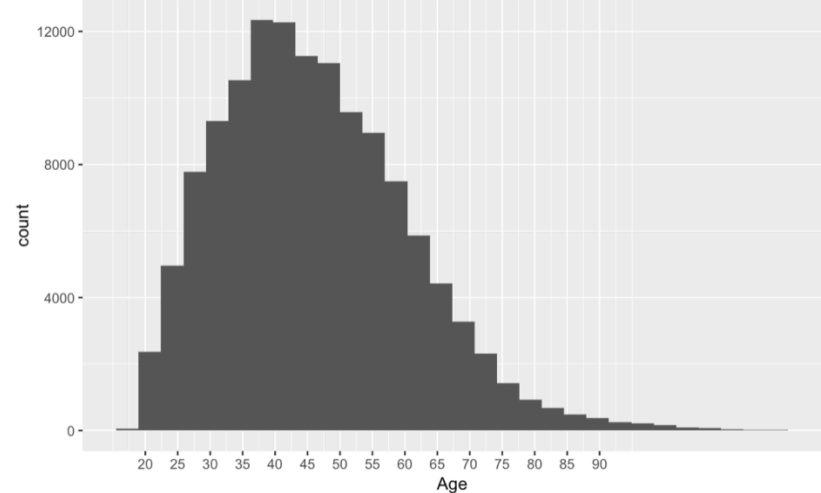
Number of people with VD/NG charges in Durham Co. eligible for expungement, by race

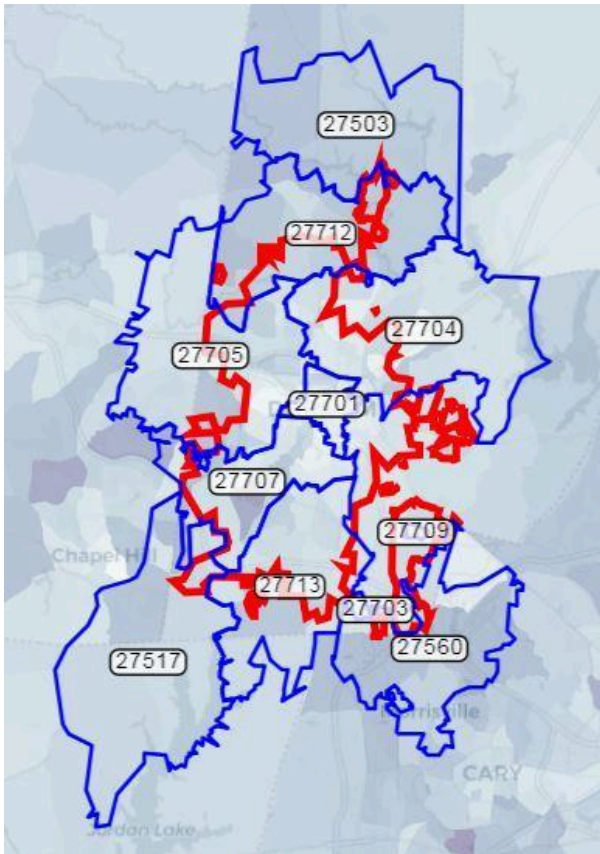


Black residents are over-represented among the population with VD/NG charges eligible for expungement in Durham County



Age distribution of individuals eligible for VD/NG expungements in Durham Co



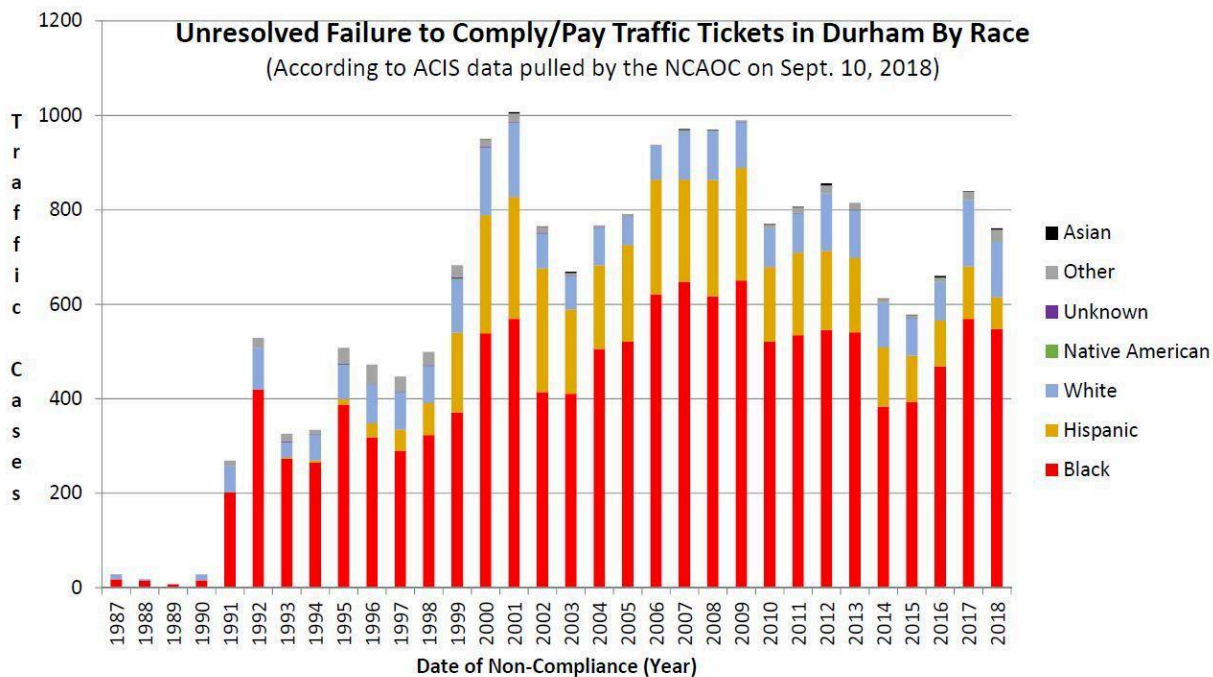


Of the 144,000 individuals with Durham County VD/NG charges likely eligible for expunction, most individuals have last-known addresses in Durham County. 103,471 have a last-known address of Durham; another 864 have an address in Rougemont and 829 in Bahama. For those that have a ZIP code listed, the ZIP code ranking is 27707 with 15,519 individuals; 27703 with 15,020 individuals; 27701, with 13,569; 27704, with 12,232; and 27705, with 11,049. No other ZIP had more than 8,000 individuals.

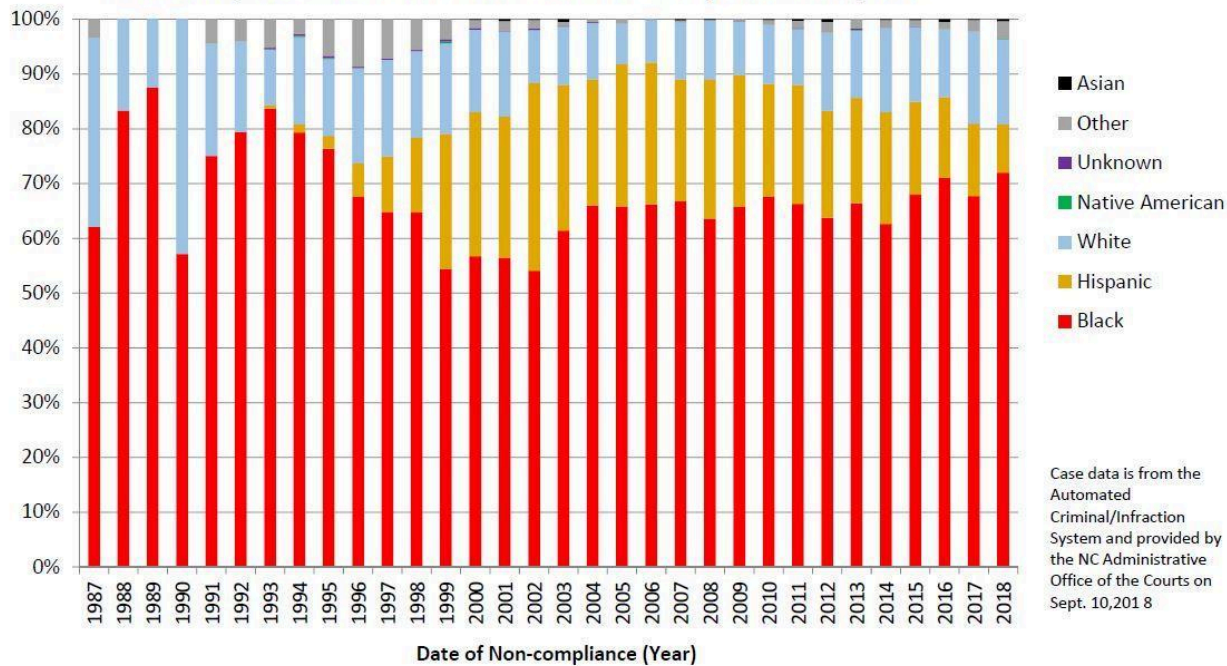
B) Driver's License Restoration

Based on data from the NC Department of Motor Vehicles, over 46,000 Durham County residents – or approximately 20% of adults – have a revoked or suspended license. Additional data recently obtained from the Administrative Office of the Courts provides a fuller picture of the size and nature of the problem of long-term driver's license suspensions facing City of Durham residents. According to this data, which dates back to early 1980s, approximately 14,000 people have a revoked or suspended driver's license that is older than one year due to failure to pay traffic tickets. The majority of reasons leading to license suspension do not involve DWIs or DWI-related charges. Young, working age (half were

30 or younger), black and Latino men are disproportionately impacted by license suspension – and the racial disparities are staggering. People of color make up 79% of FTAs and 82% of FTCs.

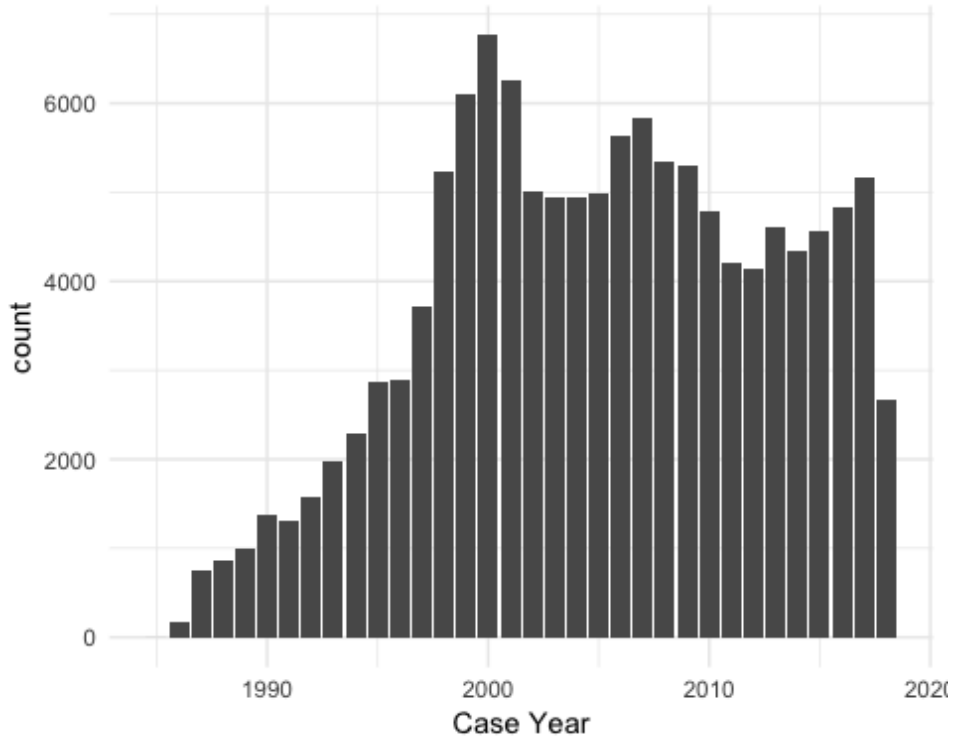


Unresolved Failure to Comply/Pay Traffic Tickets in Durham, Percent by Race of All Unresolved Tickets on September 10, 2018

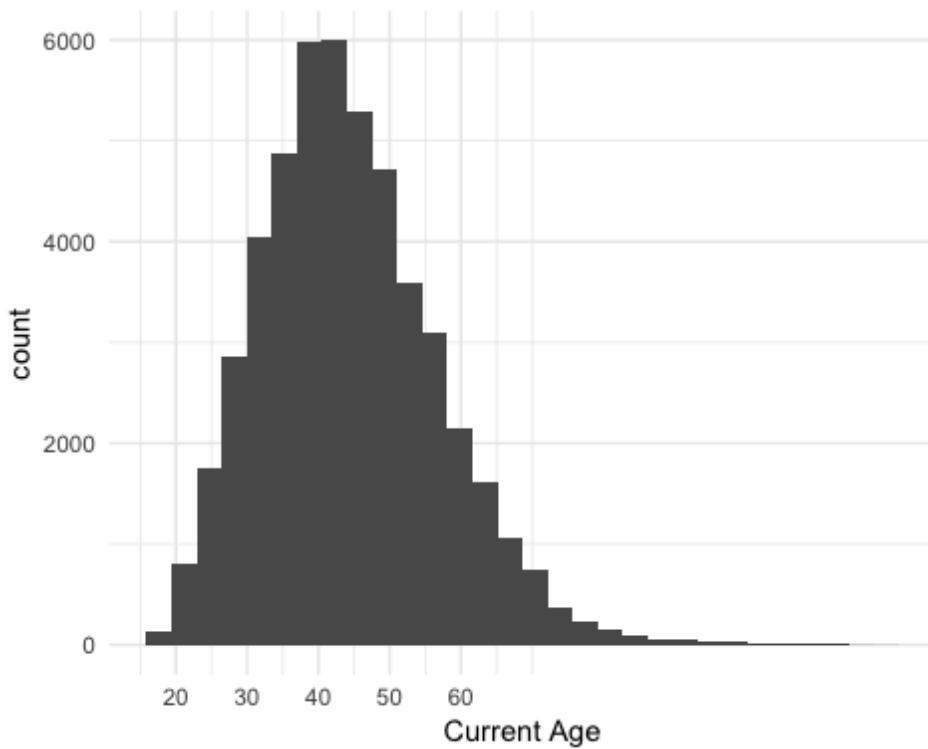


According to AOC data, 53,000 people have a revoked or suspended license due to failure to appear charges dating back to the mid-1980s. Again working-aged men of color are disproportionately represented in this population. 80% of those with long-term license suspensions are men, 46% are black, and 32% are Hispanic. Most of the FTAs are not due to DUIs (About 3,300 people have convictions for an offense that the District Attorney will not consider (the vast majority are DWI offenses). The most common ZIP codes are 27701 (16%), 27703 (15%), 27707 (12%), 27704 (9%), and 27705 (8%).

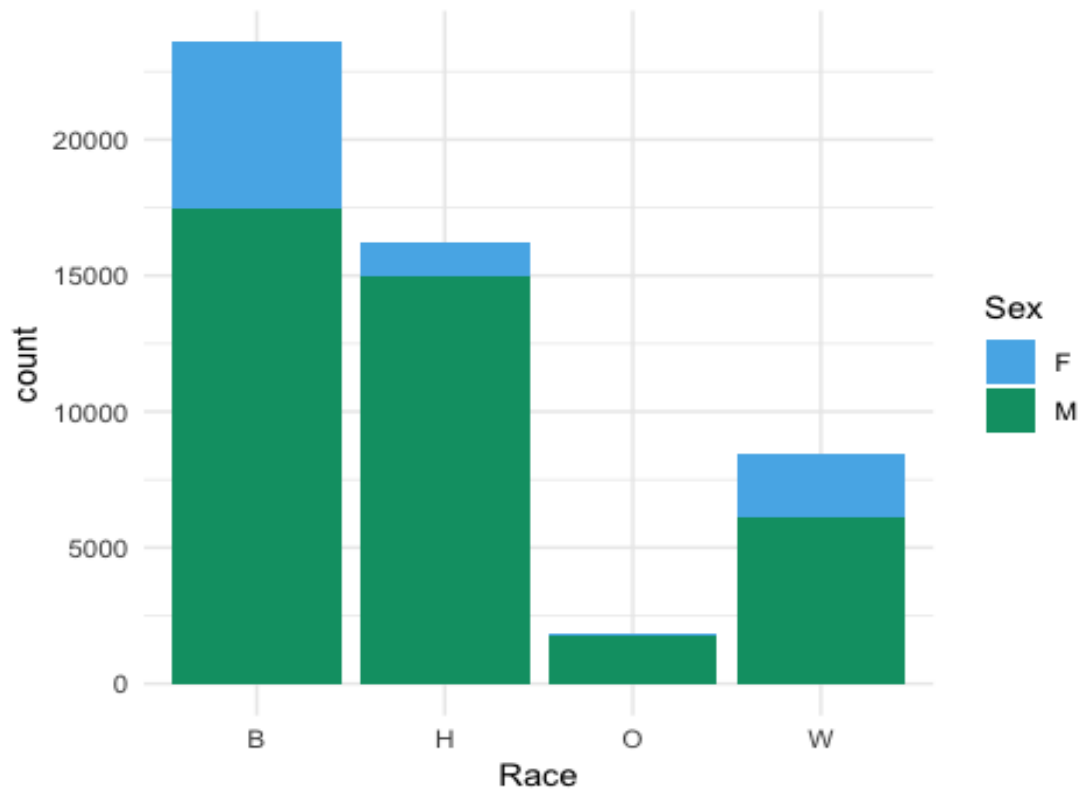
Number of FTA cases in Durham County currently leading to license suspensions, by year of case



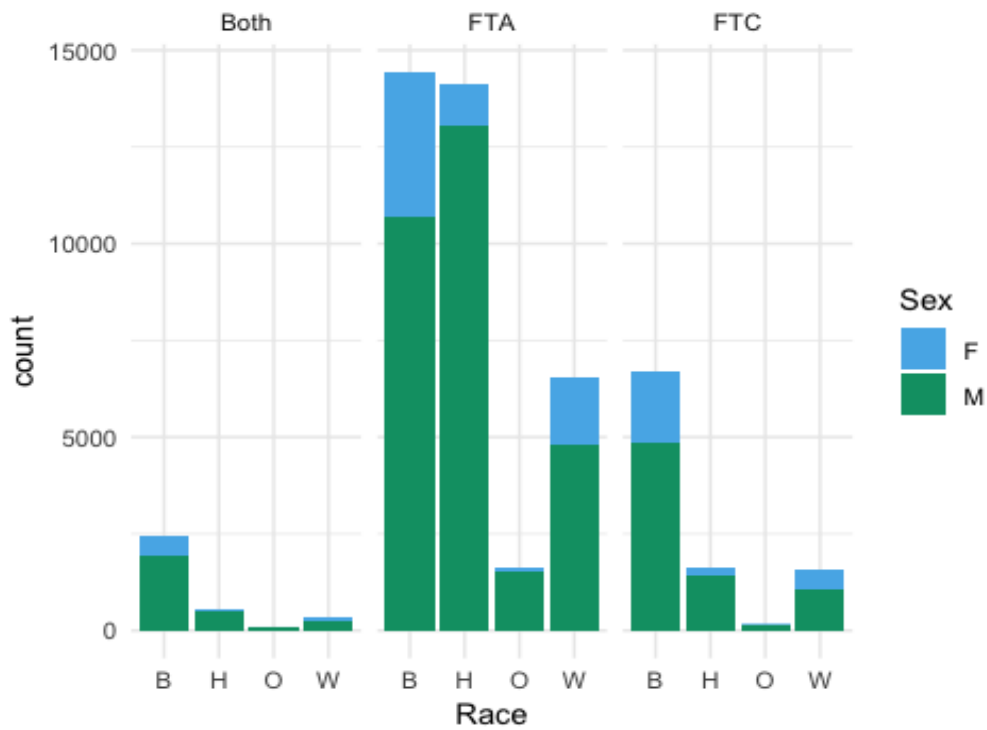
Number of FTA cases in Durham County currently leading to license suspensions, by current age of person



Number of people with a FTA license suspension in Durham County, by race and gender



Number of people with license suspension due to FTAs, FTCs, or both in Durham Co, by race and gender



Step 3: How have communities been engaged? Are there opportunities to expand this?

People of color with criminal records who – as a result of systemic racism – are disproportionately impacted by the collateral consequences of justice involvement have played a central role in the design of DEAR, and will continue to play a similarly crucial role in its leadership and implementation. This project is a direct response to an intensive, year-and-a-half-long community engagement process that prioritized the stories, lived experiences, and voices of Durham justice-involved residents.

The City of Durham Innovation Team interviewed over 140 justice-involved residents and hired a justice-involved resident to help lead this effort. Several important themes emerged, including:

- Durham’s justice involved residents consistently cited having a criminal record and not having a driver’s license as significant, ongoing barriers to employment and housing.
- Many programs intended to support justice-involved residents fail to address the enormous deficit of trust that exists between them and those most impacted. As a result, these programs fail to reach many eligible beneficiaries who fear the programs are a trap. This is true for both black and Latino residents.
- Many programs do not fully harness the experience of justice-involved residents who are uniquely positioned to address this trust deficit and to provide the kind of support and mentorship returning residents want and need.

We have also worked closely with community members most directly affected by criminal records and license suspensions to identify and test and refine potential solutions to reduce these barriers to employment and housing.

Examples of this type of community engagement include:

- Developing and implementing a pilot driver license amnesty program. The program utilized a paid community outreach worker who is formerly justice involved and a text message application system that made it possible for people to apply for assistance without ever entering the courthouse.
- Developing and user-testing a more advance text message application system that automatically responds to people who apply for assistance.
- Sharing current expunction petitions with justice involved residents to understand parts of the forms that are confusing so we can design a better user-interface that will enable more people to file VD/NG petitions pro se.
- Developing a web application to assist residents in filing VD/NG expungement petitions and user-testing the first draft with justice involved residents.
- Reviewing and offering suggested edits on core legal service forms including intake forms and retainers for legal services.
- Developing a concept of “reentry to you” that takes services and information about how to access them out to people where they live.
- Developing a “welcome home” initiative to connect individuals returning home to Durham from prison with a peer support specialists and a basic package of goods (including a cellphone and bus passes).
- Designing a new “transitional jobs” program to provide returning residents with immediate employment that includes wrap around supports that are trauma-informed and build job readiness.
- Developing initial recommendations with our immigrant community for a deferral (or diversionary) program for individuals cited with driving without a license (or not cited, if diverted from a charge).

This program will continue to center the experience and leadership of communities most impacted by:

- Hiring a legal assistant and contracting with peer support community organizers who are formerly justice-involved and from communities most impacted. These individuals will play an important role in developing a community engagement plan, designing and delivering services, leading community outreach efforts, and ensuring services meet residents where they are.
- Reserving seats for justice-involved residents on the advisory board that will provide strategic direction to program staff.
- Requiring all DEAR staff and advisory board members to attend racial equity training.

There are many opportunities to expand community engagement. Some potential opportunities include:

- Working with Durham Latino residents to develop community clinics specifically for our Spanish speaking and immigrant community, to improve language access in Durham Courts, and to implement a deferral (or diversionary) program for individuals who cannot legally obtain a driver license due to immigration status.
- Working with justice involved residents and people of color-led organizations to design a community engagement plan for taking legal services to people where they live.
- Working with groups like All of Us or None to incorporate approaches that can build power in communities of color most directly affected by current policies driving inequities in justice involvement and collateral consequences.
- Exploring opportunities for community organizers to take an expunction petition generator (e.g. web application) out into the community to facilitate pro se filings of VD/NG expungements while also informing residents not eligible for this type of relief about other types of legal relief DEAR may be able to provide.

Step 4: Who benefits from or will be burdened by your proposal? What are your strategies for advancing racial equity or mitigating unintended consequences?

The DEAR program will primarily benefit low-income residents of color who could not otherwise afford to hire a private attorney to assist with license restoration or expungements. The program is designed, similar to the initial Durham Driver Amnesty pilot program, to shift the burden from those seeking legal relief to those administering the program – from those who have suffered the consequences to systemic racism to those institutions that have perpetuated it. At its heart the DEAR program aims to scale up legal relief efforts by making relief that is currently available easier to access for those who would benefit most from it. Too many programs are designed with the ease of the administrators in mind; we will seek to flip that and focus on the experience of justice-involved residents.

We have mentioned some of the strategies above for advancing racial equity and mitigating unintended consequences. These include:

- Hiring and contracting with individuals who are formerly justice-involved and from communities most impacted. These individuals will play an important role in developing a community engagement plan, designing and delivering services, leading community outreach efforts, and ensuring services meet residents where they are.
- Reserving seats for justice-involved residents on the advisory board that will provide strategic direction to and accountability for program staff.
- Requiring all DEAR staff and advisory board members to attend racial equity training.

Additionally, we will track demographic data for program participants to ensure that the DEAR program beneficiaries reflect the population most affected by criminal records and driver license suspensions. We will report these numbers every other month to our advisory board and will plan to make aggregate data publicly available on the DEAR website after six months of operations. We will also continue to engage communities most affected throughout the first year of the DEAR program to refine and develop new program offerings and engagement strategies.

Finally, the DEAR program, through its partner organizations and elected officials will continue to advocate for local and state level policy changes that can reduce the need for such a program. Through this work we will lift up the stories of how the collateral consequences of criminal records are long-lasting and counter-productive, and make it exceptionally difficult for individuals to support themselves and their families. By demonstrating how addressing these issues can lead to increased employment and lower recidivism, we hope to underscore the importance of larger system reforms

including, but not limited to, expanding records eligible for expungement and making it automatic, ceasing the indefinite suspension of driver's licenses for failure to pay traffic tickets, and assessing inability to pay as part of the fair administration of justice.

Step 5: Implementation Plan

Durham's current capacity to expunge records and restore driving privileges is insufficient given the large number of residents who either have records eligible for expungement or long-term suspended licenses. To reach the scale necessary to provide relief to all eligible residents, reduce the impact of significant collateral consequences to housing, employment and educational opportunities associated with a criminal record, and provide a reliable system that guides individuals through what is often a complex and intimidating legal process, we propose testing a series of prototypes designed to greatly expand our community's capacity to expunge criminal records and restore driver's licenses.

Pilot Program Description

We propose testing the following strategies between November 2018 and October 2019.

- 1) The formation of the Durham Expunction and Restoration (DEAR) Program Office, co-located, in part, at the courthouse, that will staff a court-referral system – the first of its kind in our state.**

(a) The DEAR Program Office will provide year-round expunction and license restoration services to Durham residents and the support necessary to operate the Durham Expunction (and Restoration) Network (DEN, described below in greater detail below). The initial year of staffing will consist of up to four (4) full-time attorneys, one (1) legal assistant, and one or more contractual community organizers.

One attorney shall be experienced in expunction work. This attorney will focus initially on expunging dismissed and not guilty charges (the backlog), and then work on expungement requests and certificates of relief for individuals identified whose dismissed charges or acquittals are ineligible for expungement due to felony convictions but who may be eligible for other types of legal relief. One attorney will have some experience in driver's license restoration. Other attorneys will (a) support the Durham Expunction and Restoration Network and offer community-based legal services, (b) recruit and train pro bono attorneys to increase our community's capacity to hold legal clinics, and (c) assist individuals with long-term suspended licenses due to failure to pay. The legal assistant will staff the court referral system and assist with coordinating community legal clinics. The community outreach coordinator will build awareness and trust in the community about the expunction office, educate residents about their eligibility for expungement, and sign individuals up for upcoming community clinics. To further address deficits of trust that may exist between those in need of legal services and the program office, the office will prioritize filling the legal assistant and community outreach coordinator positions with peer support specialists who are Durham residents with past justice-involvement.

The Criminal Justice Resource Center (CJRC) has offered space in the courthouse for housing one of the attorneys and one legal assistant for the pilot year. The other attorneys and community outreach coordinator would be based out of a community location, but will work closely with their counterparts at the courthouse.

Supervision and ownership. Two attorneys, the legal assistant, and community outreach coordinator will be hired by the City of Durham and based out of the City Attorney's Office. This marks a new external focus for the

office, which Council is excited about. The other two attorneys will be supported through grants to Legal Aid of NC and the NC Justice Center -- two non-profits who have a lengthy history of providing pro bono services in our community and state. These attorneys and support staff members will work as one, collaborative team over the course of twelve months. Through this collaboration, we intend to create greater collaboration between governmental and community actors.

The City will partner with the Courts to create an advisory taskforce (the “DEAR Advisory Board”) to oversee the pilot program and provide guidance and direction to the DEAR office staff. Judge Amanda Maris will chair the task force, which will include at least one representative from the City Attorney’s Office, District Attorney’s Office, and the Public Defender’s Office, Legal Aid and the NC Justice Center, each organization in the network (DEN), the Clerk’s Office, the City’s Innovation Team, and at least two residents with past justice involvement. The taskforce will also include representatives from the Durham Bar, George H. White Bar, and the NC Pro Bono Resource Center. This advisory group will meet monthly with the DEAR staff to troubleshoot any barriers and hold staff accountable to the ambitious goals.

(b) Establish a court referral system. This program would make Durham the first county in North Carolina, and one of the few in the country, to engage court officials or a court system in pro-actively identifying people with charges eligible for expunction – including those who have successfully completed diversionary programs – and referring them to pro bono legal services. The system will refer individuals with eligible records to the Durham Expunction and Restoration (DEAR) Program Office, where staff will either assist individuals directly or sign them up for an upcoming pro bono legal clinic held by community organizations participating in the Durham Expunction (and Restoration) Network (DEN).

Judge Amanda Maris is leading the effort to create a court referral system necessary to bring a more cohesive structure to expunction services in Durham. As a public defender ten years ago, she helped found a quarterly public expunction clinic in a partnership with Legal Aid of NC in Durham which was later expanded with the N.C. Central University School of Law’s Criminal Litigation Clinic, both of whom continue to be major community partners in the current effort. Specifically, Gina Reyman, Legal Aid’s Executive Director in Durham, and Professor Dionne Gonder of NCCU Law are key partners.

In January 2018, Judge Maris convened both court and community partners to begin discussions on the creation of the court referral system and DEN as a part of the overarching DEAR Program. Several partners have participated over the year since January in discussing how the DEAR program could operate most effectively, including key court officials and agencies (District Attorney, Public Defender, Clerk of Court, Criminal Justice Resource Center) and the community partners described below in the Durham Expunction Network as well as the NC Justice Center and NC Pro Bono Resource Center. The Durham I-team has been an integral part of these discussions and facilitator of smaller meetings of partners.

- 2) Digital tools that facilitate self-representation.** Two tools we plan to pilot are a self-service kiosk at the courthouse and a website or mobile application that enable individuals to check if their charges are eligible for expunction and, if so, automatically fill out petitions. The initial prototype will focus only on the expungement of dismissed charges and acquittals.

A self-service kiosk at the courthouse. The kiosk would provide user-friendly directions that enable individuals to file their own petitions for expungement *pro se*. This pilot initiative initially would be restricted to petitions for

dismissed and not guilty charges due to the requirements for these types of petitions. Individuals would input the basic information required to auto-populate the petition or, technology permitting, scan their record which the program would draw from to auto-fill the petition. Once individuals enter the necessary information required to populate the petition, the kiosk would print out the petition, which the full-time attorney would review and file in the clerk's office. The kiosk would be located near the legal assistant who could help answer questions individuals might have about using the kiosk (that do not entail legal advice).

Once the kiosk is user-tested, create mobile versions that the community outreach coordinator can take out into the community, possibly utilizing means such as City Hall On-the-Go. This step is crucial since we know from our field research that some individuals will not feel comfortable coming down to the courthouse. If this strategy proves successful, the program can consider contracting with more peer support specialists for a few months to canvas more neighborhoods.

A web-based or mobile application. Create an online tool that enables individuals to see if their charges may be eligible for expungement and guides them through the process of filling out and filling petitions. Baltimore, Maryland recently launched a public facing website that offers residents these features (see www.mdexpungement.com).

3) Using data from the NCAOC to identify Durham residents who have charges that are eligible for expungement or driver's license restoration assistance.

Expungement. Identify all records since 2015 eligible for automatic expunction under NCGS 15A-147 which permits the court to order expunction of all dismissed charges that involve identity theft or "mistaken identity," which includes the "erroneous arrest of a person for crime as a result of misidentification by a witness or law enforcement, confusion on the part of a witness or law enforcement as to the identity of a person who committed the crime, misinformation provided to law enforcement as the identity of the person who committed the crime or some other mistake on the part of a witness or law enforcement as to the identity of the person who committed the crime."³ Note: currently this type of expunction petition is the only type eligible for "automatic" expunction and therefore these types can be pursued with great efficiency.

Driver's License Suspensions. With the assistance of the Equal Access to Justice Commission and NCJC, the i-team obtained data from NCAOC identifying a significant portion of individuals with active suspensions for FTA and/or FTP in Durham. The data makes it possible to direct outreach and communication about legal relief

³ [NCGS 15A-147](#) (a1) If any person is named in a charge for an infraction or a crime, either a misdemeanor or a felony, as a result of another person using the identifying information of the named person or mistaken identity, and the charge against the named person is dismissed, the prosecutor or other judicial officer who ordered the dismissal shall provide notice to the court of the dismissal, and the court shall order the expunction of all official records containing any entries relating to the person's apprehension, charge, or trial.

(g) For purposes of this section, the term "mistaken identity" means the erroneous arrest of a person for a crime as a result of misidentification by a witness or law enforcement, confusion on the part of a witness or law enforcement as to the identity of the person who committed the crime, misinformation provided to law enforcement as to the identity of the person who committed the crime, or some other mistake on the part of a witness or law enforcement as to the identity of the person who committed the crime.

efforts to individuals eligible to receive it. In the initial pilot this past fall, the i-team had to advertise the program broadly, resulting in hundreds of hours spent by both the i-team and DAs office on individuals who were ineligible for the program (over 60% were ineligible).

4) A network of organizations and clinics at established law schools working in concert to provide pro bono expunction and driver's license restoration clinics throughout the year, referred to below as the Durham Expunction (and Restoration) Network (DEN).

The DEN Network will bring together community partners with experience holding expunction and driver's license restoration clinics in our community, including Legal Aid, North Carolina Central University School of Law, Duke Law School, and, in some capacity, the Southern Coalition for Social Justice (SCSJ). Attorneys and Members of local bar associations (DCBA and George White Bar) will also participate in clinics in conjunction with the main partners and The NC Pro Bono Resource Center. The DEAR Program Office will work with community partners to coordinate and organize year-round clinics and will assist in signing up individuals for these clinics who have records eligible for expunction or long-term driver's license suspensions due to FTCs (failure to pay court fines and fees). The Duke University School of Law held its inaugural expunction clinic in October 2018 with referrals from a local program in Durham (TROSA), and over 50 Duke law students were trained to assist at future expunction clinics and in DEAR expunction initiatives. Duke is a committed partner in this project as well and would like to be involved in the DEAR Network. There is potential to involve UNC School of Law as well. We also hope to have a juvenile clinic as a part of DEN in the future administered with the help of NCCU and UNC's Juvenile Law Clinics (see "additional strategies" section).

Scale up pro bono legal services. Our non-profit partner organizations do not have enough attorneys on staff to meet with all of the Durham residents who could benefit from expungement or driver's license restoration clinics. To increase the capacity of our community to hold pro bono legal clinics, the DEAR office will partner with the North Carolina Pro Bono Resource Center and the NC Justice Center and Durham's local bar associations to increase the pool of attorneys willing to provide pro bono legal services and to train them.

NC Pro Bono Resource Center will assist the DEAR Office in connecting with attorneys in private legal firms interested in providing pro bono legal services. NC Pro Bono Resource Center and the NC Justice Center will provide training to attorneys interested in participating in expunction and driver's license restoration clinics. The DEAR Office will also work with law schools, young and experienced attorneys in the Durham Bar and the George H. White Bar to recruit and train attorneys and will connect interested attorneys with legal clinics they are coordinating on behalf of DEN.

As part of the effort to increase the number of attorneys providing pro bono legal services, we also plan to explore online tools that can make it easier for attorneys to learn about and volunteer for specific pro bono projects, as well as for residents to sign up for clinics.

5) Additional strategies could include:

- ***The development of a regional strategy for addressing long-term suspended driver's licenses and expungements by convening mayors, district attorneys and other key players from surrounding counties.*** Many Durham residents have charges in surrounding counties that are eligible either for expungement or that are preventing them from restoring their driver's license. For example, data from the NCAOC shows that approximately 40% of charges preventing City of Durham residents from driving originated in surrounding counties, over half in just two neighboring counties – Wake and Orange. In August, the i-team worked with

Durham's Mayor and DA to convene key stakeholders Wake, Orange, and Chatham Counties to work toward a regional strategy to providing relief to Durham residents. The group agreed to continue meeting to identify specific actions that will result in more residents accessing legal relief.

- ***Establish a post-release referral system to connect individuals with suspensions for FTAs and/or FTPs to the DEAR program for assistance with driver's license restoration.*** It is common that individuals return home from prison without a driver's license. Currently, the DMV is sending mobile units into prisons to help individuals renew or get a driver's license; however, this program is not designed to address license suspensions that may stem from old FTAs or FTPs. The DEAR office will partner with NC Dept. of Public Safety and post-release supervision to review all driving records for returning residents to identify those who may be eligible for restoration assistance. Further, the DEAR office will work to partner directly with mobile DMV units operating in NCDPS prisons, in order to assist individuals with restoring their driving licenses pre-release to Durham. DEAR can also develop other pipeline referral systems, for example, from major employers, service providers, and the Local Reentry Council.
- ***Create clinics specifically for juvenile record expunction.*** Currently, juvenile records are eligible for expunction under certain conditions, and there is not a regularly occurring clinic or organization available to assist with these records. A fairly recent state law made it mandatory that judges inform juveniles in court about their eligibility for expunction of their juvenile records. The DEAR program could assist with better system practices for informing juveniles of their future expunction eligibility and create a court referral system to a DEN partner identified specifically for juvenile expunction work. This partner could be the NCCU Law Juvenile Clinic and/or the UNC Juvenile Law Clinic. Furthermore, the age of juvenile jurisdiction will raise to 17 years of age in December 2019, making a specific effort to assist juveniles within the DEAR program relevant and needed in the near future. This could be explored by the DEAR staff attorneys during the initial 12-month period of the program as the network is being developed and partners and attorneys organized and trained.
- ***Create a revolving loan fund to assist residents from low-income households with paying court debt.*** We have formed a team that is working to create a revolving loan fund to assist low-income residents with paying court fines and fees. The idea emerged based on learnings from our first driver license restoration program prototype. We heard from some residents that even after having old charges dismissed and fines and fees waived, they still faced barriers at the DMV in the form of restoration fees (which we do not have the discretion to waive locally).

To address this challenge, we are working to create a fund that will initially -- for the first twelve months -- provide small loans (\$500 or less) to assist Durham residents from low-income households in paying fines and fees necessary to restore suspended or revoked driver licenses. The fund would experiment during the first year with offering no-interest loans, instead exploring whether the power of paying-it-forward and other design features drawn from behavioral science are sufficient to avoid more than 5% of loans going unpaid.

The fund would target relief to Durham residents with a suspended or revoked driver license; who live in low-income households, defined as living at 300% at or below the federal poverty line; who are eligible for the Durham Driver License Restoration Program and have had unpaid fines and fees identified by the program that do not exceed \$500 and that once these are paid, the individuals would be able to get a driver's license.

To encourage high rates of early-repayment, the fund is interested in testing the following product features:

- Make the process of repayment as easy and frictionless as possible

- Tailor the loan payment amount to a person's monthly income. Specifically, set the size of the repayment amount and timing of repayment based on how much a person makes and when they get paid.
- Ease the process of planning for repayment
- Leverage social relationships. Many individuals want to pay-it-forward. Design the loan in ways that make this connection. As one example, instead of receiving generic reminders from the fund to repay their loans on time, individuals could receive a reminder from a peer who is waiting for other loans to be repaid so they can get a loan.

18 months ago, the Fountain Fund based out of Charlottesville, VA began offering revolving loans to individuals who could not afford to repay court debt. They raised \$500,000 from private donations in their first year, and have made over 50 loans and have 0 loans in default. However, their model charges a 5% interest rate.

- ***Decrease failures to appear leading to suspended licenses by improving Durham's court date reminder system.*** This year, Durham launched a court date notification system that enables residents to sign up to receive reminders of any upcoming court dates by either telephone, text message, or email. Our behavioral fellow in residence is working with county staff to test the efficacy of different types of reminder messages through a randomized control trial. We will be testing whether personalized messages that encourage planning or highlight consequences perform better than the current message that provides a simple reminder. The current system also does not focus on traffic court, because the county is only concerned with reducing failure to appear in criminal court which results in a warrant for arrest. We see this as a missed opportunity, since failing to appear for traffic court leads to license suspension. The DEAR team will explore opportunities to improve this reminder system for traffic court.
- ***Provide "last mile" wrap around services that help individuals who have received legal relief work through the final steps with the Department of Motor Vehicles to restore their license.*** Through our initial driver license restoration prototype, we learned that visiting the DMV to get your license back can be a very intimidating and confusing process. Individuals also often have questions about insurance, whether they need it, how much it costs, and where they can get it. These questions can be overwhelming and lead people to delay or avoid the final steps of actually getting their license back. To address this, the DEAR office will develop supportive services to walk individuals through the final steps of getting their license back. These services will include well-designed information to guide people through the steps and options to visit the DMV with a volunteer or peer.
- ***Explore policy approaches that may protect undocumented residents from the financial and legal consequences of driving without an operator's license.*** Orange-Chatham County District Attorney announced a policy last year that allows residents cited for driving without a license to have the charges dismissed if they can take classes on safe driving. The I-Team will survey other innovative approaches across the country.

Step 6: How will you ensure accountability, communicate, and evaluate results?

The DEAR program will track key program metrics and the demographics of program participants and report these key inputs, outputs and outcomes to our advisory board on an alternate monthly for accountability. We will also make these measures publicly available online on the DEAR website. To evaluate employment outcomes, we will link program participant data with state employment and earnings data to see whether increased access to expungement and license restoration leads to increases in employment and earnings. This data may be useful in building support for this work across the state.

For accountability, DEAR leadership and staff members will continue to engage community members and leaders of people of color-led organizations throughout the year to understand community needs and concerns and to identify aspects of the program that may not be working as well as our data may reflect. We will share our goals and progress to date in these meetings and work with community members to identify ways to improve the program design to achieve the program's goals.

We plan to collect letters and testimonies from program participants anonymously across the year, including inviting participants to write short letters addressed to key criminal justice system stakeholders (e.g. the courts, the mayor, the police, the general assembly, the district attorney, DEAR attorneys, etc.). We will share these letters with the officials and stakeholders that are addressed so that the valuable input of the community and individual participants can be heard and used as a guide for future improvement of the program.