

HANDOUTS

- Meeting Agenda
- Meeting Minutes 03/05/13
- Justice Reinvestment Initiative Phase II Letter of Interest
- House Bill 768
- AOC Magistrate Video Project

MEETING CALLED TO ORDER

Welcome

Michelle Lancaster opened the meeting. Members approved the March minutes by consensus.

Chief District Court Judge Bell Appreciation

Michelle Lancaster recognized the accomplishments and contributions of The Honorable Judge Lisa Bell who, having recently been selected by the governor to serve as a Special Superior Court Judge, was attending her last CJAG meeting. Noted contributions included: leading the Bail Policy Task Force, which modernized the local bond policy without jeopardizing public safety; serving as an active member of the Justice Reinvestment workgroup; and instituting the Citizen Warrant Court to prevent low-level cases from crowding the dockets. A small token of appreciation was presented to the judge on behalf of the CJAG and various members took the floor to recount and thank her for her service.

The Honorable Judge Regan Miller, who will assume the Chief District Court Judge post, has been invited to attend the CJAG.

Announcements / Discussion Items

HB 768

Tom Eberly informed members of HB 768, introduced by the bail bondsman lobby, which seeks to eliminate unsecured appearance bonds by a judicial officer. The intent of the legislation is to require officials to choose between either a release on recognizance or a secured financial bond, with the expectation that the secured bond will be the most likely used. The unsecured bond is viewed favorably by judicial officials as an option for release. Passage of the bill can produce negative consequences for the jail as more low-level offenders, unable to meet their bond requirements, will remain incarcerated; particularly those held on bonds in the \$200-\$500 range, which are unprofitable to bondsmen. As a result, the jail population will increase unnecessarily. Eberly pointed out that the unsecured bond still places a financial obligation upon the defendant; if they fail to appear in court, they remain responsible for the bond amount. Forfeited bonds are collected by the county and directed to the school system. It is estimated that, statewide, \$4 million dollars is collected from unsecured bonds. Eberly asked members to contact their representatives to oppose the legislation.

Kevin Tully asked members to consider including in their discussion with representatives the impact this bill would have on people's lives; that someone, who a judge as assessed as a low risk to the community, will remain in jail according to the amount of money they have. If they have the means, they will be released; those of lesser means will not. This two-tiered system impacts the exercise of a person's right to trial; as the pressure to get out of jail increases, so does the pressure to enter a guilty plea to simply obtain their release.

Felicia McAdoo informed members the Sheriff will be taking this issue to the NC Sheriff's Association and its lobby.

HB 217

Judge Bell informed members of HB 217, which would transfer all felony probation violations to District Court and provide the district attorney discretion to transfer juveniles to Superior Court on A-E felonies. Bell states that while the District Attorney supports the discretion element of the bill, the judges unequivocally do not support transfer of all felony probation violations to District Court. Approximately 22 weeks of court time would be required each year to hear the probation cases, an amount the District Court is unable to absorb. It would likely significantly increase trial delays and the financial costs to accommodate procedural requirements.

HB 615

Judge Bell informed members of HB 615, currently in Judiciary Subcommittee B, which would eliminate the automatic one-year revocation of drivers' licenses for compliance issues (as opposed to safety issues such as DWI). The legislation would reduce the number of arrests for driving while license revoked and reduce the volume of cases reaching the court. Kevin Tully recognized Todd Nuccio for his efforts in obtaining sponsorship for the bill in both houses.

Video Conferencing

Tom Eberly discussed video conferencing technology, made available by the Administrative Office of the Courts, that will enable magistrates to video-link with law enforcement and reduce the need for officers to travel uptown. It requires a video-phone and T1 line. There is no cost to the magistrates and only a one-time cost of \$1000-\$1300 dollars to law enforcement. A demonstration will be held April 25, 9-11am, in Courthouse Room 4420. Members are invited to participate so that a recommendation can be made to the CJAG. The Senior Resident Superior Court Judge must approve use of video conferencing. A brief discussion of previous efforts to incorporate conferencing and other potential applications followed.

Guest Speaker

Tom Eberly informed members that Dr. Ed Latessa, a prominent criminal justice scholar, has been invited to Mecklenburg County June 4 to speak on current trends in criminal justice. In addition to a general presentation open to all agencies and their staff that morning, additional discussions will be held that day with the judiciary and the JCPC. More information will be forthcoming.

Arrest Processing Center

Felicia McAdoo informed members that a certificate of occupancy for the new arrest processing center has not been obtained yet; the smoke evacuation system must undergo additional testing. An earlier-than-planned move-in date is anticipated; possibly early May. Affected parties will be notified at least one week in advance. Dry operational runs dates will be announced in the near future and will be open to anyone who is interested.

National Innocence Network Conference

Kevin Tully announced that April 19-20, the National Innocence Network will hold its annual conference in Charlotte. Over 350 exonerees will be in attendance along with forensic lawyers and experts.

Justice Reinvestment Phase II

Richard Stroker presented a draft of the letter to be submitted to the Bureau of Justice Assistance that requests to move to Phase II of the Justice Reinvestment Initiative. The signed letter will be presented to the Justice Reinvestment Steering Committee for consideration and approval on May 3. Mr. Stroker reviewed the strategies adopted in Phase I and the potential outcomes that might be achieved with their implementation; discussed how federal funds, if approved, would be distributed to support strategy implementation; and discussed the desire to form a law enforcement workgroup to lead implementation of strategies addressing low-level offenses.

Tom Eberly discussed the formation of workgroups to lead the remaining strategic efforts. The driver license restoration clinic group will be led by Kevin Tully and include the Charlotte School of

Law. The mental health/homeless strategy will be delegated to Connie Melee and Recovery Solutions. The recidivism strategy will be assigned to a Re-entry Council structure that is being formed in partnership with the State.

Members were asked to demonstrate their support for the letter of interest by signing the document.

Open Discussion

Bud Cesena informed members the school board will be presenting its Security Enhancement Proposal to the Board of County Commissioners this evening. CJAG members are invited to come out and offer their support.

MEETING ADJOURNED

Action Items

- 1) Tom Eberly to send an invitation to attend the video conferencing demonstration to those members who expressed an interest during the meeting and Chief Hunter in Matthews.
- 2) Tom Eberly to obtain signatures of individuals not present at today's meeting.