

CREATING SECOND CHANCES

Expanding opportunities for justice within the criminal justice system



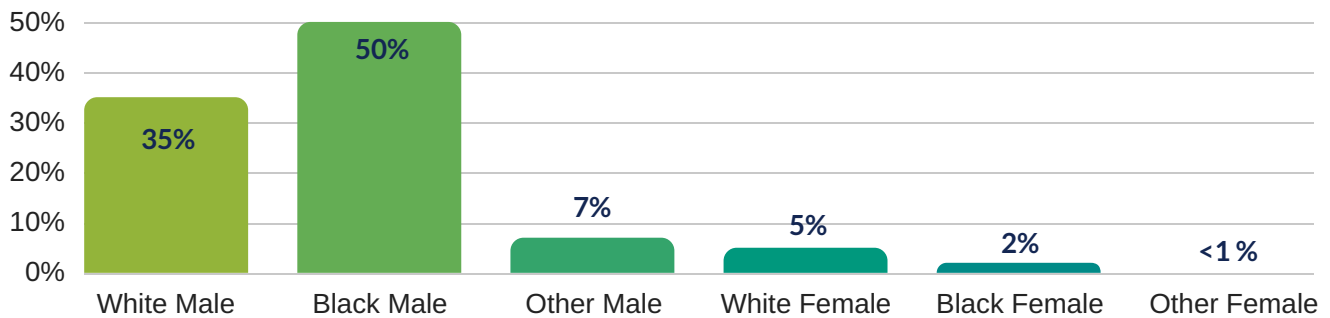
By Samone Oates-Bullock

While the U.S. crime rate has dropped steadily since its peak in the 1990's, incarceration rates have continued to rise at an alarming pace. For this reason, the United States now accounts for almost a quarter of the world's prison population while representing less than five percent of the total world population. The inconsistencies between crime and punishment highlight only one piece of the puzzle. In addition to incarcerating more people than any other country in the world, today's justice system disproportionately targets and incarcerates African Americans. As of 2018, the U.S. population is **12.6 percent African American** and **73.3 percent white**; whereas the prison population is **37.9 percent African American** and **58.4 percent white**¹. This trend of widespread and disproportionate imprisonment has had detrimental impacts on our economy, communities, and the quality of life for people with criminal records. The fight for second chances is undoubtedly complex, but recognizes the need for a justice system that places rehabilitation, reentry, and morality at the forefront of its operations.

DISPARITIES IN THE NC CRIMINAL JUSTICE SYSTEM

- African Americans are over-represented in North Carolina's prison system.

Demographics of NC Prison Population (June 2017)



BARRIERS TO REENTRY

- Individuals with a criminal record often face significant barriers to societal reentry as the result of being denied access to housing, jobs, support services, educational opportunities, civic participation and more.



92%

of employers conduct criminal background checks, and an applicant with a criminal record is **50% less likely** to receive a call back?²



91,179

North Carolinians were prohibited from voting in 2016 as a result of having a criminal record.³



1 in 5

people who leave prison will become homeless as a result of applicant screenings or the inability to afford rent.⁴



80-85%

of people leaving prison owe court-imposed costs. North Carolina court fees have increased **400%** over the past twenty years.⁵

POLICY PRESCRIPTIONS

● Ensure savings from the Justice Reinvestment Act fund reentry services and local reentry councils

The [Justice Reinvestment Act](#) was signed into law in June of 2011. The goal of the legislation was to reduce state spending on corrections and to reinvest the savings in community programs (i.e. reentry councils) that decrease crime and strengthen neighborhoods. Local reentry councils provide a variety of services for those leaving prison including assistance with housing, transportation, job placement and referrals for mental health and substance abuse services. Adequately funding reentry services ensures that formerly incarcerated individuals have access to the resources they need to fully reintegrate into society.

● Expand eligibility for Certificate of Relief to multiple convictions

The [Certificate of Relief](#) procedure allows people who have been convicted of a crime to apply for relief from collateral consequences that could hinder their reintegration into society. While a certificate of relief is not an expunction or pardon, it does assist in removing barriers to employment, housing, and other opportunities. Currently, only individuals convicted of two misdemeanor or low-level felony offenses (Classes G-I) in the same session of court can petition the court of conviction for a Certificate of Relief. North Carolina should expand eligibility for Certificates of Relief from first-time convictions to multiple and Class G-I felony convictions.

● Expand expunction opportunities for adults with criminal records who were treated as an adult when they were 16 or 17 years old

Expunction is a court-ordered process in which the legal record of an arrest or a criminal conviction is "sealed," or erased. The expungement of a criminal record restores the individual to the status he or she occupied before the criminal record existed. Currently, expunction in North Carolina is typically limited to three categories: **a first-time conviction of a nonviolent offense, a first-time conviction of certain offenses committed before age 18/22, or a charge that was dismissed or disposed "not guilty."**

In 2017, North Carolina became the last state to adopt [Raise the Age legislation](#), which raised the age of juvenile jurisdiction for nonviolent crimes to eighteen. This allows 16- and 17-year olds who were formerly tried as adults, to receive age appropriate treatment through the juvenile justice system. In order to encourage effective reentry, North Carolina should expand expungement eligibility for individuals with criminal records who were treated as adults when they were 16 or 17 years old. Doing so would allow individuals who were unjustly tried as adults to be placed on a path for successful reintegration.

● Establish a "Fair Chance Hiring" policy that establishes a reasonable process for considering the criminal conviction of applicants for public employment with state agencies

Every year, thousands of individuals are denied opportunities for public and private employment as a result of a criminal record. Fair Chance Hiring policies, also referred to by the shorthand label "Ban the Box," work to ensure that people with criminal records are given a fair shot at employment, and that their skills and credentials are thoroughly considered. As of 2018, **31 states**, the District of Columbia and more than **150 municipalities** have adopted Fair Chance Hiring policies⁶. North Carolina should follow suit and establish a statewide Fair Chance Hiring policy for public employment with state agencies.

FOR MORE INFO CONTACT:

Samone Oates-Bullock
A.J. Fletcher Foundation
samone@ajf.org

Rob Schofield
NC Policy Watch
rob@ncpolicywatch.com

1. https://www.bop.gov/about/statistics/statistics_inmate_race.jsp,
2. https://www.eeoc.gov/laws/guidance/arrest_conviction.cfm#sdendnote49sym
3. <https://felonvoting.procon.org/view.resource.php?resourceID=000287>
4. <http://civilrightsdocs.info/pdf/criminal-justice/Re-Entry-Fact-Sheet.pdf>
5. <http://www.ncpolicywatch.com/wp-content/uploads/2018/01/Court-Fines-and-Fees-Criminalizing-Poverty-in-NC.pdf>
6. <http://www.nelp.org/publication/ban-the-box-fair-chance-hiring-state-and-local-guide/>