

May 13, 2020



The Honorable Chief Justice Cheri Beasley
North Carolina Supreme Court
P.O. Box 1841
Raleigh, NC 27602

Via U.S. Mail and Email

Dear Chief Justice Beasley:



As members of the North Carolina Fines and Fees Coalition, we have been working for years to lessen the crushing burden placed upon the poorest of our citizens by the ever-increasing fines, fees and penalties imposed by the courts of North Carolina in criminal and traffic cases. Not surprisingly, the impact of the coronavirus pandemic is falling most heavily on the same people who are most harmed by the excessive imposition of fines fees and penalties: those who are living paycheck-to-paycheck, who are so often entangled in the criminal legal system, and who are disproportionately people of color.



North Carolina leaders, you among them, have acted quickly and decisively to meet this ongoing crisis by taking steps to mitigate the potentially disastrous impact of the ongoing pandemic. In an effort to protect public safety and prevent the spread of COVID-19, you issued an order significantly reducing court operations in order to allow communities to effectively practice social distancing to minimize the spreading of the virus.

You also issued an order granting an extension of 90 days for any payment due to the Clerk of Court. This provided much needed relief in the short term, but it is imperative that North Carolina courts provide additional time for payment for those hit hard by the economic impact. Ninety days will not be enough time for the upwards of a million North Carolinians who have filed for unemployment benefits since March 15, 2020.¹

Experts expect the COVID-19 pandemic will last for 18 months² and the economic impact of it will undoubtedly plague our state much longer. Because of the pandemic, North Carolinians are losing their jobs, making it



¹ See Richard Craver, *Unemployment benefit claims surpass 1 million in North Carolina; 20% of state workforce has now applied*, Winston-Salem Journal (May 4, 2020) https://www.journalnow.com/business/unemployment-benefit-claims-surpass-1-million-in-north-carolina-20-of-state-workforce-has-now/article_548d9d4a-b48c-5045-88ca-d662e918ecc7.html.

² U.S. Dep't of Health & Human Servs., *PanCAP Adapted U.S. Government COVID-19 Response Plan, 4* (Mar. 13, 2020), available at <https://int.nyt.com/data/documenthelper/6819-covid-19-response-plan/d367f758bec47cad361f/optimized/full.pdf#page=1>.

difficult, if not impossible, to pay rent, maintain regular bills, provide food for their families, and afford healthcare costs. Given that so many are struggling to maintain basic needs during this crisis and unemployment numbers are rapidly rising, it goes without saying that most will not be able to afford to pay their criminal legal financial obligations. The consequences of non-payment are daunting, and the financial crisis could lead to increased recidivism rates if we do not properly address the issue. There thus remains the need for additional measures to ameliorate the current economic impact of this emergency and the impending economic recession that will follow. We are writing to request further action in order to reduce the economic harm of COVID-19 to North Carolina residents, especially to those with involvement in the criminal justice system.

In light of this ongoing national emergency, we ask that you, as leader of the North Carolina Judicial System, take the necessary steps that will increase the public safety of state residents, ensure that fines and fees are not a barrier to people's basic needs throughout the current emergency and beyond, and promote the resiliency of our communities.

We therefore request you use your position as head of the North Carolina Judiciary to encourage the judges in our state to take the following actions for those who are in financial distress:

- Discharge outstanding fines, fees, and court debt;
- End collection of criminal court-related financial obligations, including any remaining fines, fees, or court debt;
- Cease transferring to the Department of Motor Vehicles any orders suspending or revoking driver's licenses for failure to comply or failure to appear;
- Cease issuing orders for arrest, and vacate existing orders for arrest, for unpaid fines, fees, or failure to appear;
- Cease extending and revoking probation for nonpayment of fine, fees and court debt;
- Release any individuals incarcerated for nonpayment of fines and fees and stop further incarceration of people for unpaid fines and fees;
- Waive or reduce any court costs, fines, or fees that judges impose, recognizing people's unstable financial circumstances during this time.

Thank you for all that you are doing to minimize the impacts of COVID-19 on the State of North Carolina. We ask you to continue your efforts by implementing the above-listed recommendations regarding court fines and fees to prevent further economic hardship in our communities.

We would welcome an opportunity to discuss and assist you with the implementation of the policies outlined above. We would appreciate it if you would respond to Whitley Carpenter, by Wednesday, May 20, 2020, with your proposed plan to address this issue and any requests for assistance from our coalition. Whitley can be reached via email at wcarpenter@forwardjustice.org.

Thank you for your consideration of these matters.

Sincerely,

THE NORTH CAROLINA FINES AND FEES COALITION

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