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North Carolina District Attorneys Sign Pledge Committing to Reducing the Burden of Criminal Justice Debt on those least able to pay

District attorneys and Public Defenders in Durham and Mecklenburg Counties have committed to filing and consenting to ability to pay motions in court for people that are deemed indigent by the court.

RALEIGH, N.C. – Attorneys at Forward Justice, a Durham-Based non-profit law, policy and strategy center, have reached agreements with officials in two counties to reduce the burden of unaffordable criminal justice debt on the state’s poorest residents. On January 1, 2022, the NC Supreme Court adopted Rule 28 of the General Rules of Practice for the Superior and District Courts, making it mandatory for courts to consider the financial status of an individual who has been convicted in a criminal case or found responsible for an infraction, once they file form AOC-CR-415 requesting relief from fines, fees, and other monetary obligations.

Attorneys with Forward Justice have been working with public defenders and district attorneys to ensure that they're committed to using that form to help guarantee that the court considers indigent clients' ability to pay before levying costly fines and fees on those least able to afford them. Both Satana Deberry, the Durham County District Attorney, and Dawn Baxton, the Durham County Chief Public Defender, have committed to filing and consenting to ability to pay motions in court for people that are deemed indigent by the court. Kevin Tully, the Public Defender, and Spencer Merriweather, District Attorney in Mecklenburg county have also signed the pledge.

Durham District Attorney, Satana Deberry says, “The people most likely to come in contact with the courts are also frequently the most vulnerable members of our community. Unaffordable fines and fees can force residents to choose between paying court costs, or paying for basic necessities like rent or child care. This debt can lead to additional court involvement and sanctions, such as license suspensions or even jail time. At the Durham DA’s Office, we are committed to treating everyone who comes through this system fairly. That includes ensuring a person is not punished more harshly – simply because they cannot afford court costs – than a wealthier person facing the same offense. Considering a person’s ability to pay before imposing fines and fees is not only common sense, it’s the fair and just thing to do.”

Since 1999, the number of criminal court fees has increased from 4 to 45 and the base cost for use of court has increased from \$61 to \$176. The General Court of Justice fee has increased 260% (for District Court) and 243% (for Superior Court) since 1995, while minimum wage has only increased by a mere \$3. Many of these fees are unaffordable for many North Carolinians and lead to financial hardship, Driver’s License suspension, extended community supervision, and sometimes incarceration. Advocacy groups say these fees criminalize poverty, trap people in debt, and create a cycle of involvement with the criminal legal system.

Community organizers from Forward Justice, the North Carolina Second Chance Alliance and the North Carolina Fines and Fees Coalition conduct regular "court watching" sessions in both district and superior courts in the counties that have taken the commitment, to ensure that the policy is actually being put into practice to provide critical relief to those who need it most.

Forward Justice Staff Attorney Aviance Brown, says, "It is imperative that we end the practice of funding our courts on the backs of poor North Carolinians. How can we expect our judiciary to rule impartially when the system relies on convictions for funding?"

View the signed letters of commitment: [Satana Deberry](#) [Dawn Paxton](#)

Additional Information: North Carolina's courts are currently being funded by the poorest people in our communities. The state's courts collect almost 50 separate fees, using them to fund half of the state's judicial budget as well as jails, law enforcement, counties, and other state entities. Forward Justice is working statewide to address the burden of criminal justice debt and ensure that the state does not continue to criminalize poverty and fund its systems off the backs of those least able to pay. Learn more at <https://www.endcriminaljusticedebtnc.org/>

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Subject line: State officials commit to reducing criminal justice debt for indigent North Carolinians