



Date: November 20, 2021

To: Wanda S. Page, City Manager
Through: W. Bowman Ferguson, Deputy City Manager
From: Ryan Smith, Director of Community Safety
Subject: Contract for Services with Legal Aid of North Carolina for the Durham Expunction and Restoration (DEAR) Program

Executive Summary

Since the Durham Expunction and Restoration (DEAR) Program started in November 2018, the program has dismissed over 50,000 charges and waived over \$2.7 million in old traffic tickets for more than 35,000 people with Durham County charges (see [article](#) “DEAR Program Extends Court Debt Relief to 11,000 Residents with Suspended Licenses”). The program has also filed over 1,200 petitions for expungement. 90 percent of the people served by DEAR make less than \$25,000 annually and over 70% are people of color. In May 2021, City Council approved a budget that included \$150,000 for Legal Aid of NC to continue administering the DEAR program in Fiscal Year 2022.

Memo

To authorize the City Manager to enter into a contract with Legal Aid of North Carolina in an amount not to exceed \$150,000 to administer the Durham Expunction and Restoration (DEAR) program for Fiscal Year 2022.

Background

As part of the FY2022 budget process, City Council approved an additional \$150,000 to support the DEAR program. Budget Analysts from Budget and Management Services provided the following background material to City Council during the budget process:

The DEAR program provides free legal services to Durham residents seeking driver’s license restoration and criminal record expunction. The program was originally housed in the City of Durham’s Budget and Management Services Department as part of the Innovation Team’s work. This work was initially funded by Bloomberg Philanthropies. Legal Aid of NC, in partnership with the North Carolina Justice Center, has provided the legal services for this program throughout its duration. When the Bloomberg Innovation grant ended in FY20, the City of Durham entered into a one-year contract with Legal Aid of North Carolina and the NC Justice Center to transition the DEAR program outside of the City. Legal Aid of North Carolina is currently the program’s administrative home.

The City of Durham has historically been the program’s primary funder. The City’s FY20 contract with Legal Aid of North Carolina was for \$180,000 and the FY20 contract with the NC Justice Center was for \$50,000, for a total of \$230,000. This funding was to support the DEAR program through the end of February 2021. These funds supported two attorneys and one paralegal, as well as basic operational costs to run the program. Legal Aid of NC and NC Justice Center identified alternative sources of funding to cover the remaining months of last fiscal year (from February 2021 to June 2021).

The most recent budget request approved by City Council as part of this year's budget was for \$150,000 to fund the DEAR Program in FY22. This request was smaller than the previous contract (\$230,000), demonstrating that the program has become slightly more financially self-sufficient than it was in FY20. BMS staff anticipate that the DEAR Advisory Board will continue to seek other funding sources over time.

In addition to continuing to administer the DEAR program, which includes providing free walk-in legal services for expungement and driver's license restoration five days per week at an office co-located at the Durham Courthouse, Legal Aid also continues to convene the DEAR Advisory Board. The Advisory Board, chaired by District Court Judge Amanda Maris and Superior Court Judge Josephine Kerr Davis, includes representatives from the District Attorney's Office, Clerk of Court, Public Defender's Office, NCCU Law School, Duke Law School, NC Justice Center, Durham Private Bar, George H. White Bar, NC Pro Bono Resource Center, Forward Justice, the Durham Community Safety Department, and the Criminal Justice Resource Center. The group meets monthly to support and advise the DEAR program and is integral to the program's success.

Issues and Analysis

The City Council could elect not to authorize the City Manager to enter into a contract to administer the DEAR program, at which point the program would cease accepting new clients until either additional funds were secured or the DEAR Advisory Board supported issuing an RFP for another legal services provider. Both options would be extremely disruptive to the program.

Financial Impact

\$150,000 in funding was included in FY2022 Approved Budget for the Community Safety Department to cover the full cost of the contract.

Equal Business Opportunity Summary

This is not applicable as Legal Aid of NC is a non-profit organization.

Contractor Workforce Diversity & Hiring Practices

Due to the nature of this agenda item, obtaining Contractor Workforce Diversity & Hiring Practices information is not applicable.

Attachments

The following 6 attachments are included:

- DEAR contract for Legal Aid
- Contract Attachment A: Program Scope and Description
- Contract Attachment B: Project Budget
- Contract Attachment C: Legal Aid DEAR Expunction Data Report FY2021
- Contract Attachment D: Legal Aid DEAR Demographics Report
- Contract Attachment E: RFP Exemption Memo