



CHARLESTON COUNTY CRIMINAL JUSTICE COORDINATING COUNCIL (CJCC)

The Charleston County Criminal Justice Council (CJCC) exists to assist in making sustainable, data-driven improvements to Charleston County's criminal justice system and thereby improve public safety and community well-being. The CJCC is a collaborative partnership among leadership within the local community such as elected and senior officials, law enforcement leaders, judicial and court leadership, behavioral health professionals, civil liberty experts, veterans' affairs, community leaders and many more. Since its inception in 2015, the CJCC has taken a collaborative and data-guided approach to improve the local criminal justice system in Charleston County with an ongoing commitment to accountability and transparency.

CHARLESTON COUNTY TRENDS IN CASE PROCESSING

The South Carolina statewide case processing standard for General Sessions Court targets 80% of cases be brought to trial within 365 days. Most counties (44 out of 46) in South Carolina, including Charleston County, do not meet this standard¹.

Following an initial analysis in 2014, the CJCC made the following improvements to aid with timeliness and by the end of 2021:

- ✓ Ninth Circuit Solicitor's Office implemented software to more quickly upload and transfer discovery (case evidence). It is utilized by **16** law enforcement agencies, **383** law enforcement professionals, **64** public defenders & **492** private attorneys.
- ✓ Median case movement times included:
 - Defendant arrest to Solicitor assignment – 16 days (23.8% decrease from 21 days in 2018).
 - Initial discovery received from law enforcement - 17 days (15% decrease from 20 days in 2018).

However, progress in the later stages of case processing remains a struggle. By the end of 2021:

- ✓ Median time to case resolution grew to extend well past the one year mark (415 days, 2015; 592, 2021).
- ✓ Most common General Sessions Court charge disposition was either a type of dismissal (dismissed not indicted or Nolle Prosequi – 62%) or a guilty plea – 31%.
- ✓ Trial-related dispositions were rare, encompassing less than 1% of all dispositions between 2018 and 2021.
- ✓ At year-end 2021, 7,347 individuals awaited disposition in General Sessions and carried 14,285 charges.
 - There were also 640 defendants incarcerated in the jail awaiting case resolution an average of 266 days and counting, including 155 already incarcerated over a year.

CHARLESTON COUNTY TRENDS IN FAIRNESS AND REENTRY FROM JAIL

Bond setting magistrates are now able to consider the factors required by law, with information provided by the state, defense, and Pretrial Service Report (PSR) in rendering an individualized decision. How? The CJCC:

- ✓ Introduced Pretrial Analysts to provide the Court with PSRs, producing an objective and reliable way to assess for risk of rearrests and/or failure to appear while awaiting case resolution.
- ✓ Instituted Public Defender attorneys in Centralized Bond Court to ensure indigent defendants are afforded the right to counsel.
- ✓ Encouraged representatives of the state (law enforcement, prosecution and victim advocates) to be more consistently present at Centralized Bond Court.

¹ https://www.sccourts.org/monthlyReports/Dec2022/cr75_mon_graph.pdf

The outcome?

- ✓ The availability of PSRs increased to 95% (6,775) of eligible bond hearings in 2021 (0, 2016).
- ✓ Public Defender representation at bond hearings increased to 2,726 hearings in 2021 (0, 2015).
- ✓ Financial bonds decreased among Municipal and Magistrate Courts charges (42%, 2014; 18%, 2021).

In 2020, the CJCC implemented Centralized Bond Court observations to monitor the degree of alignment among Charleston County's Centralized Bond Court practices with state and national standards¹. The findings?

- ✓ Defendants were consistently advised of charges and demonstrated acknowledgement of their rights.
- ✓ Pretrial Service Reports were consistently available with majority of defendants assessing in lower risk levels.
- ✓ Cases bound for General Sessions Court had consistent defense attorney and law enforcement participation, and Victim Advocate participation was more robust in Summary Court.
- ✓ Bond hearings were consistently individualized to the defendants and their circumstances.
- ✓ Throughout the monitoring process improvements were observed in defendants being advised of the reason for their bond decision, yet limited discussion was noted regarding the defendant's ability to afford a financial bond.

The CJCC repeated studies of pretrial outcomes based on bonds set in Centralized Bond Court and found similar results. The most recent 18-month study found:

- Majority of defendants released into the community (72%) assessed at a lower level (Level 1 or 2) out of 4 risk levels.
- Most defendants on pretrial release are successful (68%) and received no new arrests and/or court appearance violations awaiting disposition.
- As risk level increased, rates of pretrial release success declined (83% success for level 1; 45% success for level 4).
 - ✓ Those released on financial bonds failed at higher rates than those released on personal recognizance bonds.
 - The same holds true at all risk levels (e.g., level 3 failure rates: financial, 48% and PR, 39%, level).
- 32% of defendants on pretrial release experienced new arrests and/or court appearance violations.
 - Rearrests occurred far more frequently than appearance violations (1,670 safety violations vs. 227 appearance violations), most often within six months of release.
 - Pretrial releases that are re-arrested return to jail more than once on average while awaiting court.

Pretrial population research in Charleston County² **identified:**

94% of people booked are released before disposition | **84% were successful** by having no new charges within six months of release | **11.3%** were charged with non-violent crimes | **4.9%** were charged with violent charges | Burglary related crimes were the most frequent among statutorily violent crime.

Recommendations

- ✓ More effective case processing practices along with strategies to minimize pretrial failure risk and support public safety.
- ✓ Changes at the state level that necessitate broader policy and budgetary considerations for supportive pretrial service options and timelier case closures, which are supported by a substantial evidence-base.
- ✓ Continue data analysis and monitor system trends to support correction action.

For more information: cjcc.charlestoncounty.org/publications

¹ National Association of Pretrial Services Agencies Standard 2.8 , Standards of Pretrial Release: Revised 2020;_Standard 10-1.1 of American Bar Association Criminal Justice Standards on Pretrial Release

² <https://cjcc.charlestoncounty.org/files/2022-Examining-the-Pretrial-Population-in-Charleston-County-SC.pdf>