

MIDYEAR REPORT SUMMARY

RACIAL AND ETHNIC DISPROPORTIONALITY AND/OR DISPARITY IN CHARLESTON COUNTY'S CRIMINAL JUSTICE SYSTEM



CHARLESTON COUNTY CRIMINAL JUSTICE COORDINATING COUNCIL

MISSION

To assist in making sustainable, data-driven improvements to Charleston County's criminal justice system and thereby improve public safety and community well-being.

Every decision and every
decision maker matters

OVERVIEW

The Charleston County Criminal Justice Coordinating Council (CJCC) remains steadfast in its commitment to reducing racial and ethnic disproportionality and/or disparity (REDD) and improving the local criminal justice system (CJS). The 2018 midyear report focuses on this critical issue and shows:

- REDD is a complex issue resulting from both social and CJS factors. There is a compelling need for increased community and criminal justice system collaboration to further reduce REDD and improve our local CJS.
- Disproportionality in Charleston's CJS has been on the decline since 2014 in most areas. The highest amount of disproportionality occurs at booking into jail and incarceration.
- Strategies to reduce jail use and disproportionality resulted in declines in booking rates from 2014 to 2017.
 - ◊ Issuing tickets rather than booking into jail for five low-level, non-violent single-charge crimes (simple possession marijuana, open container, trespassing, misdemeanor shoplifting, and public intoxication) dropped the booking rate by 61% for black defendants and 44% for white defendants.
 - ◊ Reductions in criminal bench warrant bookings dropped the booking rate 44% for black defendants and 35% for white defendants.
- The CJCC will continue and strengthen efforts to reduce REDD through a new, dedicated strategy, pending funding.

COSTS AND CONSEQUENCES

REDD in the CJS results in several negative consequences for incarcerated individuals, families, neighborhoods, and the community as a whole, including:

REDUCED PUBLIC SAFETY

REDD can erode trust in law enforcement legitimacy and lessen cooperation from the public. In addition, high levels of residents churning into and out of jail—typically in predominantly minority areas—destabilizes neighborhoods and can increase crime.

INTERGENERATIONAL EFFECTS

Children of incarcerated parents are at risk of post-traumatic stress, weakened parental ties, poor school performance, shame and stigma, abuse and neglect, negative perceptions of police and the law, and intergenerational patterns of criminal behavior.

COSTS TO COMMUNITY MEMBERS

The U.S. spends approximately \$80 billion per year on corrections. Recent research has determined that for every dollar in corrections costs, incarceration generates an additional 10 dollars in social costs. More than half of the costs are borne by families, children, and community members who have committed no crime. When all social costs are considered, the annual cost of incarceration is approximately \$1 trillion.

NATIONAL PICTURE

- For a quarter century, African Americans have been incarcerated at a rate of nearly 7 to 1 compared to whites.
- A black male born in 2001 has a 1 in 3 lifetime likelihood of imprisonment.
- In recent years, 35 states have safely decreased prison populations WHILE lowering crime rates, at projected savings in the billions. In South Carolina, since reforms passed in 2010, crime rates dropped 14%, and the prison population dropped 16%, with \$491 million in savings.

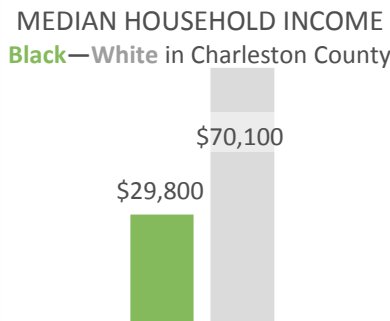
FACTORS CONTRIBUTING TO REDD

While poor individual choices and criminal acts are not excused by adverse social circumstances, it is instructive to understand the complex web of factors that surround REDD in order to better understand and address root causes.

SOCIETAL FACTORS

EDUCATION: Nationally, 46% of people in jail do not have a high school diploma or GED. This percentage rose from 10% in 1980 to 37% in 2008. In Charleston 94.5% of whites and 80.3% of African Americans have completed high school.

ECONOMICS: Nearly half of prisoners nationally come from families in the bottom 20% of household incomes, 87% from the bottom half. Locally, African Americans are in poverty 3:1 compared to whites; rates for children are 6:1.



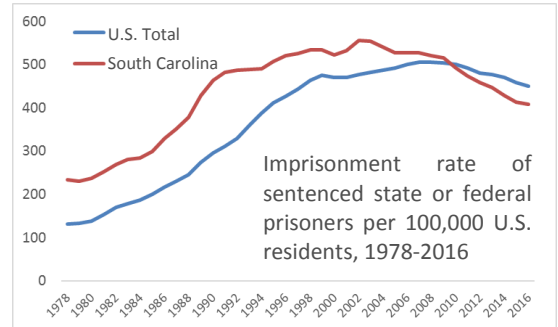
HOUSING: Homelessness is 7.5 to 11.3 times more common among jail inmates than the general population. The 2017 Point in Time Count in Charleston reported 50% of those counted were African American and 80% were male.

Over a third of homeowners and half of renters in the Charleston region are living in unaffordable housing. Between 2010 and 2016, average rent in the county increased 49% while median household income rose 12%.

BEHAVIORAL HEALTH: Mental health disorders occur nearly 2.5 times as often among jail inmates than the general population. Drug dependence or abuse occurs over 12 times as often among sentenced jail inmates than the general population. Research indicates racial and ethnic minorities have less access to mental health care, are less likely to receive care, and more likely to receive low quality care when treated.

CRIMINAL JUSTICE SYSTEM FACTORS

MASS INCARCERATION: Between 1970 and 2000, the rate of incarceration grew an average of 12% per year reaching an increase of 400%. The brunt of mass incarceration has been borne by communities of color.



DIFFERENTIAL PROCESSING: The majority of research indicates legal differences (e.g., crime severity) do not adequately account for REDD. Numerous studies have found that despite offending at similar or lower rates, racial minorities are treated more punitively in many cases.

IMPLICIT BIAS: “The attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner, involuntarily, without awareness or intentional control,” implicit bias has been shown to influence decision-making by police, prosecutors, judges, and jurors.

“RACE-NEUTRAL” POLICIES: A race-neutral policy (one designed to achieve purported aims without regard to the impact on specific racial or ethnic groups) can perpetuate inequities by legislating more severe punishments based on traits or behaviors more prevalent among people of color.

RESOURCE ALLOCATIONS: Decisions to fund various public safety, educational, legal, socioeconomic, and other community well-being efforts can reduce or increase REDD in the CJS.

LOCAL EFFORTS TO REDUCE REDD

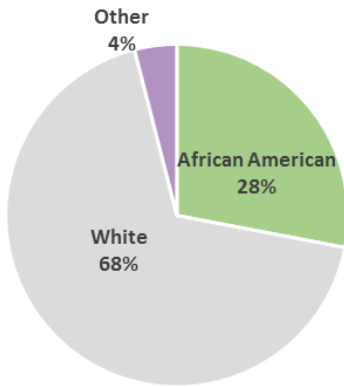
Several recommended best practices for reducing REDD in local jails are already underway here in Charleston:

- Reducing unnecessary use of pretrial detention with more and better information going to judges when setting bond.
- Increased representation of indigent defendants in Centralized Bond Court and for misdemeanor offenses.
- Law enforcement use of citation-and-release for five target charges for low-level offenders.
- Increased access to care through the triage service, Tri-County Crisis Stabilization Center, Sobering Center, EMS Mobile Crisis Telehealth, Homeless Court, and more.
- Planned creation of the REDD strategy team, inclusive of community and cross-departmental leadership, led by the Ninth Circuit Solicitor.
- Implicit bias training within many local agencies.

OVERVIEW OF KEY FINDINGS

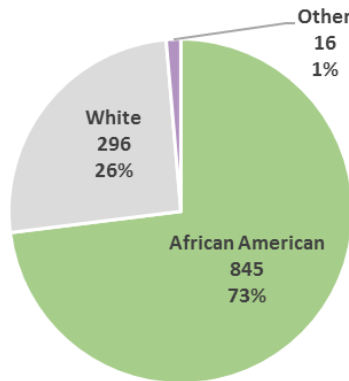
COUNTY DEMOGRAPHICS

CHARLESTON COUNTY POPULATION

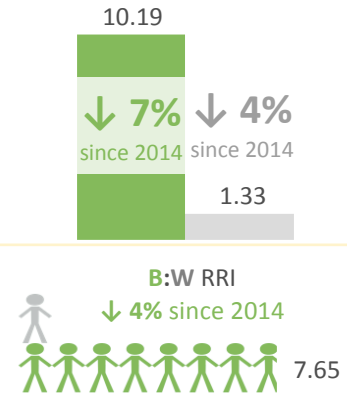


INCARCERATION

JAIL POPULATION Snapshot (2017)

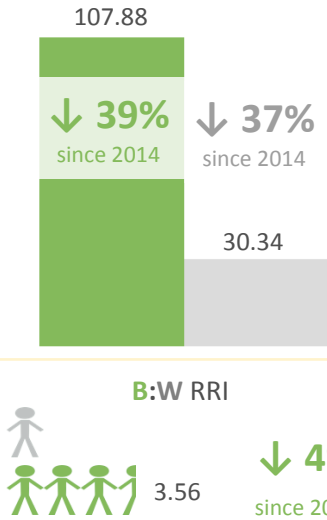


AVERAGE MONTHLY INCARCERATION Black—White Rate per 1000 Pop (2017)

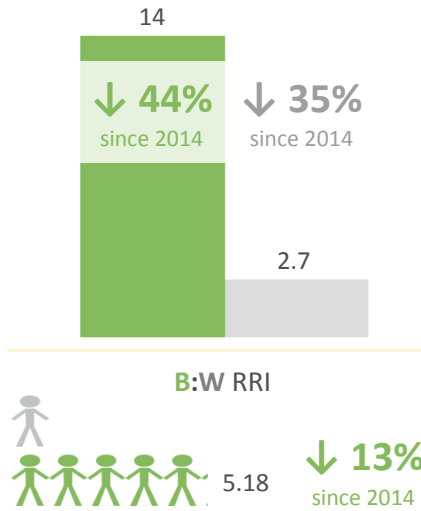


LOCAL BOOKINGS

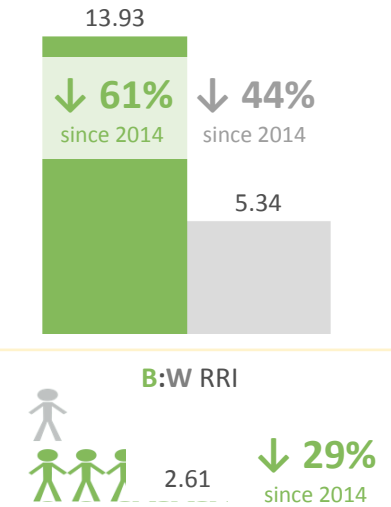
ALL LOCAL BOOKINGS Black—White Rate per 1000 Pop (2017)



CRIMINAL BENCH WARRANT BOOKINGS Black—White Rate per 1000 Pop (2017)



TARGET (SINGLE) CHARGE BOOKINGS Black—White Rate per 1000 Pop (2017)



MOST FREQUENT CHARGES

CHARGE (2017)	B:W RRI*
SIMPLE POSSESSION OF MARIJUANA	8.03
DRIVING UNDER INFLUENCE	0.83
PUBLIC INTOXICATION	1.02
DRIVING UNDER SUSPENSION	6.69
MAN, DIST ICE, CRACK, CRNK 1ST	3.17
UNLAWFUL CARRY FIREARM	13.56
SHOPLIFTING (MISDEMEANOR)	1.79
FAILURE TO PAY CHILD SUPPORT	6.67
POSSESSION OF COCAINE 1ST OFFENSE	4.59
3RD DEGREE ASSAULT & BATTERY	5.45

*RRI based on single-charge bookings only

BOND SETTING

BOND TYPE BY COURT Black:White RRI (2017)

GENERAL SESSIONS		SUMMARY	
FINANCIAL	PR	FINANCIAL	PR
1.17	1	1.02	1
0.79	1	0.99	1

FINANCIAL BOND AMOUNT BY COURT Black—White Average (2017)

GENERAL SESSIONS		SUMMARY	
\$55,711	\$40,189	\$5,011	\$4,068
↑ 5% since 2014	↑ 13% since 2014	↑ 40% since 2014	↑ 119% since 2014

RELATIVE RATE INDEX (RRI)

The RRI compares the rate for one group (black) to another group (white). The further an RRI is from one, the greater the disproportionality. Disproportionality refers to the over- or underrepresentation of a group compared to their numbers

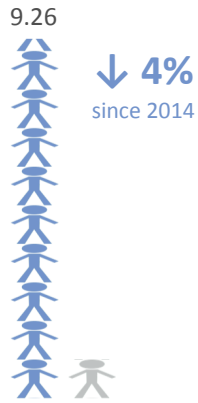
in the general population. The report includes disproportionality analysis. A planned future step is analysis for disparate treatment to be undertaken as part of a broader REDD strategy as resources allow.

KEY FINDINGS: RACE AND GENDER

INCARCERATION

AVERAGE MONTHLY INCARCERATION (2017)

Male **Black** : White RRI



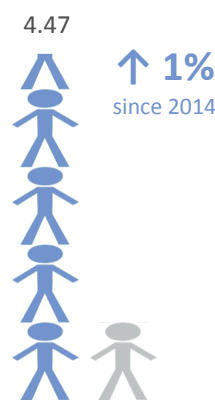
Female **Black** : White RRI



BOOKING

ALL LOCAL BOOKINGS (2017)

Male **Black** : White RRI



Female **Black** : White RRI



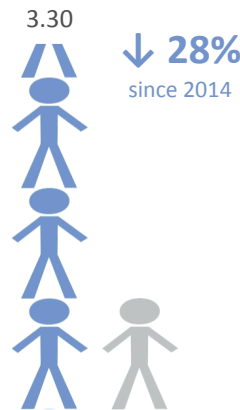
MOST FREQUENTLY BOOKED CHARGES

CHARGE (2017)	BM:WM RRI*	BF:WF RRI*
SIMPLE POSSESSION MARIJUANA	11.18	3.37
DRIVING UNDER INFLUENCE	1.05	0.51
PUBLIC INTOXICATION	1.28	0.42
DRIVING UNDER SUSPENSION	8.46	4.36
MAN,DIST ICE,CRACK,CRANK 1ST	4.44	0.97
UNLAWFUL CARRY FIREARM	17.42	3.73
SHOPLIFTING (MISDEMEANOR)	2.13	1.51
FAILURE TO PAY CHILD SUPPORT	8.15	2.90
POSSESS COCAINE 1ST OFFENSE	5.87	2.48
3RD DEGREE ASSAULT & BATTERY	2.70	0.92

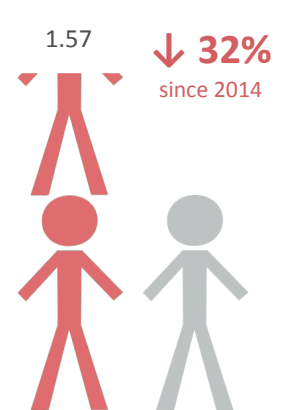
*RRI based on single-charge bookings only

TARGET (SINGLE) CHARGE BOOKINGS (2017)

Male **Black** : White RRI



Female **Black** : White RRI



NEXT STEPS

The CJCC recently submitted a proposal for funding to create a dedicated strategy that will expand REDD reduction efforts. The strategy team will complete a REDD reduction toolkit and build on the compelling need for additional work indicated by the findings in the midyear report. This strategy will be sponsored by the Ninth Circuit Solicitor and include a dedicated working group consisting of a diverse array of stakeholders, inclusive of community members and agency staff. The workgroup will move efforts beyond analysis into concrete interventions.

The group will:

- Continue disproportionality analysis.
- Systematically assess reasons for REDD.
- Set priorities.
- Develop an intervention plan.
- Launch the plan.
- Evaluate the impact.

These activities are anticipated to help reduce REDD and contribute to the safety and well-being of the Charleston community.