



CHARLESTON COUNTY
CRIMINAL JUSTICE COORDINATING COUNCIL

ANNUAL REPORT

2020

Charleston County Criminal Justice Coordinating Council

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A MESSAGE FROM THE CJCC CHAIRMAN



JASON BRUDER
Chairman

It is a great honor to issue the 2020 annual report. Thank you for your interest in Charleston’s local criminal justice system and our CJCC. As leaders within the CJCC we are encouraged by the consistent progress we’ve seen since the CJCC started in 2015. Through data-guided and collaborative problem-solving the strategies we’ve implemented are achieving results.

While there is much to be proud of within the CJCC’s results to-date, there is obviously much more work to be done. Aided by our community-informed FY 21 – FY 23 strategic plan, we are up for the challenge and remain committed to advancing progress as we tackle such pervasive challenges with concrete goals and objectives. We continue to be grateful to the Charleston community and the entire CJCC team for their leadership, compassion and persistent determination to make our local criminal justice system the best it can be.

We encourage you to please stay engaged with us as we continue to progress, and support us in helping to ensure the CJCC becomes a sustainable entity within the local criminal justice system once grant funding diminishes. In the year ahead we hope that you will participate with us in-person and/or online, become familiar with the trends, support the strategic initiatives underway, share the information in your networks, hold us accountable, and offer feedback. In these trying times, it is imperative we do not fall backwards and continue working together to help make our system more effective, equitable and efficient.

EXECUTIVE SUMMARY

The Charleston County Criminal Justice Coordinating Council (CJCC) is a collaborative council of criminal justice system leaders and community representatives that studies trends, identifies common challenges and implements strategies to address them. The mission of the CJCC is to assist in making sustainable, data-driven improvements to Charleston County’s criminal justice system (CJS) and thereby improve public safety and community well-being. Since its inception in 2015, the CJCC has taken a collaborative and data-guided approach to improve Charleston’s CJS with an ongoing commitment to accountability and transparency.

The CJCC’s efforts underscore the importance of intentional, data-guided policies and practices that engage the community in improving the local criminal justice system. For example, the CJCC deliberately prioritized alternatives to jail for lower level charges that were most frequently booked and that disparately impacted communities of color. The CJCC also supported law enforcement’s increasing use of community-based services like the Tri-County Crisis Stabilization Center so people can get the help they need without falling deeper into the criminal justice system. Such steps have fundamentally changed jail use in Charleston County. Notable results from the 2014 baseline to 2020 are listed below.

- Local bookings decreased by 62%.
- Bookings for five, specifically targeted municipal and magistrate charges decreased by 84%.
- The number of municipal and magistrate charges entering the jail decreased by 78%.

- The number of individuals cycling repeatedly through the jail decreased by 63%.
- Local jail population decreased by 38%.

The CJCC also routinely studies pretrial outcomes and finds consistent results. The majority of defendants released into the community while their cases are pending do not get re-arrested while waiting for court, and a minority are consistently and repeatedly re-arrested. Defendants that are re-arrested do so most often within six months of release, and they are re-arrested more than once (on average) while waiting for court. Further, releases on financial bonds consistently have worse outcomes than those released on their own recognizance.

The CJCC instituted strategies to begin to reverse these trends. Public defender attorneys were hired to provide defendants with representation in bond court. And, pretrial analysts were hired to provide the Court with Pretrial Service Reports (PSR), a consistent, objective and reliable way to assess for risk of rearrests and/or missing court. In turn, bond setting magistrates are able to consider the factors required by law, information provided by the state and defense, and the PSR in rendering a decision appropriate to each individual case. In 2020, research based upgrades to the PSR and a more streamlined process to access public defenders led to increased productivity without additional staff.

- Availability of PSRs increased to 92% of eligible bond hearings (6,579 PSRs) in 2020 from 51% in 2019 (4,206 PSRs).
- Public defender representation increased to 33% of bond hearings in 2020 (2,128 defendants with representation) from 23% in 2019 (1,723 defendants with representation).

In addition, deliberate steps were taken to help assign attorneys faster and transfer evidence more efficiently to improve efficiencies in case processing. The strategies produced positive results.

- Fourteen law enforcement agencies, 302 law enforcement professionals, 52 public defenders and 322 private attorneys are utilizing software implemented by the Ninth Circuit Solicitor's office to upload and transfer discovery.
- Among cases disposed, the median time from arrest to public defender assignments is now 7 days, 18 days from arrest to solicitor assignment and 19 days from arrest to receipt of initial discovery.

Such steps were especially important to keep cases moving forward amidst the COVID-19 pandemic. However, the median time to case disposition in General Sessions increased, from 379 days in 2018 to 488 days in 2020 and the number of cases pending continues to grow. Current estimates suggest if the pace of case processing experienced in 2020 continues, cases pending would grow from 14,014 to 20,097 within 2 years and 5 months.

The findings indicate there is more work to do in the pursuit of an increasingly effective, equitable and efficient local criminal justice system. Therefore, several initiatives are actively underway pursuant to the FY 21 – FY 23 Strategic Plan¹ (launched in July of 2020) to help the address current challenges. Moving forward, it will be important to continue enacting deliberate, data-guided solutions to achieve positive results for the residents of Charleston County.

MEMBERSHIP

There are positional members of the CJCC who are members due to the position they hold. These individuals serve on the CJCC for as long as they occupy the position entitling them to membership and can appoint a designee, listed below. The CJCC also includes a dozen community representatives identified through an open application process. Community representatives serve for a period of two years in staggered terms, and their voices and input are considered in the decision-making process. In addition, the CJCC has dedicated staff with relevant experience to help carry out its mission.

POSITIONAL MEMBERSHIP

COUNTY COUNCIL

Rob Wehrman
Councilmember

SHERIFF

Kristin Graziano, Sheriff
Joyce Smith, Chief Deputy

CITY OF CHARLESTON POLICE CHIEF

Luther Reynolds, Chief
Jason Bruder, Captain
A: Wendy Stiver, Director of Procedural
Justice and Research

MOUNT PLEASANT POLICE CHIEF

Carl Ritchie, Chief
Tyrone Simmons, Captain

NORTH CHARLESTON POLICE CHIEF

Reggie Burgess, Chief
Karen Cordray, Deputy Chief

JAIL ADMINISTRATOR

Abigail Duffy, Director
Dorothy Harris, Major

SOLICITOR

Scarlett Wilson, Ninth Circuit Solicitor
Charles Young, Director of Case
Management

PUBLIC DEFENDER

Ashley Pennington, Ninth Circuit Defender
Megan Ehrlich, Chief Public Defender

CLERK OF COURT

Julie Armstrong, Clerk of Court
Robert Duncan, Operations Manager

DIRECTOR OF SUMMARY COURT

Junerese Rhodan, Director
Phylis Williams, Deputy Director

CHIEF ADMINISTRATIVE MAGISTRATE

Ellen Steinberg, Magistrate
Amanda S. Haselden, Magistrate

CIRCUIT COURT CHIEF ADMINISTRATIVE JUDGE

Markley Dennis, Jr., Chief
Administrative Judge

PROBATE COURT JUDGE

Irvin Condon, Probate Judge
Tamara Curry, Associate Judge of
Probate
Peter Kouten, Judge

VICTIM ADVOCATE

Easter LaRoche, Victim/ Witness
Coordinator
Martina Johnson, VA Supervisor– Detention

DIRECTOR, CHARLESTON DORCHESTER MENTAL HEALTH CENTER

Jennifer Roberts, LPC, CPM, Executive
Director
Dennis Puebla, Director of Special
Operations

DIRECTOR, CHARLESTON CENTER

Dr. Chanda Funcell, Executive Director
Jon Apgar, Program Manager of Clinical
Services

AGENT-IN-CHARGE, SOUTH CAROLINA DEPARTMENT OF PROBATION, PAROLE, AND PARDON SERVICES

Mitchell A. Ray, Agent-In-Charge
Kescia Holmes, Assistant Agent-In-Charge

DIRECTOR OF NORTH CHARLESTON MUNICIPAL COURT

*Angela Cartrette, Director/ Court Administrator,
Francie Austin, Legal Council*

DIRECTOR OF CHARLESTON MUNICIPAL COURT

*Alesia Rico-Flores, Judge
Lakesiya L. Cofield, Court Director*

DIRECTOR OF MOUNT PLEASANT MUNICIPAL COURT

*Laurie Wilson, Director/ Court Administrator
Carol Neal, Deputy Court Administrator*

VETERANS JUSTICE OUTREACH COORDINATOR, VA CHARLESTON

*Meredith Miller, Veterans Justice Outreach Coordinator
Shanta Barron-Millan, LISW, Veterans Justice Outreach Coordinator*

LEGAL DIRECTOR, AMERICAN CIVIL LIBERTIES UNION OF SOUTH CAROLINA

*Frank Knaack, Executive Director
Emily Walter, Community Outreach Coordinator*

DIRECTOR, ONE80 PLACE

*Selena Wilson, Program Officer
Lea Ann Adkins, Paralegal, Legal Services*

EX OFFICIO MEMBER

CHIEF JUSTICE OF SOUTH CAROLINA

Honorable Donald W. Beatty

COMMUNITY REPRESENTATIVES

LOCAL CIVIL RIGHTS COMMUNITY

*Otha Meadows, President & CEO,
Charleston Urban League*

LOCAL FAITH COMMUNITY

*Rev. David Truluck, Executive Director,
SHIELD Ministries*

LOCAL HISPANIC COMMUNITY

Lydia Cotton

LOCAL NONPROFIT COMMUNITY

*Dr. Michael C. Bowman,
President of the Board of Directors,
Father to Father, Inc.*

LOCAL HEALTHCARE COMMUNITY

*Adrian C. Swinton,
Project Planner for Diversity,
Equity and Inclusion
Strategic Plan, MUSC*

LOCAL BUSINESS COMMUNITY

*Adrian Cain, SVP, Leadership and
Programs, Charleston Metro Chamber of
Commerce*

LOCAL DEFENSE BAR

*Lauren E. Williams, Partner,
Williams & Walsh, LLC*

LOCAL GRADUATE PROGRAM COMMUNITY IN RELATED FIELDS OF STUDY

*Dr. Anthony Bishara, Associate Professor,
College of Charleston*

LOCAL CRIME SURVIVOR COMMUNITY

*Keith Smalls, Executive Director,
My Community's Keeper Mentor Group*

LOCAL FORMERLY INCARCERATED COMMUNITY

*Marcus Tyler McDonald, Director,
Charleston Black Lives Matter*

LOCAL COMMUNITY-AT-LARGE

*Areyonna Keels, Bilingual Victim Advocate,
Tri-County S.P.E.A.K.S.*

ONE DESIGNATED LIAISON FROM ANY OTHER ENTITY DEEMED APPROPRIATE BY THE EXECUTIVE COMMITTEE

*Alexandra E. Menegakis, Criminal Defense
Attorney, Adams & Bischoff, P.C.*

CJCC STAFF

PROJECT DIRECTOR

Kristy Pierce Danford, MPA

SYSTEM UTILIZATION MANAGER

Susanne J. Grose

INFORMATION SYSTEMS SPECIALIST

Lawton Connelly

COMMUNICATION & OUTREACH COORDINATOR

Adina Baer Gross, MBA

PRETRIAL ANALYST

Robert Brimmer

PRETRIAL ANALYST

Karyn Houston

PRETRIAL ANALYST

Inara O’Gorman

ADMINISTRATIVE ASSISTANT

Jessica L. Bauer

This report contains a review of progress made in calendar year 2020, as well as recent trends. The review of progress includes a narrative for each of the strategies and overall jail use trends. All data contained in this report comes from the CJCC’s centralized data warehouse and its related databases unless noted otherwise.

CONTRIBUTING DATA SOURCES

Law Enforcement: Charleston County Sheriff’s Office (CCSO), Charleston Police Department (CPD), North Charleston Police Department and Mount Pleasant Police Department

Summary Courts: Charleston County Magistrates (CMS-Mag), Charleston Municipal Court, North Charleston Municipal Court and Mount Pleasant Municipal Court

General Sessions: Charleston County Clerk of Court (CMS-GS), Ninth Circuit Solicitor, Charleston County (PbK), Ninth Circuit Defender, Charleston County (DD)

Jail: Charleston County Sheriff’s Office, Sheriff Al Cannon Detention Center (SACDC)

Pretrial: Pretrial Services Database (PSD) and Court Reminder System (CRS)

As mentioned in earlier reports, the transition to data-guided system reform while working with numerous disparate information systems is extremely challenging. Variances among the different systems occur and the data continually change as cases and individuals move through the system and/or expungements occur. Such dynamic activity makes it difficult to mark progress and assess trends over time. For example, analysis of the key statistics for a given time period depends upon when the analysis is completed.

In order to combat the challenges of dynamic data, in 2017, the CJCC developed a historic database² that draws from all of the contributing data sources to provide a static point-in-time record of key statistics. This allows for a more consistent and stable means to measure progress over time. The CJCC also improved its data capacity with the development of dynamic dashboards available on a routine basis, providing efficient, timely and useful data throughout the year. Data provided in this report is from a combination of static and dynamic data sources.

A NOTE ON CALCULATIONS

Percent change is determined through the following formula:

$$\% \text{ change} = (\text{new figure} - \text{old figure}) / \text{old figure}$$

CJCC HIGHLIGHTS FROM 2020

Throughout 2020, the CJCC increased data availability and analytic capacity, adapted to the challenges of the COVID-19 pandemic, and advanced steps toward becoming a sustainable entity within the local criminal justice system.

The CJCC carefully examined progress and engaged the community in setting priorities and developing the current strategic plan. As a result, the CJCC launched the Strategic Plan for Fiscal Years 2021- 2023³ in the summer of 2020. The plan includes a description of the planning process, the collaborative working groups (Community Engagement and Disparity, Diversion and Deflection, Bond and Reentry, and Case Processing), and the 12 strategic initiatives underway. Please also see the community engagement and racial and ethnic disproportionality and/or disparity section of this report for more information about the strategic plan. In addition, strategic plan initiative updates are provided throughout the report.

The CJCC also submitted a sustainability grant proposal to the John D. and Catherine T. MacArthur Foundation to bolster strategic initiatives and support continuing steps toward CJCC fiscal sustainability. It includes a prior transition of two grant positions into the County's budget and a commitment of \$250,000 in local funding allocated by Charleston County Council in FY21. It also includes plans for a gradual increase in local funding in subsequent fiscal years as grant funding dissipates as part of the partnership between Charleston County and the John D. and Catherine T. MacArthur Foundation.

Since inception in 2015, the CJCC developed and continues to improve its data capacity while tending to various challenges such as changes in contributor data and staff turnover. For an example of this capacity, please see the Data Behind the Strategic Plan⁴. It includes examples of various routines utilized to monitor progress, including recurring dashboards and bi-annual publications. As part of the sustainability grant process, grant funds were requested to bring in experts to assess current data capacity and make recommendations to further optimize the CJCC's data capacity. In addition, the experts can support development of a long-term data use agreement that will allow the CJCC to continue to utilize evidence, identify challenges, enact solutions and monitor progress across the local criminal justice system well into the future.

Building on the past work of a CJCC AmeriCorps VISTA, the CJCC also initiated a preliminary assessment of criminal justice system expenditures as part of a learning process. For example, the rate of increase in justice system agency budgets has been less than the rate of increase in the county budget⁵ overall. In addition, the county budget does not require departments to breakdown the funding for juvenile or criminal expenditures, nor does it do so for criminal or civil expenditures which has turned the analysis into a rather complicated process. More work is needed to figure out how to best undertake and publish such a study in the future.

Most importantly, throughout 2020 the CJCC continued to bring community and system actors together to advance progress and take important steps to continue improving the local criminal justice system.

COMMUNITY ENGAGEMENT AND RACIAL/ETHNIC DISPROPORTIONALITY AND DISPARITY

BACKGROUND

Community engagement has always been a core aspect of the CJCC's efforts. By working together, community members and system leaders have the best opportunities for overcoming longstanding, complex criminal justice challenges. The CJCC's long-standing approach to community engagement has been two-tiered to inform and involve the community while advancing the CJCC's mission. Since the CJCC's inception, community representatives have been at the table informing CJCC efforts, CJCC meetings have been open to the public, the CJCC has held numerous public speaking events to inform residents, and a website featuring regular reports has been publicly available as part of the CJCC's commitment to accountability and transparency.

Community engagement has also been vital in the CJCC's efforts to advance equity in the local criminal justice system. The 2018 Midyear report⁶ explored the array of racial and ethnic disproportionalities and disparities that exist locally and nationally and included in-depth analysis for a variety of local racial and ethnic disproportionality and/ or disparity (R+EDD) trends in the CJS (i.e., booking, bonds, CJCC related strategies and enhanced analysis by gender and age). The report identified the need for community collaboration when problem solving to address the complexities and challenges of R+EDD in the CJS. In addition, the report laid out a series of next steps that have since progressed such as expanding community engagement to build the CJCC's FY21-FY23 Strategic Plan⁷ which spanned 2019 and 2020.

Throughout 2019, the CJCC developed and executed a comprehensive community engagement strategy to involve diverse members of the Charleston County community, including those most impacted, in setting the course for the CJCC's strategic plan. The strategy included an intentional and inclusive effort to grow awareness of the challenges in the CJS and better understand community priorities for improving the local criminal justice system in the years ahead. Then, in 2020 collaborative workgroups of community representatives and CJCC members developed, launched and began implementing the FY 21- FY 23 strategic plan.

This section provides an overview of the steps taken, organized as follows:

- A. Community Representatives
- B. Strategic Planning
- C. Workgroup Initiative Updates

A. Community Representatives

Community representatives voice the diverse needs and concerns of Charleston County residents within the CJCC. Representatives attend and participate in CJCC monthly meetings, review CJCC documents, gather and share community input, and provide voice and feedback from the community in the CJCC decision-making process.

There are 12 community representatives on the CJCC and they serve staggered two-year terms. The CJCC has an annual, open call for community applications during the last quarter of the year to replace terms that are ending. Each representative serves a two-year term not to exceed two consecutive terms. Community representatives select one member to hold the voting seat within the CJCC alongside the positional CJCC members.

The twelve community representative positions include:

CJCC Community Representatives	
Local civil rights community	Local faith community
Local Hispanic community	Local nonprofit community
Local graduate program community	Local healthcare community
Local community-at-large	Local business community
Local designated liaison from Executive Committee	Local defense bar community
Local victims of crime community	Local previously incarcerated community

B. Strategic Planning

In 2019, the CJCC thoroughly expanded community engagement to better inform and involve the community in improving the local criminal justice system. The CJCC utilized a “Dialogue to Change” process founded upon the belief that people and institutions can use an equity lens, connect across differences, share honestly, consider diverse views, and work together to identify and offer actions toward change. Through Dialogue to Change (DTC), the CJCC worked hard to raise awareness and set a goal to engage 1,000 community members in shaping the development of the CJCC’s next strategic plan. The DTC project included three main objectives:

- 1) Build an infrastructure for outreach and meaningful engagement,
- 2) Dialogue in constructive spaces to share perspectives on key criminal justice system challenges, foster relationships, and explore ideas for moving forward, and
- 3) Conclude with an Action Forum to determine community priorities for the next strategic plan.

The CJCC exceeded its goal and engaged 1,215 members of the community, including those most impacted by the criminal justice system. More than 450 people came to large community discussions about critical system challenges; 101 people came to 11 recurring small group roundtable dialogues led by community facilitators and scribes; and more than 650 people took part in a community survey.

Throughout the process community voices were heard, awareness of critical challenges increased, and community came together to find solutions. Positive feedback was received throughout the process. Feedback from the large events showed that 93% of attendees had a high or very high likelihood of attending future events. Participants also increased their knowledge of the local CJS and desire to participate in improving it. Over 90% of participants in the roundtable dialogues reported feeling they learned from different points of view, felt their point of view could be heard, recommended the dialogues to others as a way to get involved in their community, and were motivated to take action to support making improvements in the local CJS.

Collectively, five broad themes emerged:

- Racial bias and socioeconomic factors, such as poverty and low educational attainment, exacerbate disparity in the justice system.
- The everyday conduct and behaviors of system agents (such as police officers, defense attorneys, prosecutors, and judges) impacts perceptions of trustworthiness, accountability, and transparency of the criminal justice system.
- There are major challenges for individuals returning to the community from incarceration, such as system-related financial obligations, housing, treatment, transportation, employment, and regaining community trust.
- Outcomes produced by the local criminal justice system need to be improved.
- Engagement strategies such as transparent reporting, public forums, and community conversations are helpful in improving the local justice system.

The community survey also showed common perceptions of the local criminal justice system: People agree that improvements are needed, have concerns over safety, and want to know more. People want more done to improve fairness and address disparities, bonding practices, the time it takes to bring cases to justice, and recidivism. Further, at the Action Forum in November of 2019, community priorities were solidified as follows:

- **Increase education, training, and awareness for justice system stakeholders**
 - ◇ Specially trained units for special populations (mental health)
 - ◇ Training on sensitivity, substance abuse and human-first language
- **Create more opportunities for community members to become actively involved and engaged**
 - ◇ Community buy-ins
 - ◇ More involvement between the council and the community
- **Build on efforts and activities the CJCC is doing**
 - ◇ Provide adequate funding for council based on qualitative results
 - ◇ Focus on the challenges of reentry from prison and jail
- **Establish partnerships and collaborations that will support local justice reform**
 - ◇ Prevention before intervention
 - ◇ Find community leaders to be the face and voice of this advisory

In December of 2019 the results were presented to the CJCC and by January of 2020, the CJCC initiated strategic planning efforts. The development of the plan was done by four strategic planning workgroups in the first half of 2020, inclusive of community representatives and system leaders, organized to focus on:

- Community engagement and racial and ethnic disproportionality and/or disparity (R+EDD)
- Bond and reentry
- Case processing
- Diversion and deflection

The workgroups followed a common process and utilized a series of foundational resources to design a strategic plan that includes concrete and attainable goals as well as a foundation for more challenging goals that will necessitate continuing community engagement and support to advance. The strategic plan was completed and launched in July of 2020. A brief summary of each group and its strategic initiatives is provided below.

<p>Overarching charge: To help protect public safety, minimize harms and cost-effectively focus limited system resources to promote an increasingly effective, efficient and equitable local criminal justice system.</p>
<p>STRATEGIC INITIATIVES BY WORKGROUP</p>
<p>Community Engagement/ Racial and Ethnic Disproportionality and Disparity (R+EDD) Workgroup</p>
<p>Purpose: Establish specific and innovative community engagement efforts to address R+EDD and support system improvement efforts.</p>
<p>Focus Areas: a) Continuing community engagement, b) Increasing engagement among individuals most affected by the criminal justice system, c) Continuing to examine and address R+EDD in the criminal justice system, and d) Supporting system improvement</p>
<p><u>Initiative One: Ongoing Community Engagement</u> Why? The community wants to know more and have more ways to actively engage.</p> <p><u>Initiative Two: Updated Analysis of R+EDD</u> Why? There has not been an updated analysis of R+EDD in the local criminal justice system since the 2018 Midyear Report.</p> <p><u>Initiative Three: Race Equity Fellowship Proposal</u> Why? There is not a clear-cut blueprint for addressing R+EDD and effective agents of change are needed to increase consciousness among system actors and lead efforts to address R+EDD.</p>
<p>Divert and Deflect Workgroup</p>
<p>Purpose: Update, innovate and improve upon efforts to divert and/or deflect individuals from the criminal justice system as appropriate.</p>
<p>Focus Areas: a) Community partnerships and other means of prevention before criminal justice intervention, b) Law enforcement practices surrounding citation and release, and c) Pre-booking divert/deflect options</p>
<p><u>Initiative One: Familiar face case conferencing</u> Why? The cycle of book, release and repeat does not work, particularly among the most active of familiar faces.</p> <p><u>Initiative Two: Diversion and deflection research</u> Why? Research is necessary to more fully understand how deflecting individuals away from the criminal justice system and to diversion centers (and subsequent treatment) impacts arrests, jail population and behavioral health outcomes.</p> <p><u>Initiative Three: Crime and Jail Use Tracking</u> Why? There is not a regularly available county-wide crime and jail use tracking mechanism. One is needed to better understand patterns of crime, diversion and deflection, arrests, and jail use activity.</p>
<p>Bond and Reentry Workgroup</p>
<p>Purpose: Update, innovate and improve upon procedural justice and recidivism outcomes for individuals from booking to reentry from incarceration.</p>
<p>Focus Areas: a) Booking, b) Bond court, c) Procedural justice, d) Detention center- based reentry preparations and e) Community-based efforts to reduce recidivism</p>
<p><u>Initiative One: Ensure bond hearings are continually fair, just and meaningful</u> Why? While significant strides have been made in Centralized Bond Court, continuing attention is necessary.</p>

Initiative Two: Widely accessible directory of services

Why? There is not a common understanding of what reentry services are available, let alone which work best for whom.

Initiative Three: Proposal for pretrial service option(s)

Why? Regardless of the type of bond set, there is minimal oversight of the conditions of the bond setting, let alone feedback about pretrial outcomes and/or which services work best to maximize safety, appearance and liberty.

Case Processing Workgroup

Purpose: Update, innovate and improve the processing of cases in the court of General Sessions.

Focus Areas: a) Case processing, b) Jail population review (JPR), c) Procedural justice, d) Bond reconsideration and other pretrial matters

Initiative One: Jail Population Review

Why? Absent regular reviews of the jail population, defendants that are not a threat to public safety or a flight risk can be unnecessarily detained.

Initiative Two: General Session’s Court Reminders

Why? Losing contact with defendants while cases are pending results in missed court appearances, bench warrants and slower times to disposition.

Initiative Three: Research pandemic impacts and institutionalize lessons learned

Why? Charleston County does not meet the statewide case timeliness standard established by State Court Administration (80% pending less than 365 days) and it will be further compounded by the pandemic.

C. Community Engagement/ Racial and Ethnic Disproportionality and Disparity (R+EDD) Workgroup Initiative Updates

The workgroup made steady progress in 2020. The first initiative, ongoing community engagement, stems from the fact the community wants to know more and have more ways to actively engage. Therefore, this initiative deliberately focuses on making information increasingly accessible and available to a broader audience through social media and community events. A hallmark of this strategy is to inform and engage the community in helping improve the local criminal justice system.

During 2020, the CJCC increased the use of social media on Facebook and Twitter, and added Instagram. A campaign was implemented across all social media platforms to transform key data findings into digestible social media content. And, the CJCC experienced an increase in activity by the end of 2020 on all platforms. For example, monthly average reach on Facebook grew from 42 to 345. And, by year end, Instagram had 185 subscribers, and Twitter reached 280 followers. In addition, the CJCC distributed eight newsletters across its Constant Contact distribution list reaching 811 subscribers by year end.

The CJCC also launched quarterly Community Justice Forums in the second half of 2020. Until the Covid-19 pandemic subsides these forums are done virtually. The forums focus on timely issues related to criminal justice improvement and include a panel of local experts. Participants are encouraged to register for the forum and ask live questions of the panelists. The forum is also broadcast on Facebook Live during the event and posted on the CJCC website for viewing after the event. In addition, during the forums, the CJCC started a new tradition honoring work being done in the community with a CJCC Community Justice Award. The award honors someone from the community doing extraordinary things in helping to improve the local criminal justice system and strengthen our community.

The first quarterly Community Justice Forum, entitled *A Closer Look at the Front End of Charleston's Criminal Justice System*, was held October 6th from 5:30 pm – 6:30 pm.

The forum discussed what happens at a person's entry into the local criminal justice system. Trends in diversion and deflection, arrest, jail use and bond setting were also shared. Additionally, presenters discussed future steps included in the CJCC's strategic plan for improving the front end of the local criminal justice system. Presenters included:

- Stan Gragg, CJCC Chairman, Deputy Chief, Mount Pleasant Police Department,
- Ellen Steinberg, CJCC Vice-Chairperson, Magistrate, Charleston County,
- Kristy Danford, CJCC Project Director, and
- Dennis Puebla, Director of Special Operations, Charleston Dorchester Mental Health Center.

Keith Smalls, Executive Director of My Community's Keeper Mentor Group was honored with the inaugural Community Justice Award. And, local

The flyer features the Charleston County Criminal Justice Coordinating Council (CJCC) logo at the top left, with the text "Charleston County Criminal Justice Coordinating Council (CJCC)" and the tagline "A data-guided collaborative of system leaders and community representatives working to improve safety and justice". Below this, it invites attendees to "Join us for the first Community Justice Forum: A Closer Look at the Front End of Charleston's Criminal Justice System" on Tuesday, October 6, 2020, from 5:30 pm to 6:30 pm, available online. The flyer lists four speakers with their photos and titles: Stan Gragg (CJCC Chairman, Deputy Chief, Mount Pleasant Police Dept.), Ellen Steinberg (CJCC Vice-Chairperson, Magistrate, Charleston County), Kristy Danford (CJCC Project Director), and Dennis Puebla (Director of Special Operations, Charleston Dorchester Mental Health Center). It also mentions the event is hosted by Brad Franko of WCBD News and provides a registration link: <http://bit.ly/CJccjs>. At the bottom, it says "YOUR COMMUNITY. YOUR PRIORITIES." and includes contact information: "Text CJCJCC to 22828 to receive email updates" and "cjcc.charlestoncounty.org" with social media icons for Facebook, Instagram, and Twitter.

news anchor, Brad Franko, moderated the event. The event had 106 registrants, and as of March 9, 2021, the Facebook Live platform reached 3,768 people with 309 engagements.

The second initiative is to update and expand upon the prior R+EDD analysis. The CJCC is collaborating with Everyday Democracy to conduct a qualitative two-year community-engaged research study to better understand racial and ethnic disproportionalities and disparities in the local criminal justice system. The findings will be shared with the CJCC and Charleston community to provide insight and inform actions to address racial and ethnic disproportionalities and disparities in criminal justice.

Community-engaged research differs from traditional research in that community members are partners in the research process. Community-engaged research engages community members throughout the process. Community members and researchers play equally important roles and work together to determine research questions, identify participants, collect data and share findings. Using narratives and findings, community advisors and research partners will tell a more in-depth story behind the data.

In addition, the CJCC will be forming a collaborative working group to further advance quantitative research on the topic. This workgroup will determine which decision points to analyze, establish methodology, conduct the analysis, draft the findings, review the results, and ultimately to make recommendations based upon the findings. The final report will be published with simplified report content translated into graphics, short facts and brief videos that can be easily digested and be disseminated online and in-person.

The third initiative is to develop a proposal for the race equity fellowship. The vision for this program is to graduate agents of change to address inequities from a variety of disciplines such as education, healthcare, non-profits, business and criminal justice. Fellows will be in positions of authority and complete capstone projects in their respective areas of expertise. The fellows will be able to learn from one another while gaining skills, tools and practical experience to serve as agents of change in their own organizations. In addition, the capstone projects will help generate collective impact across the Charleston community.

A hallmark of this initiative is the research-based approach coupled with a diverse steering committee of dynamic representatives from the disciplines targeted to guide proposal development and engage in helping to make the program a reality. In 2020, the CJCC engaged the College of Charleston's Community Assistance Program in collaboration with faculty from the Master of Public Administration program and the Joseph P. Riley Center for Livable Communities to complete the research on program components most likely to yield desired outcomes, delivery formats most ideal for leadership and people in positions of power, costs associated with implementing and sustaining the program, and recommendations to make the fellowship sustainable. The CJCC convened a dynamic group of individuals that represent the target audience for the fellowship program associated with racial equity work in the community. These individuals came together as a steering committee with the research team to provide feedback and guidance throughout the process of research and development. In addition, grant funding was requested to provide seed curriculum development and initial cohorts. Moving forward, the proposal will be finalized and put to bid with the support of grant funding.

BACKGROUND

Consistent with improvements to the local criminal justice system, there has been a sustained reduction in the local jail population since the launch of the CJCC’s efforts. As previously reported in the Data Behind the Strategic Plan⁸ and previous annual reports, significant reductions in local jail use occurred between the 2014 baseline and 2019.

- The local average daily population reduced 20% overall (1,111 to 888) while the pretrial population reduced by 9% (944 to 860) and the sentenced population reduced by 83% (167 to 28).
- Bookings (24,729 to 11,885, -52%), individuals booked (19,218 to 9,508, -51%), and charges booked (40,092 to 21,348, -47%) reduced significantly.
- Each year the number of releases was similar to the number of admissions.
- The average length of stay among all releases increased 142% (12 days to 29 days, 142%).
- In 2019, General Sessions (GS) charges became the most frequent reason for jail use surpassing the number of Summary Court charges for the first time.
- The count of GS charges booked reduced 4% (11,179 to 10,714) and Summary (municipal and magistrate) charges reduced 67%, the most of all court types (26,922 to 8,803).

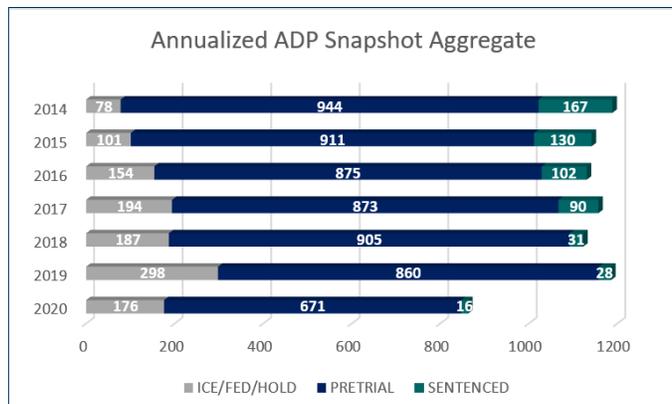
Reductions in local jail use continued through 2020. The data below describe jail use trends since 2014 with particular attention paid to recent trends between 2018 and 2020. The following data are covered, sourced from the SACDC:

- A. Average Daily Population
- B. Admissions and Releases
- C. Average Length of Stay
- D. Charges by Court Type

A. Average Daily Population

The average daily population (ADP)⁹ of the local jail is the metric by which the jail population is measured. Jail use is driven by admissions, lengths of stay, and releases. The local ADP is the sum of the pretrial and sentenced population and excludes uses of jail by non-local jurisdictions such as the federal government or other counties.

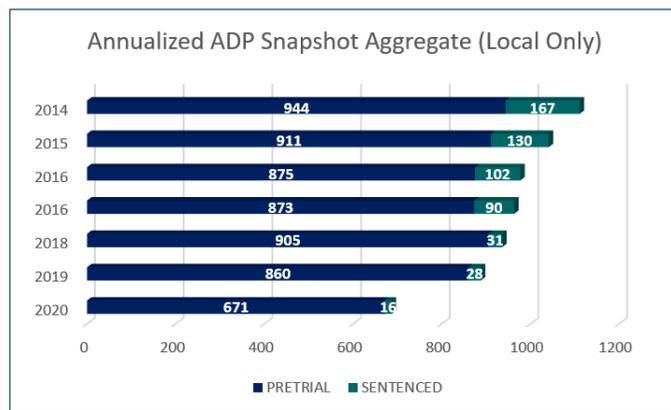
- The annualized local ADP (pretrial and sentenced) of the jail was 1,111 in 2014 and it reduced by 38% (-424) to 687 in 2020.
- More recently, the local ADP reduced 5% from 936 in 2018 to 888 in 2019 and further reduced to 687 in 2020 (-23% from 2019), resulting in a cumulative 27% reduction from 2018 to 2020.



- The annualized sentenced population saw the most significant change, moving from 167 in 2014 to 28 in 2019 (83% decrease) before further declining to 16 in 2020 (90% cumulative decrease 2014 to 2020).
- The annualized pretrial population declined from 944 in 2014 to 860 in 2019 (9% decrease) before further declining to 671 in 2020 (29% cumulative decrease 2014 - 2020).
- The pretrial population also drove local jail use at an increasing rate. In 2014, 944 of the 1,111 local population were in pretrial status (85%). In 2019, 860 of the 888 local population were in pretrial status (97%). In 2020, 671 of the 687 local population were in pretrial status (98%).
- The non-local population grew from 78 in 2014 to 298 in 2019 (282% increase) before declining to 176 in 2020 (126% cumulative increase from 2014 to 2020).

Following the significant changes in local jail use since 2014, it is also important to pay close attention to recent pretrial and sentenced trends from 2018 to 2020 which continued to decrease.

- The sentenced population reduced from 31 in 2018 to 28 in 2019 (10% decrease) before further reducing to 16 in 2020 (cumulative 48% decrease from 2018 to 2020).
- The pretrial population reduced from 905 in 2018 to 860 in 2019 (5% decrease) before further reducing to 671 in 2020 (cumulative 26% decrease from 2018 to 2020).



B. Admissions and Releases

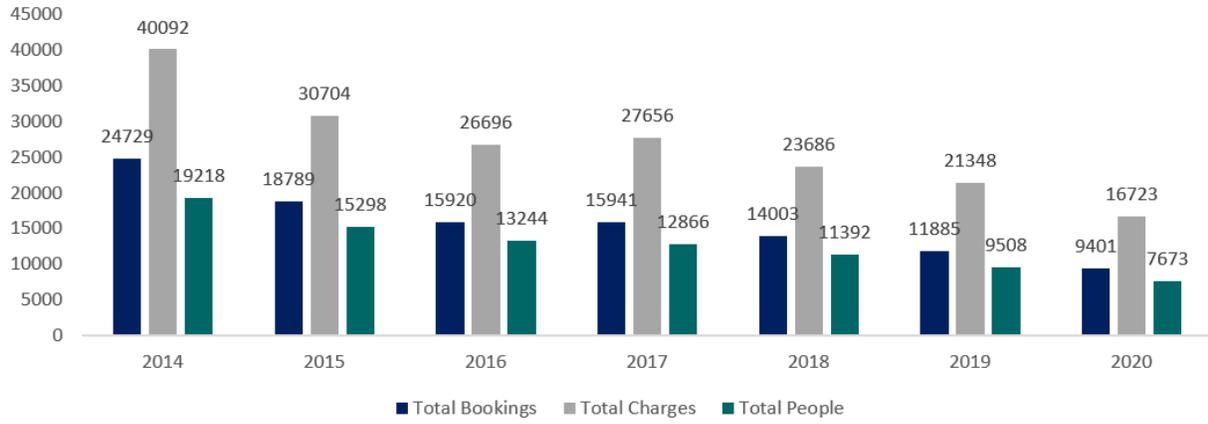
There was a significant decrease in the number of local jail admissions and releases between 2014 and 2020.

- There were 24,729 local bookings in 2014 on 19,218 people (i.e., people can be booked more than once within the year). In 2020, there were 9,401 local bookings (62% decrease since 2014) on 7,673 people (60% decrease since 2014).
- Similarly, the number of local charges brought to the jail decreased from 40,092 in 2014 to 16,723 in 2020 (58% decrease).
- Each year the number of releases was similar to the number of admissions.

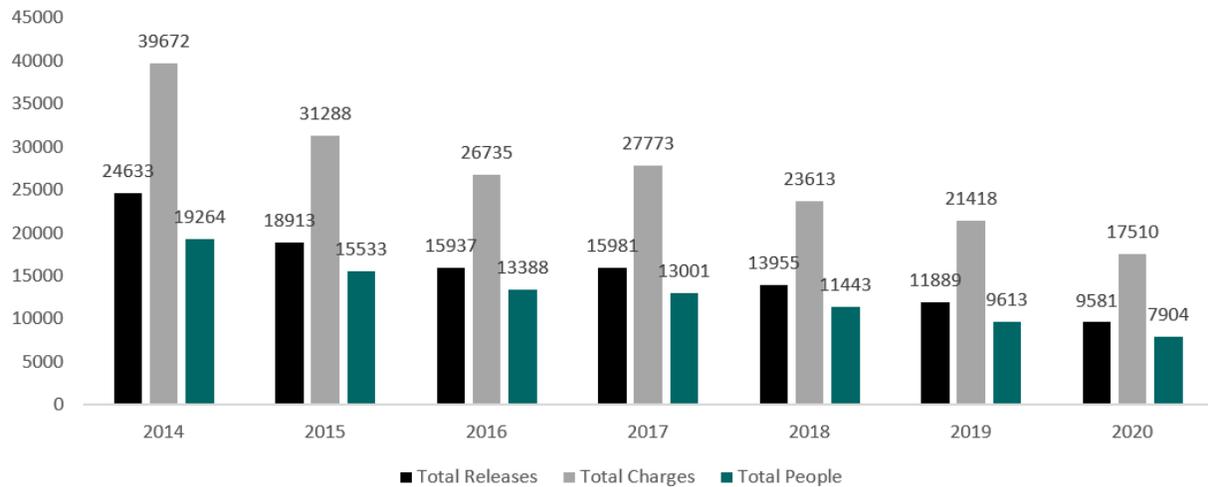
Following the significant changes in local jail use since 2014, it is also important to pay close attention to recent trends from 2018 to 2020. Local admissions continued to decline, for example:

- 2,484 fewer bookings (21% decrease) from 2019 to 2020, and a cumulative decline from 2018 to 2020 of 4,602 or 33%;
- 1,835 fewer individuals booked (19% decrease) from 2019 to 2020, and a cumulative decline from 2018 to 2020 of 3,719 or 33%; and
- 4,625 fewer charges brought to jail (22% decrease) from 2019 to 2020, a cumulative decline from 2018 to 2020 of 6,963 or 29%.
- Each year roughly the same number that went into the jail came back out.

Annual Bookings (Local Population, excludes ICE, FED or HOLD)



Annual Releases (Local Population, excludes ICE, FED, or HOLD)



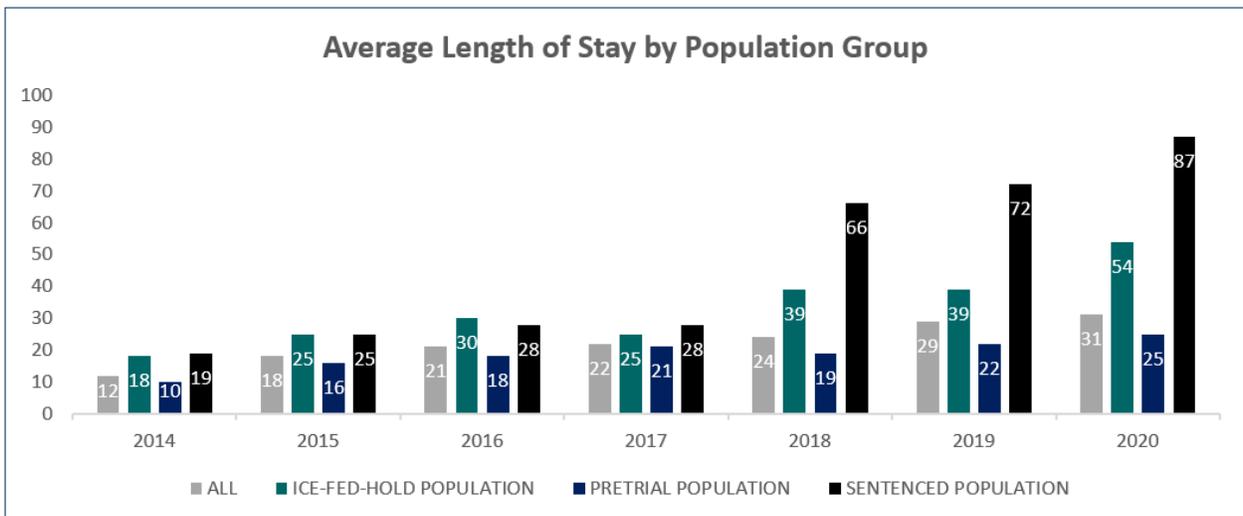
C. Average Length of Stay

As admissions to jail declined since 2014, the average length of stay (ALOS) among releases increased across population groups between 2014 and 2020.

- The ALOS for all populations was 12 days in 2014 and 31 days in 2020 (158% increase).
- The ALOS for the pretrial population was 10 days in 2014 and 25 days in 2020 (150% increase).
- The ALOS for the sentenced population was 19 days in 2014 and 87 days in 2020 (358% increase).
- The ALOS for the non-local population was 18 days in 2014 and 54 days in 2020 (200% increase).

More recent trends indicate the increasing ALOS pattern continued between 2018 and 2020:

- The ALOS for all populations was 24 days in 2018, 29 days in 2019 and 31 days in 2020 (29% increase 2018 to 2020).
- Pretrial ALOS was 19 days in 2018, 22 days in 2019 and 25 days in 2020 (32% increase 2018 to 2020).
- Sentenced ALOS was 66 days in 2018, 72 days in 2019 and 87 days in 2020 (32% increase 2018 to 2020).
- The ALOS for the non-local population was 39 days in 2018 and 2019, and 54 days in 2020 (38% increase 2018 to 2020).

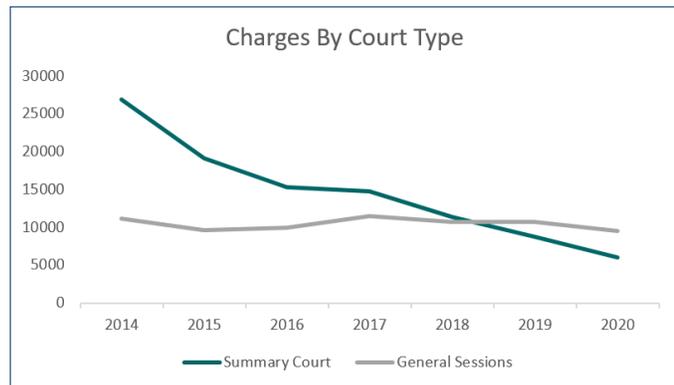


D. Charges by Court

Between 2014 and 2020 there were also shifts in the charges booked by court type impacting the increase in length of stay.

Charges admitted to the jail per court type decreased between 2014 and 2020:

- Summary court (municipal and magistrate) charges decreased the most in count from 26,922 in 2014 to 5,996 in 2020 (78% decrease).
- GS charges decreased from 11,179 in 2014 to 9,538 in 2020 (15% decrease), since 2019 it has been the most frequent court type.
- Probate/Specialty court (drug and mental health courts) charges decreased from 113 in 2014 to 24 in 2020 (79% decrease).
- Family court charges decreased from 1,347 in 2014 to 301 in 2020 (78% decrease).
- Probation and Parole charges stayed relatively consistent from 339 in 2014 to 337 in 2020 (1% decrease).



Charges admitted to the jail per court type continued to decline from 2018 and 2020 in most categories. In addition, there were some increases from 2018 to 2019 among Family Court, GS and Probation and Parole charges that subsequently declined from 2019 to 2020.

- Summary court decreased from 11,337 in 2018 to 8,803 in 2019 to 5,996 in 2020 (47% decrease 2018 to 2020).
- Probate/Specialty courts decreased from 67 in 2018 to 50 in 2019 to 24 in 2020 (64% decrease 2018 to 2020).
- Family court increased from 617 in 2018 to 667 in 2019 before decreasing to 301 in 2020 (51% decrease 2018 to 2020).
- GS Court slightly increased from 10,691 in 2018 to 10,714 in 2019 before decreasing to 9,538 in 2020 (11% decrease 2018 to 2020).
- Probation and Parole increased from 379 in 2018 to 427 in 2019 before decreasing to 337 in 2020 (11% decrease 2018 to 2020).

For reference, null records indicate court data was unavailable whereas unknown records indicate court designations not matched to a local court (i.e., out of jurisdiction).

2014 CHARGES BY COURT		2015 CHARGES BY COURT		2016 CHARGES BY COURT	
TYPE OF COURT	COUNT	TYPE OF COURT	COUNT	TYPE OF COURT	COUNT
SUMMARY COURT	26922	SUMMARY COURT	19110	SUMMARY COURT	15361
GENERAL SESSION	11179	GENERAL SESSION	9689	GENERAL SESSION	9973
FAMILY COURT	1347	FAMILY COURT	1424	FAMILY COURT	898
PROBATION & PAROLE	339	PROBATION & PAROLE	222	PROBATION & PAROLE	228
UNKNOWN	107	DRUG COURT	72	UNKNOWN	75
DRUG COURT	64	UNKNOWN	67	DRUG COURT	42
FEDERAL COURT	49	FEDERAL COURT	58	FEDERAL COURT	38
MENTAL HEALTH COURT	45	MENTAL HEALTH COURT	31	FUGITIVE COURT	33
FUGITIVE COURT	24	FUGITIVE COURT	21	MENTAL HEALTH COURT	31
OUT OF COUNTY COURT	12	OUT OF COUNTY COURT	5	OUT OF COUNTY COURT	12
PROBATE COURT	4	PROBATE COURT	5	PROBATE COURT	3
				NULL	1
				PRELIMINARY COURT	1

2017 CHARGES BY COURT		2018 CHARGES BY COURT		2019 CHARGES BY COURT	
TYPE OF COURT	COUNT	TYPE OF COURT	COUNT	TYPE OF COURT	COUNT
SUMMARY COURT	14796	SUMMARY COURT	11337	GENERAL SESSION	10714
GENERAL SESSION	11494	GENERAL SESSION	10691	SUMMARY COURT	8803
FAMILY COURT	701	FAMILY COURT	617	FAMILY COURT	667
PROBATION & PAROLE	352	PROBATION & PAROLE	379	PROBATION & PAROLE	427
NULL	77	UNKNOWN	228	UNKNOWN	400
UNKNOWN	60	ICE	225	ICE	218
DRUG COURT	46	FEDERAL COURT	79	FEDERAL COURT	39
MENTAL HEALTH COURT	45	DRUG COURT	44	DRUG COURT	30
FEDERAL COURT	44	FUGITIVE COURT	31	FUGITIVE COURT	28
OUT OF COUNTY COURT	6	NULL	29	MENTAL HEALTH COURT	20
PROBATE COURT	2	MENTAL HEALTH COURT	23	NULL	2
		OUT OF COUNTY COURT	3		

2020 CHARGES BY COURT	
TYPE OF COURT	COUNT
GENERAL SESSION	9538
SUMMARY COURT	5996
FAMILY COURT	301
PROBATION & PAROLE	337
UNKNOWN	348
ICE	134
FEDERAL COURT	21
DRUG COURT	12
FUGITIVE COURT	24
MENTAL HEALTH COURT	12

Key Points Summary

- There has been consistent decline in local jail use since 2014.
- The local annualized ADP reduced by 38% since 2014.
- Bookings, individuals booked, and charges declined roughly 60% since 2014.
- The sentenced population reduced by 90% since 2014.
- The pretrial population made up a larger share of the local ADP than before at 98% in 2020.
- Average length of stay among all releases increased by 158% since 2014.
- GS charges continued for the second year in a row to be the most frequent reasons for jail use rather than Summary charges.
- Since 2014 Summary charges decreased by 78% while GS charges decreased by 15% between 2014 and 2020.

ARRESTS, DIVERSION AND DEFLECTION

BACKGROUND

Consistent with improvements to the local criminal justice system, there has been a sustained shift in arrests, diversion and deflection practices since the launch of the CJCC's efforts. As previously reported in the Data Behind the Strategic Plan and prior annual reports:

- The Big Four law enforcement agencies (Charleston, North Charleston and Mount Pleasant Police Departments and the Charleston County Sheriff's Office) consistently represent the overwhelming majority of local booking activity.
- While the Charleston County adult population has been increasing over the last decade (e.g., 17% from 2010 to 2018) crime rates decreased (e.g., Big Four reported crime decreased by 14% from 2009 to 2017).
- Simple Possession of Marijuana was the most frequently booked charge into the jail from 2014 to 2017 until Driving under the Influence became the most frequently booked charge in 2018 and 2019.
- Five, specifically targeted single-charge bookings (simple possession of marijuana, open container, trespassing, misdemeanor shoplifting and public intoxication) reduced by 73% from 4,963 in 2014 to 1,338 in 2019. Single-charge bookings for simple possession of marijuana reduced the most, - 93% from 1,576 in 2014 to 109 in 2019.
- The CJCC provided funding to help the Tri-county Crisis Stabilization Center (TCSC) reopen in 2017 providing real-time access to care and support services, and a dedicated triage service for law enforcement.
- Law enforcement's use of diversion and deflection options within the Charleston Dorchester Mental Health Center (CDMHC) increased significantly from 2017 to 2019. For example, in 2019 law enforcement made 74 referrals to the Tri-County Crisis Stabilization Center, 473 consultations with embedded clinicians, and 152 drop offs to the main clinic.
- The number of familiar faces cycling repeatedly through the jail decreased by 55% from 2014 to 2019 (3,618 to 1,642).

In 2020, the CJCC's divert and deflect workgroup started implementing three strategic initiatives pursuant to the strategic plan. The first initiative, Jail Involved Familiar Face Case Conferencing (JIFF), is working to break the cycle of book, release and repeat among the most active familiar faces. JIFF involves inter-agency case conferencing with service providers, law enforcement and judicial stakeholders, infrastructure development and wrap-around services. The second initiative, Diversion and Deflection Research, will be completed by Justice System Partners. The research is currently in the data collection period. Research findings will provide a deeper understanding of how deflecting individuals away from the criminal justice system and to diversionary options impacts arrests, jail population and behavioral health outcomes. The third initiative, Crime and Jail Use Tracking, involved developing and implementing a regularly occurring dashboard to help the workgroup monitor trends in crime, diversion and deflection, arrests and jail use activity.

The data below describes arrest, diversion and deflection trends through 2020.

A. Custodial and non-custodial arrests (source data: Charleston County Sheriff's Office, Charleston

Police Department, North Charleston Police Department, Mount Pleasant Police Department, and the SACDC)

- A. Most frequently occurring charges (source data: SACDC)
- B. Single, target-charge activity (source data: SACDC)
- C. Tri-County Crisis Stabilization Center and triage services (source data: CDMHC's TCSC)
- D. Analysis of Familiar Face Releases (source data: SACDC and Pretrial Services Database)

A. Custodial and Non-Custodial Arrests

Overall, data indicate the four largest law enforcement agencies in the County (Charleston Police Department, North Charleston Police Department, Mount Pleasant Police Department, and Charleston County Sheriff's Office), also known as the Big Four, continue to represent the majority of jail use among local law enforcement agencies.

- In 2018, the Big Four represented 12,463 bookings out of 14,003 (89% of all local bookings).
- In 2019, the Big Four represented 10,752 bookings out of 11,885 in 2019 (90% of all local bookings).
- In 2020, the Big Four represented 8,496 bookings out of 9,401 in 2020 (90% of all local bookings).

The Big Four also experienced a decline in arrest charges between 2018 and 2020.

- The combination of custodial and non-custodial arrest charges made by the Big Four decreased from 20,779 in 2018 to 19,779 in 2019 (5% decrease), and further decreased in 2020 to 15,186 (27% decrease 2018 to 2020).
- Custodial arrest charges reduced from 17,031 in 2018 to 16,060 in 2019 (6% decrease) and further reduced to 12,752 in 2020 (25% decrease 2018 to 2020).
- Non-custodial arrest charges reduced from 3,748 in 2018 to 3,719 in 2019 (1% reduction) to 2,434 in 2020 (35% decrease 2018 to 2020).
- Non-custodial arrest charges represented 18% of all arrest charges in 2018, 19% in 2019 and 16% in 2020.

Please note, at the time of the 2019 annual report, there were 2,167 arrest records from the 2018 year and 1,116 arrest records from the 2019 year that could not be classified as custodial or non-custodial due to the absence of necessary information. In 2020, there are 778 that could not be classified. These were excluded from the analysis.

B. Most Frequently Occurring Charges

Consistent with the decline in charges brought to the jail, the volume and type of most frequent charges coming into the jail also shifted over time.

- Driving Under the Influence 1st, Firearm Possession Violations, and Shoplifting continue to be the top three most frequently occurring charges in 2020 as they were in 2019.
- In 2020, three new charges made their way into the top 15 most frequently occurring that were not in the top 15 in 2018. These include Failure to Stop for Blue Light, Possession of a Weapon during a Violent Crime, and Possession of Cocaine 1st Offense.
 - ◊ Failure to Stop for Blue Light and Possession of Cocaine 1st Offense were also in the top 15 in 2019. The former decreased 4% between 2019 and 2020, while the latter decreased 24% in the same period.

◇ Possession of a Weapon during a Violent Crime decreased 11% from 340 in 2019 to 304 in 2020.

- Overall, charge counts fell for all most frequently occurring charges between 2019 and 2020. The same is true from 2018 to 2020 except for firearm possession violations (increased 4% from 2018 to 2020) and Domestic Violence 2nd (increased 8% from 2018 to 2020).

While some lower level charges continue to be among the most frequently occurring charges entering the jail all have seen decreases between 2018 and 2020:

- Simple Possession of Marijuana decreased 70% since 2018, Public Disorderly Conduct decreased 38% since 2018, Public Intoxication decreased 59% since 2018, Trespassing decreased 39%, and Shoplifting decreased 45% since 2018.
- DUS 1st for DUI and Failure to Pay Child Support also decreased by 50% since 2018.

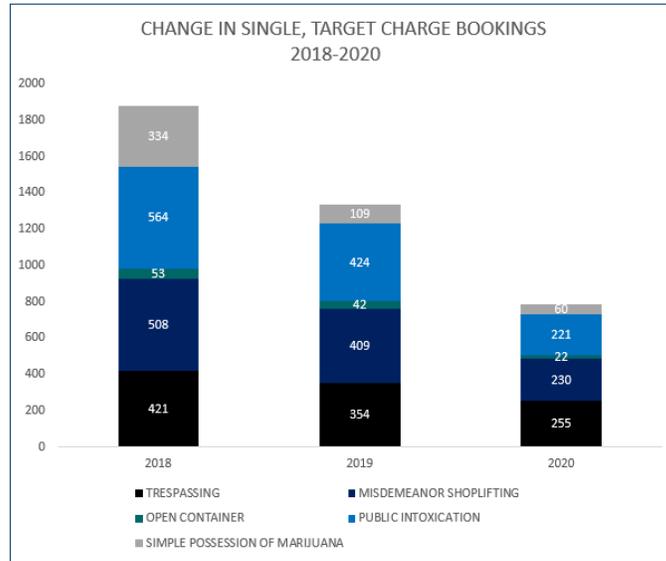
TOP 15 CHARGES 2018		TOP 15 CHARGES 2019	
CHARGE DESCRIPTION	COUNT	CHARGE DESCRIPTION	COUNT
SIMPLE POSSESSION OF MARIJUANA (SPM)	1107	DRIVING UNDER INFLUENCE (DUI) 1ST	1198
DRIVING UNDER INFLUENCE (DUI) 1ST OFF	937	FIREARM POSSESSION VIOLATIONS	912
FIREARMS POSSESSION VIOLATIONS	852	SHOPLIFTING	656
SHOPLIFTING	803	FAILURE TO PAY CHILD SUPPORT	637
PUBLIC INTOX	772	PUBLIC INTOX	620
TRESPASS	670	SIMPLE POSSESSION OF MARIJUANA (SPM)	584
ASSAULT AND BATTERY 3RD DEGREE	660	TRESPASS	579
PUBLIC DISORDERLY CONDUCT	656	DUS 1ST OFFENSE	558
DUS 1ST OFF	637	PUBLIC DISORDERLY CONDUCT	520
FAILURE TO PAY CHILD SUPPORT	558	VIOLATION OF PROBATION	475
VIOLATION OF PROBATION	530	ASSAULT AND BATTERY 3RD DEGREE	442
PWID MARIJUANA	455	DOMESTIC VIOLENCE 2ND DEGREE	421
DOMESTIC VIOLENCE 3RD DEGREE	372	POSS OF COCAINE 1ST OFFENSE	374
OPEN CONTAINER	357	PWID MARIJUANA	353
DOMESTIC VIOLENCE 2ND DEGREE	349	FAIL TO STOP FOR BLUE LIGHT	341

TOP 15 CHARGES 2020	
CHARGE DESCRIPTION	COUNT
DRIVING UNDER INFLUENCE (DUI) 1ST	915
FIREARM POSSESSION VIOLATIONS	887
SHOPLIFTING	443
TRESPASS	412
PUBLIC DISORDERLY CONDUCT	408
ASSAULT AND BATTERY 3RD DEGREE	383
DOMESTIC VIOLENCE 2ND DEGREE	378
VIOLATION OF PROBATION	353
SIMPLE POSSESSION MARIJUANA (SPM)	331
FAIL TO STOP FOR BLUE LIGHT	329
DUS 1ST FOR DUI	318
PUBLIC INTOX	313
POSS OF A WEAPON DURING VIOLENT OFFENSE	304
POSS OF COCAINE 1ST OFFENSE	283
FAILURE TO PAY CHILD SUPPORT	281

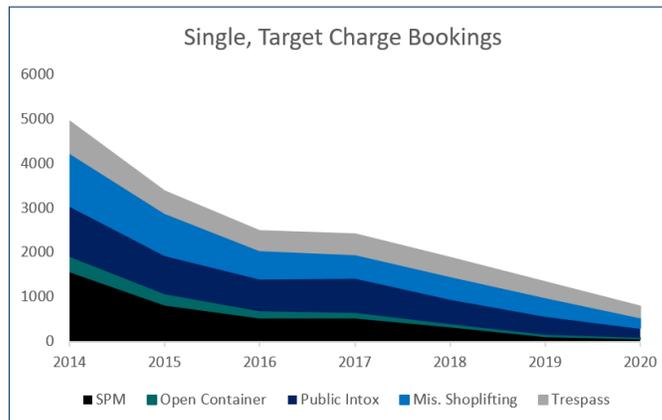
C. Single, Target-Charge Activity

A specific strategy the CJCC employed to rethink jail use in Charleston County was to reduce single target charge bookings¹² for simple possession of marijuana, open container, trespassing, public intoxication and misdemeanor shoplifting. Single target charge bookings for these charges continued to decline between 2018 and 2019.

- Collectively, single, target-charge bookings declined from 1,880 in 2018 to 1,338 in 2019 (29% decrease) to 788 in 2020 (41% decrease from 2019). Cumulatively, there was a 1,092 (58%) decrease from 2018 to 2020.



Notably, there has been an 84% decline in single, target-charge bookings between 2014 and 2020 (4,963 to 788).



Single, Target-Charge Bookings						
Year	SPM	Open Container	Public Intox	Mis. Shoplifting	Trespass	All
2014	1576	330	1143	1204	710	4963
2015	820	249	877	939	505	3390
2016	538	149	718	642	436	2483
2017	538	113	772	537	452	2412
2018	334	53	564	508	421	1880
2019	109	42	424	409	354	1338
2020	60	22	221	230	255	788

D. Tri-County Crisis Stabilization Center and Triage Services

Another specific strategy employed by the CJCC to rethink jail use in Charleston County was to utilize appropriate real-time alternatives to jail for individuals living with mental illness, substance use disorders, and/or homelessness. The Charleston community is fortunate to have an array of around the clock community-based options for diversion and deflection. These options include Mobile Crisis, EMS Telehealth, embedded clinicians within law enforcement agencies, and the Tri-County Crisis Stabilization Center (TCSC). Officers can access a clinician by phone and/or drop off an individual in real-time to identify appropriate alternatives and assistance for individuals living with mental illness, substance use disorders, and/or homelessness. These options are available whether the person they are trying to help is in jeopardy of a criminal charge or not.

The TCSC is a community-wide effort collaboratively funded by the South Carolina Department of Mental Health, Charleston Dorchester Mental Health Center (CDMHC), Medical University of South Carolina, Roper Saint Francis, Charleston Center, Charleston County Sheriff's Office, Berkeley Mental Health Center, and CJCC. The TCSC contains 10 beds operated by the CDMHC, located in the Charleston Center (with an onsite detoxification unit) along with two contract beds at One80 Place for individuals experiencing homelessness. The table below indicates an increase in TCSC activity from 2018 to 2019, including an increase in the number of jail diversions, as well as partial data for 2020 prior to closure due to the COVID-19 pandemic in March.

2020 TCSC ACTIVITY			
	2018	2019	2020*
ALL REFERRALS	847	943	212
LAW ENFORCEMENT REFERRALS	62	74	8
ADMISSIONS	526	583	118
JAIL DIVERSIONS	3	23	1
HOSPITAL & ED DIVERSIONS	672	522	84
TRIAGE REFERRALS	60	73	8

**Partial data for 2020, contains data from January to March*

While TCSC closed for the majority of 2020 due to the pandemic, diversion and deflection activity in other areas persisted. Data indicate law enforcement's growing use of options to divert and deflect individuals to care through numerous pathways, such as Mobile Crisis, EMS Telehealth, and drop offs to the main CDMHC location. Data is provided by CDMHC below for the following pathways:

2020 CDMHC/LAW ENFORCEMENT ACTIVITY			
	2018*	2019	2020
CLINIC DROP OFFS BY LAW ENFORCEMENT	17	152	103
EMBEDDED CLINICIAN CONSULTATIONS	375	473	670
MOBILE CRISIS POLICE TRIAGE	*	*	274

**Prior to availability of a complete year data.*

- In 2019, there were 152 law enforcement drop offs to the main CDMHC location. This is the first complete year this data is available. In 2020, there were 103 law enforcement drop offs, 49 fewer than 2019 (32% decrease).
- Embedded CDMHC clinicians working within local law enforcement agencies provided 473 consultations to officers in 2019, an increase from 375 in 2018 (26% increase). In 2020, this number continued to increase by 197 to 670 (42% increase over 2019).

- In 2020, there were also 274 police triages for Mobile Crisis. This is the first year the CJCC is reporting this metric.

E. Analysis of Familiar Face Releases

Familiar Faces are individuals that frequently cycle through the jail. In other words, familiar faces are booked and released from the jail multiple times in a given time period. Familiar faces have three or more bookings within a two-year period. Release records from SACDC indicate the following trends in familiar face jail use between 2018 and 2020.

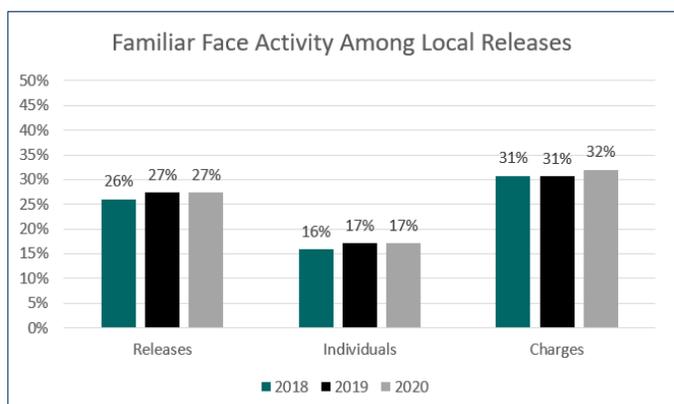
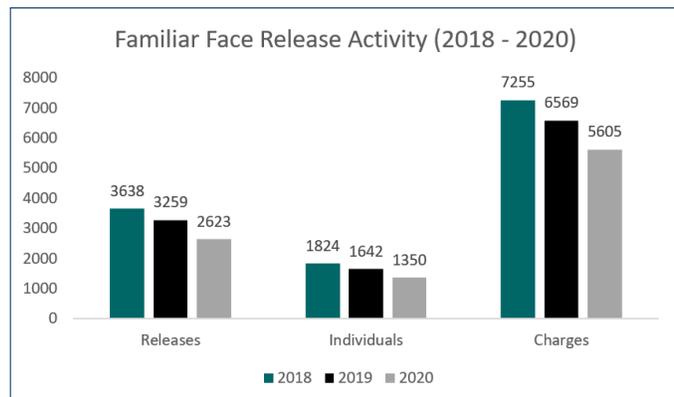
- The number of familiar face releases declined by 379 from 3,638 in 2018 to 3,259 in 2019 (10% decrease), and further decreased in 2020 by 636 to 2,623 (28% decrease from 2018 to 2020).
- The number of charges among familiar faces releases declined by 686 from 7,255 in 2018 to 6,569 in 2019 (9% decrease), and further decreased by 964 in 2020 to 5,605 (23% decrease from 2018 to 2020).
- The number of unique, familiar face individuals declined by 182 from 1,824 in 2018 to 1,642 in 2019 (10% decrease), and further decreased to 1,350 in 2020 (26% decrease from 2018 to 2020).

While the number of jail bed days consumed by familiar faces releases declined in recent years average lengths of stay increased.

- The number of jail bed days declined by 6,335 from 100,525 in 2018 to 94,190 in 2019 (6% decrease), and further decreased in 2020 by 11,725 to 82,465 (18% decreased from 2018 to 2020).
- While the ALOS among all familiar faces remained consistent, moving to 28 days in 2019 from 27 days in 2018, it increased in 2020 to 32 days. There also continues to be variation among the two familiar face sub-categories noted below.
- The ALOS among familiar faces in the three to four booking category increased from 27 days in 2018 to 31 days in 2019, and further increased to 32 days in 2020 (19% increase from 2018 to 2020)
- The ALOS for familiar faces in the five or more category decreased from 27 days in 2018 to 24 days in 2019, and increased again in 2020 to 29 days (7% increase from 2018 to 2020).

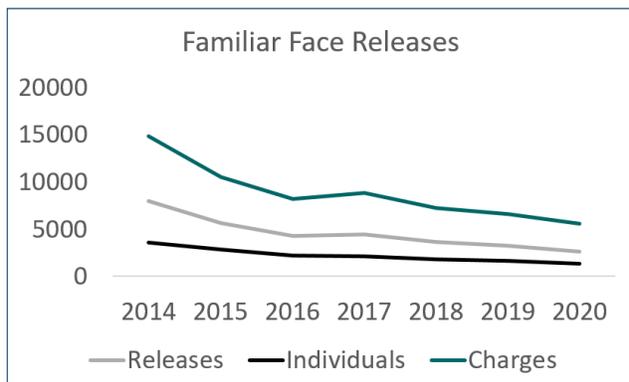
Familiar face release activity remained a consistent percentage of all release activity in the period. Familiar faces comprised:

- 27% of all releases in 2020 (2,623 of 9,581) and 2019 (3,259 of 11,889) and 26% in 2018 (3,638 of 13,955)
- 32% of all charges in 2020 (5,605 of 17,510), and 31% of all charges in 2018 and 2019 (6,569 of 21,418 in 2019, 7,255 of 23,613 in 2018)
- 17% of all individuals released in 2020



(1,350 of 7,904) and 2019 (1,642 of 9,613), and 16% in 2018 (1,824 of 11,443).

Notably, there has been a 63% decline in familiar face individuals between 2014 and 2020 (3,618 to 1,350).



Familiar Faces 2014 to 2020			
Year	Releases	Individuals	Charges
2014	8000	3618	14831
2015	5661	2856	10524
2016	4291	2246	8153
2017	4423	2103	8798
2018	3638	1824	7255
2019	3259	1642	6569
2020	2623	1350	5605

Expanded Familiar Face Analysis



In 2019, additional analysis was done to learn more about familiar faces by joining SACDC data with data from the Pretrial Services Database. This deeper dive into the data found that 1,501 familiar face individuals were booked and released 2,994 times on 5,623 charges in 2019. On average they were booked on roughly two charges, stayed in jail for 16 days, were 36 years old, mostly male, 63% black and 37% white. And, 48% were charged with crimes in the court of General Sessions. In 2020, this analysis found mostly comparable results.

- There were 1,216 familiar face individuals were booked and released 2,367 times on 4,568 charges in 2020.
- On average they were booked on roughly two charges, stayed in jail for 14 days, were 37 years old, mostly male, 61% black and 38% white.
- While their most frequent charge is still trespassing, 58% of their bookings were General Sessions Court driven.

2020 FAMILIAR FACES	
STATISTIC	Total (%)
UNIQUE INDIVIDUALS	1,216
TOTAL BOOKINGS	2,367
TOTAL CHARGES	4,568
AVERAGE LENGTH OF STAY (DAYS)	14
AVERAGE CHARGES PER BOOKING	1.93
AVERAGE AGE BOOKED	37
BLACK BOOKINGS	1,449 (61%)
WHITE BOOKINGS	908 (38%)
OTHER BOOKINGS	10 (.4%)
FEMALE BOOKINGS	353 (15%)
MALE BOOKINGS	2,014 (85%)

2020 FAMILIAR FACES BOOKINGS BY AGE		
AGE	COUNT	% BOOKINGS
18-24	390	16%
25-34	790	33%
35-44	592	25%
45-54	348	15%
55-64	218	9%
65+	29	1%
Total	2367	100%

Top 15 CHARGES IN 2020	
CHARGE	FREQUENCY
TRESPASSING	252
UNLAWFUL CARRYING OF WEAPON	195
VIOLATION OF PROBATION	165
SHOPLIFTING (ENHANCEMENT)	138
SHOPLIFTING <\$2000	126
FAIL TO STOP FOR BLUE LIGHT	124
DISORDERLY CONDUCT	108
PUBLIC INTOXICATION	104
SIMPLE POSSESSION OF MARIJUANA	92
BREAKING INTO AUTO	91
DUS 1ST OFFENSE	90
DUS 3RD & SUBSEQUENT	85
HABITUAL TRAFFIC OFFENDER	84
DOMESTIC VIOLENCE 2ND DEGREE	75
BREACH OF PEACE	71

In the following table, data are further analyzed by court type as indicated by SACDC data. Each booking is grouped under “General Sessions” if it includes at least one general sessions charge. Similarly, bookings grouped in “Summary Court” have at least one summary charge and no general sessions charges. Those in the “Other Courts” grouping have no general sessions or summary court charges.

Of note, the length of time spent in jail continues to vary by court type. In 2020, like 2019, the average length of stay is longer in the General Sessions and Other categories, and shorter in Summary. In addition, demographic patterns are similar, majority male and black.

2020 STATISTIC	GENERAL SESSIONS	SUMMARY	OTHER
TOTAL BOOKINGS	1377 (58%)	898 (38%)	92 (4%)
TOTAL CHARGES	3290	1163	115
AVERAGE LENGTH OF STAY (DAYS)	20 days	5	16
AVERAGE CHARGES PER BOOKING	2.39	1.3	1.25
AVERAGE AGE	34	40	36
BLACK BOOKINGS	889 (65%)	503 (56%)	57 (62%)
WHITE BOOKINGS	485 (35%)	388 (43%)	35 (38%)
MALE BOOKINGS	1201 (87%)	744 (83%)	68 (74%)
FEMALE BOOKINGS	175 (13%)	154 (17%)	24 (26%)

Analysis was also done to further examine familiar faces booked and released in the period to identify the most active among them as was done the prior year. In 2019 the analysis found:

- 18 familiar face individuals, each of whom cycled through seven or more times.
- These 18 individuals were booked 167 times on 222 charges, staying an average of 10 days each time.
- On average, they were 47 years old, 83% male and 67% black and most frequently charged with trespassing and various crimes against public order, such as public intoxication and disorderly conduct.

The 2020 analysis found similar results to the prior year with some differences. In 2020, there were:

- 12 familiar face individuals, each of whom cycled in and out of SACDC seven times or more.
- These 12 individuals were booked 114 times into the SACDC on 159 charges, staying an average of 7 days each time.
- On average they were 47 years old, 83% male, 72% white and most frequently charged with trespassing and various crimes against public order.

2020 FAMILIAR FACES BOOKED 7+ TIMES		Top 10 CHARGES	
STATISTIC	TOTAL	CHARGE	COUNT
UNIQUE INDIVIDUALS	12	TRESPASSING	37
TOTAL BOOKINGS	114	DISORDERLY CONDUCT	30
TOTAL CHARGES	159	PUBLIC INTOXICATION	21
AVERAGE LENGTH OF STAY	7 days	OPEN CONTAINER	9
AVERAGE CHARGES PER BOOKING	1.4	SHOPLIFTING - ENHANCEMENT	9
AVERAGE AGE	46.5	INHALE AROMATIC HYDROCARBON	6
BLACK BOOKINGS	32 (28%)	DRINKING IN PUBLIC	4
WHITE BOOKINGS	82 (72%)	MALICIOUS INJURY TO REAL PROPERTY	4
FEMALE BOOKINGS	17 (15%)	SHOPLIFTING < \$2,000	4
MALE BOOKINGS	97 (85%)	SIMPLE POSSESSION OF MARIJUANA	3

Efforts have been made to better understand and address the familiar face population in recent years. Building on previous work, the FY 21 – FY 23 Strategic Plan includes a small scale, Jail Involved Familiar Face (JIFF) Case Conferencing initiative to deliberately focus on the most active familiar faces cycling through the SACDC. It recognizes the cycle of book, release and repeat does not work, particularly among the most active of familiar faces. It also recognizes the need to build the infrastructure necessary while working within existing resources and constraints. As such, the JIFF initiative will serve up to four individuals per quarter. Throughout the latter half of 2020, the workgroup worked on eligibility criteria, informed consent, client engagement, and collaboration among existing resources and services within the Charleston community to be wrapped around these individuals to provide the help they need.

Key Points Summary

- The Big Four police agencies consistently make up approximately 90% of local booking activity.
- Custodial and non-custodial charges made by law enforcement decreased each year with non-custodial arrests by the Big Four representing 16% of arrest charges in 2020.
- Charge counts fell for all most frequently occurring charges between 2019 and 2020. The same is true from 2018 to 2020 except for firearm possession violations (increased 4% from 2018 to 2020) and Domestic Violence 2nd (increased 8% from 2018 to 2020).
- While lower level charges continue to be among the most frequently occurring they have decreased in number, and driving under the influence remains the most frequently occurring charge.
- Single, target-charge bookings continued to trend downward, reducing 29% from 2018 to 2019 and another 41% from 2019 to 2020. This represents a 84% reduction since 2014.
- Overall use of CDMHC diversion and deflection options have continued to grow since 2018 despite TCSC closing in March of 2020 due to the pandemic.
- The number of familiar face individuals declined by 63% from 2014 to 2020.
- Familiar face release activity remains a consistent percentage of all release activity.
- The average length of stay among familiar faces increased from 2018 to 2020.
- Trespassing was the most frequent charge among 2019 and 2020 familiar faces.
- The number of most active familiar faces with seven or more bookings in the year reduced from 2019 to 2020, from 18 individuals to 12. Statistics indicate fairly consistent findings with the 2019 findings with the exception being primarily black (67%) in 2019 to primarily white (72%) in 2020.
- The JIFF initiative addresses the sub-population of the most active familiar faces on a small scale.
- Efforts are needed to grow the scale of the JIFF initiative as well as bring about legal and evidence-based interventions for individuals repeatedly re-arrested that do not meet JIFF eligibility criteria.

BACKGROUND

Consistent with improvements to the local criminal justice system, there has been a sustained focus on Centralized Bond Court (CBC) practices since the launch of the CJCC's efforts. As previously reported in the Data Behind the Strategic Plan and prior annual reports:

- Among all bonds set in CBC, the percentage that release pretrial has remained steady from 2014 to 2019 (approximately 70% release pretrial).
- The time to pretrial release from 2014 to 2019 remained steady with the vast majority releasing pretrial within the first week. Of those that released in the first week, approximately 80% released in the first day.
- Between 2014 and 2019, money as a condition to release decreased more so in Summary (municipal and magistrate) cases than General Sessions (GS) cases:
 - ◊ Among Summary cases, 42% of CBC bond settings in 2014 and 22% of CBC bond settings in 2019 required money to release.
 - ◊ Among GS cases, 79% of CBC bond settings in 2014 and 70% of CBC bond settings in 2019 required money to release.
- Multiple prior pretrial outcome studies found consistent results. Studies of GS bonds found:
 - ◊ The majority of GS bonds set in Centralized Bond Court required money to release;
 - ◊ Pretrial releases (overall, financial and personal recognizance (PR) bonds) occurred in the majority of instances;
 - ◊ Among pretrial releases a minority were re-arrested in the pretrial period;
 - ◊ Re-arrests happened more often among financial releases than releases on personal recognizance; and
 - ◊ On average, those that experienced re-arrests did so more than once in the pretrial period, and rearrests most often occurred in the first six months of release.
- Studies of risk-based outcomes found:
 - ◊ Most releases fell in the lower levels of risk;
 - ◊ Most releases were not getting re-arrested or being charged with appearance violations;
 - ◊ Bond judges ordered PR bonds more frequently among lower levels of risk and financial bonds in higher levels of risk;
 - ◊ Pretrial failure rates (re-arrest and/or failure to appear) increased as the risk level increased;
 - ◊ Re-arrests occurred more often than appearance violations, and they most often occurred within the first six months of release; and
 - ◊ Pretrial failure rates were consistently higher for financial bonds than PR bonds across almost all levels of risk.

The primary purpose of jail in South Carolina is to hold defendants awaiting court who pose a public safety or flight risk that cannot be reasonably managed in the community as well as people serving sentences of ninety days or less. Unnecessarily incarcerating defendants awaiting court that are not a safety or flight risk results in significant costs to individuals, families and communities¹³. Research has shown a variety of negative impacts from pretrial detention, such as higher rates of conviction and harsher sentences than those released, who have the benefit of demonstrating their ability to behave responsibly in the community¹⁴. Detained defendants, especially those that pose lower risk of pretrial failure, may become further destabilized and less capable of being healthy, contributing members of society¹⁵. They can experience loss of housing and income, separation from children or other family members in need of care, untreated mental health and substance use conditions, and develop further needs that place them at elevated risk of future arrest¹⁶.

By law, a judge must set bond for defendants within 24 hours of arrest (30 days for certain serious cases and repeat violent offenses). Each arrested person has a right to an individualized decision made by a judge about the terms of their release, as pretrial detention is only to be used when other reasonable safeguards cannot assure court appearance or protect the community from harm. As seen on page 35, the South Carolina constitution strictly limits the cases in which bond can be denied.

Currently, the CJCC's bond and reentry workgroup is implementing three strategic initiatives pursuant to the FY21-FY23 strategic plan. The first, mechanisms to ensure bond hearings are continually fair, just and meaningful, made considerable progress in 2020. For example, completed objectives include a data dashboard, bond court observation form development and use, and stakeholder training in national standards. The second initiative, directory of services, is also progressing. Trident United Way 211 trained approximately 75 stakeholders from five, local criminal justice system agencies (e.g., Public Defender's Office and Probation, Parole and Pardon Services). In addition, the CJCC and SC United Way were granted an AmeriCorps VISTA position for the coming year to help strengthen the 211 platform and market its use among local stakeholders. Finally, completed objectives for the proposal of pretrial service options include research on best practices, evolving trends and bond conditions.

Bond Data

The data below describes the following aspects of Centralized Bond Court practices:

- A. Effective bonds (source data: CMS Magistrate, CMS GS and SACDC)
- B. Pretrial Service Reports (source data: Pretrial Services Database, CMS Magistrate, and SACDC)
- C. Summary of Prior Pretrial Outcome Studies (source data: CMS Magistrate, CMS GS, Pretrial Services Database, Charleston, North Charleston and Mount Pleasant Municipal Courts, and SACDC)
- D. Updated pretrial outcome studies (source data: CMS Magistrate, CMS GS, Pretrial Services Database, Charleston, North Charleston and Mount Pleasant Municipal Courts, and SACDC)

A. Effective Bonds

Personal Recognizance Bond: Defendant will be released from jail on defendant's promise to appear at court and will not have to pay any money.

Financial Bond: Defendant will be released from jail if the defendant is able to satisfy the total amount of financial bonds, whether they are structured as a cash or surety bond.

South Carolina Constitution, Article 1, § 15:

All persons shall be, before conviction, bailable by sufficient sureties, but bail may be denied to persons charged with capital offenses or offenses punishable by life imprisonment, or with violent offenses defined by the General Assembly, giving due weight to the evidence and to the nature and circumstances of the event. Excessive bail shall not be required, nor shall excessive fines be imposed, nor shall cruel, nor corporal, nor unusual punishment be inflicted, nor shall witnesses be unreasonably detained. (1970 (56) 2684; 1971 (57) 315; 1998 Act No. 259.)

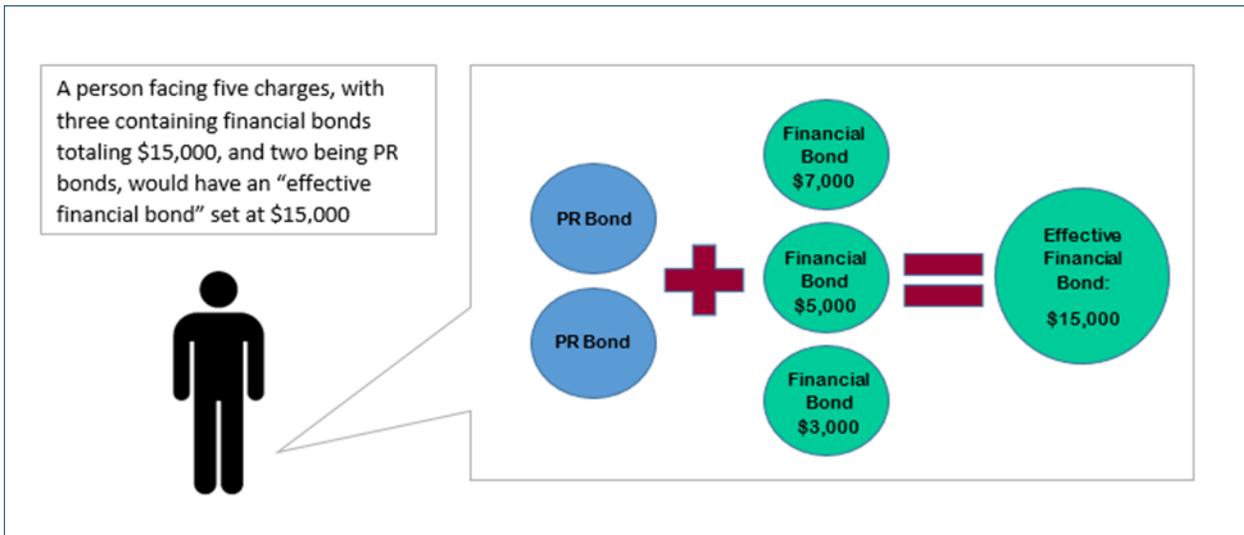
S.C. Code Ann. § 17-15-10:

(A) A person charged with a noncapital offense triable in either the magistrates, county or circuit court, shall, at his appearance before any of such courts, be ordered released pending trial on his own recognizance without surety in an amount specified by the court, unless the court determines in its discretion that such a release will not reasonably assure the appearance of the person as required, or unreasonable danger to the community or an individual will result. If such a determination is made by the court, it may impose any one or more of the following conditions of release:

- (1) require the execution of an appearance bond in a specified amount with good and sufficient surety or sureties approved by the court;
- (2) place the person in the custody of a designated person or organization agreeing to supervise him;
- (3) place restrictions on the travel, association, or place of abode of the person during the period of release;
- (4) impose any other conditions deemed reasonably necessary to assure appearance as required, including a condition that the person return to custody after specified hours.

(B) A person charged with the offense of burglary in the first degree pursuant to Section 16-11-311 may have his bond hearing for that charge in summary court unless the solicitor objects.

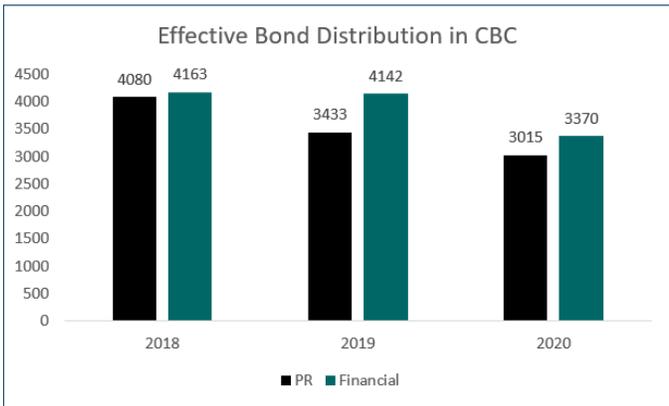
HISTORY: 1962 Code Section 17-300; 1969 (56) 383; 2012 Act No. 286, Section 3, eff June 29, 2012; 2015 Act No. 58 (S.3), Pt III, Section 12, eff June 4, 2015



Grouping by effective bond means combining all of the bonds set on an individual per bond hearing. The type and amount of bonds are determined based upon the totality of bonds, also known as the effective bond. Effective bond analysis allows for a more informative measure of bond practices compared to counting individual bonds on each charge. For example, one person at one bond hearing may have five charges and receive five bonds, some financial at \$X per bond and some PR. The defendant must meet all of the bond conditions in order to be released from the jail, and the total amount of money necessary to do so (if they are assigned financial bond types). Therefore, an effective PR bond would signify that one individual at one bond hearing received only PR bonds. On the other hand, a person facing five charges, with three financial bonds totaling \$15,000 and two PR bonds, would have an effective financial bond set at \$15,000.

Effective bond trends¹⁷ in Centralized Bond Court¹⁸ (CBC) between 2018 and 2020 indicate:

- There were 668 fewer effective bonds in 2019 than 2018, from 8,243 to 7,575 (8% decrease from 2018 to 2019). There were 1,022 fewer effective bonds in 2020 than 2019, 6,385 (16% decrease from 2019). Between 2018 and 2020 there were 1,858 fewer effective bonds (23% decrease 2018 to 2020).
- The use of effective financial bonds continues to be proportionally higher than the use of effective PR type bonds. In 2018, there were 4,163 effective financial bonds (51%) and 4,080 effective PR bonds (49%). In 2019, there were 4,142 effective financial bonds (55%) and 3,433 effective PR bonds (45%). In 2020, there were 3,370 effective financial bonds (53%) and 3,015 effective PR bonds (47%).



CBC Effective Bond	2018	2019	2020
CBC ALL	8243	7575	6385
GS COURT	5176	4835	4390
SUMMARY COURT	2773	2489	1799
OTHER COURT	294	251	196
FINANCIAL	4163	4142	3370
PR TYPE	4080	3433	3015

In 2020, the majority of financial bonds were set in GS cases and other court¹⁹ cases while Summary cases saw the majority of PR bonds.

2020 CBC BOND SETTING	TOTAL	FINANCIAL	PR
GS	4390	2880	1510
SUMMARY	1799	313	1486
OTHER	196	177	19

The average dollar amount²⁰ of effective financial bonds set in CBC decreased since 2018 in most categories.

- The overall average amount of effective financial bonds for 2018 was \$33,085, and in 2019 it decreased slightly to \$32,011. In 2020, increased slightly to \$32,707.90.
- In 2018, the average Summary level effective bond was \$6,006 and the average GS level bond was \$36,339. In 2019 the average Summary level financial bond decreased to \$2,119 and the average GS level bond decreased to \$35,722. In 2020, the average Summary level financial bond increased to \$2,833 and the average GS level bond increased to \$36,384.

CBC Average Bond Amount	2018	2019	2020
AVERAGE OVERALL	\$33,085	\$32,011	\$32,725
GS COURT AVERAGE	\$36,339	\$35,722	\$36,384
SUMMARY COURT AVERAGE	\$6,006	\$2,119	\$2,833
OTHER COURT AVERAGE	\$44,633	\$48,361	\$26,054

B. Pretrial Service Reports

Charleston County’s Centralized Bond Court chose to use a pretrial service report (PSR) in order to better inform bond-setting judges and provide a consistent, objective and reliable way to assess for risk of rearrests and/or missing court. The PSR is a two-page form of information provided for use in initial bond hearings. The PSR summarizes core information about the defendant and provides the results of a pretrial risk assessment.

Acknowledging the ongoing debate among bail reform advocates that risk assessments are inherently biased, national standards continue to recommend the use of pretrial risk assessments instruments. National Association of Pretrial Services Agencies Standard 2.8²¹ issued in 2020 states, “Stakeholders making bail decisions should use validated risk assessments to inform those decisions.” This standard emphasizes empirical research, the importance of maximizing pretrial release and carefully limiting pretrial detention, and provides direction for development and validation steps in ensuring appropriate use and safeguards against disparity.

Following a period of data collection and analysis, the Virginia Pretrial Risk Assessment Instrument-Revised (VPRAI-R) was deemed appropriate for use²² in the PSR. It went into effect Jan. 8, 2018. The CJCC 2018 and 2019 annual reports included key findings from its use. A summary of those findings is below.

- Bond judges ordered personal recognizance (PR) bonds more frequently among lower levels of risk and financial bonds in higher levels of risk suggesting a relationship between the risk-level assessed and judicial decisions.
- Data on defendants’ assessed risk and release outcomes indicated the VPRAI-R properly assesses for risk of re-arrests during the pretrial period and failure to appear. The pretrial failure rate (re-arrest and/or failure to appear) increased as the risk level increased.
- Releases on financial bonds did not outperform those released on PR bonds. Overall, pretrial failure rates were higher for financial bonds than PR bonds at risk levels 1, 2, 3 and 4. Pretrial failure rates in risk levels 5 and 6 were nearly equal among financial and PR bonds.
- Due to limited staff (i.e., 3 FTEs that work 7 days a week), technological and logistical constraints associated with the video interview process, roughly half of eligible cases were risk assessed.

The desire to see if the predictive abilities of the existing instrument could be improved through local validation as well as increase the number of cases being risk-assessed led to a more robust analysis by the JFA Institute in 2019. The researchers found the VPRAI-R produced satisfactory results and could be improved. The researchers then created a locally validated instrument, known as the Charleston Pretrial Risk Assessment Instrument (CPRAI)²³. Researchers found all relevant tests proved the CPRAI to be superior to the VPRAI-R. The CPRAI is more predictive than the VPRAI-R and provides greater definition in risk levels. It allows more cases to be assessed as it does not require a video interview. The researchers also did not locate any persistent or sustained bias by gender or race.

Similar to the VPRAI-R, the CPRAI provides an objective, reliable and valid assessment for risk of re-arrest and failure to appear during the pretrial period. It predicts whether a defendant falls into a group that is more likely or less likely to get re-arrested and/or miss court while in the community on pretrial release. It is not capable of predicting future violence or intentional flight from justice.

An updated PSR with the CPRAI went into effect on Jan. 8, 2020. Skilled pretrial analysts continue to rely upon data from the FBI’s National Crime Information Center, South Carolina Department of Probation, Parole and Pardon Services, Ninth Circuit Solicitor Office, court indexes and the jail to compile information used to complete the PSR. Data will continue to be collected for follow up evaluations of predictive accuracy as well as continued monitoring for any racial or gender bias.

As with the past version of the PSR, the updated PSR is not intended to be the sole factor used in making bond decisions. Judges consider the factors required by law, information provided by the state and defense during the bond hearing, and the PSR prior to rendering a decision appropriate to each individual case. An overview of the pretrial data from January 8, 2020 to December 31, 2020 is below.

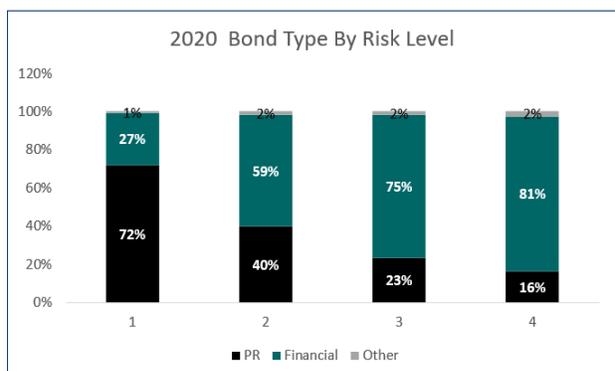
- There were 7,136 eligible cases in which a pretrial assessment could have occurred. Of those, 6,579 had a completed Pretrial Service Report (PSR) and were assessed by pretrial staff using the CPRAI (92%) of all eligible cases, a significant increase from 51% in 2019 and 51.5% in 2018 without additional staff.
- Of the 7,136 eligible cases, 4,322 included at least one GS charge. Pretrial staff completed PSRs on 4,099 of the 4,322 (95%) GS cases, an increase from 62% in 2019.
- The majority of assessments completed resulted in low levels of risk, 4,932 (75%), resulted in a Level 1 or 2, while 1,647 (25%) resulted in a Level 3 or 4.

Effective bond results by risk level indicate a relationship between level and different bond types.

- The frequency with which effective PR bonds are given is highest at the lowest level of risk (Level 1), making up 72% of effective bonds.
- At the highest level of risk (Level 4), financial bonds are given with the most frequency, making up 81% of effective bonds.

LEVEL	COUNT	%
1	2564	39%
2	2368	36%
3	1166	18%
4	481	7%
TOTAL	6579	

2020 RISK LEVEL BY BOND TYPE				
	1	2	3	4
PR	1576	846	251	74
FINANCIAL	594	1249	806	374
OTHER	17	38	20	11
TOTAL	2187	2133	1077	459



C. Summary of Prior Pretrial Outcome Studies

As noted earlier, prior Annual Reports included studies of pretrial outcomes based on bonds set at Centralized Bond Court dating from 2014 to 2019 as well as risk-based outcomes for the previously utilized pretrial risk assessment instrument embedded in PSRs.

2018 GS Pretrial Safety Outcome findings for bonds set 2014 to 2018 found:

- Each year financial bonds outnumbered PR bonds, ranging from 78% to 64% of bonds set.
- Pretrial release rates remained in the 80th percentile between 2014 and 2018 (from 86% to 84%).
- The pretrial release rate among financial bonds was between 83% and 75%.
- The rate of safety failures, or at least one return to the SACDC on a new arrest, ranged from 35% to 40% on bonds set between 2014 and 2017.
- The safety failure rate for 2018 bond sets was 20%, though the vast majority of 2018 cases were still pending at the time of the analysis and this rate was expected to rise.
- Each year, financial bonds experienced higher safety failure rates than PR bonds.
- Most safety failures occurred within the first six months of release, and those that experienced a safety failure often failed more than once.

Updated analysis run in early 2020 of GS Bonds and Pretrial Outcomes in 2018 and 2019 found similar results.

- Among GS effective bonds set in Centralized Bond Court from January 8, 2018 through 2019, a minority were PR bonds (33%) and the majority were financial (67%) were financial bonds.
- Of the effective bonds set in the period, 86% released pretrial. The releases include nearly all PR bonds (99%) and most (79%) financial bonds.
- Of the pretrial releases at the time of the analysis, a minority (26%) returned to jail with a safety violation while still on bond.
- The rate of safety failures was higher for financial releases with a 30% rate of failure and lower for PR releases with a 20% rate of failure.
- Pretrial releases that experienced safety failure continued to return to jail more than one time, an average of 1.5 times.
- Of those that returned to jail on a safety violation to-date, the majority occurred within the first six months of release.

Key Findings from the Risk-Based Pretrial Outcome Study (2018)

- Most pretrial releases fell in the lower risk levels.
- Data on defendants' assessed risk and release outcomes indicated the VPRAI-R properly assessed for risk of re-arrests and failure to appear during the pretrial period. The pretrial failure rate (re-arrest and/or failure to appear) increased as the risk level increased.
- Releases on financial bonds failed more often than releases on PR bonds. Overall, pretrial failure rates were higher for financial bonds than PR bonds at risk levels 1, 2, 3 and 4. Pretrial failure rates in risk levels 5 and 6 were nearly equal among financial and PR bonds.
- Most releases did not fail. At the time of the analysis, 22% of releases experienced a pretrial failure. It was expected this percent would increase over time as many of the cases were still pending.

- Safety failures occurred more often than appearance failures, and they most often occurred within the first six months of release.

Updated analysis run in early 2020 of Risk-Based Pretrial Outcomes between 2018 and 2019 found similar results.

- Most (77%) releases fell in the lower four of six risk levels.
- At the time of the analysis, the majority of 2018-2019 pretrial releases succeeded while the minority (29%) experienced any pretrial failure.
- The rate of any failure increased as the risk level increases.
- The highest risk level 6 carried a 44% rate of any pretrial failure, while level 1 carried a 15% rate of failure. The rate of any pretrial failure for level 2 was 22%, 31% for level 3, 32% for level 4 and 39% for level 5.
- Pretrial failure rates were higher among effective financial bonds than effective PR bonds at risk levels 1-5. At risk level 6, PR failure rate exceeded that of financial bonds by 3%.
- Safety failures occurred more often than appearance failures, and they most often occurred within the first six months of release.

D. Updated Pretrial Outcome Studies

This section provides a preliminary assessment of the Charleston Pretrial Risk Assessment Instrument that went into effect on January 8, 2020. In addition, a further update to GS pretrial safety outcomes among bonds set in recent years is provided. Key findings from the GS Bonds and Pretrial Outcomes Study (2014-2018) are provided below. Please see the 2018 and 2019 Annual Reports for more information.

Methodology and Definitions

All PSRs from January 8, 2020 to June 30, 2020 were included in the preliminary CPRAI analysis and then researched to identify pretrial outcomes to-date for those that released from the jail. Bond settings were limited to those taking place in this period to allow for a minimum of six months for preliminary pretrial outcomes to occur. Only the cases resulting in pretrial release were further analyzed for pretrial outcomes. Jail releases were then tied to a bond-setting in Centralized Bond Court and matched to bond and court disposition data.

In the GS analysis, bond settings were further refined to only include those that featured one or more GS charges. Only the cases resulting in pretrial release were further analyzed for pretrial outcomes. Bond settings were limited to those taking place January 8, 2018 and December 31, 2019 (launch of Pretrial Service Reports with the VPRAI-R), and bonds set January 8, 2020 to December 31, 2020 (launch of the upgraded Pretrial Service Report with the CPRAI). Recent cases were often still pending at the time of the analysis due to their recent occurrence.

Safety Violation is when a defendant returns to jail before disposition of the case, for a reason other than a bench warrant.

Appearance Violation is when a defendant fails to appear for court, resulting in a bench warrant, failure to appear (FTA) or a Tried in Absentia (TIA) disposition. Appearance violations were determined through the existence of a bench warrant or an appearance related disposition of TIA or FTA.

Release Rate is the percentage of defendants that were able to secure release from jail before the disposition of their case.

Effective Bond determination is the combination of all the bonds set on an individual per bond hearing. The defendant must meet all these bond conditions in order to secure release from the jail. As noted earlier, the combination of these bonds establishes all the conditions that must be met to secure release, and the total amount of money required when there are financial bonds.

Returns to Jail were determined upon returns to the SACDC after the date a defendant is released on bond and before the date of their case disposition (or date of analysis if the case is not yet disposed).

Any Pretrial Failure violation was determined by the existence of one or more of the above violations (Safety and/or Appearance). For example, if an individual has a safety violation and an appearance violation on the same bond setting it is considered one Any Failure violation.

Further updated analysis of GS Bonds and Pretrial Outcomes in 2018 and 2019 run in early 2021 again found similar results.

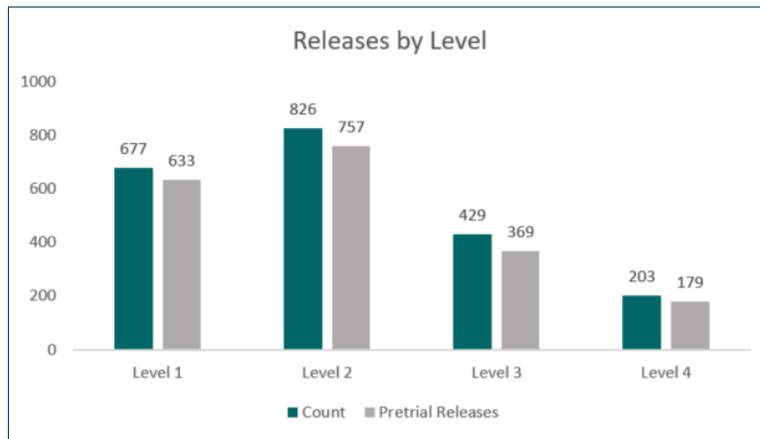
- Majority of effective bond sets remained financial, 68% for 2018 – 2019 and 65% for 2020.
- Overall release rates remained in the 80th percentile, 87% for 2018-2019 and 88% for 2020.
 - ◇ Among effective financial bonds the release rate to date is 82% for 2018-2019 and 82% for 2020.
 - ◇ Among effective PR bonds the release rate to date is 99% for 2018-2019 and 99% for 2020.
- Of releases to date, the minority continue to experience safety failures, and rates of safety failure continue to be higher for financial releases than PRs.
 - ◇ Among bonds set in 2018 – 2019, a minority of releases to-date (35%) experienced a safety violation, and the rate of failure was lower (27%) among effective PR bonds and higher (39%) among effective financial bonds.
 - ◇ Among bonds set in 2020, a minority of releases to-date (19%) experienced a safety violation, and the rate was lower (14%) among effective PR bonds and higher (23%) among effective financial bonds.
- On average, those that experience safety failure did so more than once; and again they returned most often in first six months of release.
 - ◇ Among effective bonds set in 2018 – 2019, while there were 2,704 releases that returned to jail at least once, they returned a total of 4,568 times. And, again most returns happened in the first six months.
 - ◆ Among effective financial bonds set in 2018 – 2019, while there were 1,933 releases that returned to jail at least once, they returned a total of 3,300 times. And, again most returns happened in the first six months.
 - ◆ Among effective PR bonds set in 2018 – 2019, while there were 771 releases that returned to jail at least once, they returned a total of 1,268 times. And, again most returns happened in the first six months.
 - ◇ Among effective bonds set in 2020, while there were 724 releases that returned to jail at least once, they returned a total of 1,030 times to-date. And, again most returns happened in the first six months.
 - ◇ Among effective financial bonds set in 2020, while there were 518 releases that returned to jail at least once, they returned a total of 729 times to-date. And, again most returns happened in the first six months.

- ◆ Among effective PR bonds set in 2020, while there were 206 releases that returned to jail at least once, they returned a total of 301 times to-date. And, again most returns happened in the first six months.

Preliminary analysis of the upgraded PSR with the Charleston Pretrial Risk Assessment Instrument run in early 2021 also finds consistent results

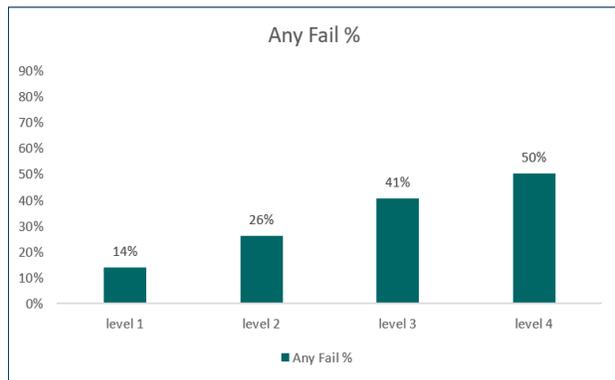
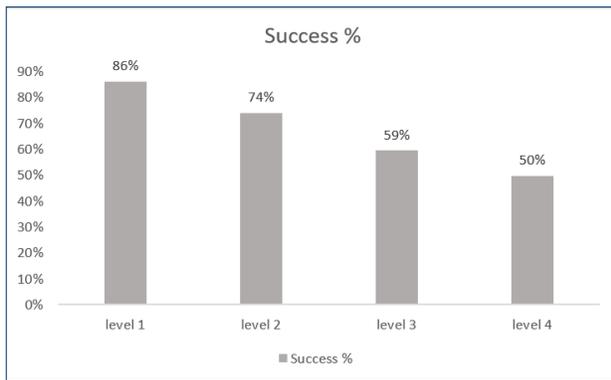
- Of the 2,135 upgraded PSRs completed in the first half of 2020, 1,938 (91%) released pretrial. The majority (71%) of releases were in the lower two levels of risk (633 level 1 and 757 level 2).

PSRs BY LEVEL	COUNT	PRETRIAL RELEASE	RELEASE %
Level 1	677	633	94%
Level 2	826	757	92%
Level 3	429	369	86%
Level 4	203	179	88%
Total	2135	1938	91%



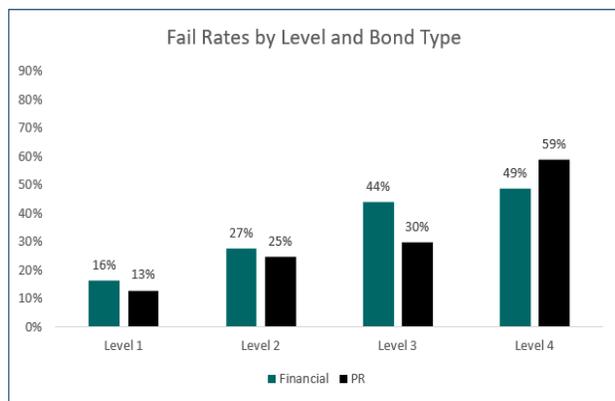
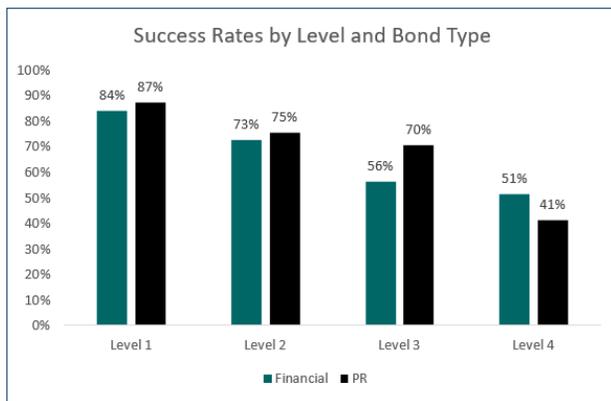
- To date, a minority (27%) of pretrial releases experienced any failure and the majority (73%) have been successful.
- Lower levels continue to outperform higher levels. As such, rates of success decline as risk level increases. Similarly, rates of failure increase as risk level increases. To date,
 - ◆ Levels 1 has an 86% rate of success and a 14% rate of failure
 - ◆ Level 2 has a 74% rate of success and a 26% rate of failure.
 - ◆ Level 3 has a 59% rate of success and 41% rate of failure. And,
 - ◆ Level 4 releases to date have a 50% rate of success and a 50% rate of failure.

Results by Risk Level	Releases	Jail Return	Appearance	Any Failure	Any Fail %	Success	Success %
level 1	633	78	13	88	14%	545	86%
level 2	757	187	19	199	26%	558	74%
level 3	369	139	14	150	41%	219	59%
level 4	179	78	18	90	50%	89	50%
Totals	1938	482	64	527	27%	1411	73%



- Pretrial failure rates are higher among effective financial bonds than effective PR bonds at risk levels 1 – 3. For instance, level 3 financials have a 44% rate of failure while level 3 PRs have a 30% rate of failure.
- The pretrial failure rate in level 4 was higher for PR bonds than financials. Of the 29 PR releases in level 4, 17 experienced failure (59%) while 49% or 73 of the 150 financial releases experienced failure.

Risk Level	Bond Type	Pretrial Release	Any Fail %	Any Failure	Safety Failure	Appear Failure	Success	Success %
Level 1	FINANCIAL	223	16%	36	34	2	187	84%
Level 1	PR	410	13%	52	44	11	358	87%
Level 2	FINANCIAL	456	27%	125	121	8	331	73%
Level 2	PR	301	25%	74	66	11	227	75%
Level 3	FINANCIAL	288	44%	126	117	11	162	56%
Level 3	PR	81	30%	24	22	3	57	70%
Level 4	FINANCIAL	150	49%	73	65	13	77	51%
Level 4	PR	29	59%	17	13	5	12	41%



Limitations

Due to the inclusion of recent and pending cases, pretrial outcomes (safety and appearance violations) will continue to change with time. Additionally, some of the pretrial defendants that were still detained as of December 31, 2020 may end up being released from jail before their disposition, affecting the overall release rate. Any bond settings that did not result in release prior to disposition or prior to the end of the 2020 year (whichever came first) were not further analyzed for pretrial outcomes.

Returns to jails other than the SACDC and court activity outside of the data sources mentioned are not included. In addition, due to the COVID-19 pandemic there were court orders in 2020 that limited opportunities for appearance violations to occur. Thus, these findings on safety and appearance failures may be under-reported. Pretrial outcome findings are also dependent upon the data available within data sources at the time of analysis and the quality of the data therein.

Key Points Summary

- The number of bonds set in Centralized Bond Court (CBC) declined 23% from 2018 to 2020.
- The proportion of effective financial bonds (53% in 2020) ordered in CBC continues to be higher than the proportion of effective PR bonds (47% in 2020).
- The overall average effective financial bond set in 2020 was \$32,725, The average for GS was \$36,384 and the average for Summary was \$2,833.
- In 2020, 83% of Summary cases received an effective PR bond and 66% of GS cases received an effective financial bond.
- In 2020, pretrial analysts assessed 92% of the total eligible population using an upgraded Pretrial Service Report with the CPRAI, including 95% of eligible GS cases. This is a significant increase from the prior years (51% in 2019 for all eligible and 62% for GS) without additional staff.
- The majority (75%) of pretrial assessments resulted in lower levels of risk for pretrial failure.
- Frequency of financial bonds ordered increased by risk level (e.g., 27% financial in 1 and 81% in 4).
- Updated pretrial outcomes studies found consistent results from previous studies. Similar results persist year after year. The updated GS Safety Outcomes (2018-2019, and 2020) found:
 - ◇ Majority of effective bond sets remained financial, 68% for 2018 – 2019 and 65% for 2020.
 - ◇ Overall release rates remained in the 80th percentile, 87% for 2018-2019 and 88% for 2020.
 - ◇ Of releases to date, the minority (35% for 2018-2019 and 19% for 2020) continue to experience safety failures, and rates of safety failure continue to be higher for financial releases than PRs.
 - ◇ On average, those that experience safety failure did so more than once; and again they returned most often in first six months of release.
- Preliminary analysis of the upgraded PSR with the CPRAI also found results consistent with past studies.
 - ◇ The majority (71%) of releases were in the lower levels of risk.
 - ◇ A minority (27%) of pretrial releases experienced any failure and the majority (73%) have been successful to-date.
 - ◇ Lower levels continue to outperform higher levels. As such, rates of success decline as risk level increases. To date,
 - ◆ Levels 1 has an 86% rate of success and a 14% rate of failure
 - ◆ Level 2 has a 74% rate of success and a 26% rate of failure.
 - ◆ Level 3 has a 59% rate of success and 41% rate of failure. And,
 - ◆ Level 4 releases to date have a 50% rate of success and a 50% rate of failure.
 - ◇ Pretrial failure rates are higher among effective financial bonds than effective PR bonds at risk levels 1 – 3. For instance, level 3 financials have a 44% rate of failure while level 3 PRs have a 30% rate of failure.
 - ◇ To date, the pretrial failure rate in level 4 was higher for PR bonds than financials. Of the level 4 pretrial releases, 17 of 29 PR releases experienced failure (59%) while 49% or 73 of the 150 financial releases experienced failure.

BACKGROUND

While there have been improvements, case processing trends within the Court of General Sessions (GS) have been the most challenging to impact since the launch of the CJCC's efforts. As previously reported in the Data Behind the Strategic Plan and prior annual reports:

There has been a significant increase in bond court representations by public defender attorneys in Centralized Bond Court from 0 in 2015 to 1,723 in 2019, representing 23% of CBC bond settings in 2019.

- There has been consistent or improved timeliness in early case processing steps (e.g., assignment of prosecutors and public defenders as well as initial transfers of evidence from law enforcement to prosecutors) in recent years.
- The count of dispositions and individuals disposed remained fairly steady from 2014 to 2019. And, in general, nearly as many charges filed were disposed each year from 2017 to 2019.
- The median time to disposition increased overall (415 days in 2015 to 465 days in 2019), with the focus on the oldest pending cases.
 - ◊ In the same period, the median time among those in-custody decreased from 149 days in 2015 to 142 days in 2019, and the median time among those out-of-custody increased from 393 days in 2015 to 499 days 2019.
- At the end of December 2019, 82% of pending cases were out-of-custody and 18% were in-custody.
- Few counties in the state have met the South Carolina benchmark to have 80% of pending GS cases at or below 365 days from 2015 to 2019, Charleston County is not one of them. For example, in 2019, 55% of the pending caseload in Charleston County was at or below 365 days.

In 2020, the CJCC's case processing workgroup began pursuing three strategic initiatives pursuant to the strategic plan. The first initiative, jail population review, is underway with lists generated weekly and ongoing monitoring. The second initiative, court reminders, relaunched in the fall with jail based enrollments and the anticipation of expanding enrollment in the coming year. In addition, the group continues to study pandemic impacts, weekly analysis of jail based trends, and a case processing dashboard. The group is utilizing this information to help find opportunities to institutionalize lessons learned and tackle the growing backlog.

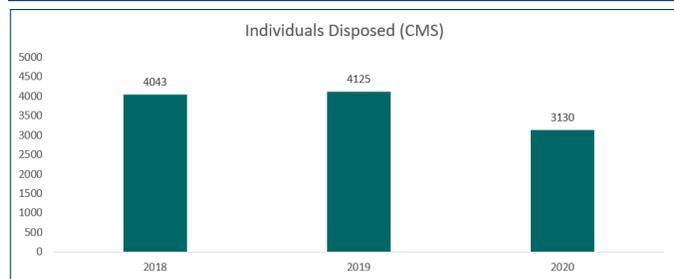
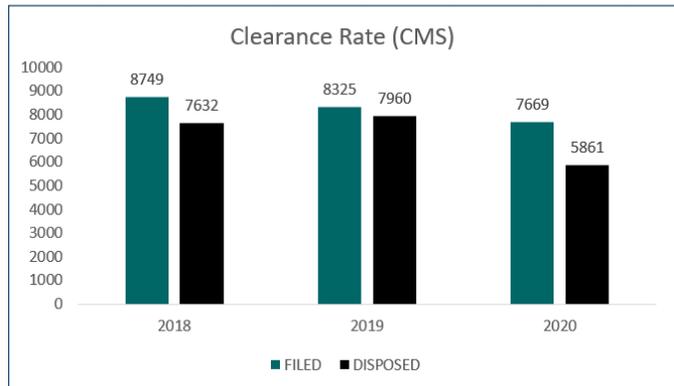
Data is presented in comparison to the prior year and, where applicable, reference to 2017 data are provided. The data below describes practices in GS (GS) case processing, including:

- A. Disposition activity (source data: CMS-GS and SACDC)
- B. Front end indicators (source data: CMS-GS, PbK, SACDC, DD)
- C. Update to automated court reminders (source data: Court Reminder System, CMS GS, and Pretrial Services Database)
- D. Jail Population Review (source data: SACDC and Pretrial Services Database)
- E. Backlog estimates (source data: CMS-GS)

A. Disposition Activity

Findings from examining the trend of GS disposition (case completion) activity in Charleston (as recorded in CMS data) from 2018 to 2020 include:

- Total number of charges filed decreased by 424 from 8,749 in 2018 to 8,325 in 2019 (5% decrease). Charges filed further decreased by 656 in 2020 to 7,669 (12% decrease from 2018 to 2020).
- Total number of charges disposed increased by 328 from 7,632 disposed charges in 2018 to 7,960 in 2019 (4% increase). Charges disposed then decreased by 2,099 in 2020 to 5,861 (23% decrease from 2018 to 2020).
- The Clearance Rate, or rate of charges disposed to charges filed, increased from 87% in 2018 to 96% in 2019 before decreasing in 2020 76% (7,669 filed and 5,861 disposed).
- Similarly, the number of individuals disposed increased by 82 from 4,043 in 2018 to 4,125 in 2019 (2% increase) and then decreased by 995 in 2020 to 3,130 (23% decrease from 2018 to 2020).



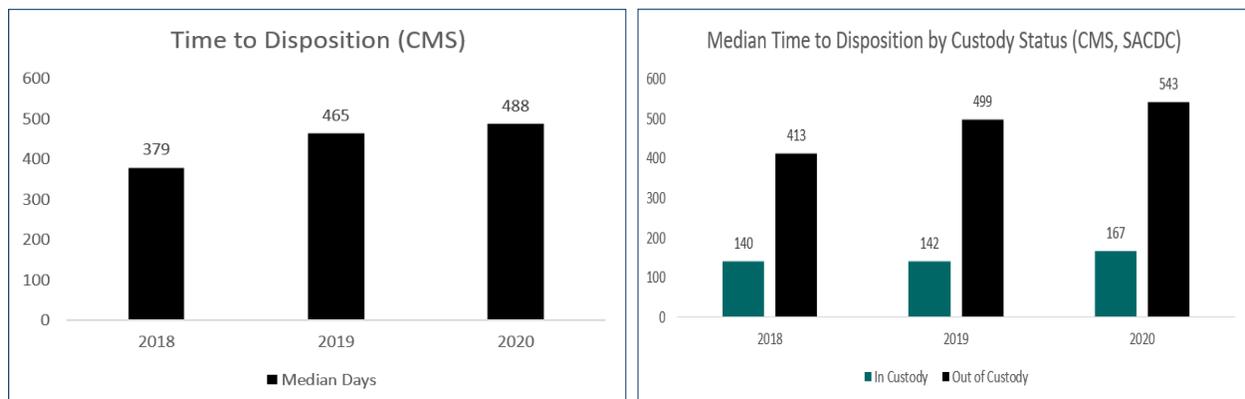
The largest increase in type of disposition from 2018 to 2019, according to CMS disposition data, was in guilty pleas. In 2020, dismissed not indicated had the largest increase from prior years. Judicial dismissals also increased from 2019. Other types decreased and/or remained constant.

Dispositions by Type (CMS)	2018	2019	2020
Pled Guilty	3280	3608	2473
Dismissed Not Indicted	1259	1334	1503
Nolle Prosequi	2163	2158	1408
Judicial Dismissal	153	120	139
Dismissed at Preliminary Hearing	425	315	113
Failure to Appear	141	180	88
Drug Court/Veteran Court	56	90	49
Remand to Mag/Muni Ct/Sent to Family Ct	46	39	38
Mental Health Court	28	19	20
Trial Guilty	45	51	14
Trial Not Guilty	20	30	13
Dismissed - Prosecutorial Discretion	2	1	1
No Billed	8	8	1
Nolle Prosequi Indicted	0	0	1
Dismissed - Affidavit Signed	0	1	0
Dismissed - Restitution Made Ended	0	1	0
Trial Not Guilty by Reason of Insanity	6	5	0
Total	7632	7960	5861

The following measures of timeliness are presented as medians, meaning the value at the center of the data. A median is distinguished from the mean, or average of all values. The median can capture the measure in the middle without being as easily swayed by an extreme (high or low) value. The median

time to disposition increased between 2018 and 2020 in all categories.

- Median time to disposition increased from 379 days in 2018 to 465 days in 2019. In 2020, the median time to disposition increased again to 488 days (109 day increase from 2018 to 2020).
- Median time to disposition by custody status (whether the defendant was jailed) also increased:
 - ◊ In-custody time to disposition increased from 140 days in 2018 to 142 days in 2019 to 167 days in 2020 (27 day increase from 2018 to 2020), and
 - ◊ Out-of-custody time to disposition increased from 413 days in 2018 to 499 days in 2019 to 543 days in 2020 (130 day increase from 2018 to 2020).



B. Front End Indicators

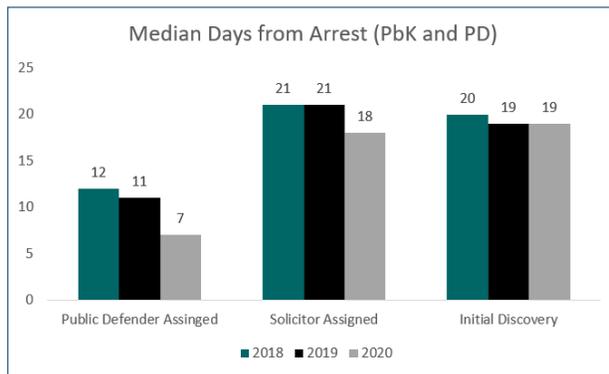
Findings from examining important front-end components of case processing demonstrate improved and continuing progress for cases disposed in the period. Available data indicate consistent or improved timeliness in key early case processing milestones.

- In 2020, there were 2,128 defendants represented by public defender attorneys in Centralized Bond Court. This represents a 24% increase from the number recorded in 2019 (1,723) and a 48% increase from the number recorded in 2018 (1,439).
- Similarly, the proportion of defendants with access to public defender representation in bond court relative to all effective bonds in the period grew from 17% (1,439 of 8,243) in 2018 to 23% in 2019 (1,723 of 7,575) to 33% in 2020 (2,128 of 6,385).

The increase in bond court representation by public defender attorneys happened as a more efficient process to provide access to representation in Centralized Bond Court was instituted. Prior to this change, pretrial analysts conducted video interviews with defendants awaiting bond hearings, completed an indigence screening for defendants that wanted to be referred to a public defender for bond court representation, and recorded the number represented in bond court. Then, in 2020, pretrial analysts were removed from the process pursuant to the Chief Administrative Judge's approval of a one day appointment of counsel at initial bond hearings for persons requesting counsel and screening by staff within the Sheriff Al Cannon Detention Center. This one day appointment only applies to those who request appointed counsel and who have less than \$500 cash at the time of arrest to hire private counsel. As such, the manner in which these figures are recorded transitioned to the Public Defender's Office. The Public Defender's Office tracks how many of these defendants that their staff can reach each day and provides this data to the CJCC.

In addition to the increase in bond court representations by public defender attorneys, there has been consistent improvement in early case processing steps among cases disposed in the period.

- The median time to assignment of a public defender attorney was reduced from 12 days in 2018 to 11 days in 2019, and further reduced to 7 days in 2020.
- The median time to receipt of initial discovery reduced from 20 days in 2018 to 19 days in 2019, and remained 19 days 2020.
- The median time to Solicitor assignment was 21 days in 2018 and 2019, it reduced to 18 days in 2020.



Improving the efficiency and speed of the assignment of cases, as well reducing the time of receiving, and providing discovery has been an important part of the initial CJCC strategic plan (launched in 2016). The purchase and use of the ProDocs software solutions with the support of the Safety + Justice Challenge grant, and the purchase of the hardware storage servers, provided by the Charleston County IT Department has allowed for improvement in these areas. This new program for uploading and transferring discovery has been a major improvement in the Solicitor’s office and proved itself to be very beneficial throughout the COVID 19 crisis.

By the end of 2020, the Ninth Circuit Solicitor’s Office enrolled 14 law enforcement agencies into this new business process. There are currently 302 law enforcement professionals trained on how to utilize the ProDocs website which allows them to upload their entire case packages (including all documents, and all multi-media file (i.e. body worn camera videos, in-car videos as well as other multi-media files) into a central cloud based server. Law enforcement professionals have uploaded and transmitted over 12,900 Charleston county cases electronically to the Solicitor’s Office, representing over 5,650 defendants and over 17,800 warrants. In addition, this allows the Solicitor’s Office to provide discovery to Defense Counsel in more efficient manner. There are currently 52 accounts among the Charleston County Public Defender’s office, including GS and Family Courts, and 322 private defense attorneys using the program. Moving forward, the Solicitor’s office will continue to add additional defense attorneys and law enforcement agencies to the program.

C. Update to Automated Court Reminders

In 2019, the court reminder system was operational between January and April, sending a total of 769 reminders in the period. Thereafter, the reminder system went offline due to a long-term disruption in some of the data required to run the system and remained offline into 2020 due to data infrastructure challenges and the pandemic. Pursuant to the recently released strategic plan, by the fall of 2020, a more efficient mechanism of receiving defendants’ permission to enroll for service was instituted and the system went back online.

Effective September 16, 2020, during the process of preparing defendants for bond court, detention deputies at the Sheriff Al Cannon Detention Center capture the signature and contact information for each person who desires text reminders for upcoming GS court dates. During this period, September 16, 2020 to December 31, 2020, 835 defendants signed the opt-in consent form, enrolling them into the court reminder text messaging service. In addition, the court reminder system resumed the notification

process for enrolled defendants and sent 661 notifications in the period. Please note, during the pandemic notifications were reminders to keep in contact with their attorneys if they have one and/or information about how to retain counsel if they do not. As trials and in-person proceedings resume messages will be updated as appropriate.

D. Jail Population Review

Absent regular reviews of the jail population, defendants that are not a threat to public safety or a flight risk can be unnecessarily detained. As stated in Standard 10-1.1 of American Bar Association Criminal Justice Standards on Pretrial Release, “Deprivation of liberty pending trial is harsh and oppressive, subjects defendants to economic and psychological hardship, interferes with their ability to defend themselves, and, in many instances, deprives their families of support.”

The CJCC initiated weekly Jail Population Review (JPR) lists for use by the Court, the Solicitor, the Public Defender (and other courts as needed) as appropriate in consideration of potential release from SACDC via bond modification and/or disposition in early April 2020. Statutorily violent, aggravated assaults and sex crimes are excluded from the JPR process. In addition to GS lists, JPR lists are provided for detainees held strictly for Summary Courts, Violations of Probation, and Family Court matters.

- Of the 820 bookings placed on a JPR lists in the period, 691 released (84%) and 129 (16%) were still detained as of 12/31/2020.
- The average lengths of stay (ALOS) among those that remained detained at year end (88 days) exceeded that of those released (39 days).

The table below provides a summary of JPRs in the period.

JAIL POPULATION REVIEWS AS OF DECEMBER 31, 2020					
	GSC	SUMMARY	VOP	FAMILY	TOTAL
JPR BOOKINGS FLAGGED	502	200	84	34	820
JPR BOOKINGS FLAGGED & RELEASED	407	193	66	25	691
TOTAL JPR RELEASED BED DAYS	18837	3105	4282	818	27042
RELEASED JPR ALOS	46	16	65	33	39
JPR BOOKINGS FLAGGED & DETAINED (TO-DATE)*	95	7	18	9	129
TOTAL JPR DETAINED LOS (TO-DATE)*	8908	97	2108	229	11342
DETAINED ALOS (TO-DATE)*	94	14	117	25	88

**As more time lapses, these figures will change (e.g., length of stay continues to increase)*

Please also note, while JPR can be a valuable tool, it does not necessarily have a cause and effect relationship to release from detention as there are a multitude of factors that contribute to release or detention.

E. Backlog Estimates

The inability to hold court in person due to the COVID-19 pandemic led to innovations and challenges that merit further study, and creativity to help improve case processing in Charleston County. The backlog as defined by the National Center for State Courts²⁴ is the term used to describe the number of cases that are older than the time standard set by the court. Charleston County like most of the state, does not meet the statewide standard for timeliness (80% of cases pending less than 365 days) and this issue has been further compounded by the pandemic.

As such, throughout the year court leadership has been routinely apprised of key jail use and case processing data analysis. In addition, assessments of the growing backlog have been conducted to help with problem solving. A few examples of backlog impacts include overloaded workloads, not enough time to focus on serious cases, increased lengths of pretrial detention, increased time for people to miss court and/or get re-arrested while awaiting court, and longer waits for justice to be served impacting victims, defendants, witnesses and the community-at-large.

As noted in earlier sections, the number of cases filed fell below the number of cases disposed in 2020. For example, at year end there were 7,805 cases pending over a year while the court averaged 488 dispositions a month in 2020 and 693 new filings per month. There were also another 6,209 cases pending less than a year. If the 2020 pace of case processing were to continue:

- It is estimated to take 16 months to dispose of the backlog of cases over a year (7,805 cases divided by 488 dispositions per month).
- It is estimated to take an additional 13 months to dispose of the cases pending less than a year (6,209 cases pending less than year divided by 488 dispositions per month).
- Moreover, during the estimated 29 months it could take to resolve of all the cases pending at year end, an estimated 20,097 new cases would accrue creating an even larger backlog (693 new cases per month multiplied by 29 months).

These are only estimates and will change as any of the variables change moving forward. For instance, a change the number of dispositions per month, number of new filings, and/or the number of cases pending can change the result. Moving forward, effective case management practices can help to improve upon the current estimates.

A BIT OF CONTEXT

The South Carolina benchmark is to have 80% of pending General Sessions cases at or below 365 days.

- As of December 31, 2017, 3 of 16 circuits (7 of the 46 counties) in South Carolina were meeting the benchmark. Charleston County was recorded at 70%²⁵.
- As of December 31, 2018, 3 of the 16 circuits (10 of the 46 counties) in South Carolina were meeting the benchmark. Charleston County was recorded at 61%²⁶.
- As of December 31, 2019, 2 of the 16 circuits (10 of the 46 counties) in South Carolina were meeting the benchmark. Charleston County was recorded at 55%²⁷.
- As of December 31, 2020, 0 of the 16 circuits (1 of the 46 counties) in South Carolina were meeting the benchmark. Charleston County was recorded at 47%²⁸.

Key Point Summary

- From 2018 to 2020 the number of charges filed decreased 12% and the number of charges disposed decreased 23%.
- The clearance rate increased from 87% in 2018 to 96% in 2019 before decreasing to 76% in 2020 during the pandemic.
- Median time to disposition has increased each year with the focus on the oldest pending cases for all cases disposed, in- and out-of-custody.
- There were 2,128 bond court representations by public defender attorneys in 2020, an increase of 48% since 2018, representing 33% of bond settings in Centralized Bond Court in 2020.
- There remains consistent or improved timeliness in early case processing steps (e.g., assignment of attorneys and transfer of evidence) from 2018 to 2020.
- By the end of 2020, 14 law enforcement agencies uploaded and transmitted over 12,900 Charleston county cases electronically to the Solicitor's Office, representing over 5,650 defendants and over 17,800 warrants. This allows the Solicitor's Office to provide discovery to Defense Counsel in more efficient manner to the 374 defense attorneys using the discovery program.
- Of the 820 bookings placed on a JPR lists in the period, 691 released and 129 were still detained as of 12/31/2020. And, the average lengths of stay among those that remained detained at year end (88 days) exceeded that of those released (39 days), and it is expected to continue increasing as more time passes.
- As the number of new charges outpaces the number dispositions an even larger backlog is estimated to grow. However, these estimates can change based on a change in the number of dispositions, filings and/or pending cases and effective case management strategies.
- In 2020, only one county and zero circuits in South Carolina meet the statewide benchmark of 80% of cases pending at or below 365 days; Charleston County was recorded at 47% in 2020.

Endnotes

- ¹ Charleston County Criminal Justice Coordinating Council. (2020). Charleston County Criminal Justice Coordinating Council Strategic Plan Fiscal Years 2021—2023. North Charleston, SC.
- ² The historical database provides a means for trend analysis from SQL queries. Through these queries data is aggregated for the purpose of statistical analysis. There are no person or case level identifiers in the historical database.
- ³ Charleston County Criminal Justice Coordinating Council. (2020). Charleston County Criminal Justice Coordinating Council Strategic Plan Fiscal Years 2021—2023. North Charleston, SC.
- ⁴ Charleston County Criminal Justice Coordinating Council. (2020). Strategic Plan Development, Data Behind The Plan. Retrieved from <https://cjcc.charlestoncounty.org/files/Data-behind-the-strategic-plan-2020-FINAL.pdf>
- ⁵ Charleston County Budgets analyzed were FY2010 thru FY2021. For more information, access to view budgets on-line at <https://www.charlestoncounty.org/financial-reports.php>.
- ⁶ Charleston County Criminal Justice Coordinating Council 2018 Mid-Year Report: Racial and Ethnic Disproportionality and/or Disparity in Charleston County’s Criminal Justice System (2018), North Charleston, SC.
- ⁷ Charleston County Criminal Justice Coordinating Council. (2020). Charleston County Criminal Justice Coordinating Council Strategic Plan Fiscal Years 2021—2023. North Charleston, SC.
- ⁸ Charleston County Criminal Justice Coordinating Council. (2020). Strategic Plan Development, Data Behind The Plan. Retrieved from <https://cjcc.charlestoncounty.org/files/Data-behind-the-strategic-plan-2020-FINAL.pdf>
- ⁹ ADP is calculated based on snapshot files provided by SACDC each month (note: two months of data were unavailable in 2018 due to the jail data system upgrade), and includes all populations (Pretrial, Sentenced, and ICE, FED and HOLD inmates) using confinement reason and sentenced data to classify population groups. Local population excludes ICE, FED and HOLD. Pretrial is defined as anyone with one or more pending charges. Sentenced is defined as anyone with only sentenced charges.
- ¹⁰ Variations in the way charge descriptions are recorded within SACDC data necessitates charge description groupings to join like charges (e.g., SPM and Simple Possession of Marijuana) in the analysis. Charge description groupings are developed based upon the different variations in the data at the time and may vary somewhat from past reports.
- ¹¹ All firearms possessions (Unlawful Carry, Prohibited Possession, etc.) have been grouped together for this analysis.
- ¹² Most frequently occurring charge counts will differ from single, target charge counts (i.e., a single, target charge count will not include additional charges in the booking while most frequently occurring charge counts include all charges booked in the period).
- ¹³ Pilnik, Lisa. (February 2017). NIC Accession Number: 032831. *A Framework for Pretrial Justice: Essential Elements of an Effective Pretrial System and Agency*. And, Subramanian, R. et al (2015). *Incarceration’s Front Door: The Misuse of Jails in America*. Vera Institute of Justice, New York, New York.

¹⁴ Digard, Léon, and Swavola, Elizabeth. (April 2019) Vera Evidence Brief For the Record, *Justice Denied: The Harmful and Lasting Effects of Pretrial Detention*.

¹⁵ Digard, Léon, and Swavola, Elizabeth. (April 2019) Vera Evidence Brief For the Record, *Justice Denied: The Harmful and Lasting Effects of Pretrial Detention*.

¹⁶ Digard, Léon, and Swavola, Elizabeth. (April 2019) Vera Evidence Brief For the Record, *Justice Denied: The Harmful and Lasting Effects of Pretrial Detention*.

¹⁷ This effective bond set includes a third category, termed “Unspecified,” in which an effective bond type could not be assigned due to missing warrant or bond information, or a situation in which bond could not be set at Centralized Bond Court. There were 106 in the “unspecified” category in 2020, 44 in 2019 and 46 in 2018. Bond sets falling in the “Unspecified” category are eliminated from the analysis due to their small count. In addition, data from the 2020 analysis was run from Jan. 8, 2020 to Dec. 31, 2020 to coincide with the launch of the upgraded PSR.

¹⁸ Charges arising within the jurisdiction of General Sessions, City of Charleston, County of Charleston, and the small municipalities within Charleston County will have their bonds set at Centralized Bond Court. The City of North Charleston sets its own municipal level bonds.

¹⁹ The other court category represents less than 3.1 percentage of CBC bonds set. In these instances, the SACDC data indicates “probation violation” in the court category or the court is unspecified.

²⁰ Average amounts for effective financial bonds include the average of all financial bonds ordered for all charges per bond hearing.

²¹ Standards of Pretrial Release: Revised 2020 (2020). National Association of Pretrial Services Agency, Washington, DC. Please see Standard 2.8 for additional information about the ongoing debate, empirical research and best practices.

²² Pretrial Risk Assessment in Charleston County: Preliminary Findings (2017). Center for Court Innovation, New York, NY.

²³ Austin, J et al. Development of the Charleston Pretrial Risk Assessment Instrument (CPRAI): Final Report (2019). JFA Institute, Washington, DC.

²⁴ Definition of backlog: The proportion of cases in a court’s inventory of pending unresolved cases that have exceeded established timeframes or time standards, as defined by the International Framework for Court Excellence - Global Measures of Court Performance. International Consortium for Court Excellence (2020). Global Measures of Court Performance. Third Edition. Sydney, Australia: Secretariat for the International Consortium for Court Excellence: <http://www.courtexcellence.com>. And, the National Center for State Courts ECCM resource Timely-Justice-in-Criminal-Cases-What-the-Data-Tells-Us.pdf (ncsc.org).

²⁵ South Carolina/ General Sessions Court Circuits Meeting Benchmark. https://www.sccourts.org/monthlyReports/Dec2017/cr75_mon_graph.pdf. Accessed March, 2021.

²⁶ South Carolina/ General Sessions Court Circuits Meeting Benchmark. https://www.sccourts.org/monthlyReports/Dec2018/cr75_mon_graph.pdf. Accessed March, 2021.

²⁷ South Carolina/ General Sessions Court Circuits Meeting Benchmark. https://www.sccourts.org/monthlyReports/Dec2019/cr75_mon_graph.pdf. Accessed March, 2021.

²⁸ South Carolina/ General Sessions Court Circuits Meeting Benchmark. https://www.sccourts.org/monthlyReports/Dec2020/cr75_mon_graph.pdf. Accessed March, 2021

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