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CHARLESTON COUNTY  
CRIMINAL JUSTICE COORDINATING COUNCIL

# ANNUAL REPORT

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# 2021

Report issued April 20, 2022

Charleston County Criminal Justice Coordinating Council

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[www.cjcc.charlestoncounty.org](http://www.cjcc.charlestoncounty.org)

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## A MESSAGE FROM LEADERSHIP

It is a great honor to issue the 2021 annual report. Thank you for your interest in Charleston’s local criminal justice system and our CJCC. Our vision is to foster a criminal justice system that is fair, just and equitably applied. 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 are implementing are achieving results, and we’ve taken important strides in tackling some of the most long-standing and complex challenges in our local criminal justice system.

While there is much to be proud of in terms of the CJCC’s results to-date, there is much more work to be done. Guided by our community-informed FY 21 – FY 23 strategic plan, we are up for the challenge and committed to advancing progress. Building upon each concrete goal and objective, we continue to learn, grow and become increasingly focused on specific actions that can make our local system more efficient, effective and equitable.

We are deeply 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 stay engaged with us as we continue to progress, and to support us in helping to ensure the CJCC endures as a sustainable entity within the local criminal justice system.

In the year ahead we hope that you will participate with us in-person and/or online, become familiar with system trends, support the strategic initiatives underway, share the information in your networks, hold us accountable, and offer feedback.

Sincerely,

***Jason Bruder***

**Chairman**

Charleston Police Department

***Keith Smalls***

**Co-Vice Chair**

My Community’s Keeper

Mentor Group

***Ellen Steinberg***

**Co-Vice Chair**

Charleston County

Magistrate

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 vision and mission.

## POSITIONAL MEMBERSHIP

### COUNTY COUNCIL

*Robert L. Wehrman*  
Council Member

### SHERIFF

*Kristin Graziano, Sheriff*  
*Fletcher King, Major*

### CITY OF CHARLESTON POLICE CHIEF

*Luther Reynolds, Chief*  
*Jason Bruder, Captain*

### MOUNT PLEASANT POLICE CHIEF

*Mark Arnold, Chief*  
*Tyrone Simmons, Deputy Chief*

### 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 Public 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*

### VICTIM ADVOCATE

*Easter LaRoche, Victim/ Witness Coordinator*  
*Martina Johnson, Detention Victim Advocate Supervisor*

### CHIEF ADMINISTRATIVE MAGISTRATE

*Joanna Elizabeth Summey, Chief Magistrate*  
*Ellen Steinberg, Magistrate*  
*Amanda S. Haselden, Magistrate*

### CIRCUIT COURT CHIEF ADMINISTRATIVE JUDGE

*Deadra Jefferson, Chief Administrative Judge*

### PROBATE COURT JUDGE

*Irvin Condon, Probate Judge*  
*Tamara Curry, Associate Judge of Probate*

### DIRECTOR, CHARLESTON DORCHESTER MENTAL HEALTH CENTER

*Jennifer Roberts, LPC, CPM, Executive Director*  
*Dennis Puebla, CPM, 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

*Lindsey Byrd, Judge*

**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**

**DIRECTOR, ONE80 PLACE**

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

**COUNTY ADMINISTRATION**

*Eric Watson, Deputy County Administrator, Public Safety*

**EX OFFICIO MEMBER**

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**CHIEF JUSTICE OF SOUTH CAROLINA**

*Honorable Donald W. Beatty*

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**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, President , Board of  
Directors, Art Pot*

**LOCAL NONPROFIT COMMUNITY**

*Dr. C. Michael 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 & 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, 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**

*Vacant*

**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**

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**DIRECTOR**

*Kristy Pierce Danford, MPA*

**SYSTEM UTILIZATION MANAGER**

*Susanne J. Grose*

**COMMUNICATION & OUTREACH COORDINATOR**

*Adina Baer Gross, MBA*

**PRETRIAL ANALYST**

*Robert Brimmer*

**PRETRIAL ANALYST**

*Karyn Houston*

**PRETRIAL ANALYST**

*James Vincini*

**ADMINISTRATIVE ASSISTANT**

*Jessica L. Bauer*

**AMERICORPS VISTA**

*Celia Woodfill*

## EXECUTIVE SUMMARY

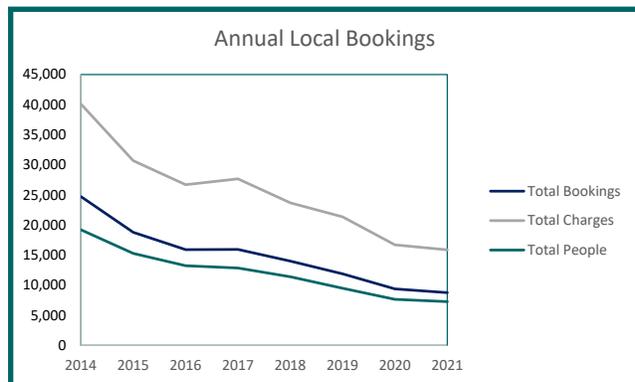
The Charleston County Criminal Justice Council (CJCC) is a collaboration of elected and senior officials, law enforcement leaders, judicial and court leadership, behavioral health professionals, victim and legal advocates, and various community leaders working in service of the Charleston community. The CJCC strives to achieve a local criminal justice system (CJS) that improves public safety, upholds justice and cost-effectively uses taxpayer dollars. Our vision is to foster a criminal justice system that is fair, just and equitably applied. Our mission is to assist in making sustainable, data-driven improvements to the local criminal justice system 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 the local criminal justice system in Charleston County with an ongoing commitment to accountability and transparency.

The CJCC routinely monitors system functioning from the point of arrest to the resolution of charges, also known as disposition. The 2021 Annual Report provides an in-depth review of local criminal justice system functioning, progress and challenges between 2014 and 2021. In addition, more recent trends between 2020 and 2021 are highlighted illustrating the overall impacts since the COVID-19 pandemic.

### Trends in Arrests, Diversion and Deflection

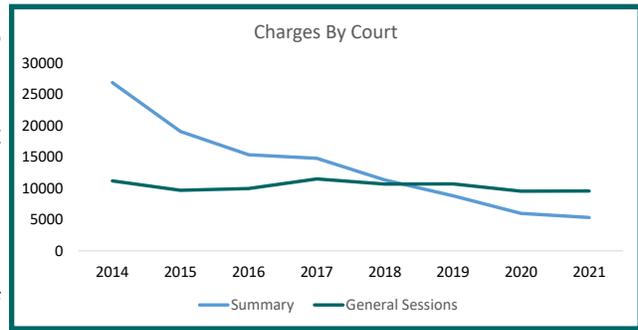
Analysis of trends in local jail use provide valuable insights into the functioning of the local criminal justice system. Jail use is driven by bookings, lengths of stay and releases. Following the initial baseline analysis of 2014 data, the CJCC deliberately prioritized alternatives to jail for lower level charges. These charges were most frequently booked and disparately impacted communities of color. The CJCC 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 fundamentally changed local jail use from 2014 to 2021.

- Local bookings into the jail decreased by 65% (-15,965), people booked decreased by 62% (-11,931) and charges booked decreased by 60% (-24,226).
- Single-charge bookings for five, specifically targeted charges decreased by 84% (-4,173).
- The most frequently booked charge changed from simple possession of marijuana (2,785 charges in 2014) to firearm possession violations (1,023 in 2021).
- Law enforcement increasingly used a variety of diversion and deflection options, including consultation with embedded clinicians, mobile police triage services and bringing individuals in need directly to supportive services offered by the Charleston Dorchester Mental Health Center.
- The number of individuals cycling repeatedly through the jail three or more times in a two-year period decreased by 71% (-2,570).
- The number of local charges headed to Municipal and Magistrate Courts (i.e., Summary Courts)



booked into the jail decreased by 80% (-21,589).

- As the number of charges headed to the Court of General Sessions booked remained relatively consistent, they increased from being 28% of all local charges booked in 2014 (11,179 of 40,092) to 60% in 2021 (9,574 of 15,866).

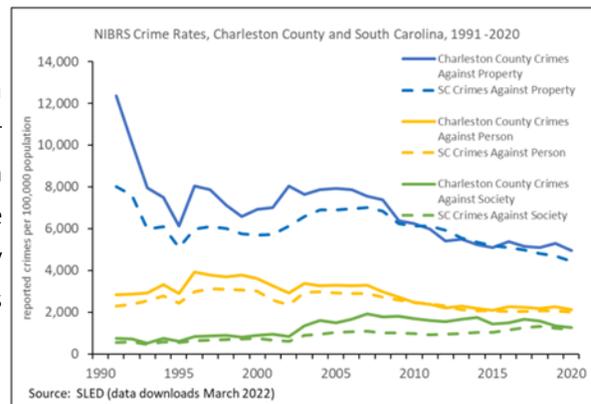


Building upon its experience to date, the CJCC’s diversion and deflection workgroup focuses on strengthening jail diversion and deflection from the criminal justice system. The workgroup continues to identify system gaps, pursue research, and grow basic infrastructure to support reentry. The workgroup also monitors trends in jail use, crime and law enforcement’s use of various diversion and deflection services.

### Crime Trends

Reported crime data is reported in both the rate per 100,000 as well as the number. For example, a rate of 2,000 per 100,000 indicates 2% of the population reported a crime and 98% did not. The number is also important as crime counts vary by crime type (e.g., property crimes outnumber crimes against society).

Analysis of reported crime data indicate crime rates in South Carolina and Charleston County display similar trends. Rates of reported crime (per 100,000) in South Carolina and Charleston County for crime against persons and crimes against property decreased from 1991 to 2020, however, crimes against society increased.

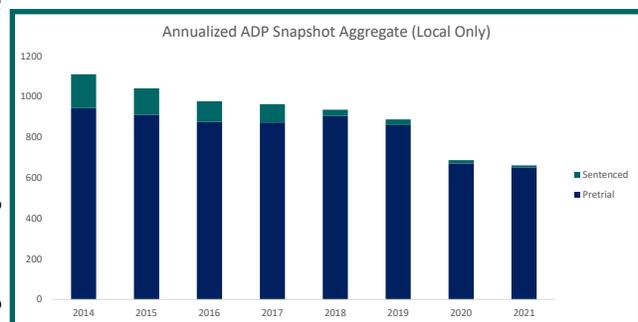


### Trends in Local Jail Use

Local jail use is driven by admissions (i.e., bookings), average lengths of stay (ALOS), releases and average daily population (ADP). The local ADP is the sum of the local pretrial and sentenced populations incarcerated at a given time. The annualized average daily population (ADP) is the metric by which the jail population is measured and provides a valuable indicator of system functioning.

Between 2014 and 2021 there was a considerable reduction within the annualized local jail population.

- Local ADP reduced by 40.5% (-450)
  - ◊ Sentenced population reduced by 94% (-157)
  - ◊ Pretrial population reduced by 31% (-293)



The average length of stay (ALOS) is another valuable metric to indicate how long people stay in the jail. The ALOS increased among releases between 2014 and 2021.

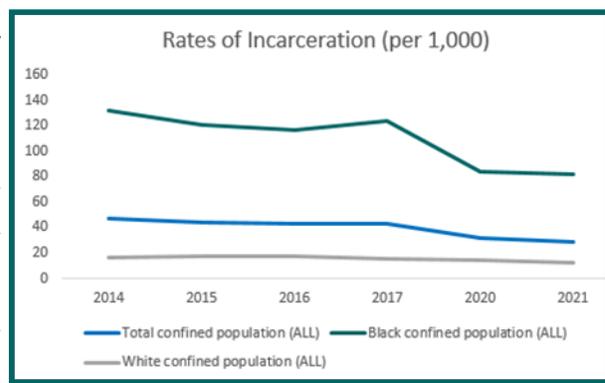
- Pretrial ALOS increased from 10 days to 20 days.
- Sentenced ALOS increased 19 days to 96 days.

The increasing length of stay among the sentenced population is indicative of the transition away from primarily Municipal and Magistrate charges booked into the jail. The increasing lengths of stay among pretrial releases is indicative of delays in system processing as well as the limitations of financial bond options for pretrial release.

### Trends in Rates of Jail Use

As jail use in Charleston County reduced, so too did rates of incarceration and booking among the adult population in the county. While there were considerable reductions in rates per 1,000 population for both black and white individuals, black adults continue to be overrepresented in jail use.

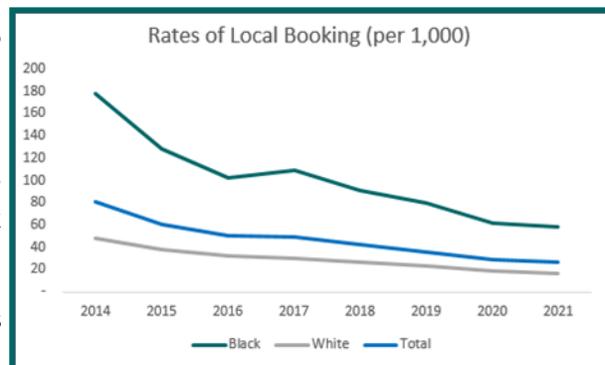
- The rate of adult incarceration decreased by 38% from 46.89 per 1,000 adults in 2014 to 29.13 per 1,000 adults in 2021.
- The rate of incarceration among black adults decreased by 38% from 132.14 per 1,000 black adults in 2014 to 81.44 in 2021.
- The rate of incarceration among white adults decreased by 24% from 16.59 per 1,000 white adults in 2014 to 12.53 in 2021.



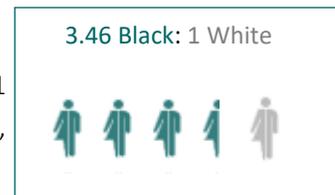
- In 2021, there were 6.5 black adults incarcerated for every 1 white adult. This is somewhat improved from 7.97 black adults: 1 white adult in 2014.



- The rate of local bookings decreased by 67% from 81.26 per 1,000 adults in 2014 to 26.51 per 1,000 in 2021.
- The rate of local bookings among black adults decreased by 67% from 177.76 per 1,000 black adults in 2014 to 58.25 in 2021.
- The rate of local bookings among white adults decreased by 65% from 48.05 per 1,000 white adults in 2014 to 16.86 in 2021.

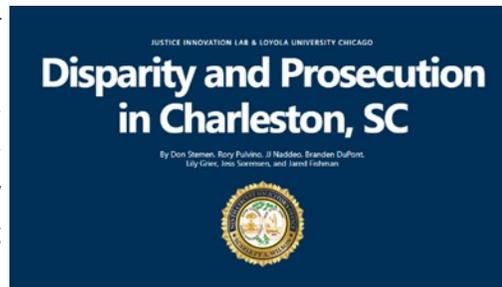


- In 2021, there were 3.46 local bookings of black adults for every 1 white adult. This is also somewhat improved from what it was in 2014, 3.7 black adults: 1 white adult.



The CJCC continues to collect and analyze quantitative and qualitative data surrounding inequities in the local CJS, including embedded data on race, ethnicity and gender data in a variety of routine dashboards used by CJCC workgroups monitoring patterns across the system. This data is typically reviewed monthly to monitor trends and help guide course correction and a quarterly review of dashboards is

conducted in quarterly CJCC meetings. A community-engaged qualitative research study is also underway along with ongoing community engagement efforts. Further, the Ninth Circuit Solicitor's Office has been working closely with Prosecutorial Performance Indicators and Justice Innovation Lab to produce a series of studies and recommendations for advancing equity in prosecutorial practices. The first report, Disparity and Prosecution in Charleston, SC, includes important findings that point the way towards more improvement as well as more questions. For example, early findings led to the implementation of an earlier screening process as well as a call for additional research.



Moving forward, the CJCC will develop a Race Equity Fellowship Program to grow awareness and cultivate effective agents of change to address disparities from a variety of disciplines across the community. Provided solid research and community support, the fellowship can help overcome barriers and take critical steps to advance equity in Charleston. The CJCC anticipates hosting a working retreat prior to the end of its current strategic plan to bring together the culmination of the quantitative and qualitative findings from various equity related analyses underway. The purpose of the retreat is to incorporate insights of local leaders, directly impacted individuals and technical assistance providers to help our community bring together and grapple with what the CJCC has come to learn about the inequities in our local system.

### Trends in Fairness and Reentry from Jail

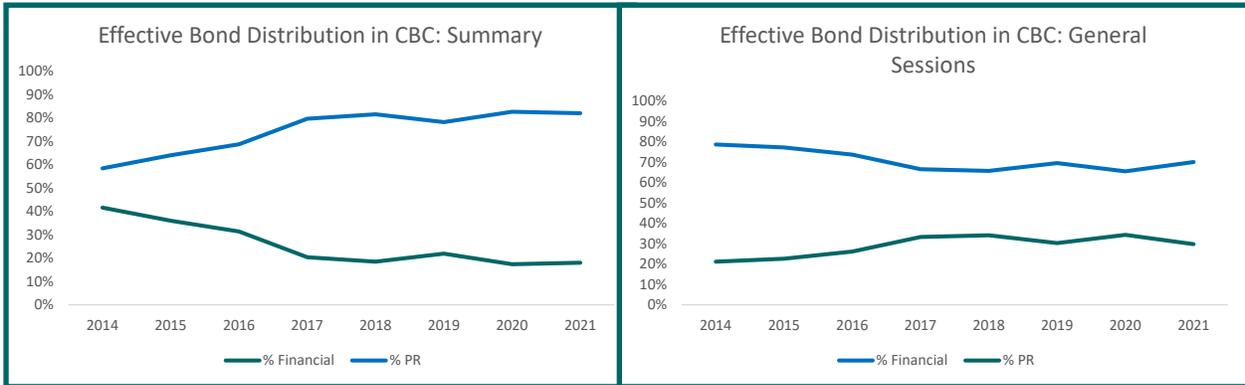
By law, a judge must set bond for defendants within 24 hours of arrest (30 days for certain serious cases and repeat violent offenses). Each arrested person has a right to an individualized decision made by a judge about the terms of their release, as pretrial detention is only to be used when other reasonable safeguards cannot assure court appearance or protect the community from harm. Historically, judges in the County's Centralized Bond Court (CBC) had little information available to them about the defendants for whom they were setting bond. Representatives for the state and the defense were often not present to make arguments, and financial bonds were ordered the majority of the time. Pursuant to the setting of a financial bond a defendant is 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. Alternatively, in the setting of a personal recognizance (PR) bond a defendant is released from jail on defendant's promise to appear at court and will not have to pay any money. South Carolina does not have established pretrial service option(s) that are available in other states and in the Federal system to help defendants make it to court and remain arrest-free while awaiting court. In addition, the South Carolina constitution strictly limits the cases in which bond can be denied.



Following the initial baseline analysis of 2014 data, the CJCC instituted Public Defender attorneys in bond court to ensure indigent defendants are afforded the right to counsel. Pretrial Analysts were instituted to provide the Court with Pretrial Service Reports (PSR) which produce an objective and reliable way to assess for risk of rearrests and/or failure to appear. Representatives of the state were also encouraged to be more consistently present. 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 an

individualized decision. Following implementation of these changes:

- Availability of PSRs increased to 95% of eligible bond hearings in 2021 (6,775).
- Public Defender representation in bond hearings increased to 2,726 hearings in 2021.
- The proportion of financial bonds reduced among charges heading to Municipal and Magistrate Courts from 42% in 2014 to 18% in 2021.
- The proportion of financial bonds reduced in General Sessions Court from 79% in 2014 to 70% in 2021; however, more recently it increased from 66% in 2020 to 70% in 2021.



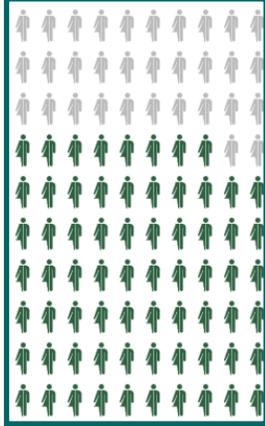
The CJCC started conducting bond court observations in late 2020 and continued throughout 2021 to help monitor the degree of alignment among Charleston County’s CBC practices with state and national standards pursuant to the American Bar Association and National Association of Pretrial Services. In 2021, observations occurred in 38 different terms of court and 267 individualized bond hearings. Findings indicate by the end of 2021:

- Defendants were consistently advised of charges and demonstrated acknowledgement of their rights.
- PSRs were consistently available with the majority of defendants assessed in the lower levels of risk.
- Defense Attorney and Law Enforcement participation was fairly consistent throughout the year for General Sessions bound cases while Victim/Advocate participation was more robust at the Summary Court level.
- Bond hearings were consistently individualized to the defendants and their circumstances.
- While there was improvement in defendants being advised of the reason for the bond decision, there is limited discussion about the ability to afford a financial bond.

The CJCC also conducts repeated studies of pretrial outcomes based on bonds set in CBC and finds consistent results. Initially, studies were done looking exclusively into release and safety outcomes (i.e., re-arrests, excludes bench warrants) among General Sessions bond settings. As PSR data became increasingly available, more detailed studies were done looking into release, safety and appearance outcomes by risk level. Notably, the findings from the most recent 18 month study of pretrial outcomes reinforce previous findings.

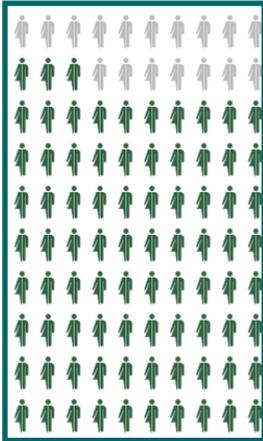
- The majority of defendants (92%) release into the community while their cases are pending.

**68% Success (All Levels)**

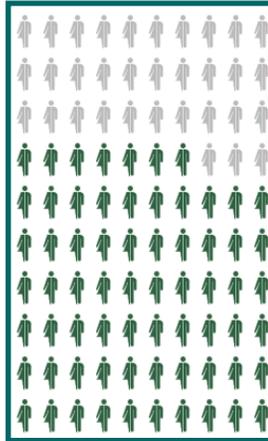


- The majority of defendants released into the community (72%) assessed in levels 1 and/or 2 out of 4 risk levels.
- The majority of defendants on pretrial release (68%) are successful (i.e., no new arrests and/or court appearance violations) while waiting for their cases to reach disposition.
- Rates of success on pretrial release decline as risk level increases (from 83% success among level 1s to 45% success among level 4s).

**Level 1: 83% Success**



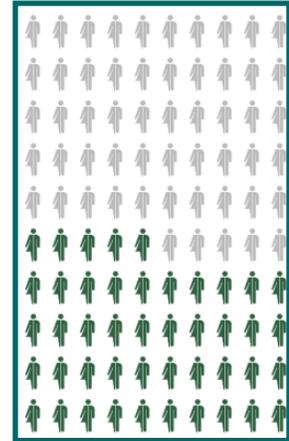
**Level 2: 67% Success**



**Level 3: 56% Success**



**Level 4: 45% Success**



A minority of defendants on pretrial release experience pretrial failure (32%) while waiting for their case to reach disposition.

- Rearrests occur with significantly more frequency than appearance violations (e.g., 1,670 safety violations and 227 appearance violations).
- Defendants released on financial bonds are consistently re-arrested more often than those released on their own recognizance (overall and by risk level).
- Defendants on pretrial release that are re-arrested do so most often within six months of release.
- Defendants on pretrial release that are re-arrested are re-arrested more than once on average (1.6 times) while waiting for their case to reach disposition.

Building upon its experience to date, the CJCC’s workgroup focusing on fairness and reentry commissioned a study to advance what is known about local defendants, case and system characteristics that define those that are most and least likely to succeed pretrial. Notably, this study dives deep into individual, case and system characteristics associated with the small subset of pretrial releases that are rearrested with subsequent nonviolent charges as well as the even smaller subset of pretrial releases that are rearrested with subsequent statutorily violent charges. In addition, a revalidation study is being planned to further revise the PSR to continue improving predictive accuracy and monitoring for racial and/or gender bias.

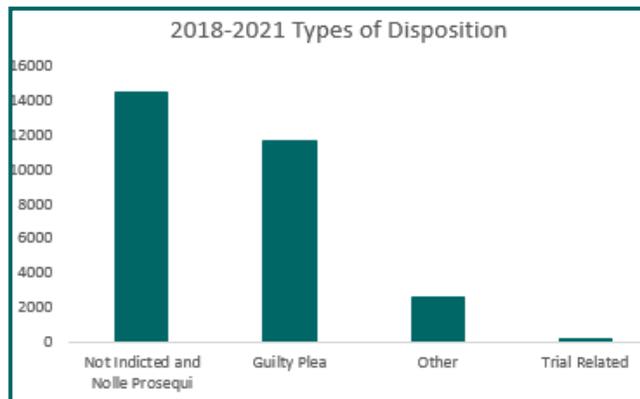
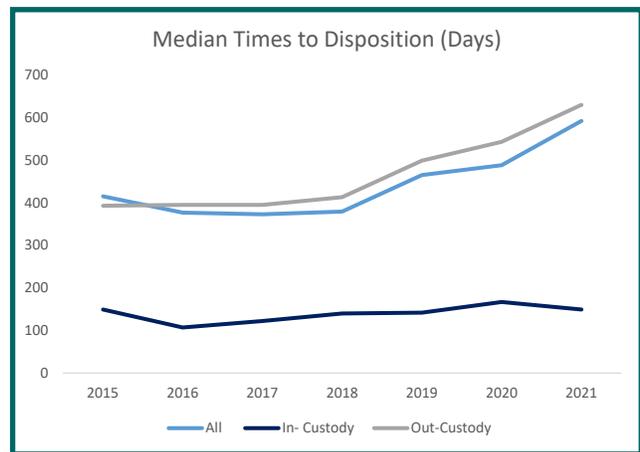
## Trends in Case Processing

Historically most counties in the state, including Charleston, did not meet the statewide standard for timeliness (80% of cases pending in General Sessions Court less than 365 days). Following the initial analysis in 2014, the CJCC supported efforts to make consistent improvements in the earliest stages of case processing. In addition to including Public Defender representation in Centralized Bond Court, reductions were achieved in the time it takes to get a case moving by assigning attorneys more quickly and transferring evidence more efficiently from law enforcement to prosecution.

- By the end of 2021, 16 law enforcement agencies, 383 law enforcement professionals, 59 public defenders and 415 private attorneys are able to utilize software implemented by the Ninth Circuit Solicitor’s office to more efficiently upload and transfer discovery.
- Among cases disposed in 2021 that received public defender representation in bond court, the median time was 3 days from arrest to official public defender assignment.
- Among cases disposed in 2021, the median time from arrest to Assistant Solicitor assignment was 16 days, and it took a median of 17 days from arrest for law enforcement to provide prosecution with initial discovery.

However, making progress in later stages of case processing remains a persistent struggle. The median time to disposition is increasing.

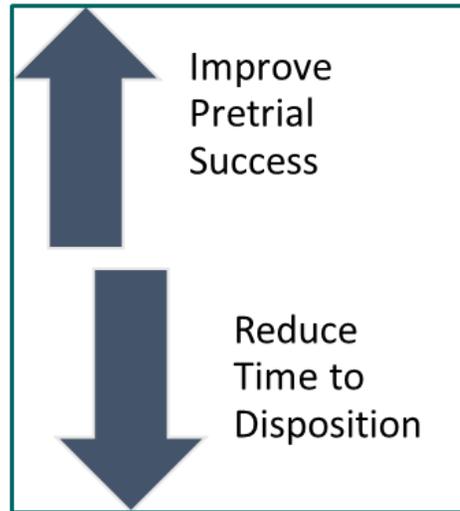
- The median time to disposition grew to 592 days in 2021, a nearly six month (177 day) increase from 415 days in 2015.
- The most common types of charge dispositions in General Sessions Court are consistently either a type of dismissal (Dismissed Not Indicted or Nolle Prosequi) or a guilty plea.
- Trial related dispositions are rare. For example, between 2018 and 2021, trial related dispositions were less than 1% of all dispositions.
- At the end of 2021, there were 14,285 charges and 7,347 individuals awaiting disposition in General Sessions Court.



Notably, disposition activity increased in 2021 from what it was in 2020 which kept the backlog from worsening. While backlog estimates improved somewhat in 2021, estimates will change as any of the variables change moving forward. For instance, a change in the number of dispositions per month, number of new filings, and/or number of cases pending can change the result. There are concerns the increase in dispositions in 2021 will not be sustainable as most of the increase was due to an uptick in dismissal activity. The local jail population is also likely to increase due to the growing number of defendants awaiting General Sessions Court that remain incarcerated with rising lengths of stay. For

example, at the end of December 2021, the number of defendants awaiting General Sessions Court grew to 640 individuals incarcerated for an average of 266 days, including 155 incarcerated more than a year.

More effective case management practices and strategies are necessary to help improve case processing timeliness and shrink the window of risk for pretrial failure (i.e., re-arrests and/or missed court appearances). The data and research generated regarding pretrial outcomes and persistent case processing challenges provide a substantial evidence-base for the development of a proposal for viable pretrial service option(s) to improve pretrial outcomes in our community (i.e., getting more defendants to make it to court and stay out of trouble while their cases are pending). Such a proposal will likely require changes at the state level and necessitate broader policy and budgetary considerations regarding effective pretrial options to help improve pretrial outcomes and case processing strategies to reduce the time it takes for cases to reach disposition.



### **Closing**

The CJCC encourages stakeholders locally and statewide to utilize the data and lessons learned contained in the annual report as reference information. Notably, results from a Charleston Forum survey conducted in 2021 by the Center for Research and Public Policy of a representative sample of residents from Charleston, Berkeley and Dorchester counties found a high level of community support for continuing to improve the criminal justice system. Therefore, information contained in this report may also help inform similar improvement efforts in areas outside of Charleston County.

Moving forward, the CJCC will continue to enact deliberate, data-guided solutions to achieve positive results for the residents of Charleston County. Collaborative workgroups of system actors and community representatives are continuing to take meaningful steps forward to achieve the goals and objectives of the FY21-FY23 Strategic Plan. To learn more about the trends, progress to-date pursuant to the strategic plan, please review the full 2021 Annual Report.

# STRATEGIC PLAN PROGRESS SUMMARY

Development of the FY 21 – FY 23 Strategic Plan was guided by a Dialogue to Change (DTC) 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 DTC, the CJCC engaged over 1,200 community members in setting the course for strategic plan with quantitative and qualitative data gathered throughout the process:

- 450 people participated in large events about critical system challenges
- 101 people participated in 11 recurring small group dialogues led by community facilitators
- More than 650 people took part in a community survey
- 100 people participated in a concluding action forum to solidify community priorities

This information guided workgroups of community representatives and CJCC members to develop and publish the Fiscal Year 2021 – 2023 Strategic Plan which launched in July of 2020. The plan includes a description of the planning process, collaborative working groups, and strategic initiatives.

## COMMUNITY ENGAGEMENT & ADDRESSING INEQUITY



Deliberately focused on making information increasingly accessible and available to a broader audience through multiple formats such as numerous social media platforms, quarterly Community Justice Forums and targeted community engagement events.



Furthered quantitative and qualitative disparate impact analysis. Quantitative race, ethnicity and gender data is embedded into workgroup dashboards. And, partnered with Everyday Democracy to launch a qualitative two-year community-engaged research study to better understand the impact of racial and ethnic disproportionalities and disparities in the local criminal justice system. The study is underway with findings expected in late 2022.



Convened a dynamic group of researchers and community leaders that represent the target audience for the Race Equity Fellowship Program, developed the program proposal, received grant funding to pilot the program, and currently seeking a qualified vendor to help develop and pilot the program.

## STRENGTHENING JAIL DIVERSION & DEFLECTION FROM THE CRIMINAL JUSTICE SYSTEM



Initiated a small scale pilot that engages the local jail's Most Visible Persons (MVP) in wrap around services to help achieve improved outcomes, reduce jail use and uncover system gaps. The pilot is providing valuable lessons in disrupting the perpetual cycle of jail use, and guiding ongoing steps to build out the infrastructure necessary to address system gaps.



Partnered with the Charleston Dorchester Mental Health Center (CDMHC), local law enforcement and Justice System Partners (JSP) to study how deflecting individuals with mental illness from the criminal justice system and to diversion options (and subsequent treatment) impacts arrest, jail populations and behavioral health outcomes. The study is underway with findings expected in 2022.



Developed and implemented a regularly occurring dashboard to help the workgroup monitor trends in crime, diversion and deflection, arrests and jail use activity.

## FOCUSING ON FAIRNESS & REENTRY



Studied current South Carolina statues, case law, national standards, local trends and research studies on effective pretrial service option(s). Commissioned a study due in 2022 by Justice System Partners to identify the individual, case and system characteristics that define those that are most and least likely to succeed pretrial. Notably, this study dives deep into the small subset of defendants that are re-arrested on statutorily non-violent charges as well as the even smaller subset re-arrested on statutorily violent charges. All of the above is shaping development of a proposal for viable pretrial service option(s).



Developed and implemented a regularly occurring dashboard to help the workgroup monitor Centralized Bond Court (CBC) practices, pretrial release patterns, and the use of pretrial service reports (PSR). In addition, developed and launched a court observation tool to strengthen alignment with state and national standards.



Partnered with United Ways' SC 211 to grow an easily accessible repository of services within the community for justice-involved populations, and secured a one-year assignment of an AmeriCorps VISTA. The VISTA assignment to-date has been devoted to engaging with the community, identifying and addressing gaps in reentry information available within the SC 211 platform.

## CASE PROCESSING ADVANCEMENTS



Developed and implemented weekly jail population reviews (JPR) and a corresponding dashboard for use by the Court, the Solicitor, the Public Defender (jail and other courts as needed) recognizing that absent regular reviews of the jail population, defendants that are not a threat to public safety or a flight risk may be unnecessarily detained.



Relaunched and expanded the General Sessions Court text reminders with jail-based enrollments and the possibility of further expansion pursuant to the Court's direction.



Developed and implemented regularly occurring dashboards to help the workgroup monitor case processing activity in the Court of General Sessions and jail population trends. While Court leadership has been routinely apprised of key case processing, backlog and jail use indicators, there has been minimal progress in advancing collaborative problem-solving efforts.

# CJCC DATA AND 2021 HIGHLIGHTS

This report contains a review of progress made in calendar year 2021 as well as recent trends. The review of progress includes a narrative for each of the strategies and overall system. All data contained in this report comes from the CJCC's centralized data warehouse and its related databases unless noted otherwise.

## CONTRIBUTING DATA SOURCES (15 TOTAL)

**Law Enforcement:** Charleston County Sheriff's Office (CCSO), Charleston Police Department (CPD), North Charleston Police Department (NCPD), and Mount Pleasant Police Department (MPPD)

**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 (Prosecution by Karpel, PbK), Ninth Circuit Public Defender, Charleston County (Defender Data, DD)

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

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

**Community Based Services:** Charleston Dorchester Mental Health Department (CDMHC)

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 changes 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 database<sup>1</sup> 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:

$$\% \text{ change} = (\text{new figure} - \text{old figure}) / \text{old figure} * 100$$

Throughout 2021, the CJCC continued to advance strategic initiatives pursuant to the Strategic Plan for Fiscal Years 2021- 2023, increased analytic capacity, continued to adapt to the challenges of the COVID-19 pandemic, and advanced steps toward becoming a sustainable entity within the local criminal justice system.

The CJCC also took significant steps toward sustainability in 2021 building on past efforts and updated CJCC bylaws<sup>2</sup>. The CJCC proposed and was awarded a two-year sustainability grant from the John D. and Catherine T. MacArthur Foundation, inclusive of a gradual increase in local funding in subsequent fiscal years as grant funding dissipates. Charleston County Council also unanimously passed a resolution that affirmed its support of the CJCC, as well as its goals, mission and operational function, to improve the overall criminal justice system in Charleston County<sup>3</sup>. In addition, County Council voted to move the oversight function of the CJCC from the Charleston County Sheriff to the Deputy County Administrator of Public Safety<sup>4</sup>.

Thereafter, a diverse Governance Committee worked on revisions to CJCC bylaws through a healthy modernization process to ensure the CJCC is able to better meet the needs of the community and to continue enhancing collaboration in the years to come. The Governance Committee researched key strengths and challenges, carefully reviewed the bylaws line by line, debated, and proposed thoughtful revisions. While the general scope of the CJCC remains in place, key revisions were instituted, such as:

- Adoption of a vision statement “To foster a criminal justice system that is fair, just and equitably applied”.
- Clarifications within the CJCC’s authority, guiding principles and responsibilities to emphasize its focus on the fair and equitable administration of justice, performance reporting and increasing public awareness and transparency of the local criminal justice system.
- Expanding the number of officers on the executive committee to three, including one Chair and one Vice-Chair from different disciplines among the CJCC’s positional membership elected by the full body, and one Vice-Chair from the CJCC’s Community Representative membership elected by Community Representatives.
- Updating the terms of Community Representative membership to begin in July rather than January to coincide with the selection of officers, formalizing the adoption of an inclusive community engagement process in each strategic planning cycle (as was done in the development of the current plan), and extending the term of each strategic plan from three years to five. And,
- Adding the Charleston County Deputy County Administrator for Public Safety as a non-voting member pursuant to the County’s oversight of CJCC personnel.

Throughout 2021 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. The bylaw revision process was an important step for the CJCC so that it may continue to successfully engage the community in advancing intentional, data-guided strategies for improving the local criminal justice system as it has done since its inception in 2015. Bylaw revisions were unanimously approved by CJCC members in early 2022.

# COMMUNITY ENGAGEMENT AND RACIAL AND ETHNIC DISPROPORTIONALITY AND/OR 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 opportunity to overcome longstanding, complex criminal justice challenges. From the beginning, the CJCC's approach to community engagement has been two tiered to both inform and involve the community while advancing the CJCC's mission. CJCC meetings are open to the public, the CJCC routinely conducts numerous public speaking and community engagement events, and a website featuring regular reports is publicly available as part of the CJCC's commitment to accountability and transparency.

The CJCC has been very conscious and purposeful in engaging the community throughout our existence. The CJCC has had community representatives at the table informing CJCC efforts since it formed in 2015. There are 12 community representatives within CJCC membership and one serving on the CJCC's Executive Committee<sup>5</sup>. Each represents various sectors of the community such as civil rights, formerly incarcerated, survivor of crime, business, nonprofit and healthcare communities.

Notably, the CJCC's earliest strategies were designed to impact racial and ethnic disparities. For example, the five most frequently occurring target charges with disparate impacts were identified and targeted for jail diversion. The CJCC also issued a comprehensive report<sup>6</sup> in 2018 documenting a variety of inequities locally and nationally, dissected decision points, and reviewed examples for addressing inequities. The report identified the need for community collaboration when problem solving to address the complexities and challenges of disparate impacts in the CJS. Since then, the CJCC has been building upon this work such as expanding community engagement to build and carry out the CJCC's FY21-FY23 Strategic Plan<sup>7</sup>.

The various community engagement, accountability and transparency measures undertaken by the CJCC are supported by CJCC staff positions that serve as the threads that keep the full body of positional CJCC members and CJCC community representatives coming together to continually improve our system and advance strategic initiatives. For example, staff provide the support necessary to ensure data is produced to guide improvement efforts, to support the efforts of critical, cross-system workgroups, and to thoughtfully engage leadership and community in improving the local criminal justice system. With staff support, the CJCC is able to carry out its key responsibilities, such as:

- Increase public awareness and promote transparency of the criminal justice system. For example, each spring the CJCC issues annual reports such as this one which provide a comprehensive report on system trends, progress and challenges.
- Collaborative efforts to study the functioning of the criminal justice system, identify areas for improvement, create and execute evidence-based, accountable and efficient transformation strategies. For example, diverse, cross-sector workgroups dedicated to key areas of the system share information, review and discuss data dashboards, objectively identify key system issues, collaboratively problem solve and advance strategic goals.
- Advance innovations guided by research, evaluation and monitoring of policy decisions and program implementations. For example, extensive community engagement, research and analysis guided the development of the CJCC's current strategic plan, is helping to advance the most visible persons initiative, and is shaping the development of efforts to curb re-arrests by defendants on pretrial

release.

- Provide performance reporting for consideration by the agencies represented on the CJCC and system stakeholders.

In 2021, the CJCC's Community Engagement/ Racial & Ethnic Disproportionality and/or Disparity workgroup continued its work on three strategic initiatives pursuant to the FY 21 – FY 23 Strategic Plan. The sections below provide an update on each of the initiatives through 2021.

- A. Ongoing Engagement
- B. Community-Engaged Research
- C. Development of a Race Equity Fellowship Program

## A. Ongoing Engagement

Throughout 2021, there has been a deliberate focus on making information increasingly accessible and available to a broader audience through multiple formats such as numerous social media platforms, quarterly Community Justice Forums and targeted community engagement events.

During the year, the CJCC independently hosted three quarterly Community Justice Forums and partnered with the Charleston Forum on a fourth. Due to the COVID-19 pandemic, the forums were held virtually. The forums focus on timely issues related to criminal justice system improvement and include a panel of experts. In each forum, participants are encouraged to register for the forum and ask questions of the panelists. Each forum is broadcast live and posted on the CJCC website for viewing thereafter.

Following the first Community Justice Forum in October, 2020, the second Community Justice Forum, entitled *Impacts of COVID on the Local Criminal Justice System*, was held January 12, 2021. Presenters highlighted the work of the CJCC, challenges and opportunities in managing COVID within the local criminal justice system, lessons learned and insights into plans for moving forward. The forum, moderated by Brad Franko of WCBD News, included five panelists:

- Jason Bruder, CJCC Chairman, Captain, Charleston Police Department
- Kristin Graziano, Charleston County Sheriff
- LaTasha Foggie, Director of Nursing, Wellpath
- Dorothy Harris, Major, Sheriff Al Cannon Detention Center
- Scarlett Wilson, Ninth Circuit Solicitor

In addition, Lydia Cotton, Hispanic advocate, was honored with a CJCC Community Justice Award. The award honors someone from the community doing extraordinary things in helping to improve

**Charleston County Criminal Justice Coordinating Council (CJCC)**  
A data-guided collaborative of system leaders and community representatives working to improve safety and justice

Join us for a quarterly Community Justice Forum:  
**IMPACTS OF COVID ON THE LOCAL CRIMINAL JUSTICE SYSTEM**  
Tuesday, January 12, 2021 . 5:30 pm to 6:30 pm . online

Come learn about the work of the CJCC and the impacts of COVID on our local criminal justice system. Presenters will highlight the challenges and opportunities in managing COVID, lessons learned and insights into plans for moving forward.

**Jason Bruder**  
CJCC Chairman,  
Captain,  
Charleston Police  
Department

**Kristin Graziano**  
Charleston County  
Sheriff

**LaTasha Foggie**  
Director of Nursing,  
Wellpath

**Dorothy Harris**  
Major,  
Sheriff Al Cannon  
Detention Center

**Scarlett Wilson**  
9th Circuit Solicitor

Moderated by Brad Franko of WCBD News

Register here: <http://bit.ly/01122021cjf>

YOUR COMMUNITY. YOUR PRIORITIES.

Text ChsCJCC to 22828 to receive email updates . [cjcc.charlestoncounty.org](http://cjcc.charlestoncounty.org)

the local criminal justice system and strengthen our community. The event had 119 registrants.

The next Community Justice Forum, entitled *Meet CJCC Community Representatives*, was held April 27, 2021. The community was invited to come hear from the community representatives serving on the CJCC. Ten community Representatives discussed what drew them to the work of the CJCC and why they are passionate about improving the local criminal justice system, including:

- Dr. Anthony Bishara, Psychology professor, College of Charleston
- Dr. Michael Bowman, President, Board of Directors, Father to Father, Inc.
- Adrian Cain, SVP Leadership & Executive Director Lead Charleston Foundation, Charleston Metro Chamber
- Lydia Cotton, Hispanic Community Advocate
- Areyonna Keels, Bilingual Victim Advocate
- Marcus McDonald, Lead Organizer, Charleston Black Lives Matter
- Otha Meadows, President & CEO, Charleston Urban League
- Keith Smalls, Founder & Director, My Community's Keeper Mentor Group
- Reverend David Truluck, Executive Director, SHIELD Ministries
- Lauren Williams, Williams & Walsh, LLC

**Charleston County Criminal Justice Coordinating Council (CJCC)**  
*A data-guided collaborative of system leaders and community representatives working to improve safety and justice*

Join us for a quarterly Community Justice Forum:

**MEET CJCC COMMUNITY REPRESENTATIVES**

Tuesday, April 27, 2021 . 5:30 pm to 6:30 pm . online

Come hear from the community representatives as they share what drew them to the work of the CJCC and why they are passionate about improving the local criminal justice system.

<b>DR. ANTHONY BISHARA</b> Psychology Professor, College of Charleston	<b>DR. MICHAEL BOWMAN</b> President, Board of Directors, Father to Father, Inc.	<b>ADRIAN CAIN</b> SVP Leadership & Executive Dir. Lead Chs Foundation, Charleston Metro Chamber	<b>LYDIA COTTON</b> Hispanic Community Advocate	<b>AREYONNA KEELS</b> Bilingual Victim Advocate
<b>MARCUS MCDONALD</b> Lead Organizer, Charleston Black Lives Matter	<b>OTHA MEADOWS</b> President & CEO, Charleston Urban League	<b>KEITH SMALLS</b> Founder & Director, My Community's Keeper Mentor Group	<b>REV. DAVID TRULLUCK</b> Executive Director, SHIELD Ministries	<b>LAUREN WILLIAMS</b> Partner, Williams & Walsh

REGISTER HERE TO PARTICIPATE: <http://bit.ly/cjf04272021>

The forum included 83 registrants. It was hosted by CJCC Co-Vice Chair Ellen Steinberg and moderated by prior CJCC Community Representative, Samuel Bellamy.

In lieu of an independent Community Justice Forum the CJCC also partnered with The Charleston Forum on the last community forum of 2021. The Charleston Forum<sup>8</sup> discusses perceptions, challenges, and actions concerning race and systematic inequity. The event discussed community survey data on policing and criminal justice system issues and data on local and statewide pretrial challenges. The event included a welcome by Bryan Duffy, Founder and CEO of the Charleston Forum. It was hosted by Kristy Danford, CJCC Director, moderated by Carolyn Murray of WCB News and included four panelists:

- Jerry Blessingame, Founder and CEO of Soteria Community Development Corporation
- Laurie Garduque, Criminal Justice Director, John D. and Catherine T. MacArthur Foundation

**LAW ENFORCEMENT AND CRIMINAL JUSTICE EQUITY**  
 MODERATED BY: CAROLYN MURRAY

REGISTER NOW

OCT. 6  
 WED, OCT 6 AT 11:30 AM EDT

Webinar on Law Enforcement and Criminal Justice Equity

Interested

- Gary Raney, President of GAR, Inc.
- Scarlett Wilson, Ninth Circuit Solicitor

Panelists discussed key areas for improvement which were also supported in the Charleston Forum Survey<sup>9</sup> conducted in 2021 by the Center for Research & Public Policy. Survey findings reported a high level of community consensus across the Tri-County area on the need for more action on specific policing, pretrial and criminal justice coordination strategies. Regarding law enforcement accountability measures, survey respondents indicated a large majority of support for specific measures as well as varied responses among black and white respondents. For example:

- 87% support continuing education/training for officers on issues of fair/even treatment (greater support among white respondents, 88% white and 81% black)
- 84% support police departments developing programs in collaboration with Black and Brown communities to build trust and confidence (greater support among black respondents, 90% black and 86% white)
- 73% support a centralized database for excessive force use and other complaints (greater support among black respondents, 78% black and 73% white)
- 65% support periodic racial bias audits with publication of results (greater support among black respondents, 73% black and 64% white)

Respondents also indicated a large majority support the role of criminal justice coordinating councils (CJCCs) in addressing systemic challenges and engaging the community as well as specific measures to improve matters of pretrial justice and reduce recidivism. Responses were consistent for black and white respondents with some variation among black and white respondents in particular areas.

- 79% support County funding/ financing of CJCCs that brings together leaders from the community, law enforcement, judicial system and behavioral health professionals in an effort to address challenges in the system and make improvements.
- 74% support bail/bond system reform so non-violent offenders are not held in jail after demonstrating an inability to pay a fine, fee or bail (greater support among black respondents, 86% black and 72% white)
- 72% support implementation of pretrial service programs to provide support for individuals least likely to get to court when required and to stay arrest-free while waiting for resolution of charges (greater support among black respondents, 79% black and 71% white)
- 67% support periodic racial bias audit for offices of prosecutors/solicitors with publication of results (greater support among black respondents, 75% black and 66% white)
- 68% support public/taxpayer funding of re-entry programs that have demonstrated success at reducing recidivism for people who had been incarcerated

In addition to large community events, the CJCC in conjunction with community partners hosted smaller, more targeted events aimed at engaging audiences who may otherwise not engage. Targeted events occurred with the business community in May 2021, with individuals most impacted by the CJS in June 2021, and with the LatinX community in October 2021. For example, during the event in June, the CJCC partnered with JustLeadership USA to host a virtual criminal justice roundtable for those with lived experience. The event had 83 registrants. Additional event partners included Everyday Democracy, the

Safety and Justice Challenge, Charleston Black Lives Matter, South Carolina for Criminal Justice Reform, Father to Father, Inc., South Carolina ACLU, Fresh Start Visions and My Community's Keeper Mentor Group. The participants were invited to a dialogue discussion on how best to engage those directly impacted by the criminal justice system while working to improve it. The event included a brief panel discussion followed by small breakout rooms to ensure all voices were heard. The lessons learned from this event are being used to shape the ongoing work with SC 211 as well more in-depth community dialogues among survivors of crime and persons formerly incarcerated. More events will occur in the coming year.

Also, Charleston County recently installed a Diversity, Equity and Inclusion (DEI) officer and launched a DEI committee. CJCC staffer, Adina Gross, CJCC Communications and Community Outreach Coordinator, is now an active member.

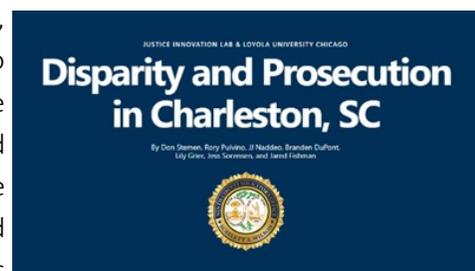
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## B. Disparate Impact Analysis

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Throughout 2021, the CJCC continued to advance updated analysis of racial and ethnic disproportionality and disparity (R+EDD). Given that the CJCC had not conducted a similar analysis since our 2018 Midyear Report the FY 21- FY23 Strategic Plan includes efforts to do so. To collect and analyze qualitative community information surrounding R+EDD, the CJCC partnered with Everyday Democracy to launch a qualitative two-year community-engaged research study to better understand the impacts of racial and ethnic disproportionalities and disparities in the local criminal justice system. Efforts to date included working with Everyday Democracy to form an advisory committee and recruit community researchers that were subsequently hired by Everyday Democracy. The community researchers were then trained in research ethics, design, data collection, analysis and reporting by Everyday Democracy. Research questions and methodology have been developed and data collection is ongoing. The findings are expected in late 2022.

To collect and analyze quantitative data surrounding R+EDD in the local CJS data, to the extent it is available, on race, ethnicity and gender data has been embedded into routine data dashboards used by CJCC workgroups, including crime, jail use, divert and deflect dashboard, bond and reentry dashboard, case processing dashboard and jail population review dashboard. Examples of R+EDD data identified in the dashboards include disparate impacts in bookings, charges, lengths of stay and jail population data. In addition, we are also looking deeper into the impacts within bonding and case processing practices. Workgroups typically review dashboard data monthly to monitor trends and help guide course correction and a review of our dashboards is conducted quarterly in CJCC meetings. Further, the Ninth Circuit Solicitor's Office has been working closely with Prosecutorial Performance Indicators and Justice Innovation Lab to produce a series of studies and recommendations for advancing equity in prosecutorial practices. The first report, *Disparity and Prosecution in Charleston, SC*<sup>10</sup>, includes important findings that point the way towards more improvement as well as more questions. For example, early findings led to the implementation of an earlier screening process as well as a call for additional research projects.



In addition, the CJCC is in the preliminary planning stages of a potential working retreat. The vision for this retreat is to bring together the culmination of the quantitative and qualitative findings from the analyses underway as well as the insights of local leaders, impacted individuals and technical assistance providers that have worked with our community over the years to help us grapple with what we've

learned, critically think through challenges and opportunities, and leave with specific, concrete actions to further advance equity.

## C. Development of a Race Equity Fellowship

This initiative stretches beyond the justice system with the formation of an equity fellowship program within the Charleston community. Having the fellowship program in Charleston will grow awareness and cultivate effective agents of change to address disparities from a variety of disciplines. Providing solid research and community support, the fellowship can help overcome barriers and take critical steps forward to advance equity in Charleston. The vision for the fellowship program is for graduates to apply what they learn to address R+EDD from a variety of disciplines locally (e.g., education, healthcare, non-profits, business and criminal justice). Fellows will be in positions of authority and complete capstone projects in their areas of expertise. In doing so, fellows will learn from one another while gaining skills, tools and practical experience to serve as agents of change in their own organizations and the capstone projects will generate collective impact to advance equity across our community.

Progress to-date included a partnership with 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 research program components most likely to yield desired outcomes, delivery formats most ideal for people in leadership positions, and identify cost-effective approaches for implementing and sustaining the program. A collaborative steering committee of leaders from around the community (beyond the CJS and representative of the target population for the program) was formed to guide development of the program. Grant funding was awarded to pilot the program and, a request for proposal was issued to hire a curriculum developer, pilot the program, graduate the first cohort of fellows, and train trainers for future cohorts. In the coming year, the group plans to hire a qualified vendor.

### Key Points Summary

- Recent bylaw revisions further clarified the CJCC's focus on the fair and equitable administration of justice, performance reporting, and increasing public awareness and transparency of the system.
- Public forums and annual reports are two ways the CJCC carries out its responsibility to help increase public awareness and promote transparency of the criminal justice system.
- The CJCC regularly hosts and participates in a variety of community events to help inform and involve the community in improving the local criminal justice system.
- The advancement of disparate impact analysis includes quantitative and qualitative efforts.
- Quantitative race, ethnicity and gender data is embedded into workgroup dashboards.
- A qualitative two-year community-engaged research study to better understand the impact of racial and ethnic disproportionalities and disparities in the local criminal justice system is underway. Study results expected in late 2022.
- Development of a proposal for a Race Equity Fellowship Program was completed. Grant funding was also received to develop and pilot the curriculum with the support of a qualified expert.
- The CJCC is in the preliminary stages of planning a working retreat to bring together the culmination of quantitative and qualitative findings, insights of local leaders and impacted individuals, and subject matter experts to critically think through lessons learned, discuss challenges and opportunities, and identify additional concrete actions to advance equity.

## 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 Plan<sup>11</sup> and previous annual reports , significant reductions in local jail use occurred since 2014.

Analysis of trends in local jail use provide valuable insights into the functioning of the local criminal justice system. Reductions in local jail use continued through 2021. The data below describe jail use trends since 2014 with particular attention paid to recent trends between 2020 and 2021. The following data are covered, sourced from the SACDC:

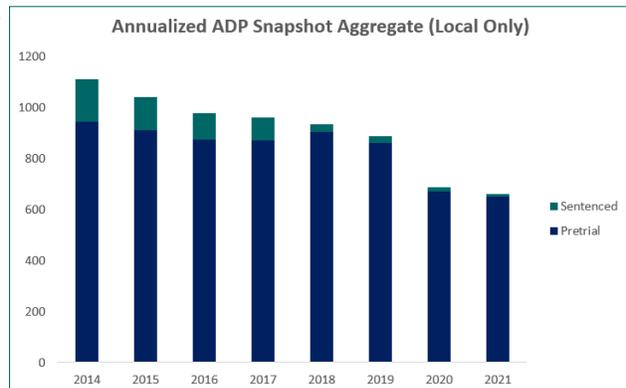
- A. Average Daily Population
- B. Admissions and Releases
- C. Average Length of Stay
- D. Charges by Court Type
- E. Rates and Relative Rates

### A. Average Daily Population

The average daily population (ADP)<sup>12</sup> of the local jail is the metric by which the jail population is measured. Jail use is driven by admissions (i.e., bookings), 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 40.5% (-450) to 661 in 2021.

- The annualized sentenced population was 167 in 2014 and reduced by 94% (-157) to 10 in 2021.
- The annualized pretrial population was 944 in 2014 and reduced by 31% (-293) to 651 in 2021.
- The pretrial population drove local jail use at an increasing rate. In 2014, 944 of the 1,111 local population were in pretrial status (85%). In 2021, 651 of the 661 local population were in pretrial status (98%).



- The non-local population was 78 in 2014 and increased by 82% (64) to 142 in 2021.

Following the significant changes in local jail use that have been occurring since 2014, it is important to pay close attention to recent trends from 2020 to 2021, given the impacts of the COVID-19 pandemic.

- The local ADP reduced by 4% (-26) from 687 in 2020 to 661 in 2021.

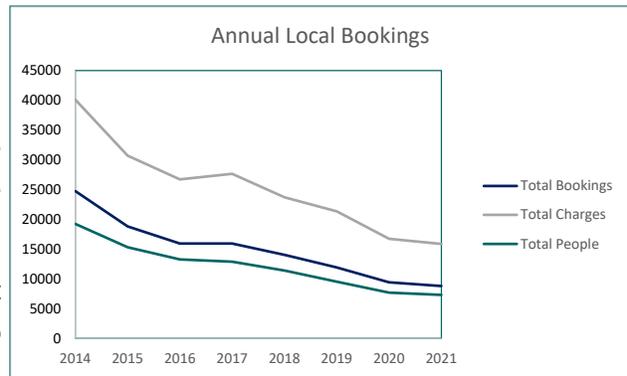
- The sentenced population reduced by 38% (-6) from 16 in 2020 to 10 in 2021.
- The pretrial population reduced by 3% (-20) from 671 in 2020 to 651 in 2021.
- The non-local population reduced by 19% (-34) from 176 in 2020 to 142 in 2021.

	Pretrial	Sentenced	Total Local	Total Non Local
2014	944	167	1111	78
2015	911	130	1041	101
2016	875	102	977	154
2017	873	90	963	194
2018	905	31	936	187
2019	860	28	888	298
2020	671	16	687	176
2021	651	10	661	142

## B. Admissions & Releases

There was a significant decrease in the number of local jail admissions and releases between 2014 and 2021.

- 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 2021, there were 8,764 local bookings (65% decrease since 2014) on 7,287 people (62% decrease since 2014).
- Similarly, the number of local charges brought to the jail decreased from 40,092 in 2014 to 15,866 in 2021 (60% decrease).



As noted previously, it is important to review recent trends given the impacts of the COVID-19 pandemic. Between 2020 and 2021, local admissions continued to decline, as fewer individuals were booked and fewer charges were brought to jail.

Year	Total Bookings	Total Charges	Total People
2014	24,729	40,092	19,218
2015	18,789	30,704	15,298
2016	15,920	26,696	13,244
2017	15,941	27,656	12,866
2018	14,003	23,686	11,392
2019	11,885	21,348	9,508
2020	9,401	16,723	7,673
2021	8,764	15,866	7,287

Between 2020 and 2021 there were:

- 637 fewer bookings (7% decrease) from 2020 to 2021.
- 386 fewer individuals booked (5% decrease) from 2020 to 2021.
- 857 fewer charges brought to jail (5% decrease) from 2020 to 2021.

Each year the number of releases was similar to the number of admissions. For example, in 2021, there were 8,697 releases on 7,322 individuals and 15,383 charges. During the same year there were 8,764 bookings on 7,287 people and 15,866 charges.

Year	Total Releases	Total Charges	Total People
2014	24,633	39,672	19,264
2015	18,913	31,288	15,533
2016	15,937	26,735	13,388
2017	15,981	27,773	13,001
2018	13,955	23,613	11,443
2019	11,889	21,418	9,613
2020	9,581	17,510	7,904
2021	8,697	15,383	7,322

### 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 2021.

- The ALOS for all populations was 12 days in 2014 and 28 days in 2021 (133% increase).
- The ALOS for the pretrial population was 10 days in 2014 and 20 days in 2021 (100% increase).
- The ALOS for the sentenced population was 19 days in 2014 and 96 days in 2021 (405% increase).
- The ALOS for the non-local population was 18 days in 2014 and 112 days in 2021 (522% increase).

More recent trends indicate the increasing ALOS pattern changed somewhat between 2020 and 2021:

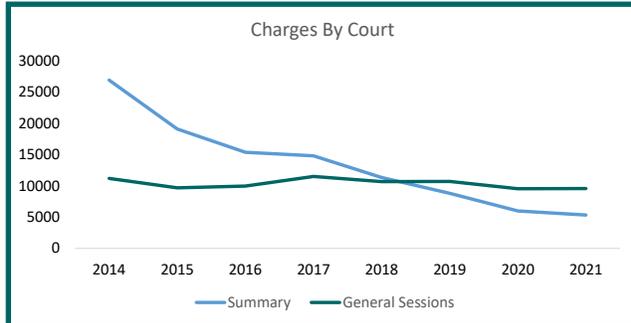
- The ALOS for all populations was 31 days in 2020 and 28 days in 2021 (10% decrease).
- Pretrial ALOS was 25 days in 2020 and 20 days in 2021 (20% decrease).
- Sentenced ALOS was 87 days in 2020 and 96 days in 2021 (10% increase).
- The ALOS for the non-local population was 54 days in 2020 and 112 days in 2021 (107% increase).

Average Length of Stay by Population Group				
YEAR	ALL	NON-LOCAL	PRETRIAL	SENTENCED
2014	12	18	10	19
2015	18	25	16	25
2016	21	30	18	28
2017	22	25	21	28
2018	24	39	19	66
2019	29	39	22	72
2020	31	54	25	87
2021	28	112	20	96

## D. Charges by Court

Between 2014 and 2021 there were also shifts in the local charges booked by court type<sup>13</sup> which had an impact on the length of stay. The total number of charges admitted to the jail per court type decreased between 2014 and 2021.

- Summary Court (Municipal and Magistrate) charges decreased the most from 26,922 in 2014 to 5,333 in 2021 (80% decrease).
- In 2014, Summary Court charges comprised 67% of all local charges booked. In 2021, Summary Court charges comprised 34% of all local charges booked.
- General Sessions Court charges decreased from 11,179 in 2014 to 9,574 in 2021 (14% decrease).
- For the third consecutive year, General Sessions Court charges have been the most frequently occurring. In 2014, General Sessions Court charges comprised 28% of all local charges booked. In 2021, General Sessions Court charges comprised 60% of all local charges booked.
- Probate/Specialty Court (Probate, Drug and Mental Health Courts) charges decreased from 113 in 2014 to 25 in 2021 (78% decrease).
- Family court charges decreased from 1,347 in 2014 to 232 in 2021 (83% decrease).
- Probation and Parole charges decreased from 339 in 2014 to 288 in 2021 (15% decrease).



LOCAL CHARGES BY COURT								
COURT	2014	2015	2016	2017	2018	2019	2020	2021
SUMMARY COURT	26,922	19,110	15,361	14,796	11,337	8,803	5,996	5,333
GENERAL SESSION	11,179	9,689	9,973	11,494	10,691	10,714	9,538	9,574
FAMILY COURT	1,347	1,424	898	701	617	667	301	232
PROBATION & PAROLE	339	222	228	352	379	427	337	288
UNKNOWN	107	67	75	60	228	400	348	354
NULL	-	-	1	77	29	2	-	2
ICE	-	-	-	-	225	218	134	6
PRELIM COURT	-	-	1	-	-	-	-	-
DRUG COURT	64	72	42	46	44	30	12	20
FEDERAL OURT	49	58	38	44	79	39	21	23
MENTAL HEALTH COURT	45	31	31	45	23	20	12	5
FUGITIVE COURT	24	21	33	-	31	28	24	29
OUT OF COUNTY COURT	12	5	12	6	3	-	-	-
PROBATE COURT	4	5	3	2	-	-	-	-

More recently, from 2020 to 2021, there were decreases among Summary Court, Family Court, and Probation and Parole and small increases among General Sessions and Probate/Specialty Court charges.

- Summary court decreased from 5,996 in 2020 to 5,333 in 2021 (11% decrease)
- Probate/Specialty Courts increased by one from 24 in 2020 to 25 in 2021 (4% increase).
- Family court decreased from 301 in 2020 to 232 in 2021 (23% decrease).

- General Sessions Court increased by 36 from 9,538 in 2020 to 2,574 in 2021 (<1% increase).
- Probation and Parole decreased from 337 in 2020 to 288 in 2021 (15% decrease).

## E. Rates and Relative Rates

The Charleston County Criminal Justice Coordinating Council (CJCC) remains steadfast in its commitment to reducing racial and ethnic disproportionality and/or disparity (REDD) and improving the local criminal justice system (CJS).

Disproportionality refers to under- or overrepresentation of a group in the criminal justice system compared to their numbers in the general population. In this report, disproportionality is measured in two ways. The first looks at absolute numbers of persons involved in the local CJS converted into a rate per 1,000 in the population. The second looks at the relative rate index (RRI), i.e., comparing the rate for one group (black) to another group (white). An RRI of 1 indicates no disproportionality; the further an RRI is from one, the greater the disproportionality.

The data below describe population, rates and relative rates associated with jail use through 2021. The following data are covered, sourced from the SACDC and the US Census Bureau ACS-1 Year Estimates:

1. Trends in County Population
2. Trends in Incarceration Rates
3. Trends in Local Booking Rates

### TRENDS IN COUNTY POPULATION

Census Bureau population estimates indicate that the overall population of adults in Charleston County increased between 2014 and 2019, although it decreased slightly for individuals identifying as black.

- The overall population of adults increased by 26,258 (9% increase) from 2014 to 2019.
- The population of black adults decreased by 576 (1% decrease) from 2014 to 2019.
- The population of white adults increased by 17,461 (8% increase) from 2014 to 2019.
- The population of adults identifying as something other than white or black increased by 9,400 (86% increase) from 2014 to 2019.

Rates were calculated using the population estimates in the table below. The data source for the 2014 – 2019 Population Estimates for Race, Age and Gender were ACS 1-Year Estimates. The 2019 estimates were also used to calculate 2020 – 2021 rates and relative rates as updated ACS data were not yet available at the time of the analysis (March 2022).

Charleston County Population				
YEAR	TOTAL ≥ 18	BLACK ≥ 18	WHITE ≥ 18	OTHER ≥ 18
2014	304,324	81,265	212,155	10,904
2015	311,159	81,524	216,731	12,904
2016	317,126	82,927	222,663	11,536
2017	321,850	82,077	228,460	11,313
2018	325,930	82,417	230,621	12,892
2019	330,609	80,689	229,616	20,304

Charleston County has a diverse and growing population that is also changing in its demographic composition. However, due to inconsistent methods of recording race and ethnicity data at all points in the system, it is not yet possible to analyze REDD accurately for demographic groups other than black and white at this time. This continues to be an area in need of correction. This report, therefore, is focused on rates and relative rates as it relates to individuals identifying as black or white.

**TRENDS IN INCARCERATION RATES**

Rates of incarceration are calculated based upon the average daily population monthly snapshot data provided by the SACDC, inclusive of pretrial, sentenced and non-local populations. Please note, due to transitions in data systems, monthly incarceration demographic data are not available for 2018 and 2019. Therefore, these years are excluded from the analysis. Please also note, total figures are inclusive of black, white and other groups.

MONTHLY COUNTS (ALL)			
Year	Confined population (ALL)	Confined black population (ALL)	Confined white population (ALL)
2014	1,189	895	293
2015	1,142	822	319
2016	1,131	806	317
2017	1,157	845	296
2020	864	565	279
2021	803	548	240

Rates of adult incarceration in Charleston County significantly decreased from 2014 to 2021. Notably, the reduction was greatest among the individuals identifying as black.

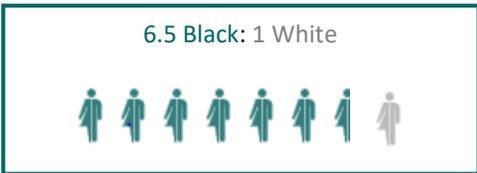
- The overall rate of adult incarceration decreased by 38% from 46.89 per 1,000 adults in 2014 to 29.13 in 2021.
- The rate of incarceration among black adults decreased by 38% from 132.14 per 1,000 black adults in 2014 to 81.44 in 2021.
- The rate of incarceration among white adults decreased by 24% from 16.59 per 1,000 white adults.

Rate Per 1,000 Population			
Year	Total confined population (ALL)	Black confined population (ALL)	White confined population (ALL)
2014	47	132	17
2015	44	121	18
2016	43	117	17
2017	43	124	16
2020	31	84	15
2021	29	81	13

The relative rate of adult incarceration among the black and white population in Charleston County also decreased from 2014 to 2021. However, individuals identifying as black continue to be overrepresented among the population incarcerated.

- The relative rate of incarceration in 2014 was 7.97 black adults to every one white adult. In 2021, the relative rate of incarceration decreased to 6.50 black adults to every one white adult.

RELATIVE RATE INDEX	
	Black:White Confined
2014	7.97
2015	6.86
2016	6.82
2017	7.93
2020	5.77
2021	6.50



## TRENDS IN LOCAL BOOKING RATES

Rates of local booking activity are calculated based upon SACDC booking data provided by the SACDC in conjunction with the following population estimates: Data source for 2014 – 2019 Population Estimates for Race Age and Gender: ACS 1-Year Estimates Detailed Tables. Data source for 2020 and 2021 population estimates for race and age was 2019 ACS population estimates. Please also note, total figures are inclusive of black, white and other groups.

Local bookings (counts) by Race			
Year	Black	White	Total
2014	14,446	10,195	24,729
2015	10,432	8,246	18,789
2016	8,499	7,180	15,920
2017	8,946	6,753	15,941
2018	7,498	6,160	14,003
2019	6,421	5,296	11,885
2020	5,011	4,230	9,401
2021	4,700	3,871	8,764

Rates of local bookings in Charleston County decreased considerably from 2014 to 2021.

- The overall rate of local bookings decreased by 67% per 1,000 population from 81.26 in 2014 to 26.51 in 2021.
- The rate of local bookings among black adults decreased by 67% per 1,000 black adults from 177.76 in 2014 to 58.25 in 2021.
- The rate of local bookings among white adults decreased by 65% per 1,000 white adults from 48.05 in 2014 to 16.86 in 2021.

Rate per 1,000 population			
Year	Black	White	Total
2014	177.76	48.05	81.26
2015	127.96	38.05	60.38
2016	102.49	32.25	50.20
2017	109.00	29.56	49.53
2018	90.98	26.71	42.96
2019	79.58	23.06	35.95
2020	62.10	18.42	28.44
2021	58.25	16.86	26.51

The relative rate of adult incarceration among the black and white population in Charleston County also decreased from 2014 to 2021. However, individuals identifying as black continue to be overrepresented among local bookings.

- The relative rate of local bookings in 2014 was 3.70 black adults to every one white adult. In 2021, the relative rate of local bookings was 3.46 black adults to every one white adult.

Relative Rate Index Black:White Booking	
Year	
2014	3.70
2015	3.36
2016	3.18
2017	3.69
2018	3.41
2019	3.45
2020	3.37
2021	3.46



## Key Points Summary

- There has been a consistent decline in local jail use since 2014.
- The local annualized jail population reduced 40.5% (-450) from 2014 to 2021.
- Local bookings, individuals, and charges booked declined by 65% (-15,965), 62% (-11,931) and 60% (-24,226), respectively from 2014 to 2021.
- The sentenced population reduced by 94% (-157) and the pretrial population reduced by 31% (-293) from 2014 to 2021.
- In 2021, the pretrial population comprised nearly all of the local jail population (98%)
- Although the average length of stay among all releases has increased by 133% since 2014 there was a small decrease from 2020 to 2021 (10% decrease).
- General Sessions Court charges continued for the third year in a row to be the most frequent reasons for jail use rather than Summary Court charges. In 2014, General Sessions Court charges comprised 28% of all local charges booked. In 2021, General Sessions Court charges comprised 60% of all local charges booked.
- In 2014, Summary Court charges comprised 67% of all local charges booked. In 2021, Summary Court charges comprised 34% of all local charges booked.
- More recently, data from 2020 to 2021 indicate modest decreases in local jail population, admissions and releases. It will be important to continue to monitor these trends as the COVID-19 pandemic subsides. There has been a consistent decline in the rates of incarceration and local booking activity since 2014.
- Rates among the overall population as well as among individuals identifying as black and white decreased considerably from 2014 to 2021.
- Despite the decreases in rates of incarceration and local bookings, black adults continue to be overrepresented among the population incarcerated and booked.
- Charleston County has a diverse and growing population that is also changing in its demographic composition. Accordingly, more consistent methods of recording race and ethnicity data at all points in the system are needed.

# 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, related strategies deliberately prioritized alternatives to jail for lower level charges that were most frequently booked and that disparately impacted communities of color. Strategies 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. These changes fundamentally changed jail use in Charleston County. In addition, the CJCC has been utilizing data to better understand drivers of local jail use as well as the population of individuals who cycle in and out of the local jail frequently.

In 2021, the CJCC's workgroup to strengthen diversion and deflection continued implementing three strategic initiatives pursuant to the strategic plan. The first initiative, Most Visible Persons (MVP) (formerly known as Jail Involved Familiar Face) Case Conferencing, is working to break the cycle of book, release and repeat among the most active familiar faces. The MVP initiative 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, is a study underway by Justice System Partners in conjunction with the Charleston Dorchester Mental Health Center, local law enforcement and the CJCC. The main objective of this research is to gain a deeper understanding of how deflecting individuals away from the criminal justice system to diversionary options impacts arrests, the jail population and behavioral health outcomes. The third initiative, Crime and Jail Use Tracking, involved the development and implementation of a regularly occurring dashboard to help the workgroup to monitor trends in crime, diversion and deflection, arrests and jail use activity.

The data below describe arrest, diversion and deflection trends through 2021.

- A. Custodial and non-custodial arrests (source data: Charleston County Sheriff's Office, Charleston Police Department, North Charleston Police Department, and Mount Pleasant Police Department)
- B. Most frequently occurring charges (source data: SACDC)
- C. Single, target-charge activity (source data: SACDC)
- D. Crime Rates (source data: SCIBRS)
- E. Tri-County Crisis Stabilization Center and triage services (source data: CDMHC's TCSC)
- F. Analysis of Familiar Face Releases (source data: SACDC and Pretrial Services Database)

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## A. Custodial and Non-Custodial Arrests

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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.

There was a decline in local bookings made by the Big Four between 2014 and 2021.

- Of all local bookings, the Big Four represented 94% in 2014 and 2015, 92% in 2016, 93% in 2017, 89% in 2018, 90% in 2019 and 2020, and 89% in 2021.
- More recently, in 2021, the Big Four represented 7,779 local bookings out of 8,764 local bookings (89% of all local bookings). And, in 2020, the Big Four represented 8,496 bookings out of 9,401 in 2020 (90% of all local bookings).

There was also a decline in arrest charges<sup>14</sup> for The Big Four between 2014 and 2021.

- The combination of custodial and non-custodial arrest charges made by the Big Four reduced by 67% (-25,924) from 38,791 in 2014 to 12,867 in 2021.
- Custodial arrest charges reduced by 69% (-23,797) from 34,641 in 2014 to 10,844 in 2021.
- Non-custodial arrest charges reduced by 51% (-2,127) from 4,150 in 2014 to 2,023 in 2021.
- During the period from 2014 to 2021, 85% of all arrest charges were custodial and 15% were non-custodial.

Following the significant changes in arrest charges that have been occurring since 2014, it is important to pay close attention to recent trends from 2020 to 2021, given the impacts of the COVID-19 pandemic.

- The combination of custodial and non-custodial arrest charges made by the Big Four reduced by 15% (-2,319) from 15,186 in 2020 to 12,867 in 2021.
- Custodial arrest charges reduced by 15% (-1,908) from 12,752 in 2020 to 10,844 in 2021.
- Non-custodial arrest charges reduced by 15% (-411) from 2,434 in 2020 to 2,023 in 2021.
- During the period from 2020 to 2021, 84% of all arrest charges were custodial and 16% were non-custodial.

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## B. Most Frequently Occurring Charges

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Consistent with the decline in local charges brought to the jail, the volume and type of most frequent charges coming into the jail also shifted over time. For example, in 2014, the most frequently occurring charge booked was simple possession of marijuana with approximately 2,785 charges booked. While the number of simple possession of marijuana charges has decreased each year since 2014 (decreased by 90% to 278 in 2021), it continued to be the most frequently booked charge throughout 2017 and 2018. By 2019, simple possession of marijuana fell to the sixth most frequently booked charge surpassed by the most frequently booked charge of driving under the influence<sup>1st</sup>, followed by firearm possession violations, shoplifting, contempt of family court<sup>15</sup>, and public intoxication.

Top 15 Charges 2019	
Charge Description	Count
DRIVING UNDER INFLUENCE (DUI) 1ST	1,198
FIREARM POSSESSION VIOLATIONS	912
SHOPLIFTING (MISD)	669
CONTEMPT OF FAMILY COURT	637
PUBLIC INTOXICATION	620
SIMPLE POSS MARIJUANA	593
TRESPASS	579
DRIVING UNDER SUSPENSION, 1ST	558
PUBLIC DISORDERLY CONDUCT	520
VIOLATION OF PROBATION	475
ASSAULT AND BATTERY 3RD DEGREE	451
DOMESTIC VIOLENCE 2ND DEGREE	421
POSS OF COCAINE 1ST OFFENSE	374
PWID MARIJUANA	353
POSS OF A WEAPON DURING VIOLENT	340

Top 15 Charges 2020	
Charge Description	Count
DRIVING UNDER INFLUENCE (DUI) 1ST	915
FIREARM POSSESSION VIOLATIONS	887
SHOPLIFTING (MISD)	443
TRESPASS	412
PUBLIC DISORDERLY CONDUCT	408
ASSAULT AND BATTERY 3RD DEGREE	383
DOMESTIC VIOLENCE 2ND DEGREE	378
VIOLATION OF PROBATION	353
FAIL TO STOP FOR BLUE LIGHT	329
DRIVING UNDER SUSPENSION 1ST	318
PUBLIC INTOXICATION	313
SIMPLE POSS MARIJUANA	308
POSS OF A WEAPON DURING VIOLENT	304
POSS OF COCAINE 1ST OFFENSE	283
CONTEMPT OF FAMILY COURT	281

From 2019 to 2020, DUI 1<sup>st</sup> remained the most frequently booked charge with firearm possession violations and shoplifting second and third most frequent, respectively. In 2021, DUI fell to the second most frequently booked charge, surpassed by firearm violations for the first time. Between 2019 and 2021 there were:

- Decreases by more than 50%: Public Intoxication -53% (-328), Simple Possession of Marijuana -53% (-315), Driving Under Suspension 1<sup>st</sup> -59% (-328), Misdemeanor Shoplifting -65% (-432), and Contempt of Family Court -71% (-451).
- Increases in Firearm Possession Violations by 12% (111) and Possession of a Weapon during a Violent Offense by 7% (23).

Top 15 Charges 2021	
Charge Description	Count
FIREARM POSSESSION VIOLATIONS	1,023
DRIVING UNDER INFLUENCE (DUI) 1ST	906
TRESPASS	428
PUBLIC DISORDERLY CONDUCT	364
POSS OF A WEAPON DURING VIOLENT	363
DOMESTIC VIOLENCE 2ND DEGREE	357
ASSAULT AND BATTERY 3RD DEGREE	351
FAIL TO STOP FOR BLUE LIGHT	338
MFG/PWID OTHER SUB SCH I II III WITD-1ST	312
VIOLATION OF PROBATION	303
PUBLIC INTOXICATION	292
SIMPLE POSS MARIJUANA	278
SHOPLIFTING (MISD)	237
DRIVING UNDER SUSPENSION, 1ST	230
POSS LESS THAN ONE GRAM	211

It is also important to pay close attention to recent trends from 2020 to 2021 during the pandemic.

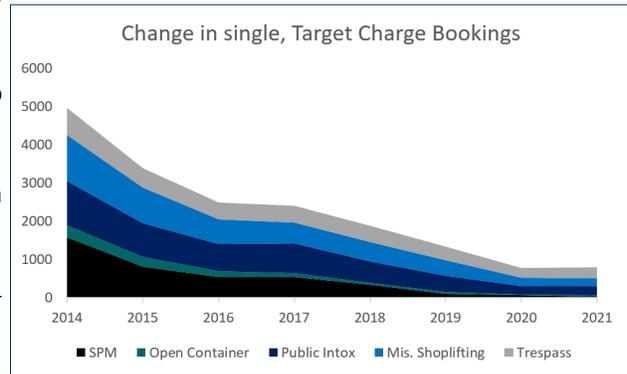
- Decreases by 10% or greater: Simple Possession of Marijuana -10% (-30), Public Disorderly Conduct -11% (-44), Violation of Probation -14% (-50), Driving Under Suspension 1<sup>st</sup> -28% (-88), Contempt of Family Court -34% (-95), and Misdemeanor Shoplifting -47% (-206).
- Increases by 10% or greater: Firearm possession violations 15% (136) and Possession of a Weapon during a Violent Offense 19% (59).

Please note, the analysis of most frequently booked charges continues to improve year over year as charge description groupings are developed based upon the different variations in the data at the time. Hence, particular charge counts may vary somewhat from past reports. In addition, charges listed as hold and criminal inquiry only are excluded from the analysis.

## C. Single, Target-Charge Activity

An original strategy the CJCC employed was to reduce single, target-charge bookings for: simple possession of marijuana, open container, trespassing, public intoxication and misdemeanor shoplifting. These bookings declined significantly between from 2014 and 2021, from 4,963 in 2014 to 790 in 2021 (84% decrease). Each targeted, single charge booking also decreased considerably.

- Simple Possession of Marijuana decreased from 1,576 in 2014 to 35 in 2021 (98% decrease).
- Open Container decreased from 330 in 2014 to 34 in 2021 (90% decrease).
- Public Intoxication decreased from 1,143 in 2014 to 232 in 2021 (80% decrease).
- Misdemeanor Shoplifting decreased from 1,204 in 2014 to 214 in 2021 (82% decrease).
- Trespass decreased from 710 in 2014 to 275 in 2021 (61% decrease).



As noted previously, it is important to review recent trends given the impacts of the COVID-19 pandemic. Collectively, single, target-charge bookings increased slightly from 788 in 2020 to 790 in 2021 (<1% increase). There was also variation among each targeted, single charge booking with two of the five decreasing and the other three increasing.

- Simple Possession of Marijuana decreased from 60 in 2020 to 35 in 2021 (42% decrease).
- Misdemeanor Shoplifting decreased from 230 in 2020 to 214 in 2021 (7% decrease).
- Open Container increased from 22 in 2020 to 34 in 2021 (55% increase).
- Trespass increased from 255 in 2020 to 275 in 2021 (8% increase).
- Public intoxication increased from 221 in 2020 to 232 in 2021 (5% increase).

Single, Target-Charge Bookings						
Year	SPM	Open Container	Public Intox	Mis. Shopliftin	Trespass	All
2014	1,576	330	1,143	1,204	710	4,963
2015	820	249	877	939	505	3,390
2016	538	149	718	642	436	2,483
2017	538	113	772	537	452	2,412
2018	334	53	564	508	421	1,880
2019	109	42	424	409	354	1,338
2020	60	22	221	230	255	788
2021	35	34	232	214	275	790

## D. Crime Rates

Data from the South Carolina Incident-Based Reporting System (SCIBRS) and the FBI National Incident-Based Reporting System (NIBRS) provide statistical data about crime at the county, state and national levels. These data are a useful source of official information about trends in crime across South Carolina.

SCIBRS crime data are based on incident reports submitted by state and local law enforcement agencies to the State Law Enforcement Division (SLED). The SCIBRS collects in-depth data Group A offenses. Offenses are classified according to the SCIBRS definitions rather than according to local ordinances, state statutes or federal statutes. Group A offenses are divided into three categories.

- Crimes against persons (e.g., murder, rape, and assault) are those whose victims are always individuals.
- Crimes against property (e.g., robbery, burglary, shoplifting) include crimes to obtain money, property or some other benefit.
- Crimes against society (e.g., gambling, prostitution, drug violations, and weapons violations) represent society’s prohibition against engaging in certain types of activity.

Crimes Against Persons	Crimes Against Property	Crimes Against Society
Murder and Non-negligent Manslaughter	Arson	Drug/ Narcotic Violations
Negligent Manslaughter	Burglary/ Breaking and Entering	Drug Equipment Violations
Kidnapping, Abduction	Destruction/ Damage/ Vandalism	Betting/ Wagering
Forcible Rape	Counterfeiting/ Forgery	Operating/ Promoting/ Assisting Gambling
Forcible Sodomy	False Pretenses/ Swindle/ Confidence Game	Gambling Equipment Violations
Sexual Assault with an Object	Robbery	Pornography/ Obscene Material
Forcible Fondling	Shoplifting	Prostitution
Incest	Theft from Building	Purchasing Prostitution
Statutory Rape	Theft from Motor Vehicle	Assisting/ Promoting Prostitution
Aggravated Assault	Theft of Motor Vehicle Parts/ Accessories	Weapon Law Violations
Simple Assault	All Other Larceny	Animal Cruelty
Intimidation	Motor Vehicle Theft	
Human Trafficking/ Commercial Sexual Acts	And 12 Others	

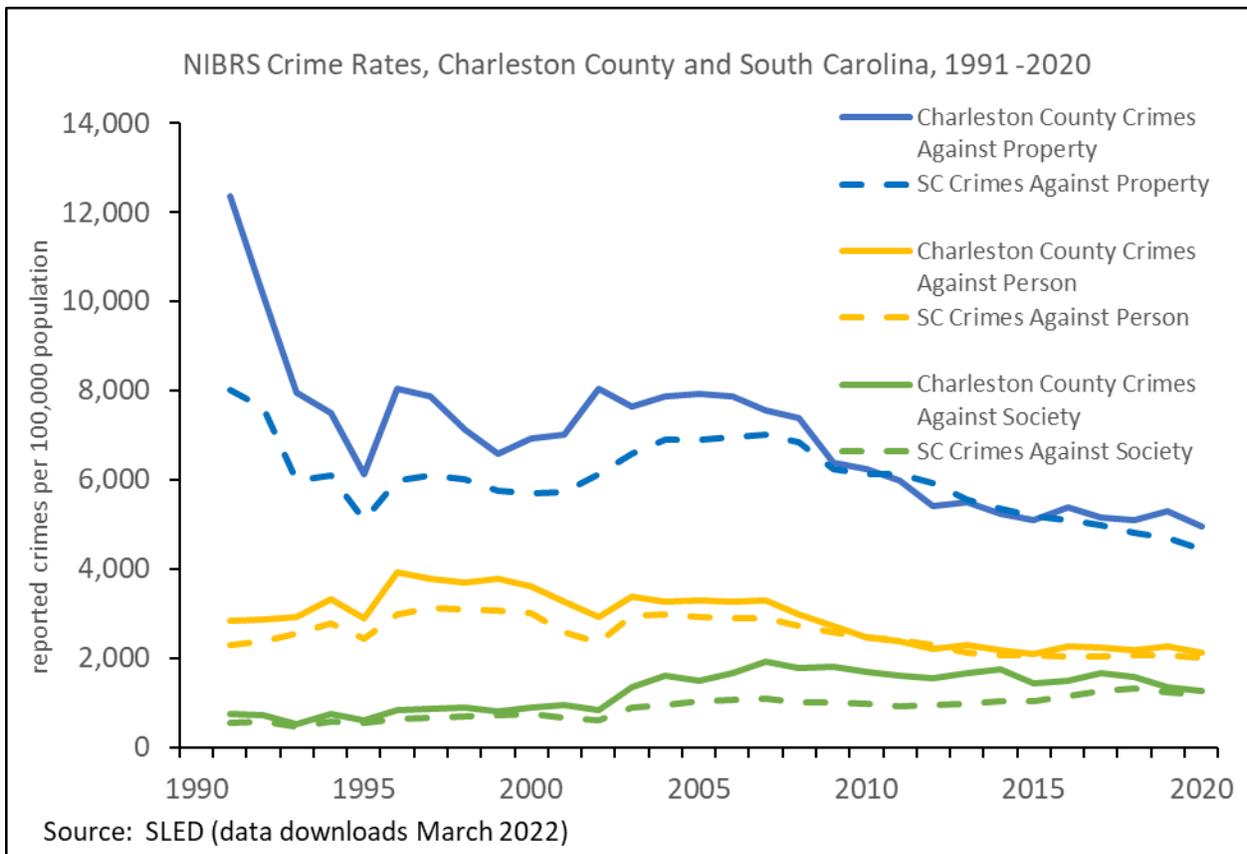
While there are 19 agencies listed in the reporting for Charleston County from 1991 to 2020, not all agencies provide data each year. The number of reporting agencies in Charleston County each year

during this period ranged from 12 to 18. In 2020, the Big Four represented 97% of the crimes reported among the 12 agencies reporting from Charleston County (33,807 of 33,954). Statewide in 2020, 252 of 272 state and local law enforcement agencies reported crime data to SLED at least once during the year.

Reported crime data is reported in both the rate per 100,000 as well as the number. For example, a rate of 2,000 per 100,000 indicates 2% of the population reported a crime and 98% did not. The number is also important as crime counts vary by crime type (e.g., property crimes outnumber crimes against society).

Between 1991 and 2020, crime rates in South Carolina and in Charleston County displayed similar trends<sup>16</sup>.

### Crime trends in Charleston County and South Carolina, 1991 -2020



Rates of reported crimes against property in Charleston County and in South Carolina were less in 2020 than they were in 1991. Property destruction/ vandalism and larceny are the most commonly reported crimes in this category.

- In Charleston County, the crimes against property rates were 60% less from 12,369 per 100,000 population in 1991 to 4,966 crimes per 100,000 population in 2020.
  - ◊ The number of reported crimes against property were 49% less from 37,681 in 1991 to 19,330 in 2020.
- In South Carolina, the rate of crimes against property rates were 45% less from 8,022 per 100,000 population in 1991 to 4,436 per 100,000 population in 2020.
  - ◊ The number of reported crimes against property were 24% less from 286,423 in 1991 to 217,174 in 2020.

Rates of reported crimes against persons in Charleston County and in South Carolina were less in 2020 than they were in 1991. Simple assault crimes are the most commonly reported crimes in this category.

- In Charleston County, the crimes against persons rates were 25% less from 2,832 per 100,000 population in 1991 to 2,199 crimes per 100,000 population in 2020.
  - ◊ The number of reported crimes against persons were 4% less from 8,629 in 1991 to 8,248 in 2020.
- In South Carolina, the crimes against persons rates were 12% less from 2,299 per 100,000 population in 1991 to 2,012 per 100,000 population in 2020.
  - ◊ The number of reported crimes against persons were 20% higher from 82,095 in 1991 to 98,530 in 2020.

Rates of reported crimes against society were higher in Charleston County and South Carolina in 2020 than they were in 1991. Drug/ narcotic violations are the most commonly reported crimes .

- In Charleston County, the crimes against society rates were 70% higher from 745 per 100,000 population in 1991 to 1,267 crimes per 100,000 population in 2020.
  - ◊ The number of reported crimes against society were 117% higher from 2,269 in 1991 to 4,933 in 2020.
- In South Carolina, the crimes against society rates were 116% higher from 551 per 100,000 population in 1991 to 1,192 per 100,000 population in 2020.
  - ◊ The number of reported crimes against society were 197% higher from 19,660 in 1991 to 58,343 in 2020).

SOUTH CAROLINA		1991	1995	2000	2005	2010	2015	2020
Offense Type	Measures							
Crimes Against Person	Number of Crimes	82,095	91,777	121,466	124,864	114,214	101,675	98,530
	Crime Rate (per 100,000)	2,299	2,448	3,019	2,934	2,463	2,077	2,012
Crimes Against Property	Number of Crimes	286,423	191,091	229,441	294,122	283,474	253,531	217,174
	Crime Rate (per 100,000)	8,022	5,098	5,702	6,910	6,114	5,178	4,436
Crimes Against Society	Number of Crimes	19,660	20,430	29,719	44,021	44,983	51,389	58,343
	Crime Rate (per 100,000)	551	545	739	1,034	970	1,050	1,192

CHARLESTON COUNTY		1991	1995	2000	2005	2010	2015	2020
Offense Type	Measures							
Crimes Against Person	Number of Crimes	8,629	8,701	11,210	11,120	8,675	8,189	8,248
	Crime Rate (per 100,000)	2,832	2,891	3,604	3,294	2,469	2,104	2,119
Crimes Against Property	Number of Crimes	37,681	18,458	21,530	26,750	21,972	19,869	19,330
	Crime Rate (per 100,000)	12,369	6,133	6,922	7,924	6,255	5,104	4,966
Crimes Against Society	Number of Crimes	2,269	1,848	2,791	5,069	5,936	5,618	4,933
	Crime Rate (per 100,000)	745	614	897	1,502	1,690	1,443	1,267

## E. 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 911 Consolidated Dispatch Center, 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. During normal operations, the TCSC contains 10 beds operated by the CDMHC. It is located in the Charleston Center (with an onsite detoxification unit) along with two contract beds at One80 Place for individuals experiencing homelessness. During COVID-19 the number of TCSC beds available were reduced. The table below indicates TCSC activity from 2018 to 2021.

<b>TriCounty Crisis Stabilization Center Activity</b>				
	2018	2019	2020*	2021*
Law Enforcement Referrals	62	74	8	3
All Referrals	847	943	212	414
Admissions	526	583	118	186
Hospital & Emergency Department Diversions	672	522	84	174
Jail Diversions	3	23	1	0

\*Please note, only partial data are available for 2020 (January to March) and 2021 (February to December) due to closures associated with the COVID-19 pandemic.

Notably, TCSC referral and admissions increased considerably from 2020 to 2021.

- Referrals increased by 95% from 212 in 2020 to 414 in 2021.
- Admissions increased by 58% from 118 in 2020 to 186 in 2021.

The TCSC closed for the majority of 2020 and into early 2021 due to the pandemic. Law enforcement referrals to TCSC reduced considerably once it reopened as a PCR Test was required for admission. Nonetheless, diversion and deflection activity in other areas persisted. Data indicate law enforcement's use of options to divert and deflect individuals to care through numerous pathways, such as Mobile Police Triage, law enforcement consultation with embedded clinicians, and drop offs to the main CDMHC location.

Notably, while there was a decrease in consultations (-26%) and mobile police triage (-15%) activity from 2020 to 2021, there was a considerable increase (80%) in clinic drop offs by law enforcement in the same period.

Charleston Dorchester Mental Health Clinic/Law Enforcement Activity				
	2018	2019	2020	2021
Embedded Clinician Consultations	375	473	670	498
Clinic Drop Offs	17	152	103	185
Mobile Police Triage	*	*	274	234

Please note, asterisks denote prior to availability of a complete year of data.

## F. Analysis of Familiar Face Releases

Familiar Faces are individuals that frequently cycle through the jail, they are booked and released from the jail multiple times in a given time period. In this analysis, 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 2014 and 2021:

- The number of familiar face releases decreased 75% from 8,000 in 2014 to 2,007 in 2021 (-5,993).
- The number of charges among familiar faces releases decreased 72% from 14,831 in 2014 to 4,150 in 2021 (-10,681).
- The number of unique, familiar face individuals reduced 71% from 3,618 persons in 2014 to 1,048 in 2021 (-2,570).

Familiar Faces 2014 to 2021			
Year	Releases	People	Charges
2014	8,000	3,618	14,831
2015	5,661	2,856	10,524
2016	4,291	2,246	8,153
2017	4,423	2,103	8,798
2018	3,638	1,824	7,255
2019	3,259	1,642	6,569
2020	2,623	1,350	5,605
2021	2,007	1,048	4,150

Trends between 2020 and 2021 indicate:

- The number of familiar face releases decreased 23% from 2,623 in 2020 to 2,007 in 2021 (-616).
- The number of charges among familiar faces releases decreased 26% from 5,605 in 2020 to 4,150 in 2021 (-1,455).
- The number of unique, familiar face individuals reduced 22% from 1,350 in 2020 to 1,048 in 2021 (-302).

The number of jail bed days consumed by familiar faces releases and the average lengths of stay decreased since 2018. The following represent trends between 2018 and 2021:

- The number of jail bed days decreased 42%, (-42,389) from 100,525 days in 2018 to 58,136 in 2021.
- The ALOS among all familiar faces moved to 28 days in 2021 from 27 days in 2018. However, there continues to be variation among the two familiar face sub- categories noted below.
  - ◊ The ALOS among familiar faces that booked and released three to four times increased from 27 days in 2018 to 29 days in 2021, and
  - ◊ The ALOS for familiar faces that booked and released five times or more in 2018 was 27 days, the same as it was in 2018.

Between 2020 and 2021 these trends show:

- The number of jail bed days decreased 30% (by 24,329) from 82,465 in 2020 to 58,136 in 2021.
- The ALOS among all familiar decreased 10% from 31 days in 2020 to 28 days in 2021. 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 reduced 9% from 32 days in 2020 to 29 days in 2021.
  - ◊ The ALOS for familiar faces in the five or more category reduced 7% from 29 days in 2020 to 27 days in 2021.

Year	Familiar Face Releases	Local Releases	% Familiar Face
2014	8,000	24,633	32%
2015	5,661	18,913	30%
2016	4,291	15,937	27%
2017	4,423	15,981	28%
2018	3,638	13,955	26%
2019	3,259	11,889	27%
2020	2,623	9,581	27%
2021	2,007	8,697	23%

While familiar face release activity continues to be a significant percentage of all release activity, it has reduced since 2014. Familiar faces declined as a percentage of all local release activity from 32% in 2014 to 23% in 2021. More recently, the decline was less pronounced from 27% in 2020 to 23% in 2021.

### 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 to the extent data matching was possible. This analysis was continued thru 2020 and 2021. While the number of individuals, bookings and charges reduced both in 2020 and 2021, the findings were similar to 2019. The charts below represents the data deeper dive findings from 2021.

- There were 942 familiar face individuals booked and released 1,834 times on 3,446 charges in 2021.

EXPANDED ANALYSIS 2021	
UNIQUE INDIVIDUALS	942
TOTAL BOOKINGS	1,834
TOTAL CHARGES	3,446
ALOS	15 Days
AVG CHARGES/BOOKING	2
AVG AGE BOOKED	36 Years
BLACK BOOKINGS	611
WHITE BOOKINGS	325
OTHER BOOKINGS	6
FEMALE BOOKINGS	121
MALE BOOKINGS	821

EXPANDED ANALYSIS: TOP CHARGES IN 2021	
CHARGE	COUNT
TRESPASS	261
FIREARM POSSESSION VIOLATIONS	205
VIOLATION OF PROBATION	113
SHOPLIFTING (MISD)	102
PUBLIC DISORDERLY CONDUCT	88
ASSAULT AND BATTERY 3RD DEGREE	83
PUBLIC INTOXICATION	83
SHOPLIFTING PCE	81
MFG/PWID OTHER SUB SCH I II III WITD-1ST	79
FAIL TO STOP FOR BLUE LIGHT	76

- On average they were booked on roughly two charges, stayed in jail for 15 days, were 36 years old, mostly male, 65% black and 35% white.
- While their most frequent charge is still trespassing, 54% of their bookings were General Sessions Court driven.

In the following table, data are further analyzed from 2019 to 2021 by court type as indicated by SACDC data. Each booking is grouped under “General Sessions” if it includes at least one General Sessions Court charge. Similarly, bookings grouped in “Summary Court” have at least one Summary Court charge and no Court of 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 2021, like 2020 and 2019, the average length of stay is longer in the General Sessions and Other categories, and shorter in Summary. Additionally, demographic patterns indicate similar in average age as well as majority male and black.

Expanded Analysis	2019	2020	2021
Persons	1,501	1,216	942
Times Booked & Released	2,994	2,367	1,834
Charges	5,623	4,568	3,446
Average Charges/Booking	1.88	1.93	1.88
Average Stay (Days)	15.68	14	15
Average Age	36	37	36
Female Bookings	546 (18%)	353 (15%)	245 (13%)
Male Bookings	2,448 (82%)	2,014 (85%)	1,589 (87%)
Black Bookings	1,872 (63%)	1,449 (61%)	1,172 (64%)
White Bookings	1,101 (37%)	908 (38%)	650 (35%)
Other Bookings	0 (0%)	10 (.4%)	12 (1%)
Most Frequent Charge	Trespassing	Trespassing	Trespassing

#### Most Frequent Familiar Faces

As done in both 2019 and 2020, analysis was also done to further examine familiar faces booked and released to identify *the most active* among them. In this analysis of the most frequent familiar faces, these individuals have seven or more bookings within a two-year period. The chart below compares the most frequent familiar face statistics by year.

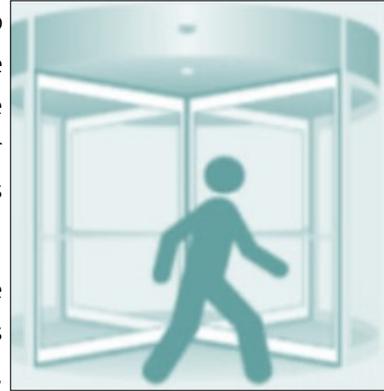
The most frequently occurring charge each year was with trespassing, along with other crimes against public order such as shoplifting, disorderly conduct and public intoxication. These types of charges are often symptomatic of underlying issues such as homelessness, mental health and/or substance use disorders.

Most Active Familiar Faces	2019	2020	2021
Persons	18	12	11
Times Booked & Released	167	114	90
Charges	222	159	113
Average Charges/Booking	1.33	1.39	1.26
Average Stay (Days)	10	7	10
Average Age	47	46.5	45.5
Most Frequent Charge	Trespassing	Trespassing	Trespassing

#### Strategic Initiative Most Visible Persons (MVPs)

Efforts have been made to better understand and address the familiar face population in recent years. Building on this work and the FY 21 – 23 Strategic Plan, the CJCC developed and implemented a small-scale pilot program to help build the initial infrastructure necessary to identify, engage and provide wrap-around services to these individuals utilizing existing resources and, in the process, learning lessons that can help guide broader efforts. A workgroup, “Jail Involved Familiar Face (JIFF)”, formed in the latter part of 2020 developed eligibility criteria for the target population, informed consent documents, information sharing agreements, client engagement protocols, and fostered collaboration among existing resources with technical assistance from Policy Research Incorporated (PRI). The initiative was

later renamed “Most Visible Persons (MVP)”, highlighting the plan to engage individuals in a unique “case management” style to achieve better outcomes and break the cycle of frequent incarceration. The plan for the pilot was to start at a small scale and to work with four clients per quarter, allowing the workgroup to navigate system gaps as they occurred and were identified.



2021 proved the MVP work to be time consuming and messy, in some cases requiring multiple team meetings in a single week to address urgent issues such as an MVP’s unexpected release, lack of shelter, vulnerability to physical threat, or any number of other crises that arise in such an unstable population. Sometimes it was a challenge to simply locate an individual released to the street to provide assistance to him/her without phone or other means of maintaining communication to receive help. Clientele’s willingness to participate in improving their outcomes ebbed and flowed, especially when released to familiar, yet unstable or potentially dangerous circumstances. The MVP team learned that system gaps provides opportunities for further collaboration and system improvement and expanded workgroup membership and sought grant funding to enhance housing options for this population. Moving into 2022, the MVP workgroup will continue at current capacity until system partnerships and community resources expand enough to allow the initiative to grow.

### Key Points Summary

- The Big Four police agencies consistently make up the overwhelming majority of local booking activity.
- Custodial and non-custodial charges made by law enforcement have decreased each year and non-custodial arrests by the Big Four represented 15% of arrest charges from 2014 to 2021.
- As the total charges booked into the jail have reduced since 2014, there have been notable changes in the most frequently booked charges.
- In 2014, the most frequently occurring charge booked was simple possession of marijuana. Thereafter, while the number of simple possession of marijuana charges decreased in volume each year (decreased 90% from 2014 to 2021), it continued to be the most frequently booked charge through 2018.
- By 2019, simple possession of marijuana fell to the sixth most frequently booked charge surpassed by the most frequently booked charge of driving under the influence 1<sup>st</sup> offense, followed by firearm possession violations, shoplifting, contempt of family court, and public intoxication.
- From 2019 to 2020, DUI 1st remained the most frequently booked charge with firearm possession violations and shoplifting second and third most frequent, respectively.
- In 2021, DUI fell to the second most frequently booked charge, surpassed by firearm violations.
- Recent trends from 2020 to 2021 indicate consistent reductions in lower level charges and an increase in Firearm Possession Violations and Possession of a Weapon during a Violent Offense.
- Collectively, single, target-charge bookings decreased by 84% from 2014 to 2021. However, more recent data from 2020 to 2021 indicate different trends among the five single, targeted charges.

Notably, two of the five continued to trend down and three increased somewhat.

- Between 1991 and 2020, crime rates in South Carolina and in Charleston County displayed similar trends.
- While the use of CDMHC diversion and deflection options are continuing to grow over time, there were variations among the types of options used between 2020 and 2021.
  - ◊ While there were modest decreases in law enforcement's use of embedded clinician consultations and mobile police triage services, there was a considerable increase in clinic drop offs by law enforcement.
  - ◊ Referrals and admissions to the TCSC increased, particularly among hospital and emergency room diversions.
- Between 2014 and 2021, the number of individuals cycling repeatedly through the jail three or more times in a two-year period, referred to as familiar faces, decreased by 71% (from 3,618 to 1,048).
- The number of most active familiar faces with seven or more bookings in the year reduced from 18 individuals in 2019 to 11 individuals in 2021.
- Statistics indicate fairly consistent findings among active familiar faces from 2019 to 2021. For example:
  - ◊ The most frequently occurring charge each year was with trespassing, along with other crimes against public order such as shoplifting, disorderly conduct and public intoxication.
  - ◊ These types of charges are often symptomatic of underlying issues such as homelessness, mental health and/or substance use disorders.
  - ◊ The average age is in the mid-forties and the typical length of stay is ten days or less.
- The Most Visible Persons pilot, while challenging, is providing opportunities to uncover and address system gaps.

# FAIRNESS AND REENTRY

## Background

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 communities<sup>17</sup>. 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 community<sup>18</sup>. Detained defendants, especially those that pose lower risk of pretrial failure, may become further destabilized and less capable of being healthy, contributing members of society<sup>19</sup>. 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 arrest<sup>20</sup>.

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 49, the South Carolina constitution strictly limits the cases in which bond can be denied.

Consistent with CJCC efforts to improve the local criminal justice system, there has been a sustained focus on practices within Centralized Bond Court since the launch of the CJCC's efforts. Deliberate steps included making bond hearings fairer with public defender representation and Pretrial Service Reports to better inform the Court about the risks of re-arrests and/or missing court. In addition, a significant amount of data has been gathered and analyzed to better understand related policies and practices. The data routinely indicate the majority of defendants release pretrial, most often in the first few days, and those that do not can be detained for a long time (e.g., over 600 individuals awaiting Circuit Court with an average length of stay of over 250 days). In addition, several studies found the majority of pretrial releases do not get into trouble while waiting for court while a minority consistently run into trouble. The minority that are re-arrested most often pick up new charges within six months of release, and they tend to get re-arrested more than once. Notably, rates of success on pretrial release decrease as risk level increases. Further, releases on financial bonds consistently have worse outcomes than those released on their own recognizance.

In 2021, the CJCC's bond and reentry workgroup continued to implement three strategic initiatives pursuant to the FY21-FY23 strategic plan. The first initiative includes a number of ongoing steps to ensure bond hearings are continually fair, just and meaningful which included development and implementation of a regularly occurring dashboard to monitor Centralized Bond Court (CBC) practices, pretrial release patterns, and the use of Pretrial Service Reports. A Court Observation Tool was also developed and implemented to help strengthen alignment among CBC practices and national standards.

The workgroup continued legal and programmatic research on its second initiative to develop a proposal for pretrial service option(s). This involves reviewing experiences to-date, current South

Carolina law, researching best practices in maximizing safety, appearance and liberty, and recommending viable pretrial service options(s). In addition to the training of national standards that led to the development of the bond court observation tool, the workgroup completed several objectives. It conducted a research study on common release conditions ordered at CBC and participated in several sessions to research current SC statutes and case law and understand the various limitations in place. The workgroup also reviewed local pretrial outcome studies and existing practices regarding release pretrial, pretrial detention, and release conditions. The workgroup also studied pretrial systems in other states and the Federal system, and invited national experts with significant experience to share their lessons learned. Given the statutory framework for the bond setting process that South Carolina law provides, the workgroup determined there is currently inadequate or insufficient options for judges setting bonds and/or in determining effective bond conditions.

Pretrial service option(s) must be geared to those least likely to succeed pretrial. In general, findings consistently indicate the majority of pretrial releases are successful and only a minority fail on pretrial release (i.e., new arrests and/or appearance violation). The rates of success decline as risk level increases, financial releases fail at the highest rates, and most re-arrests occur within six months of release. To learn more about the local situation, the workgroup commissioned a study to advance what is known about local defendants, case and system characteristics that define those that are most and least likely to succeed pretrial. Notably, this study dives deep into individual, case and system characteristics associated with the small subset of pretrial releases that are rearrested with subsequent nonviolent charges as well as the even smaller subset of pretrial releases that are rearrested with subsequent statutorily violent charges. This study will be completed in 2022 and the findings will help guide proposal recommendations. Ultimately, a pretrial service option(s) proposal will likely require changes at the state level and necessitate broader policy and budgetary discussions.

Finally, efforts continue to progress in the workgroup's third initiative to grow a centralized repository of services available within the community that justice-involved individuals, their loved ones, and personnel working with them can easily access in partnership with SC 211 and the support of an AmeriCorps VISTA. Efforts include United Way SC 211 training for numerous criminal justice system actors, identification of gaps in reentry information available on SC 211, and expanding the information available in SC 211 when feasible. Moving forward, steps will be taken to work with providers and community members to implement strategies to get information about SC 211 and available reentry services directly to justice-involved populations.

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## Bond Data

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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. Bond Court Observations (source data: Bond Court Observation Tool)
- D. Pretrial outcome studies (source data: CMS Magistrate, CMS GS, Pretrial Services Database, Charleston, North Charleston and Mount Pleasant Municipal Courts, and SACDC)
- E. Widely Accessible Directory of Services (source data: United Way SC 211)

**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.

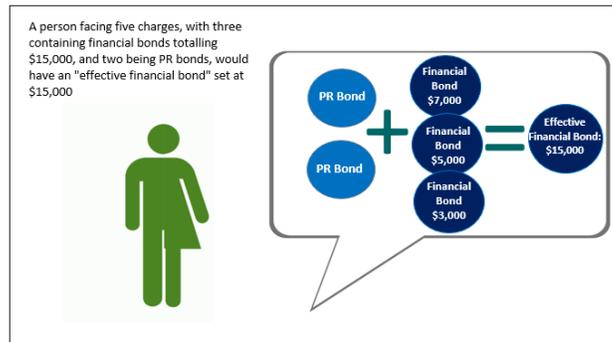
(B) A person charged with the offense of burglary in the first degree pursuant to Section 16-11-311 may have his bond hearing for that charge in summary court unless the solicitor objects.

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

## A. Effective Bond

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.



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.

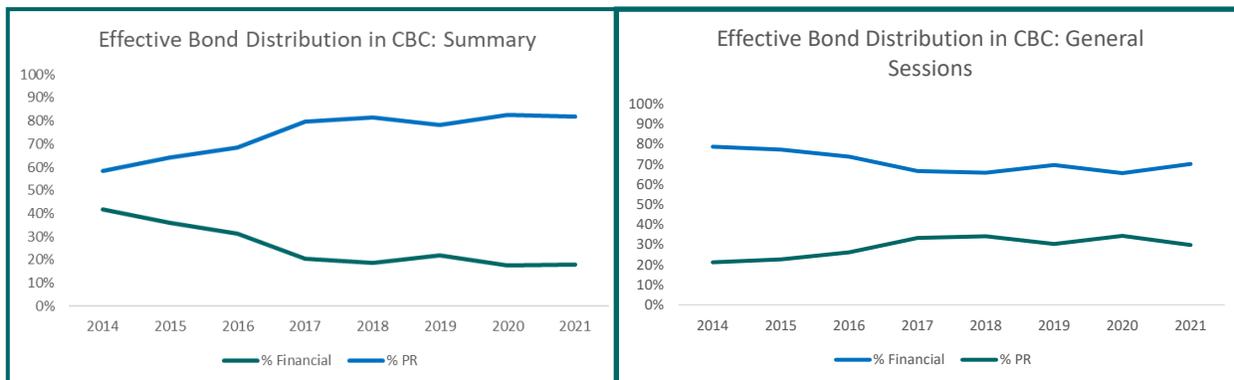
Effective bond trends<sup>21</sup> in Centralized Bond Court<sup>22</sup> (CBC) between 2014 and 2021 indicate:

- There were 976 fewer effective bonds in 2021 than 2014, from 7,361 to 6,385 (13% decrease).
- While the use of effective financial bonds has decreased, proportionately use of financial bonds continues to be slightly higher than the use of effective PR type bonds.
  - ◊ In 2014, there were 5,349 effective financial bonds (73%) and 2,012 effective PR bonds (27%).
  - ◊ In 2021, there were 3,487 effective financial bonds (55%) and 2,898 effective PR bonds (45%).
  - ◊ There was a 35% decrease in effective financial bonds and a 44% increase of effective PR bonds from 2014 to 2021.

Effective Bond Distribution in CBC: All			
YEAR	FINANCIAL	PR	TOTAL
2014	5,349	2,012	7,361
2015	4,290	1,799	6,089
2016	4,080	1,918	5,998
2017	3,873	2,624	6,497
2018	4,163	4,080	8,243
2019	4,142	3,433	7,575
2020	3,370	3,015	6,385
2021	3,487	2,898	6,385

Effective bond trends vary considerably by Court type.

- There was a decrease in the number of General Sessions Court effective bonds and an increase in Summary Court effective bonds from 2014 to 2021. The latter is attributed to the transfer of City of Charleston Municipal Court bonds setting to the Centralized Bond Court during the period.
- The proportion of effective financial bonds reduced in Summary Court from 42% in 2014 to 18% in 2021 while effective PR bonds increased from 58% in 2014 to 82% in 2021.
- The proportion of effective financial bonds reduced in General Sessions Court from 79% in 2014 to 70% in 2021 while effective PR bonds increased from 21% in 2014 to 30% in 2021.



More recent trends indicate an increase in the use of financial bonds between 2020 and 2021.

- In 2020, there were 3,370 effective financial bonds (53%) and 3,015 effective PR bonds (47%) compared to 3,487 effective financial bonds (55%) and 2,898 effective PR bonds (45%) in 2021.
- Among all effective bonds, there was a 3% increase in effective financial bonds and a 4% decrease in effective PR bonds from 2020 to 2021.
- Among General Sessions Court, proportion of effective financial bonds increased from 66% in 2020 to 70% in 2021 while effective PR bonds decreased from 34% to 30%.
- Among Summary Court, proportion of effective financial bonds increased from 17% in 2020 to 18% in 2021 while effective PR bonds decreased from 83% to 82%.

In 2021, effective financial bonds remained the majority of bonds set in General Sessions and other court<sup>23</sup> cases while the majority remained effective PR bonds in Summary cases. In recent years, the average dollar amount<sup>24</sup> of effective financial bonds set in CBC decreased since 2018 for Summary and other Court cases while it increased in General Sessions Court cases.

CBC Bond Average Amount				
YEAR	AVERAGE OVERALL	GS COURT AVERAGE	SUMMARY COURT AVERAGE	OTHER COURT AVERAGE
2018	\$33,085.00	\$36,339.00	\$6,006.00	\$44,633.00
2019	\$32,011.00	\$35,722.00	\$2,119.00	\$48,361.00
2020	\$32,725.00	\$36,384.00	\$2,833.00	\$26,054.00
2021	\$33,533.06	\$37,309.61	\$3,349.70	\$26,056.47

## 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 2.8<sup>25</sup> 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.

The PSR was first implemented in January 2018 following a period of data collection and analysis that deemed it appropriate for use in Charleston County<sup>26</sup>. Thereafter, the PSR was upgraded to a revised version in January of 2020 following subsequent data collection and analysis<sup>27</sup>. Notably, the transition to the upgraded version allowed for increased predictively and increased productivity. For example, the percentage of PSRs provided to the Court in eligible bond hearings increased from 51% in 2019 to 92% in 2020 without any additional staff. Moreover, data are continually collected for follow up evaluations of predictive accuracy as well as continued monitoring for any racial or gender bias.

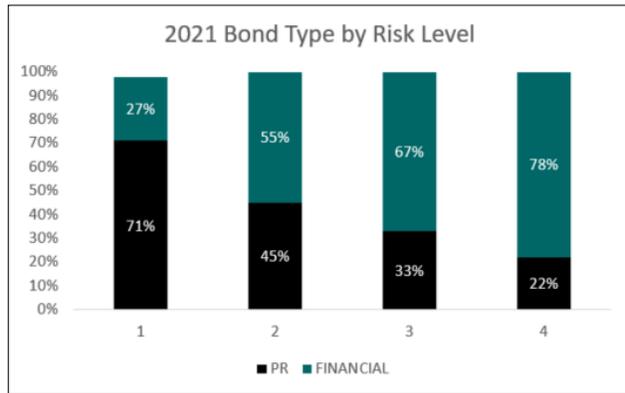
The PSR provides an objective, reliable and valid assessment for risk of re-arrest and failure to appear during the pretrial period. It predicts whether a defendant falls into a group that is more likely or less likely to get re-arrested and/or miss court while in the community on pretrial release. It is not capable of predicting future violence or intentional flight from justice. Skilled pretrial analysts using 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, compile the information used to complete the PSR. The 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 2021 pretrial data follows.

- There were 7,136 eligible cases in which Pretrial Service Report (PSR) could have been completed. Of those, 6,775 (95%) had a completed PSR.
- Of the 7,136 eligible cases, 4,251 included at least one General Sessions charge. Pretrial staff completed PSRs on 4,076 (96%) of the 4,251.
- The majority of assessments completed resulted in low levels of risk, 5,280 (78%), resulted in a Level 1 or 2, while 1,495 (22%) resulted in a Level 3 or 4.

Levels	Counts	%
1	2,891	43%
2	2,389	35%
3	1,111	16%
4	384	6%
<b>TOTAL</b>	<b>6,775</b>	<b>100%</b>

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 71% of effective bonds.
- At the highest level of risk (Level 4), financial bonds are given with the most frequency, making up 78% of effective bonds.



## C. Bond Court Observations

Following an extensive study and training on the American Bar Association (ABA)<sup>28</sup> and National Pretrial Services Agencies (NAPSA)<sup>29</sup> standards regarding Pretrial Release and Detention, the bond and reentry workgroup developed and implemented a Bond Court Observation Tool pursuant to the FY 21 – FY 23 Strategic Plan. The purpose of the Bond Court Observation Tool is to help strengthen alignment among Centralized Bond Court practices and national standards.

The observation tool was initially developed and piloted in 2020. In 2021, observations occurred in 38 different terms of court and 267 individualized bond hearings. On a quarterly basis, data was compiled and reviewed with bond-setting Magistrates. For example, as National standards require that the defendant be advised of the reason for the type of bond offered, CBC Bond Court Judges collectively made it a goal to improve this measure. During the pilot phase of Bond Court Observations in 2020, 64% (21/33) of the time decision rationale was stated by the judge. And by the end of 2021, it increased to 76% (208/275) of the time. Other year end findings noted:

- Defendants were consistently advised of charges throughout the year and there was considerable improvement in the acknowledgement of their rights by the fourth quarter.
- PSRs were consistently available with the majority of defendants assessed in the lower levels of risk. While discussions of PSR information occurred most often by defense, judicial initiation increased considerably by the fourth quarter.
- Defense Attorney and Law Enforcement participation was fairly consistent throughout the year for General Sessions bound cases while Victim/Advocate participation was more robust at the Summary Court level. In South Carolina, Solicitors do not officially receive cases to prosecute until a number of days following the bond hearing and the data reflect this as solicitor participation is notably absent.
- Bond hearings were consistently individualized to the defendant and the circumstances of his or her life. However, discussion regarding the ability to pay a financial bond did not consistently occur prior to it being ordered.

It is also important to note, some of the ABA and NAPSA standards while not contrary to South Carolina law are not necessarily pursuant to it, and rather represent national standards and best practices, specifically ABA Standard 10-5.1. (c), ABA Standard 10-5.3 (a), ABA Standard 10-5.3 (e), and NAPSA Standard 2.4.

**ABA Standard 10-1.1** Purposes of the pretrial release decision. The purposes of the pretrial release decision include providing due process to those accused of crime, maintaining the integrity of the judicial process by securing defendants for trial, and protecting victims, witnesses and the community from threat, danger or interference...

**ABA 10-1.4(b)** When release on personal recognizance is not appropriate reasonably to ensure the defendant's appearance at court and to prevent the commission of criminal offenses that threaten the safety of the community or any person, constitutionally permissible non-financial conditions of release should be employed consistent with Standard 10-5.2.

**ABA Standard 10-1.7** Consideration of the nature of the charge in determining release options. Although the charge itself may be a predicate to pretrial detention proceedings, the judicial officer should exercise care not to give inordinate weight to the nature of the present charge in evaluating factors for the pretrial release decision except when, coupled with other specified factors, the charge itself may cause the initiation of a pretrial detention hearing pursuant to the provisions of Standard 10-5.9.

**ABA Standard 10-4.3(b)** At the defendant's first appearance, the judicial officer should provide the defendant with a copy of the charging document and inform the defendant of the charge and the maximum possible penalty on conviction, including any mandatory minimum or enhanced sentence provision that may apply. The judicial officer should advise the defendant...

**ABA Standard 10-5.1. (c)** In the event the judicial officer determines that release on personal recognizance is unwarranted, the officer should include in the record a statement, written or oral, of the reasons for this decision.

**ABA Standard 10-5.2. (a)** If a defendant is not released on personal recognizance or detained pretrial, the court should impose conditional release, including, in all cases, a condition that the defendant attend all court proceedings as ordered and not commit any criminal offense. In addition, the court should impose the least restrictive of release conditions necessary reasonably to ensure the defendant's appearance in court, protect the safety of the community or any person, and to safeguard the integrity of the judicial process.

**ABA Standard 10-5.3 (a)** Financial conditions other than unsecured bond should be imposed only when no other less restrictive condition of release will reasonably ensure the defendant's appearance in court...

**ABA Standard 10-5.3 (e)** Financial conditions should be the result of an individualized decision taking into account the special circumstances of each defendant

**ABA Standard 10-6.1.** Judicial Assurance of Notice to Victims - As part of the pretrial release process, the judicial officer should direct the appropriate office or agency to provide victim(s) of the crime with notice of any crime charged, any conditions imposed on the defendant including those related to possession or purchase of firearms, and methods of seeking enforcement of release conditions

## American Bar Association Standards

**NAPSA Standard 1.2** Bail should be individualized to a defendant's risk of failure to appear at scheduled court appearances and risk to public safety;  
**NAPSA Standard 1.3** A presumption in favor of release on one's own recognizance with the requirements to appear in court at scheduled court appearances and not engage in criminal activity should apply to all.

**NAPSA Standard 1.7** Besides a liberty interest, pretrial defendants retain other constitutional rights and protections, including the right to counsel, the right against self-incrimination, the right to due process of law, and the right to equal protection under the law.

**NAPSA Standard 1.9** Jurisdictions should establish procedures to ensure that the rights of victims are recognized at the pretrial stage. The rights afforded victims should include, but are not limited to, notification of all pretrial hearings, all bail decisions, conditions of release related to the victim's safety, the defendant's release from custody, and instructions on seeking enforcement of release conditions.

**NAPSA Standard 2.4** An experienced prosecutor should review all cases before the initial court appearance. This review should include decisions to file or decline to file charges, the consideration of appropriate charge(s), the defendant's eligibility for diversion, and recommendations for bail.

**NAPSA Standard 2.5** Jurisdictions should ensure that defendants are represented by counsel at the initial pretrial court appearance and all subsequent court appearances. Defense counsel should be fully active and engaged and have sufficient information about the defendant and charge and adequate opportunity to consult with the defendant before the initial appearance.

**NAPSA Standard 2.8** Stakeholders making bail decisions should use validated risk assessments to inform those decisions.

**NAPSA Standard 3.2(d)** Defendants should be represented by counsel at the initial pretrial court appearance. If the defendant does not have counsel, the judicial officer should appoint or provide counsel. Defense counsel should have the opportunity to consult with their client prior to the initial pretrial court appearance.

**NAPSA 3.2(e)** At the initial court appearance, the Court should ensure that the defendant receives a copy of the charging document and is informed of the charge(s). Unless waived by defense counsel, the Court should advise that the defendant

- (i) is not required to say anything and that anything the defendant says may be used against them;

- (ii) has a right to counsel at all court proceedings, and that if the defendant cannot afford a lawyer, one will be appointed;

- (iii) may communicate with his or her attorney;

- (iv) if necessary, has the right to an interpreter at all proceedings;

- (v) if not a United States citizen, may be affected adversely by collateral consequences of the charge, such as deportation, and has the right to contact their respective embassy or consulate

## NAPSA Standards

## D. Updated Pretrial Outcome Studies

Multiple CJCC Annual Reports<sup>30</sup> include repeated studies of pretrial outcomes based on bonds set in Centralized Bond Court. Initially, studies were done looking exclusively into release and safety outcomes (i.e., re-arrests, excludes bench warrants) among General Sessions bond settings. As PSR data became increasingly available, more detailed studies were done looking into release, safety and appearance outcomes. Each year these studies are replicated and published. Notably, the findings persist each time.

Studies of Release and Re-arrest Outcomes among General Sessions Bonds set in Centralized Bond Court consistently indicate:

- General Sessions bonds set are mostly financial.
- Most defendants are released pretrial.
- A minority of pretrial releases return to jail on a new arrest (bench warrants excluded).
- Returns to jail on new arrests are highest among financial releases.
- Most re-arrests occur within six months of pretrial release.
- The minority of pretrial releases that are re-arrested return to jail more than once on average.

Studies of PSR'd Release, Re-Arrest and Appearance Outcomes among all Bonds Set in Centralized Bond Court consistently indicate:

- Most release pretrial, and the majority of releases are in the lower levels.
- A minority of pretrial releases experience pretrial failure and the majority are successful to-date.
- Lower levels outperform higher levels, rates of success decline as risk level increases.
- Pretrial failure rates are highest among financial bonds across multiple levels of risk.

### Methodology and Definitions

This section provides the latest results of the two studies conducted in early 2022. The studies further examine various outcomes associated with bonds set in Centralized Bond Court from January 8, 2020 to June 30, 2021. As with past studies, results are expected to change somewhat with time in relation with the length of case pendency within General Sessions Court (new releases, dispositions and/or violations may occur).

All jail releases that were tied to a bond-setting in Centralized Bond Court were matched to bond and court disposition data. The data sources included CMS-Mag, CMS-GS, Pretrial (PSD), Charleston, North Charleston and Mount Pleasant Municipal Courts and SACDC.

Definitions provided on the following page.

**Bond settings** were limited to those taking place in the period (01/08/2020 to 06/30/2021) to allow for a minimum of six months for preliminary pretrial outcomes to occur. Jail releases were then tied to a bond-setting in Centralized Bond Court and matched to bond and court disposition data. Recent cases were often still pending at the time of the analysis due to their recent occurrence.

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 safety violations.

In the **PSR analysis**, bond settings associated with PSRs were included and then researched to identify pretrial release, safety and appearance outcomes to-date for those that released from the jail.

**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.

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

**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.

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

**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.

### Updated Study of Release and Re-arrest Outcomes among General Sessions Bonds Set in Centralized Bond Court from January 8, 2020 to June 30, 2021

The analysis was completed in early 2022. Findings indicate similar results to prior studies. Among 6,124 GS effective bonds set in Centralized Bond Court, a minority, 2,003, were effective PR bonds (33%) and the majority, 4,121, were effective financial bonds (67%) .

GS Driven Bond Setting in Central Bond Court 1/08/2020-06/30/2021		
TYPE	COUNT	PERCENT
PR	2,003	32.7%
Financial	4,121	67.3%
All	6,124	

Most, 5,562 (91%), released pretrial. The releases included nearly all PR bonds, 1,991 (99%), and 3,571 (87%) financial bonds.

<b>Pretrial Releases By Bond Type 1/08/2020-06/30/2021</b>		
<b>TYPE</b>	<b>COUNT</b>	<b>PERCENT</b>
PR	1,991	99.4%
Financial	3,571	86.7%
All	5,562	90.8%

Among all pretrial releases, the majority, 3,851 (69%), have been successful to date, and a minority, 1,711 (31%), returned to jail with a safety violation.

- ◇ Safety failures continue to be the highest among financial pretrial releases, 1,249 (35%), and lowest among PR releases, 462 (23%).
- Among the 31% of pretrial releases that experienced safety violations there were an average of 1.6 re-arrests. Most re-arrests occurred within six months.
  - ◇ The 1,711 pretrial releases with safety violations were re-arrested and returned to jail a total of 2,812 times.
  - ◇ The 1,249 financial releases with safety violations were re-arrested and returned to jail a total of 2,045 times, and the 462 PR releases returned to jail a total of 767 times.
  - ◇ Of those that experienced a safety violation, the majority of re-arrests occurred within the first six months of release (1,508 of the 2,812 returns to jail).

<b>Safety Failure: Returns to Jail (excludes bench warrant)</b>					
<b>Bond Type</b>	<b>GS-Driven Pretrial Release</b>	<b>At Least One Return to Jail</b>	<b>All Jail Returns</b>	<b>Average # of Safety Failures</b>	<b>Percent Safety Failure</b>
PR	1991	462	767	1.66	23%
Financial	3571	1249	2045	1.64	35%
All	5562	1711	2812	1.64	31%

**Updated Study of PSR'd Release, Re-Arrest and Appearance Outcomes among Bonds Set in Centralized Bond Court from January 8, 2020 to June 30, 2021**

The analysis was completed in early 2022. Findings indicate similar results to prior studies. Notably, the PSR studies provide more detailed information than the GS Safety studies. For instance, PSR studies include level of risk, release, safety and appearance outcomes whereas the GS study is limited to safety outcomes.

- Among 6,200 effective bonds set with PSR data, the majority were General Sessions driven, 6,124 (91%).
- Among 6,200 effective bonds set with PSR data, a minority were effective PR bonds, 2,265 (37%) and the majority, 3,935 (64%), were effective financial bonds

PSR Bonds Ordered		
Type	Counts	Percent
PR	2,265	37%
Financial	3,935	64%

- The majority (70%) were assessed in the lower two risk levels (1,951 level 1 and 2,416 level 2).
- Most, 5,678 (92%), released pretrial.
- The majority of releases, 4,081 (72%), are in the lower half of risk levels.

PSR's By Level				
Level	Counts	Percent of Risk Level	Pretrial Release	Percent Release
Level 1	1,951	31.5%	1,864	96%
Level 2	2,416	39.0%	2,217	92%
Level 3	1,289	20.8%	1,130	88%
Level 4	544	8.8%	467	86%
Total	6,200		5,678	92%

The majority of pretrial release are successful and a minority experience pretrial failure. 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, the majority of pretrial releases (68%) have been successful and a minority (32%) of experienced pretrial failure (safety or appearance violation).

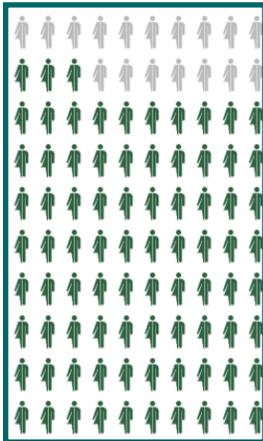
**68% Success (All Levels)**



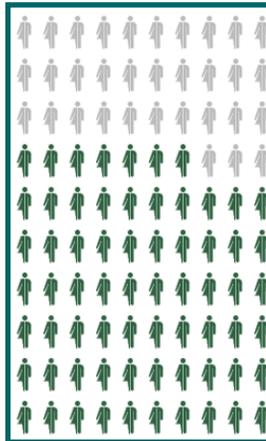
RESULTS BY RISK LEVEL						
	Counts	Safety	Appearance	Any Failure	Any Fail %	Success %
LEVEL 1	1864	295	29	317	17%	83%
LEVEL 2	2217	676	90	734	33%	67%
LEVEL 3	1130	466	63	502	44%	56%
LEVEL 4	467	233	45	256	55%	45%
TOTALS	5678	1670	227	1809	32%	68%

- Levels 1 has an 83% rate of success and a 17% rate of failure.
- Level 2 has a 67% rate of success and a 33% rate of failure.
- Level 3 has a 56% rate of success and 44% rate of failure. And,
- Level 4 releases to date have a 45% rate of success and a 55% rate of failure.

**Level 1: 83% Success**



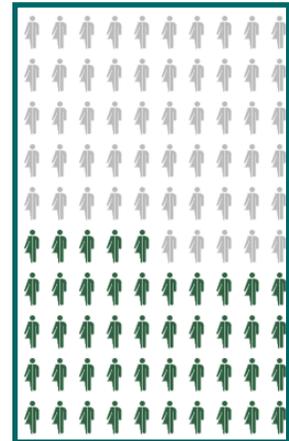
**Level 2: 67% Success**



**Level 3: 56% Success**

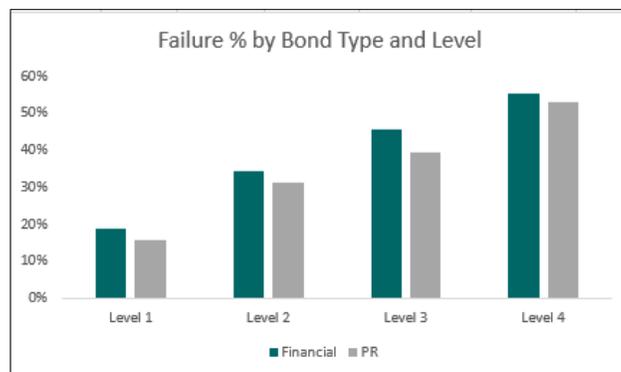


**Level 4: 45% Success**



Notably, safety failures occur more often than appearance failures (e.g., 227 appearance and 1,670 safety violations). Among the 32% of pretrial releases that were not successful there were multiple re-arrests.

- The 1,670 pretrial releases that were re-arrested returned to jail 2,706 times.
- Of those that experienced a safety violation, the majority of re-arrests occurred within the first six months of release (1,481 of the 2,706 returns to jail).
- Pretrial release on financial bonds experienced pretrial failure at higher rates than PR release in every level of risk.



Risk Level	Bond Type	Pretrial Release	Any Fail %	Any Failure	Safety Failure	Appearance Failure
Level 1	Financial	714	19.0%	136	134	5
Level 1	PR	1150	15.7%	181	161	24
Level 2	Financial	1416	34.3%	485	462	39
Level 2	PR	801	31.1%	249	214	51
Level 3	Financial	894	45.7%	409	384	47
Level 3	PR	236	39.4%	93	82	16
Level 4	Financial	397	55.2%	219	205	33
Level 4	PR	70	52.9%	37	28	12

### Limitations

Any bond settings that did not result in release prior to disposition or prior to the end of the 2021 year (whichever came first) were not further analyzed for pretrial outcomes. As such, due to the inclusion of recent and pending cases, pretrial outcomes will continue to change with time. For example, some of the pretrial defendants that were still detained as of December 31, 2021 may end up being released from jail before their disposition, affecting the overall release rate.

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 still in effect in 2021 that limited opportunities for appearance violations to occur. 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.

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## E. Widely Accessible Directory of Services

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Pursuant to the FY 21 – FY 23 Strategic Plan, the Bond and Reentry Workgroup’s includes a partnership with United Way to make reentry information more accessible and available to the public and justice-involved populations using the SC 211 platform. CJCC applied for an AmeriCorps Volunteer in Service to America (VISTA) to focus on addressing gaps in reentry information available in the SC 211 platform and implementing strategies to get reentry information directly to justice-involved populations. CJCC was awarded an AmeriCorps VISTA one year position through the Mayor’s Office for Children, Youth, and Families.

During the first six months of the position, the AmeriCorps VISTA worked with SC 211, providers and community members to identify and address gaps in reentry information available on the SC 211 platform. Organizations that provide reentry and other services for persons reentering the community after incarceration have been added to the 211 SC directory. Listings for those other organizations listed on SC 211 that provide other services for persons reentering the community, such as treatment for mental and substance use disorders and benefits assistance, have been expanded. In addition, during 2021, SC 211 conducted training sessions with local system stakeholders including the Charleston Police Department and the Dorchester Sheriff’s Department.

Notably, in 2021 the majority of 211 calls were for Basic Needs (rent/utility assistance, food, shelter) and few calls came in specifically for individuals returning to the community from incarceration. Housing needs in particular saw a large increase in calls across the board. 211 operators report that while individuals returning to the community from incarceration do call, they do not often ask for information regarding reentry programs specifically. Rather, they are more likely to call for whatever the most pressing need is at the time of release, like a place to stay.

Based upon data provided by SC 211, calls made to 211 regarding reentry services at the state and county level included:

- requests for information about reentry programs (40 calls statewide and 6 in Charleston County)
- requests for information about halfway houses (23 calls statewide and 2 in Charleston County)
- requests for information about employment programs for persons reentering the community (9 calls statewide and 2 in Charleston County)
- requests for information about counseling services for persons reentering the community (3 calls statewide and 0 in Charleston)
- requests for information about assistance with criminal expungement assistance (1 call statewide, 0 in Charleston).

Moving forward, the CJCC VISTA will continue to work with providers and community members to implement strategies to get information about SC 211 and available reentry services directly to justice-involved populations.

## Key Points Summary

- Effective bonds vary considerably by Court type.
  - ◊ The proportion of effective financial bonds reduced in Summary Court from 42% in 2014 to 18% in 2021 while effective PR bonds increased from 58% in 2014 to 82% in 2021.
  - ◊ The proportion of effective financial bonds reduced in General Sessions Court from 79% in 2014 to 70% in 2021 while effective PR bonds increased from 21% in 2014 to 30% in 2021
- PSRs are routinely available.
  - ◊ There were 7,136 eligible cases in which Pretrial Service Report (PSR) could have been completed, 6,775(95%) had a completed PSR.
  - ◊ Of the 7,136 eligible cases, 4,251 included at least one General Sessions charge. Pretrial staff completed PSRs on 4,076 (96%) of the 4,251.
  - ◊ The majority of assessments completed resulted in low levels of risk, 5,280 (78%), resulted in a Level 1 or 2, while 1,495 (22%) 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 71% of effective bonds. At the highest level of risk (Level 4), financial bonds are given with the most frequency, making up 78% of effective bonds.
- Gains are being made to strengthen alignment among Centralized Bond Court practices and national standards.
  - ◊ In 2021, observations occurred in 38 different terms of court and 267 individualized bond hearings.
- Initially, studies were done looking exclusively into release and safety outcomes (i.e., re-arrests, excludes bench warrants) among General Sessions bond settings.
- As PSR data became increasingly available, more detailed studies were done looking into release, safety and appearance outcomes.
- Each year these studies are replicated and published. Notably, the findings persist each time.
- The Most Recent Study of Release and Re-arrest Outcomes among General Sessions Bonds set in Centralized Bond Court finds consistent results.
  - ◊ General Sessions bonds set are mostly financial (67% financial and 33% PR)
  - ◊ Most defendants are released pretrial (91%, including 88% financial releases and 99% PR)
  - ◊ A minority of pretrial releases (35%) return to jail on a new arrest (bench warrants excluded).
    - ⇒ Returns to jail on new arrests are highest among financial releases (35%) and lower among PR releases (23%)
    - ⇒ Most re-arrests occur within six months of pretrial release
    - ⇒ The minority of pretrial releases that are re-arrested return to jail more than once on average

- The Most Recent Study of PSR'd Release, Re-Arrest and Appearance Outcomes among all Bonds Set in Centralized Bond Court finds consistent results.
  - ◊ Most release pretrial (92%), and the majority of releases are in the lower levels (70% in level 1 and 2)
  - ◊ The majority of pretrial releases (68%) are successful and a minority (32%) of experienced pretrial failure.
  - ◊ Lower levels outperform higher levels, rates of success decline as risk level increases (e.g., 17% failure among level 1 and 55% failure among level 4).
  - ◊ Among the 32% of pretrial releases that were not successful there were multiple re-arrests.
    - ⇒ Pretrial releases that were re-arrested returned to jail an average of 1.6 time (1,670 returned to jail a total of 2,706 times).
    - ⇒ Among the 2,706 returns to jail, the majority of re-arrests, 1,481, occurred within six months of release.
    - ⇒ Pretrial release on financial bonds experienced pretrial failure at higher rates than PR release in every level of risk.
- Few calls come into to SC 211 in 2021 specifically for individuals returning to the community from incarceration in Charleston and statewide.
  - ◊ Notably, in 2021 the majority of 211 calls were for Basic Needs (rent/utility assistance, food, shelter).
  - ◊ 211 operators report that while individuals returning to the community from incarceration do call, they do not often ask for information regarding reentry programs specifically. Rather, they are more likely to call for whatever the most pressing need is at the time of release, like a place to stay.

## BACKGROUND

Since the launch of the CJCC’s efforts there have been consistent improvements made in the earliest stages of case processing, including public defender representation in Centralized Bond Court and reductions in the time it takes to get a case moving with attorneys assigned faster and evidence transferred more efficiently. However, as previously reported in the Data Behind the Strategic Plan<sup>31</sup> and prior annual reports, reducing the overall time it takes to bring cases to disposition within the Court of General Session has been a persistent struggle. The challenges existed prior to COVID-19 pandemic and have been exacerbated since with increasing times to disposition and a growing backlog. Moreover, the timeliness of case processing continues to be a factor in pretrial outcomes. Notably, as the length of time grows between the date of arrest and disposition so too does the window of risk for pretrial failure (i.e., re-arrests and/or missed court appearances).

Throughout 2021, the Case Processing workgroup continued to advance strategic initiatives. The jail population review (JPR) process recognizes that absent regular reviews of the jail population, defendants that are not a threat to public safety or a flight risk may be unnecessarily detained. Weekly jail population reviews (JPR) have been implemented and a corresponding dashboard for use by the Court, the Solicitor, the Public Defender (jail and other courts as needed) was developed and implemented to help the workgroup monitor ongoing trends. General Sessions Court text reminders were relaunched and expanded with jail-based enrollments. In addition, the reminder system has the possibility of further expansion pursuant to the Court’s direction. In addition, Court leadership has been routinely apprised of key case processing, backlog and jail use indicators.

The data below describe various case processing indicators through 2021. Please note, the number of years included per indicator is dependent upon when each indicator became available.

A. Disposition activity (source data: CMS-GS and SACDC)

B. Front end indicators (source data: CMS-GS, PbK, SACDC, DD)

C. 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

Overall, the number of charges disposed per year has been on the decline since 2015 within the Court of General Sessions in Charleston County (as recorded in CMS data).

- The number of charges disposed decreased by 1,081 from 8,587 in 2015 to 7,506 in 2021 (13% decrease).
- The number of individuals disposed decreased by 368 from 4,373 in 2015 to 4,005 in 2021 (8% decrease).

Year	Dispositions	
	Charges	Individuals
2015	8,587	4,373
2016	7,340	3,825
2017	8,872	4,715
2018	7,632	4,043
2019	7,960	4,125
2020	5,861	3,130
2021	7,506	4,005

It is also important to pay close attention to recent trends from 2020 to 2021 particularly given the impacts of the COVID-19 pandemic. More recently, there was an increase in disposition activity from 2020 to 2021.

- The number of charges disposed increased by 1,645 from 5,861 disposed charges in 2020 to 7,506 in 2021 (28% increase).
- The number of individuals disposed increased by 875 from 3,130 in 2020 to 4,005 in 2021 (28% increase).

The clearance rate, or rate of charges disposed to charges filed also fluctuated in recent years. For reference, a clearance rate of 100% indicates the number of new charges filed are equal to the number of charges disposed. Clearance rates greater than 100% indicate more charges are disposed than new charges are filed. When this happens the number of charges pending decrease and backlogs reduce. Clearance rates below 100% indicate there are more new charges filed than disposed. When this happens the number of charges pending increase and backlogs grow.

Year	Clearance Rates		
	Charges Filed	Charges Disposed	Clearance Rate
2017	9,216	8,872	96%
2018	8,749	7,632	87%
2019	8,325	7,960	96%
2020	7,669	5,861	76%
2021	7,612	7,506	99%

- The clearance rate increased from 96% in 2017 to 99% in 2021.
- More recently, the clearance rate increased from its lowest of 76% in 2020 to 99% in 2021.

According to CMS disposition data, the three most frequent types of disposition each year are consistently “Dismissed, Not Indicted”, “Pled Guilty” and “Nolle Prosequi”.

Charge Dispositions by Type (CMS)	2018	2019	2020	2021
Dismissed Not Indicted	1,259	1,334	1,503	3,083
Pled Guilty	3,280	3,608	2,473	2,351
Nolle Prosequi	2,163	2,158	1,408	1,587
Judicial Dismissal	153	120	139	131
Remand to Mag/Muni Ct/Sent to Family Ct	46	39	38	130
Dismissed at Preliminary Hearing	425	315	113	116
Drug Court/Veteran Court	56	90	49	51
Failure to Appear	141	180	88	34
Mental Health Court	28	19	20	7
Trial Not Guilty	20	30	13	5
Trial Guilty	45	51	14	4
No Billed	8	8	1	3
Dismissed - Affidavit Signed	-	1	-	1
Dismissed - Prosecutorial Discretion	2	1	1	1
Trial Not Guilty by Reason of Insanity	6	5	-	1
Revocation Hearing - Revoked in part				1
Dismissed - Restitution Made Ended	-	1	-	-
Nolle Prosequi Indicted	-	-	1	-
<b>Total</b>	<b>7,632</b>	<b>7,960</b>	<b>5,861</b>	<b>7,506</b>

Trends from 2018 to 2021 indicate:

- Dismissed, Not Indicted dispositions increased by 1,824 from 1,259 in 2018 to 3,083 in 2021 (145% increase).
- Pled Guilty dispositions decreased by 929 from 3,280 in 2018 to 2,351 in 2021 (28% decrease).
- Nolle Prosequi dispositions decreased by 576 from 2,163 in 2018 to 1,587 in 2021 (27% decrease).

Notably, trial related dispositions are consistently rare. For example, the number of trial related dispositions in 2018 was 71 among 7,632 dispositions (1%), or 194 among 28,959 dispositions from 2018 to 2021 (<1%).

- Trial Not Guilty dispositions decreased by 15 from 20 in 2018 to 5 in 2021 (75% decrease).
- Trial Not Guilty by Reason of Insanity dispositions decreased by 5 from 6 in 2018 to 1 in 2021 (83% decrease).
- Trial Guilty dispositions decreased by 41 from 45 in 2018 to 4 in 2021 (91% decrease).

As note earlier, it is important to pay close attention to more recent trends particularly given the impacts of the COVID-19 pandemic. There was variation among the three most frequent disposition types between 2020 and 2021.

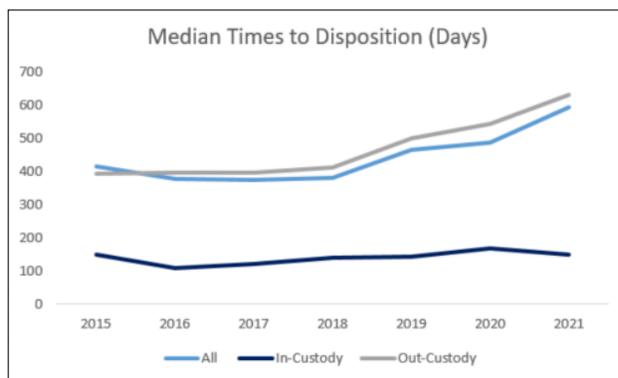
- Dismissed, Not Indicted dispositions increased by 1,580 from 1,503 in 2020 to 3,083 in 2021 (105% increase).
- Pled Guilty dispositions decreased by 122 from 2,473 in 2020 to 2,351 in 2021 (5% decrease).
- Nolle Prosequi dispositions increased by 179 from 1,408 in 2018 to 1,587 in 2021 (13% increase).

The number of trial related dispositions decreased to <1% of all dispositions (e.g., 27 of 5,861 in 2020 and 10 of 7,506 in 2021).

- Trial Not Guilty dispositions decreased by 8 from 13 in 2020 to 5 in 2021 (62% decrease).
- Trial Not Guilty by Reason of Insanity dispositions increased from 0 in 2020 to 1 in 2021.
- Trial Guilty dispositions decreased by 10 from 14 in 2020 to 4 in 2021 (71% decrease).

The time to disposition is another important indicator in case processing. 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.

- Time to disposition data indicate the overall median time to disposition increased by 177 days from 415 days in 2015 to 592 days in 2021 (43% increase).
- Median time to disposition by custody status (whether the defendant was jailed) remained the same for in-custody and out-of-custody increased.



- In-custody time to disposition was 149 days in 2015 and 149 days in 2021.
- Out-of-custody time to disposition increased by 237 days from 393 days in 2015 to 630 days in 2021 (60% increase).

Year	All	In-Custody	Out-Custody
2015	415	149	393
2016	377	107	395
2017	373	122	395
2018	379	140	413
2019	465	142	499
2020	488	167	543
2021	592	149	630

More recently, from 2020 to 2021 median times to disposition continued to increase overall and among out-of-custody status while in-custody decreased.

- The overall median time to disposition increased by 104 days from 488 days in 2020 to 592 days in 2021 (21% increase).
- Median time to disposition for in-custody decreased by 18 days from 167 days in 2020 to 149 days in 2021 (11% decrease).
- Median time to disposition for out-of-custody increased by 87 days from 543 days in 2018 to 630 days in 2021 (16% increase).

## B. Front End Indicators

In 2016, Public Defenders began providing access to representation in Centralized Bond Court for the first time in the state to ensure indigent defendants can be afforded the right to counsel, particularly when their liberty is at stake. Related staff were hired in 2016 and the number of screened defendants and access to representation in Centralized bond Court has increased each year since along with increasing efficiency. For example, prior to 2020 pretrial analysts conducted video interviews with defendants awaiting bond hearings and completed indigence screening for defendants that wanted to be referred to a public defender for bond court representation. This process was subject to various logistical and technological challenges. Then, in 2020 the process was revised 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.

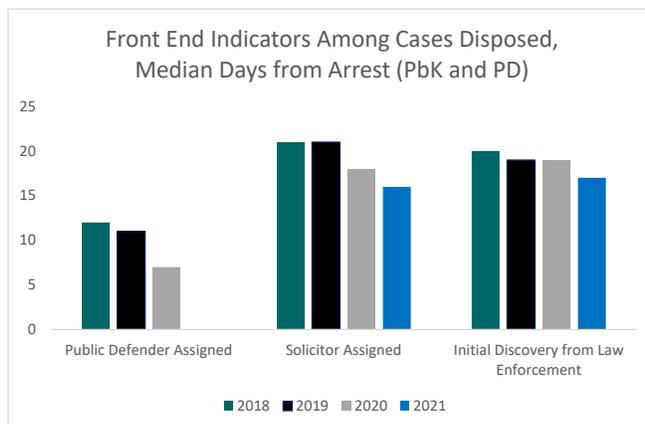
- Public Defender representation in Centralized Bond Court increased from 0 in 2014 to 2,726 in 2021.
- More recently, there was an increase of 598 from 2,128 in 2020 to 2,726 in 2021 (28% increase).
- Similarly, the proportion of defendants with access to public defender representation in bond court relative to all effective bonds grew from 0% in 2014 to 43% in 2021 (2,726 of 6,385).

In addition, efforts were put in place to track and help initiate case movement as quickly as possible by expediting the transfer of discovery from law enforcement to

Public Defender Representation Centralized Bond Court		
YEAR	COUNT	%
2014	0	0%
2015	0	0%
2016	79	1%
2017	1080	17%
2018	1439	17%
2019	1723	23%
2020	2128	33%
2021	2726	43%

prosecution and getting attorneys assigned faster. Findings from examining these important front-end components of case processing demonstrate improved and continuing progress for cases disposed.

- The median time to receipt of initial discovery consistently reduced from 20 days in 2018 to 17 days in 2021.
- The median time to Solicitor assignment also consistently reduced from 21 days in 2018 to 16 days in 2021.
- The median time to public defender assignment consistently reduced from 12 days in 2018 to 7 days in 2020.



Please note, in 2021 a change within Public Defender data collection occurred which altered the calculation of median time to assignment of a public defender attorney. Therefore, this calculation is limited to cases disposed that had public defender representation in Centralized Bond Court and should not be compared to prior years. Therefore, the figure for 2021 has been excluded from the graph.

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 2016 CJCC strategic plan. 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 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 pandemic.

By the end of 2021, the Ninth Circuit Solicitor’s Office enrolled 16 law enforcement agencies into this new business process. There were 383 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 18,491 Charleston county cases electronically to the Solicitor’s Office, representing over 15,425 defendants and over 26,140 warrants. In addition, this allows the Solicitor’s Office to provide discovery to Defense Counsel in more efficient manner – all of this contributes to reducing the backlog and improving timeliness. By year end 2021, there were 59 accounts among the Charleston County Public Defender’s office, including GS and Family Courts, and 415 private defense attorneys using the program.

## C. 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 2020 strategic plan, by the fall of that year, 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 General Sessions Court dates. Between 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.

In 2021, 63% percent of GSC defendants (2,662 of 4,258) booked into the SACDC enrolled for Court Reminders and 5,972 event notifications were sent out; the latter includes notifications sent to those who enrolled prior to 2021. 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. Moving forward, messaging is to be updated as directed by the Court as trials and in-person proceedings resume. In addition, consistent court appearance data are necessary to evaluate the efficacy of notifications.

## D. Jail Population Review

Absent regular reviews of the jail population, defendants that are not a threat to public safety or a flight risk may 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<sup>32</sup>.”

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 April 2020. Statutorily violent, aggravated assaults and sex crimes are excluded from the JPR process and cases flagged for GS JPR include those detained and calculated to be lower-risk as per the Pretrial Services Reports, as well as those recently detained within the previous 3 to 10 days. In addition to GS lists, JPR lists are provided for detainees held solely on matters related to Summary Courts, Violations of Probation, and Family Court matters.

Jail Population Reviews as of December 31, 2021*						
GROUP	JPR Bookings By Court	GSC	Summary	VOP	Family	Total
<b>OVERALL</b>	<b>Total</b>	545	377	94	50	1066
	<b>Flagged</b>					
	Black	293	235	54	37	619
	White	243	136	40	13	432
	Other	9	6	0	0	15
	Female	72	83	8	5	168
	Male	473	294	86	45	898
<b>RELEASED</b>	<b>Total</b>					
	<b>Flagged &amp; Released</b>	442	359	84	48	933
	Black	229	223	46	35	533
	White	205	132	38	13	388
	Other	8	4	0	0	12
	Female	64	83	8	5	160
	Male	378	276	76	43	773
	<b>Released Bed Days</b>	21731	6621	3843	1788	33983
	<b>Released ALOS</b>	49	18	46	37	36
<b>DETAINED</b>	<b>Flagged &amp; Stayed Detained</b>	103	18	10	2	133
	Black	64	12	8	2	86
	White	38	4	2	0	44
	Other	1	2	0	0	3
	Female	8	0	0	0	8
	Male	95	18	10	2	125
		<b>Detained Bed Days Dec 31</b>	11645	1059	665	66
	<b>Detained ALOS Dec 31</b>	113	59	67	33	101

- In 2020, 820 bookings were placed on a JPR lists; 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).
- In 2021, bookings flagged for JPR increased by 246 (30%) to 1,066 bookings flagged for JPR. Of those, 933 (88%) were released and 133 remained detained (12%) as of year end.
  - ◊ The average lengths of stay (ALOS) among those that remained detained at year end (101 days) again exceeded that of those released (36 days).

The table above provides a summary of JPRs in the 2021 period. The asterisk is a reminder that 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.

Building on the JPR initiatives, in October 2021, a new Local Jail Population Review dashboard was created to provide JPR stakeholders an overview of the current jail population along with various key indicators such as race and gender, Court type, by Pretrial or Sentenced Status, age of case, most frequently occurring charges, Bond types and financial amounts. Upon review of this data, the Case Processing Workgroup added a list to the weekly JPR process which identifies persons detained awaiting General Sessions Court on financial bonds of up to \$5,000 and will include this group in subsequent JPR analysis.

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## E. Backlog Estimates

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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 Courts<sup>33</sup> is the term used to describe the number of cases that are older than the time standard set by the court.

Throughout 2020 and 2021 court leadership has been routinely apprised of key jail use and case processing data indicators. For example, throughout 2021 key analysis was provided on a regular basis, including, monthly Case processing dashboards, weekly jail trends, and more recently routine jail population dashboards as discussed in the JPR section.

In addition, quarterly 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.

By the final quarter of 2021, backlog projections improved somewhat from the first quarter of the year.

- There was improvement in the average number of dispositions between the first quarter of 2021 (530) and the fourth quarter (626). At the same time, the average number of new filings stayed relatively steady, from 617 in the first quarter to 634 in the fourth quarter.
- The number of pending charges slightly decreased from 14,308 in the first quarter to 14,285 in the fourth quarter.

- The number of individuals with charges pending also decreased slightly from 7,369 in the first quarter to 7,347 individuals in the fourth quarter.

Consistent with the improvements in the pace of case processing in 2021 noted above, the estimated number of months to resolve the pending caseload as well as the number of estimated new cases that would accrue in the interim also improved somewhat.

- The current caseload was estimated to take 27 months to dispose in Q1 2021 and reduced to 23 months in Q4 in 2021.
  - ◊ Cases pending a year or more reduced from 16 months in Q1 to 13 months in Q4.
  - ◊ Case pending less than a year reduced from 11 months in Q1 to 10 months in Q4.
- The estimated number of cases that would accrue during the time it would take to dispose of the current pending caseload also reduced from an estimate 16,657 new cases in Q1 to 14,477 new cases in Q4.

These are only estimates and will change as any of the variables change moving forward. For instance, a change in the number of dispositions per month, number of new filings, and/or number of cases pending can change the result. For example, the uptick in dismissed, not indicted dispositions that occurred in 2021, will not likely repeat in 2022. While this information continues to be made available to local Court leadership, there has not been meaningful collaborative effort among Court leadership and active workgroup participants to produce a plan for the effective case management practices and strategies necessary to help improve case processing timeliness and limit the window of risk for pretrial failure (i.e., re-arrests and/or missed court appearances). This remains an area in need of improvement.

In addition, weekly jail population trends indicate growing lengths of stay among defendants incarcerated awaiting General Sessions Court. For example, on December 31, 2020 local ADP was 650 and comprised of primarily pretrial defendants awaiting General Sessions Court, 569 individuals incarcerated for an average of 233 days. Among the 569 individuals, 351 had been incarcerated for six months or less while 218 had been incarcerated for more than six months. Notably, 119 were incarcerated for more than a year.

- On December 30, 2021 local ADP was 714 and comprised of primarily pretrial defendants awaiting General Sessions Court, 640 individuals incarcerated for an average of 266 days.
- Among the 640 individuals, 347 had been incarcerated for six months or less while 290 had been incarcerated for more than six months.
- Notably, 155 were incarcerated for more than a year.

Such indicators are indicative of a growing jail population. Absent reductions in lengths of stay the local jail population will increase. As of the date of this publication, such growth is already occurring and is likely to continue absent effective case management strategies.

## A BIT OF CONTEXT

In previous years, Charleston County like most of the state, did not meet the statewide standard for timeliness (80% of cases pending less than 365 days<sup>34</sup>) and this issue has been further compounded by the pandemic. Historically, the South Carolina Judicial Branch publically reported county, circuit and statewide case processing trends. Reports were available on the Branch's website that indicated the percentage of pending General Sessions cases at or below 365 days and this data was highlighted in previous CJCC Annual Reports. As of the date of this publication, these reports are temporarily unavailable on the website.

### Key Point Summary

- Overall, the number of charges disposed per year has been on the decline since 2015 within the Court of General Sessions in Charleston County.
- More recently, there was an increase in disposition activity from 2020 to 2021.
- The clearance rate, or rate of charges disposed to charges filed, increased from its lowest of 76% in 2020 to 99% in 2021.
- The three most frequent types of disposition each year are consistently "Dismissed, Not Indicted", "Pled Guilty" and "Nolle Prosequi" and trial related dispositions are consistently rare (e.g., <1% of all dispositions from 2018 to 2021).
- Public Defender representation in Centralized Bond Court increased from 0 in 2014 to 2,726 in 2021, access to representation grew to 43% of all effective bonds in 2021.
- Efforts put in place to track and help initiate case movement as quickly as possible by expediting the transfer of discovery from law enforcement to prosecution and getting attorneys assigned faster demonstrate improved and continuing progress.
- By the end of 2021, 16 law enforcement agencies uploaded and transmitted nearly 18,500 Charleston County cases electronically to the Solicitor's Office, representing over 15,425 defendants and over 26,140 warrants. This allows the Solicitor's Office to provide discovery to Defense Counsel in more efficient manner.
- Time to disposition data indicate the overall median time to disposition increased by 177 days from 415 days in 2015 to 592 days in 2021 (43% increase).
- While backlog estimates improved somewhat in 2021, estimates will change as any of the variables change moving forward. For instance, a change in the number of dispositions per month, number of new filings, and/or number of cases pending can change the result.
- The local jail population is expected to increase due to the growing number of defendants awaiting General Sessions Court that remain incarcerated with rising lengths of stay.
- Effective case management practices and strategies are necessary to help improve case processing timeliness and shrink the window of risk for pretrial failure (i.e., re-arrests and/or missed court appearances).

## Endnotes

1. CJCC historical database provides a means for trend and statistical analyses. There are no person or case level identifiers in the historical database.
2. <https://cjcc.charlestoncounty.org/files/CJCC-bylaws.pdf>
3. <https://www.charlestoncounty.org/departments/county-council/minutes/2021/05-25-2021-Council-Minutes.pdf>
4. <https://www.charlestoncounty.org/departments/county-council/minutes/2021/06-22-2021-Council-Minutes.pdf>
5. <http://cjcc.charlestoncounty.org/files/CJCC-bylaws.pdf>
6. CJCC 2018, Charleston County Criminal Justice Coordinating Council 2018 Midyear Report: Racial and Ethnic Disproportionality and/or Disparity in Charleston County's Criminal Justice System, North Charleston, South Carolina.
7. CJCC 2020, Charleston County Criminal Justice Coordinating Council Strategic Plan Fiscal Years 2021-2023. North Charleston, South Carolina.
8. <https://thecharlestonforum.com/online-forum/>
9. <https://thecharlestonforum.com/survey-results/>
10. Stemen, D., Pulvino, R., Naddeo, J. DuPont, B. Grier, L., Sorensen, J., Fishman, J., (2021). *Disparity and Prosecution in Charleston, SC.*, Justice Innovation Labs and Prosecutorial Performance Indicators, Loyola University Chicago. Available at <https://charleston-disparity-in-prosecution.org/>
11. CJCC 2020, Data Behind the Strategic Plan. North Charleston, South Carolina
12. ADP is calculated using monthly snapshot files provided by the SACDC. Snapshot files include data for all jail populations (pretrial, sentenced and ICE/FED/HOLD inmates). Local population excludes ICE/FED/HOLD inmates. Pretrial population includes incarcerated individuals with one or more pending charges. Sentenced population includes incarcerated individuals who only have sentence charges.
13. For reference, null records in charges by court type indicate court data were unavailable whereas unknown records indicate court designations not matched to a local court (i.e., other, none, etc.).
14. Please note, at the time of reporting, 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 were 778 that could not be classified and 886 in 2021 that could also not be classified. These were excluded from the analysis.
15. In previous years this was reported as "Failure to Pay Child Support", a contempt of Family Court Charge. Upon review of the data, the classification of this charge is more accurately reflected as "Contempt of Family Court". There were 186 Contempt of Family Court charges in 2021. Thus it is not occur enough to make it into the top 15 charges of 2021.
16. In 1991, South Carolina became the first state to implement the new National Incident-Based

Reporting System (NIBRS) which was developed by the FBI, using South Carolina as a model and demonstration site. The transition from the UCR Program’s traditional Summary Reporting System (SRS) to a NIBRS-only data collection system at the national level occurred on January 1, 2021. The South Carolina Incident-Based Reporting System (SCIBRS) crime data are based on reports submitted by state and local law enforcement agencies to the State Law Enforcement Division (SLED). Nineteen agencies in Charleston County are reporting crime data to SLED.

17. Lisa Pilnik, 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.
18. Léon Digard and Elizabeth Swavola, 2019, Vera Evidence Brief For the Record, *Justice Denied: The Harmful and Lasting Effects of Pretrial Detention*. New Orleans, LA.
19. Ibid
20. Ibid
21. 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 Central Bond Court. There were 125 other bond types in 2020, 44 “Unspecified” bond sets in 2019 year and 46 in 2018. Bond sets falling in the “Unspecified” category are eliminated from the analysis due to their small count.
22. 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.
23. The other court category represents less than one percentage of CBC bonds set. In these instances, the SACDC data indicates “probation violation” in the court category (e.g., 89% of the other court data in 2019) or the court is unspecified.
24. Average amounts for effective financial bonds include the average of all financial bonds ordered for all charges per bond hearing. The average dollar amounts by court are slightly adjusted from what was reported in 2018 due to refined analysis.
25. National Association of Pretrial Services Agency, 2020 (revised), Standards of Pretrial Release, Washington, DC.
26. Pretrial Risk Assessment in Charleston County: Preliminary Findings (2017). Center for Court Innovation, New York, NY.
27. Austen, J. et al. Development of the Charleston County Pretrial Risk Assessment Instrument (CPRAI): Final Report (2017). JFA Institute, Washington DC. Also <https://cjcc.charlestoncounty.org/files/PSR-one-pager.pdf>
28. American Bar Association Criminal Justice Standards for Pretrial Release [https://www.americanbar.org/content/dam/aba/publications/criminal\\_justice\\_standards/pretrial\\_release.pdf](https://www.americanbar.org/content/dam/aba/publications/criminal_justice_standards/pretrial_release.pdf). The following excerpts complete the description noted. ABA Standard 10-1.1... The judge or judicial officer decides whether to release a defendant on a personal recognizance or unsecured appearance bond, release a defendant on a condition or

combination of conditions, temporarily detain a defendant, or detain a defendant according to procedures outlined in these Standards. The law favors the release of defendants pending adjudication of charges. 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. These Standards limit the circumstances under which pretrial detention may be authorized and provide procedural safeguards to govern pretrial detention proceedings.

ABA Standard 10-1.7... Although the charge itself may be a predicate to pretrial detention proceedings, the judicial officer should exercise care not to give inordinate weight to the nature of the present charge in evaluating factors for the pretrial release decision except when, coupled with other specified factors, the charge itself may cause the initiation of a pretrial detention hearing pursuant to the provisions of Standard 10-5.9.

ABA Standard 10-4.3(b)... (i) is not required to say anything, and that anything the defendant says may be used against him or her;

(ii) if represented by counsel who is present, may communicate with his or her attorney at the time of the hearing;

(iii) has a right to counsel in future proceedings, and that if the defendant cannot afford a lawyer, one will be appointed;

(iv) if not a citizen, may be adversely affected by collateral consequences of the current charge, such as deportation;

(v) if a juvenile being treated as an adult, has the right, where applicable, to the presence of a parent or guardian;

(vi) if necessary, has the right to an interpreter to be present at proceedings; and

(vii) where applicable, has a right to a preliminary examination or hearing.

ABA Standard 10-5.2... (a) In addition, the court should impose the least restrictive of release conditions necessary reasonably to ensure the defendant's appearance in court, protect the safety of the community or any person, and to safeguard the integrity of the judicial process.

ABA Standard 10-5.3 (e)... the defendant's ability to meet the financial conditions and the defendant's flight risk, and should never be set by reference to a predetermined schedule of amounts fixed according to the nature of the charge.

29. National Association of Pretrial Services Agency, 2020 (revised), Standards of Pretrial Release, Washington, DC.
30. <https://cjcc.charlestoncounty.org/publications.php>
31. CJCC 2020, Data Behind the Strategic Plan. North Charleston, South Carolina. <https://cjcc.charlestoncounty.org/files/Data-behind-the-strategic-plan-2020-FINAL.pdf>
32. American Bar Association Criminal Justice Standards for Pretrial Release [https://www.americanbar.org/content/dam/aba/publications/criminal\\_justice\\_standards/pretrial\\_release.pdf](https://www.americanbar.org/content/dam/aba/publications/criminal_justice_standards/pretrial_release.pdf)
33. Backlog definition: The proportion of cases in a court's inventory of pending unresolved cases that have exceeded established timeframes or time standards. National Center for State Courts, 2020, Timely-Justice-in-Criminal-Cases-What-the-Data-Tells-Us.pdf. NCSC.org. Williamsburg, Virginia.

34. South Carolina / General Sessions Court Circuits Meeting Benchmark. <http://www.sccourts.org>  
Note: Reports are currently unavailable as of this publication. The CJCC's 2020 Annual Report included the following statistics. As of December 31, 2017, 3 of 6 circuits (7 of the 46 counties) in South Carolina were meeting the benchmark. Charleston County was recorded at 70%. As of December 31, 2018, 3 of the 16 circuits (10 of the 46 counties) in South Carolina were meeting the benchmark. 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%. 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%. 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%.

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