

Declaration of Commitment to Racial Equity in Pursuit of Safety and Justice

Racial Equity Workgroup of the Justice Resource Advisory Committee

The purpose of this declaration is to acknowledge the nation's, and our community's, outrage over the deaths of George Floyd, Breonna Taylor, Ahmaud Arbery and countless others, to publicly denounce excessive use-of-force tactics, and to recommit to the goals of the Buncombe County Justice Resource Advisory Council¹ in order to reshape the criminal justice system into one in which Black lives matter and all members of the community are fairly and equitably protected.

With this declaration, we stand with Chief Justice Cheri Beasley, who recently stated publicly, "We must do better. We must do better. ...In our courts, African Americans are more harshly treated, more severely punished, and more likely to be presumed guilty."

Over the last year, we have engaged in a thoughtful process of educating ourselves about structural racism and racial equity, listening openly to citizens in our community most directly impacted by the justice system, and digging into data that demonstrates significantly inequitable outcomes for those in our local jail. The coronavirus pandemic has given us an opportunity to reduce the jail population dramatically and safely and has also highlighted the broad racial inequities that run throughout our society, from health to employment and beyond. We have only begun the process. We can and will use the outrage we feel about the brutal killing of George Floyd and so many others to bring about a system that is equitable, anti-racist, and of which our community can be proud.

The data we have gathered clearly demonstrate the truth in Chief Justice Beasley's statement above. , and in the City of Asheville, 12-14%. Despite well-established national research data that White and Black people use drugs, sell drugs and engage in other criminal activity at

¹ In February 2017, Buncombe County Commissioners unanimously supported the creation of a Justice Resource Advisory Council to address criminal justice needs. The Council consists of key justice system leaders and decision-makers including NC 28th Judicial District; Clerk of Court, Community Corrections, Juvenile Justice, Magistrate's Office, Public Defender's Office, Superior and District Court Judges, District Attorney's Office, Regional Area Public Managed Care Organization, Bureau of Identification, Board of Commissioners, Manager's Office, Pretrial Services, Sheriff's Office, City of Asheville Police Department, and the Local Private Defense Bar. The purpose of the Council is to serve as an advisory body to policy makers, the judiciary, and the agencies that make up the criminal justice system, with responsibility to all citizens involved in and impacted by that system. The criminal justice system is not one hierarchical system; it is made up of many different systems operating in the same space, each with its own goals and responsibilities. Real and lasting change requires cooperation from every one of these systems. With support from the MacArthur Foundation, the JRAC brings all these components together to work on these two goals.

approximately the same rates, the population of the Buncombe County Detention Facility shows significant racial disparities:

1. Blacks have an incarceration rate that is nearly four times greater than Whites in Buncombe County.²
2. Whites (73%) are more likely to be released from custody while their case is still pending under a non-financial bond than Blacks (69%).
3. Blacks, on average, stay in jail longer than Whites. This is particularly true for violent felony charges: the average length of stay for Whites is 33 days compared to 47 days for Blacks.

In response to the recent COVID-19 pandemic, the various parts of our criminal justice system worked together diligently and quickly to reduce the Detention Center population for health and safety, and succeeded in reducing the average daily population by nearly 40%, or 158 people. Even in that process, however, the effects of structural racism were evident: the racial disparity in the jail population increased, with the percentage of African Americans increasing from 23% to 29%.

There is no one person, office, agency, or organization that is responsible for these numbers. The criminal justice system is not one hierarchical system; it is made up of many different systems operating in the same space, each with its own goals and responsibilities. Real and lasting change requires cooperation from every one of these systems.

In the words of Kimberlee Archie, the City of Asheville's Director of Equity and Inclusion, "Structural or systemic racism is deep and pervasive. It is so baked into our society and way of living that we don't know it exists until we learn to see it. Once it is seen, it can never be unseen. The community must activate now that there is a higher level of knowledge".

The Racial Equity Workgroup envisions a community where success, safety and health are not predetermined by race. We prioritize racial equity. We acknowledge that structural, institutional, and individual racism throughout our society – both conscious and unconscious, past and present – have benefited white communities while limiting opportunities and outcomes for communities of color, especially African American communities. Within Buncombe County, communities of color, especially African American communities, have borne the burdens of inequitable policies, practices and investments, which has harmed our community. We specifically acknowledge that the legacy of government actions has caused deep disparities throughout the juvenile justice and criminal justice systems. We further recognize that racial equity is realized when race can no longer be used to predict and influence life outcomes. We are working toward our vision by addressing and laboring to eliminate institutional and structural racism.

² Austin, J., Naro-Ware, W., Ocker, R., & Peyton, J. (2018). *Analysis of the Buncombe County Jail Population*. The JFA Institute: Denver, CO; Camden, SC; Washington, DC.

We commit to:

1. Training and Educating Criminal Justice Stakeholders. We will train 75 percent of criminal justice actors in racial equity and implicit bias training.
2. Continuous interaction between the City of Asheville, Buncombe County, and other local agencies and organizations to provide city and county wide involvement in achieving racial equity.
3. Creating courageous and innovative solutions that reduce and eventually eliminate disparities in our jail population. Our goal is to reduce the number of Black people in custody from 29 percent to 15 percent, a more accurate reflection of our community.
4. Implement changes in our diversionary programs to ensure that they are culturally competent, inviting, and accessible to African Americans and other people of color. Further, we commit to racial equity training for all and to ensure diversity in the workplace.
5. Continue to listen to and include members of all communities, especially those most impacted by the justice system in every step of our process.

We call on:

1. Elected leaders and those with authority in the criminal justice system, to be creative and courageous in re-imagining public safety, in particular the role of policing, toward a system that invests in communities, as well as prevention and treatment, rather than heavily weighting the enforcement portion of the government's relationship to those it serves.
2. Elected leaders to review policies and municipalities to review practices and procedures to ensure equitable outcomes in budgetary decisions that impact education, economy, housing, environmental and health systems that all impact public safety.
3. All Buncombe County residents, to become familiar with the concepts of systemic and structural racism, to learn to see its negative impacts in communities of color and its positive impacts for White communities.
4. Ourselves, to stay the course and push forward with true systemic change in the justice system and in our entire community.

Anti-racism and equity may be political on the national stage, but they are not political in the criminal justice system -- they are foundational. We are entrusted with extending constitutional rights to everyone, with eliminating bias, and with ensuring equal justice under law. We are fully committed to this mission.