

# BUNCOMBE COUNTY FACT SHEET

## On addressing COVID-19 in our local justice system

### BACKGROUND: COVID-19 IN BUNCOMBE COUNTY

- The COVID-19 pandemic is a public health crisis that is impacting communities and is uniquely affecting those incarcerated in local jails across the country. Buncombe County has taken a proactive and collaborative approach to slow the spread of COVID-19, and thus far, has been able to avoid the tragic outbreaks seen in jails, prisons, and their surrounding communities in other parts of North Carolina.
- People incarcerated in jails are particularly vulnerable to contracting COVID-19. Local jails lack the resources and medical care to safely detain people, risking the health and lives of the people they detain, their staff, and the broader community.
- The overreliance on jails have always posed a threat to public health and safety, and COVID-19 has accelerated efforts to change our local justice system.

### HOW WE GOT THERE: PRIORITIZING PUBLIC HEALTH & SAFETY

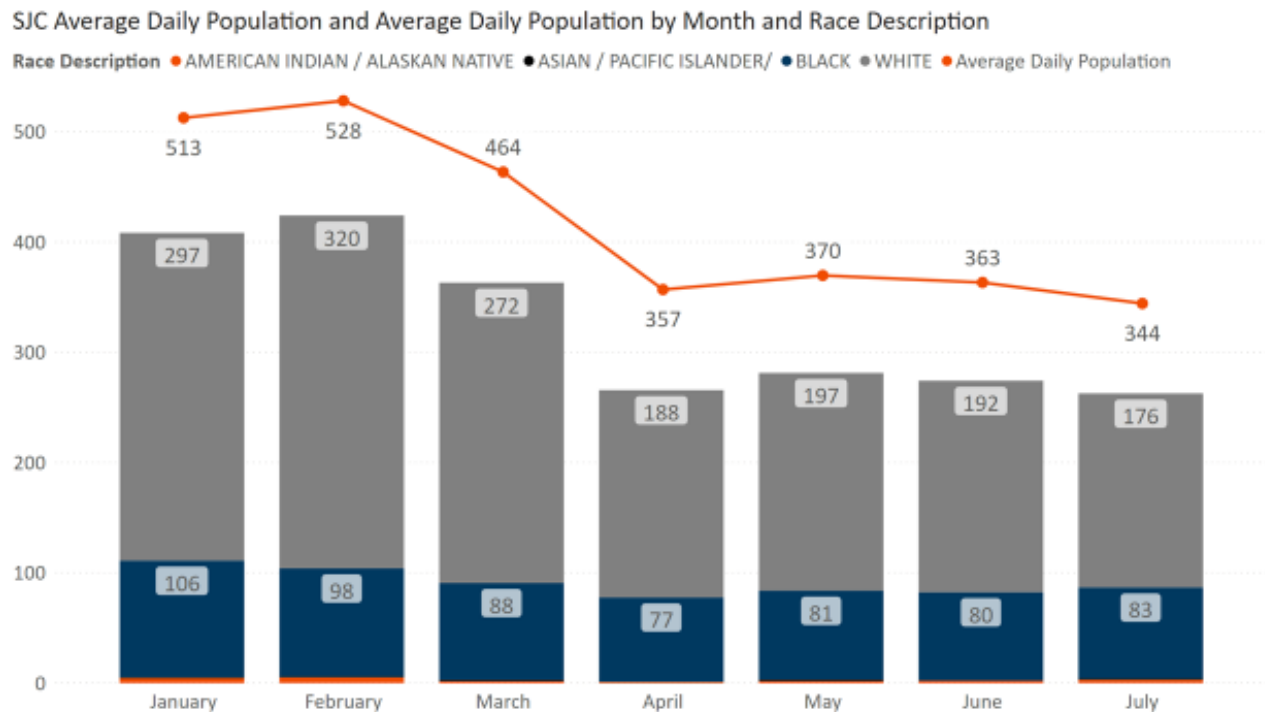
- Releasing people who pose little threat to our community benefits public health and allows people to keep their jobs and support their families during these uncertain times.
- Collaboration among key stakeholders in our local justice system has been critical to reducing the overreliance on jails and the overall jail population. In partnership with local law enforcement, corrections officials, prosecutors, judges, community members, public health officials, and other local leaders, we have been able to see the following changes:

- ◆ Since March 16th, Buncombe County's jail population has dropped by 42% (different between highest and lowest point).
- ◆ The lowest jail population point was on Thursday, July 2 (248 people; this number does not include 82 people held in the detention facility under contract with another agency)
- ◆ As of August 10, 2020, we have seen a 4.8% increase since the lowest point in July.

*"I will tell you that as Sheriff, I am supportive of reforming our bond schedule so that low-level, non-violent offenders do not sit in the detention facility pretrial solely based on how much someone has in their bank account or how much cash they are able to put together from friends and family on short notice."*

*- Sheriff Quentin Miller*

- ◆ While we have seen progress with safely decreasing the jail population, we have also seen an increase in the overrepresentation of the Black population: the portion of jail population that is Black has increased since March and reached a high in July of 33% of the SJC average daily population. It has since dropped to just under 30%.



- Buncombe County’s previous work to safely reduce the jail population before the pandemic began set up Buncombe to respond well during this crisis. Since 2018, Buncombe’s Safety and Justice Challenge partners have been working to enhance collaboration among system stakeholders. This system coordination has made it easier to respond quickly and efficiently during the pandemic. Prior to COVID-19, system stakeholders had already been working together to advance the following strategies aimed at safely reducing the jail population:

- Deflection at arrest & booking
- Diversion to behavioral health and substance abuse treatment
- Enhancing pretrial services
- Increasing efficiencies in case processing
- Improving data utilization
- Increasing community engagement
- Addressing racial and ethnic inequities

## RESPONSE: ADDRESSING COVID-19 IN OUR LOCAL JUSTICE SYSTEM

- To prevent the spread of COVID-19 and protect the health and lives of jail staff and those impacted by the criminal justice system, and safely reduced the jail population, we implemented close to 30 initiatives including:
  - ◆ The Buncombe County Detention Facility has started providing free virtual visits; ensuring CDC guidelines including a 14-day quarantine for those booked into the facility; increasing access to personal hygiene supplies; and developing a contingency plan for dorm-style cells.
  - ◆ To reduce bookings into the jail:
    - Increased the use of citations instead of arrest
    - Suspended arrests for traffic and misdemeanor warrants
    - Suspended arrests for some felonies and for certain warrants
    - Resolved situations in the field to reduce arrests whenever possible
  - ◆ To increase efficiencies in case processing:
    - Delayed or stopped filing on non-violent charges (low level)
    - Converted or suspended warrants
    - Waived, suspended, or relaxed collection of fines and fees
    - Public defender at first appearance
  - ◆ For pretrial release:
    - Released non-violent defendants on PR bonds and/or pretrial supervision
    - Implemented new policies to release more people at initial appearance (based on charge, risk, or medical conditions)
    - Released defendants from supervision/change to virtual supervision
  - ◆ Probation and parole:
    - Adjusted use of alternative sanctions for technical violations
    - Decreased reporting requirements or change to virtual supervision
    - Continued programs and treatment virtually
  - ◆ For those serving sentences:
    - Suspended weekend sentences
    - Individualized review of cases for early release of people serving sentences
  - ◆ Reentry/Community:
    - Implemented discharge protocol for PUI or people who tested positive for COVID-19

- Provided temporary self-isolation housing for PUI or those who tested positive for COVID-19
- Linkage with wraparound support services, including housing, food, medication, transportation, other service referrals

## CREATING LONG-TERM CHANGE: KEEPING JAIL POPULATIONS LOW

- Sustaining our jail reduction progress is critical work that must continue—both in this current public health emergency and in the long-term.
- Partners in Buncombe County are working together to identify strategies to sustain the progress made in safely reducing the jail population during the onset of COVID-19, while prioritizing reducing racial and ethnic inequities and increasing community engagement with the local justice system beyond the pandemic.

*"Buncombe County criminal justice stakeholders worked collaboratively in the time of COVID-19 to safely reduce individuals being detained in jail pre-trial. This co-operative effort included public defenders at first appearance and a more in depth consideration by all criminal justice stakeholders of whether it was constitutionally appropriate for an individual to have money bail conditions set pre-trial. Our racial disparities in pre-trial detention increased during COVID-19, but we are committed to learn the reasons for this increased disparity and to intentionally set about implementing steps to decrease the overrepresentation of Black, Indigenous, and People of Color (BIPOC) in our jail."*

*—M. LeAnn Melton, Public Defender*

*The John D. and Catherine T. MacArthur Foundation's Safety and Justice Challenge supports local leaders who are addressing the misuse and overuse of jails. Jurisdictions participating in the Safety and Justice Challenge are reforming local justice systems by identifying key drivers of incarceration and racial disparities locally, engaging diverse groups of stakeholders and community members, and working to implement solutions.*

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