

Women's Jail Incarceration in Buncombe County, NC

Community Meeting

December 6, 2022

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REPORT: Women's Pathways Into and Out of Jail in Buncombe County

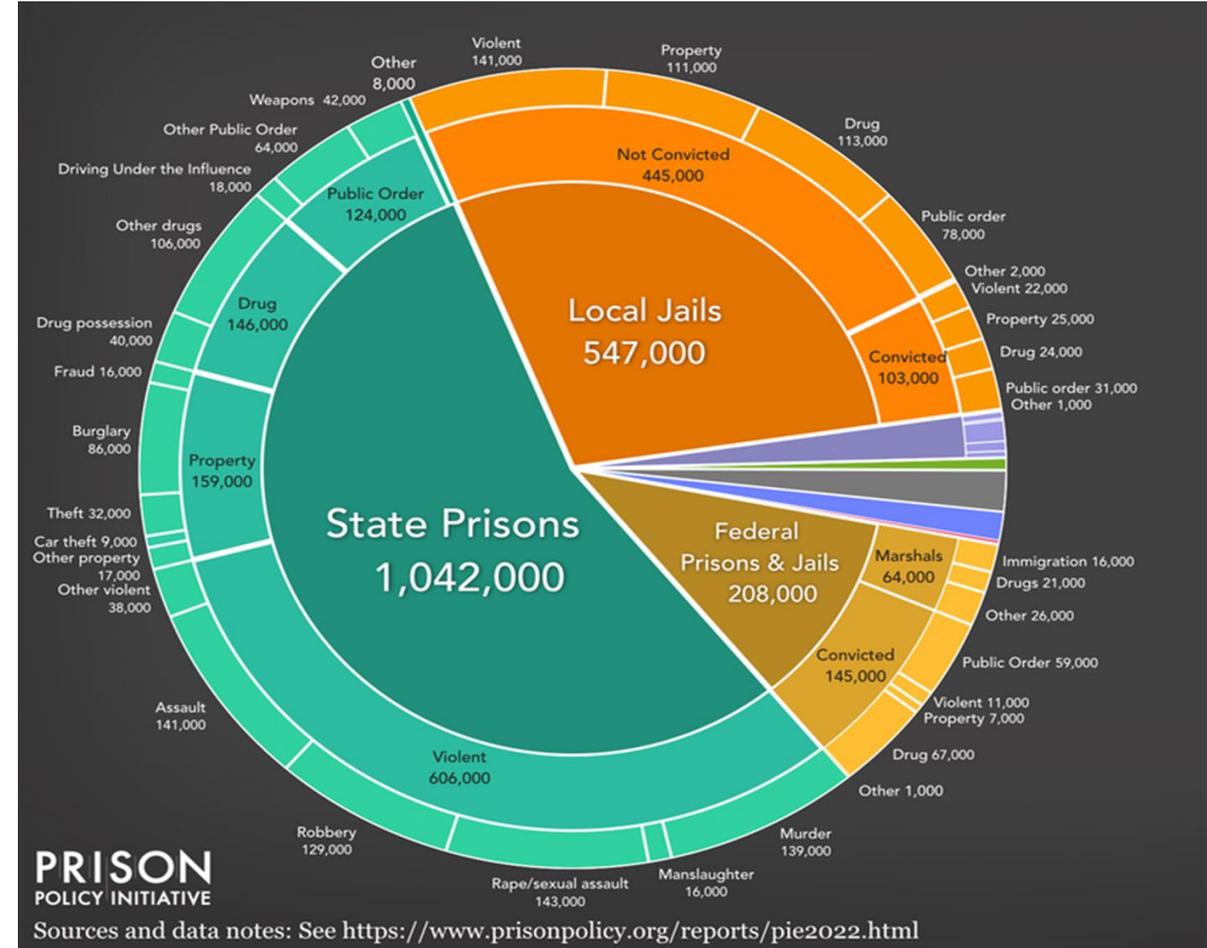
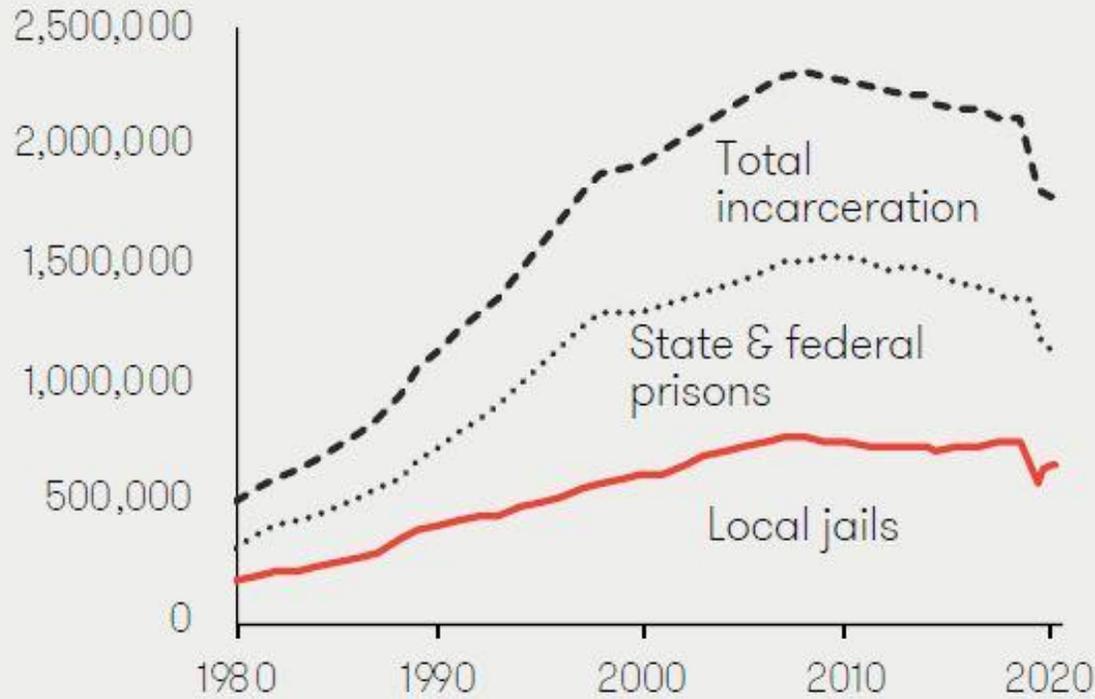
Link to report:
[Vera.org/publications/womens-pathways-jail-buncombe-county](https://vera.org/publications/womens-pathways-jail-buncombe-county)



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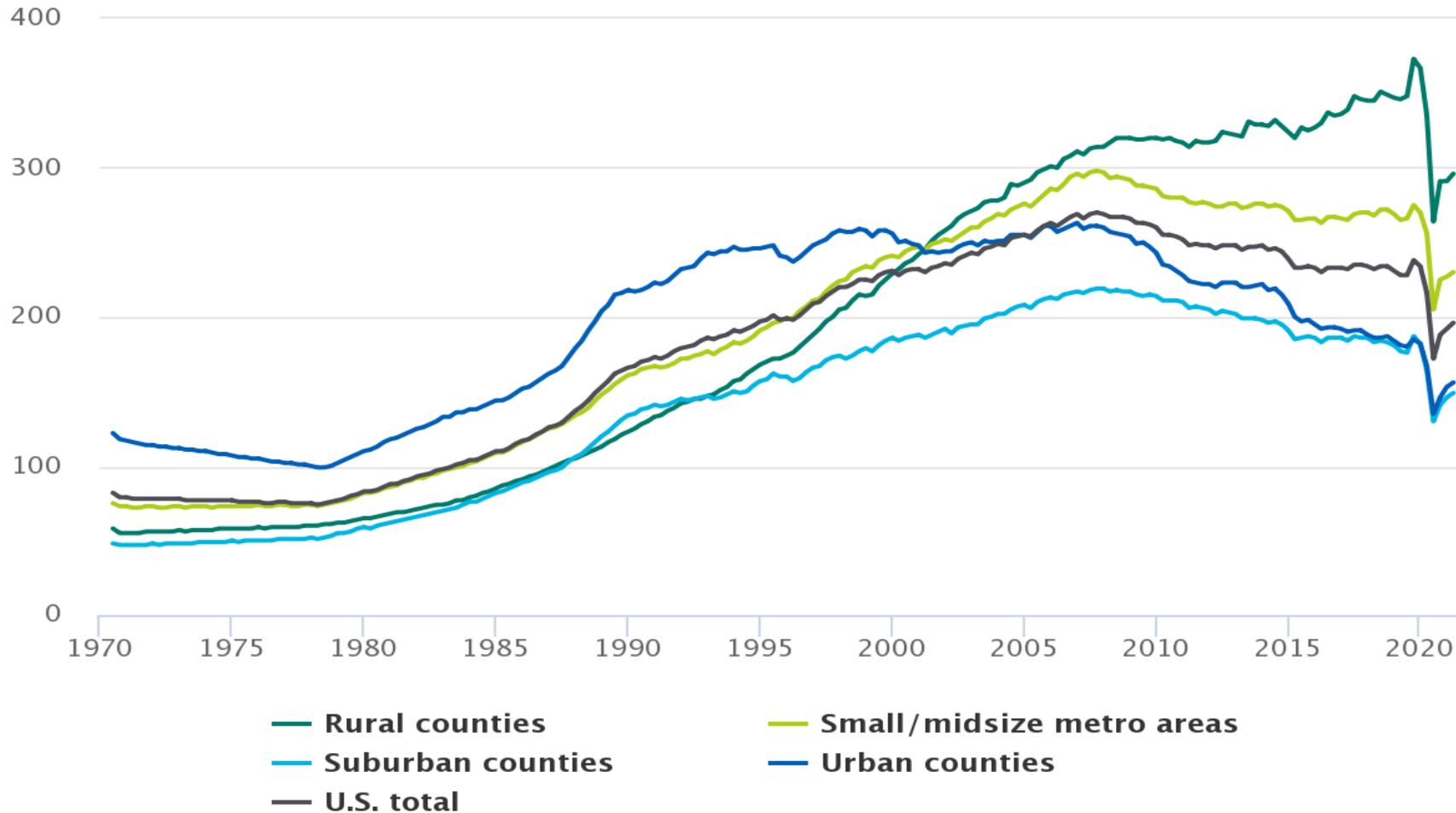
The Big Picture: Jail and Prison Populations

Figure 1
The number of people incarcerated in jails and prisons from 1980 to spring 2021



National Trends in Jail Population

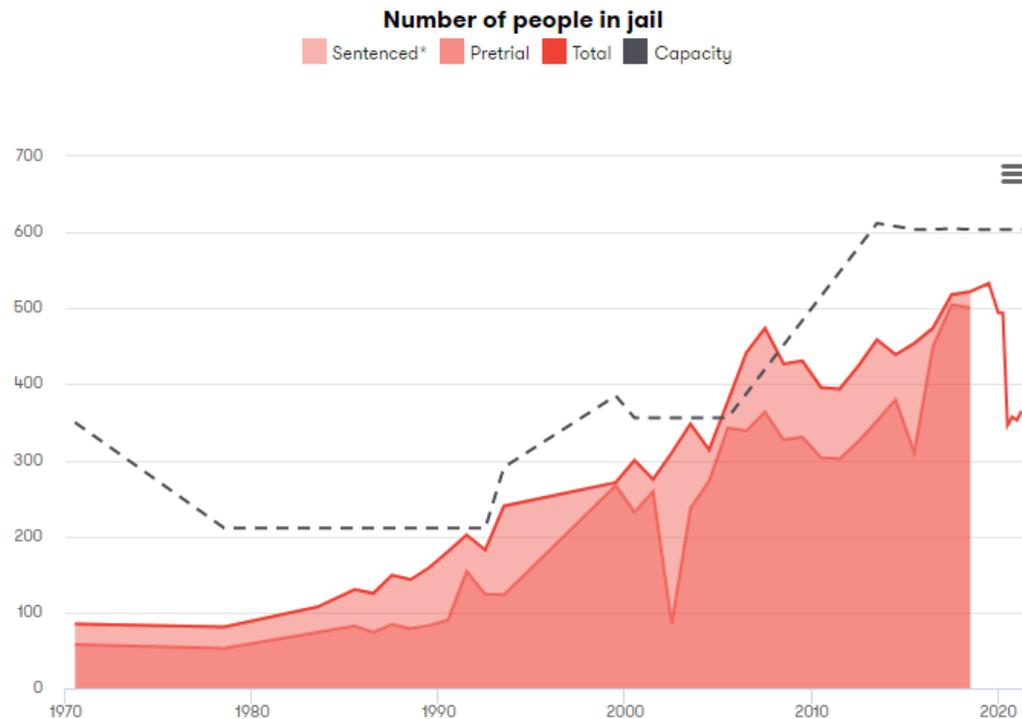
(rate per 100,000 residents, ages 15-64)



Source: www.trends.vera.org

Buncombe County, NC: Jail Population Trends

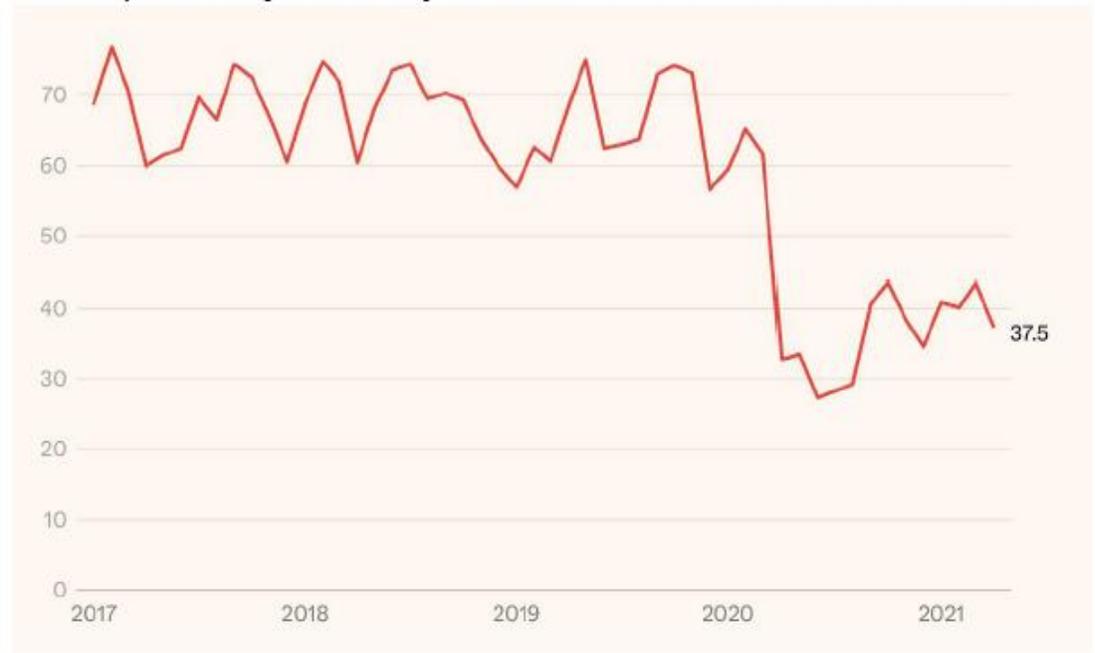
Number of people in jail in Buncombe County 1970 - 2021



Source: www.trends.vera.org

Figure 2

Average population of women in Buncombe County Detention Center by month, January 2017–April 2021



Source: Buncombe County Detention Center Administrative Jail Booking Data.

The jail saw over 3,200 bookings of women in 2019.



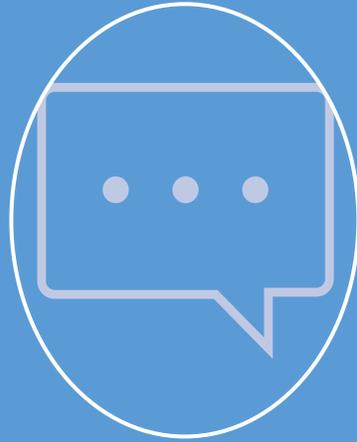
Stakeholder
Conversations

Summer
2020



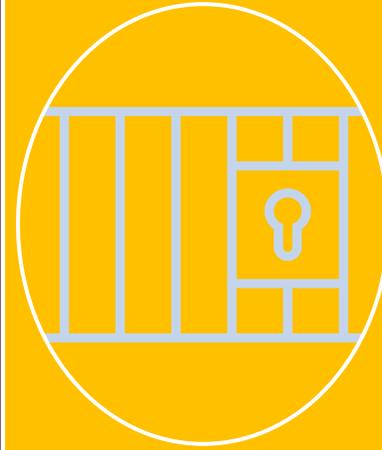
Analyze
Admin. Data
from the Jail

2020 and
2021



Ongoing
Conversations
about
Findings

Summer 2021
– Summer
2022



Interviews
and Surveys
with
Incarcerated
Women via
Zoom

September
2021



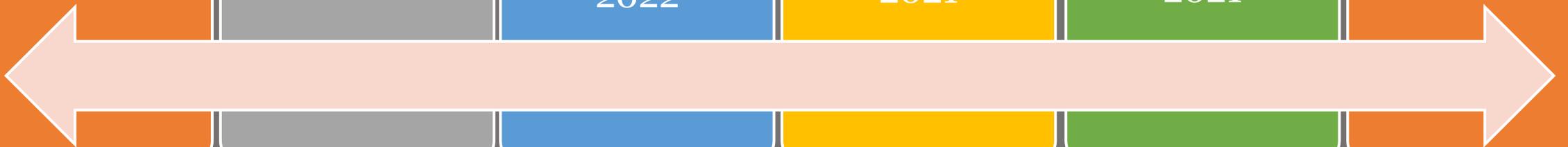
Discussion
with Sheriff's
Office and
County
Stakeholders

December
2021



Report
Release

November
2022



Key Findings from Administrative Jail Data

Black women are dramatically overrepresented in the jail

Many admissions of women are for low-level, non-violent charges

Probation, pretrial, and parole violations are major drivers of average daily population, due to long lengths of stay

Drug charges appear to be a key driver of women's jail incarceration

- In 2020, 18% of bookings for women had a drug violation as the top charge

Average bail has increased over time

- In 2020, average bail for women was \$6,700 compared to \$5,550 in 2019

Survey Demographics

All but 1 have had a substance dependency

3 of 4 have children

More than two-thirds have been diagnosed with a mental illness by a medical provider

More than 9 of 10 have experienced at least one form of victimization

4 of 10 were homeless just before admission to jail

Nearly half were unemployed before admission to jail

More than 1 of 3 have been in this jail 7+ times

Themes

1. Criminalization of Poverty
2. Bail
3. Community Supervision
4. Substance Use
5. Jail Conditions and Costs
6. Interagency Coordination and Communication

Criminalization of Poverty – What We Learned

Most common top charges for women's admissions (2020)

Charge description	# of admissions	% of admissions	# of days (avg)
Simple assault	186	9%	1.0
Driving while impaired	132	6%	0.2
Misdemeanor larceny	114	5%	2.7
Drug possession (methamphetamine)	102	5%	8.1
Trespassing, second degree	79	4%	1.5
Drug paraphernalia possession	72	3%	2.3
Driving with license revoked	70	3%	0.4

Source: Buncombe County Detention Center, administrative data provided to Vera/ISLG

- Challenges complying with community supervision:
 - Unstable housing
 - Unpaid fines/fees
 - Lack of transportation resulting in missed appointments
 - Curfews preventing certain employment
- Police targeting areas with poor and/or homeless people

Criminalization of Poverty – Quotes

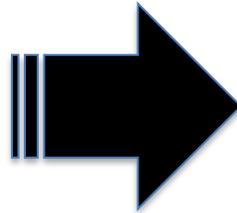
*"I don't think they should violate you for your bonds [...] you got to pay for other stuff, like rent or whatever, that child support, whatever. And **they still expect you to pay your fines on time**. And a lot of people get violated for that and I don't think it's fair."*

***"They're in the projects a lot.** You know, and it's not necessarily the projects where the drugs are. You know, it's everywhere but you know, it's I think they pick at that more [...] They used to stop you if you have a backpack walking through, they'll stop you and search you and that's not right."*

*"When you have a background it's difficult to find places to live, you have to have a job, certain credit, background check, **these are all barriers to finding somewhere to live**. Finding a place to live with no job, no driver's license"*

Criminalization of Poverty – Recommendations

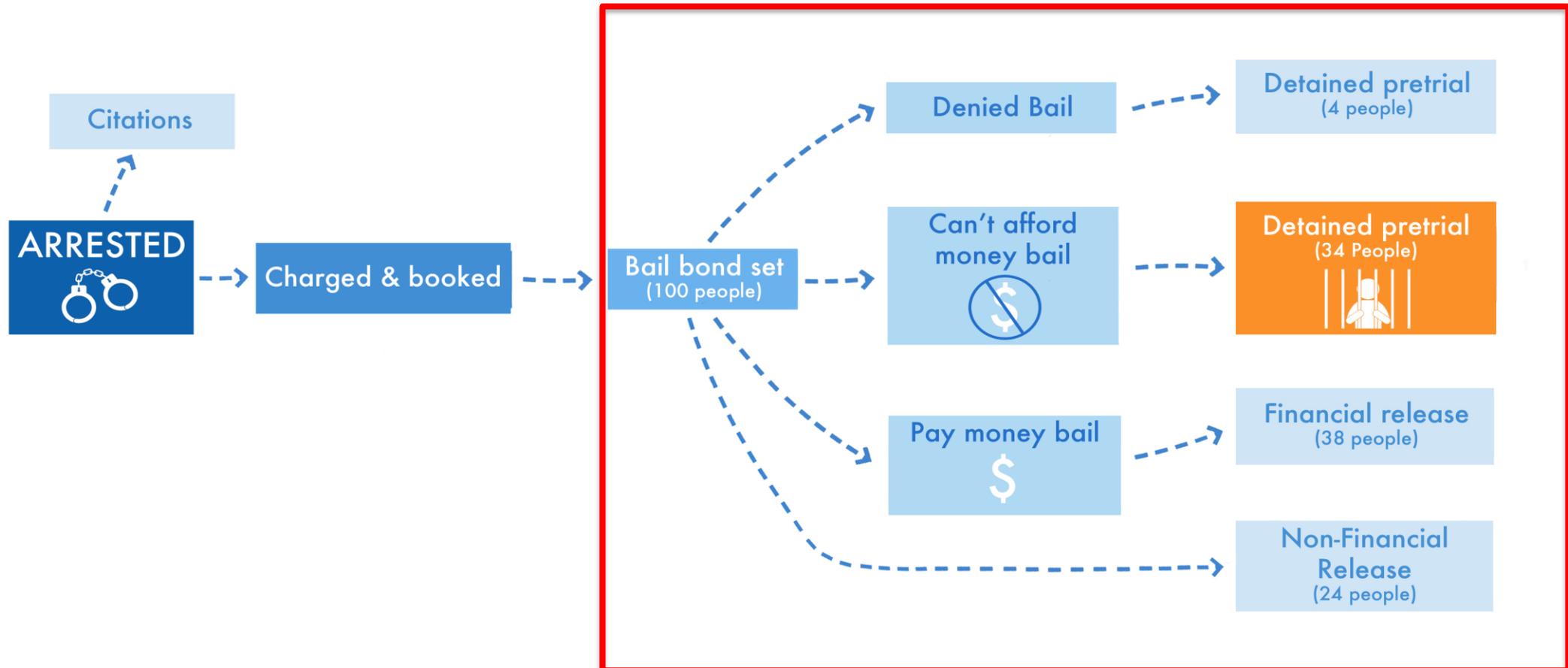
1. Expand housing options.
- 2. Provide alternatives to arrest and/or jail for certain charges, such as trespassing, low-level drug possession, or other public order charges.**
3. Create a policy by which the district attorney's office declines to prosecute low-level charges, especially those related to poverty and/or that pose no public safety risk.
4. Expand warrant resolution clinics and resources.
5. Eliminate fines and fees imposed by the local justice system and end the use of detention as a penalty for non-payment.



- Alternative responses should be available on short notice, 24/7, and not led by police.**
- Requires cross-system coordination.**
- Police leadership can direct officers to refer people to supportive services in lieu of arrest.**

What is bail?

The Path from Arrest to Pretrial Detention



Bail – What We Learned

- 58% of women surveyed had bail set in their current case.
 - Of those with bail set, 63% could not pay it.
- Only 3% of women surveyed said they had been under pretrial supervision.
- Average bail \$ amount has been increasing.
- Among women surveyed, minimum bail set was \$1,500, maximum bail set was \$125,000
 - 8 were set at over \$50,000; only 2 were set at under \$5,000

Bail – Quotes

*"I've had a couple of times where it's been like, literally my bond was \$100, and some note bonds ... someone has to come up with \$100 and in my life I don't have a lot of people who ... most of them are struggling. **Most of them don't just have it, \$100, to be able to do that.**"*

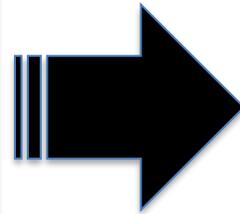
*"We need bond reform in this state. The bond situation is incredibly high and ridiculous. It makes people unable to meet bond. **You say innocent until proven guilty but you're holding me against my will and made my bond so high that I can't pay it.**"*

*"[My lawyer] keeps telling me that he's going to do something and then not do it, it's just very upsetting, like **I was supposed to get a bond hearing three times now. I haven't [had] a bond hearing.** And, pre-trial they violated me twice, normally violated me once. And now, that's the reason why my bond is so high. My bond is [over \$100,000]."*

Bail – Recommendations

1. Codify and expand on COVID-era pretrial release practices, such as the use of unsecured bail and warrant grace periods.

2. Uniformly assess ability to pay before settling bail amounts.



- **Formalization of this practice requires a decision by the Chief Judge.**
- **Data from 2020 show that practices did not increase rearrest rates.**

Community Supervision – What We Learned

- Pretrial, probation, and parole violations were 4 of the top 10 charges driving ADP in 2019 and 2020.
- Of 40 women surveyed, 43% were in jail due to violations or revocation of community supervision.
- Most difficult conditions to comply with:
 - Pretrial supervision: housing restrictions and drug tests
 - Probation: fines/debts (50% of women reported this) and that violations are imposed for unpaid fees
- Most women live on very little money and reported supervision fees are out of reach:
 - \$40 a month to be on probation
 - \$80 for certain classes
 - \$25 for some drug tests

Community Supervision – Quotes

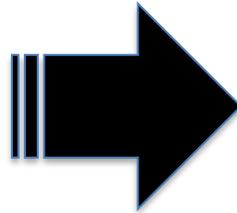
*[On challenges with probation compliance] "It used to be revoking. Um, that and drug tests. But now it's just the money....**I think the biggest one is not being able to pay the money.**"*

*"**I was missing hours of work or had to get someone to pick up my kid from school in order to make appointments.** Just an annoyance. After I got my job, the cost was not difficult"*

*"It doesn't matter if you worked hard for 6 months, 7 months. **You miss a ride and you're done.**"*

Community Supervision – Recommendations

1. Eliminate supervision conditions not directly related to treatment programming or public safety, especially conditions related to housing, curfews, and drug abstinence.
- 2. Institute a formal policy for reduced length of time on supervision or for goal-based rather than time-based termination approaches.**
3. Eliminate fixed jail stays as a penalty for violations, including “quick dips.”



- **Early termination rewards compliance.**
- **Goal-based probation ties end date to meeting objectives.**
- **Requires buy-in from judges & collaboration with supervision agencies & attorneys.**

Substance Use – What We Learned

- The percentage of bookings with a drug-related top charge is increasing.
- Average length of stay and bail is higher for bookings with drug-related top charge.
- Of all the women surveyed, all but one have had a substance dependency in their lifetime. Nearly $\frac{3}{4}$ said they had been dependent on meth.
- On treatment options, key concerns are:
 - Continuity of treatment between community and jail
 - Availability of options other than detox and MAT in jail

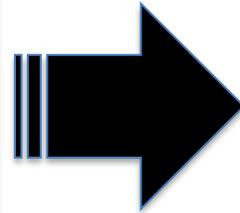
Substance Use – Quotes

*"It feels like you have to go to jail in order to get the right services that you need to ... get that type of help. Cause if you do it and just walk in, they kinda, like, dangle you along and stuff like that it feels like. ... Like, once to go to the hospital and try to get substance help, they'll take my phone and all my rights away from me. They'll leave me in a room, and, like, just treat me like a piece of s***."*

*"And they actually help the community. **There's a lady that I actually know from gettin' high with that is now two-and-a-half years clean, sober, and she's now a sponsor.** You know, she does the damn thing all over to death. She comes to the little homeless meetings and stuff and talk about how Sunrise helps, how they do this, this, this, and this. **And I just, you know, I look at her like, "Man, you're like an inspiration."** ... now you're clean. Like, you know what I'm saying, it's, they have sponsors that come, and you know, talk to people."*

Substance Use – Recommendations

1. Advocate for changes to state laws that criminalize low-level drug possession and for changes to local laws, including citations in lieu of arrest.
- 2. Expand access to, capacity of, and eligibility criteria for treatment in the community, especially for inpatient and low- and no-cost options.**
3. Prioritize treatment and support programs that are peer-led by women with system experience.
4. Ensure continual, free access to treatment services during and after detention.



- **Requires planning & resources for local providers.**
- **Opportunity to expand peer-led services.**
- **Eligibility criteria should allow for second chances.**
- **Address gaps in access when entering/exiting jail.**

Jail Conditions & Costs – What We Learned

- Restrictive COVID-19 protocols led to isolation with little to no outside interactions, and impacted women negatively.
- The high cost of basic items and services is prohibitive for many -- this compounds debt and leaves many women without basic amenities.
- Women reported that they need to spend about \$70 per week, on average, to cover costs while incarcerated.
- During the time of the study, costs included:
 - \$2 for indigent hygiene kits
 - \$20 medical visit
 - Fees for phone and video calls to family, employers and others

Jail Conditions & Costs – Quotes

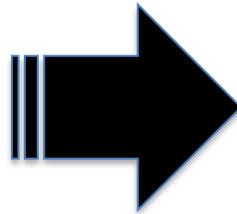
*“**Showered twice in 14 days** with no change in jumpsuit [...] I've been wearing the same bra and underwear for 14 days, washing in the sink. I've never had access to laundry. I've cleaned my cell twice in 14 days and only got to mop.”*

*“Trying to stay in touch with family **given the cost**. You can't afford stuff like that but you do want to talk to family.”*

*“**\$20 for an ibuprofen**. I've ordered the indigent kit for \$1.98 and I'm \$7 in the hole and I haven't received anything [...] I have no soap, no toothpaste.”*

Jail Conditions & Costs– Recommendations

1. Expand time for women out of cells, including during pandemic restrictions.
2. Allow in-person visits, especially for children, and ensure that video call options do not replace in-person visits. Make video and phone calls free.
3. Expand access to in-person and virtual programming, beyond substance use treatment.
4. **Ensure medical visits, phone calls, video calls, and virtual programming are free to incarcerated women.**



- **Jail administrators can waive some fees.**
- **County and jail administration can renegotiate contracts and budgets for outside services, such as phone calls and commissary.**
- **Since December 2021, the jail has:**
 - **Eliminated indigent hygiene kit fees**
 - **Reduced the medical fee to \$10**
 - **Indicated interest in exploring waiving other fees, such as for phone calls.**

Interagency Coordination & Communication – What We Learned

- Women have difficulty accessing their own court data, especially when they are in jail (with no cell phone or internet access). Lockdown makes this harder.
- 32% of women surveyed waited 8+ days from booking to first hearing.
- 25% of women surveyed had not had a court hearing when we spoke to them.
- 37% had no lawyer present at first hearing.
- Inter-agency communication/coordination problems have led to Failure to Appear charges.
- General desire for more information on court processes – and especially for peer navigators.

Interagency Coordination & Communication– Quotes

*“I was in detention in another county and had a court date in Buncombe. **They gave me an FTA here in Buncombe because they didn't know I was in jail [in the other county].** ... I tested positive for covid ... Then they came to get me and the man transporting me said that they wouldn't release you for court because you were under quarantine. ... Then Buncombe had to come get me for a missed court date. ... I was left in the drunk tank for six days. Now I'm here. They didn't take me to court even though it was on the [specific date]. Now it's not in the system ... Bond is still a cash bond because of the FTA because I was in jail.”*

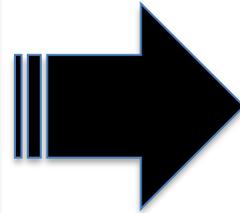
*"Most of time if you have court dates when you're in here [in jail], ... you sleep and then they just call you to wake you up for court. ... So, you have no time to prepare anything if you want to say anything, write anything, jot down anything for your memory so you don't forget to say while you're in court. ... it's instant, like, “Wake up, it's time to go to court.” **They don't give you like five minutes to prepare yourself, anything, so.**”*

*"I mean, a lot of these people they have their families going to those court dates to show support. And, because my court date was actually supposed to be for today and my mother, she took off work and everything, my boyfriend took off work, like, **they're all supposed to go to my court date, but it wasn't today. It was 17 days earlier.**”*

Interagency Coordination & Communication– Recommendations

1. Ensure women- and all people held in jail- receive frequent and clear communication about court cases.

2. Expand peer navigator programs in the jail to include a focus on navigating the pretrial and court process.



- **Jail staff can proactively give court date information to women.**

- **Jail staff can provide case information via handouts.**

- **Virtual court hearings should have an option to allow a pre-meeting with lawyers.**

- **Requires coordination with court agencies & jail staff (staff can be peer navigators or case managers)**

In Closing...

In Buncombe County there is excessive use of police, jail detention, and community supervision for low-level charges that do not risk public safety.

Many recommendations in this report, if implemented, can impact the jail population as a whole for all genders.

County leadership, in collaboration with other justice entities, has the authority to direct the implementation of recommendations.

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