

Criminal Justice Reform



We Must Restore Trust

- In the United States, a black person is 3.73 times more likely to be arrested for marijuana possession than a white person, despite approximately equal rates of use.
- At least 3,278 people were serving life sentences without parole for drug, property, and other nonviolent crimes in 2012.

Our federal, state, and local law enforcement officials, whether consciously or not, selectively target black and brown people for stops, arrests, prosecution, and imprisonment at wildly disproportionate rates.

This targeting is even worse in South Carolina. We have the second-highest arrest rate for marijuana offenses in the nation. Of the ACLU's list of 20 U.S. counties with the highest per capita rates of marijuana possession arrests: Chester County took the top spot with just over 2,000 per 100,000 residents. Newberry and Darlington counties were third and fifth highest in the nation. Marion, Laurens, Kershaw, and Colleton counties were also included in the top 20.

According to the Post and Courier's Gregory Yee (gyee@postandcourier.com), in Horry County alone marijuana arrests of a black person are an alarming 6.8 times that of a white person. It is obvious that in marijuana offenses, and other criminal categories, South Carolina and Horry County have racial disparities that must be corrected for any legislation to succeed.

Changes to the Law

There are several good sources and advocates for making the new legislation fairer and more consistent. Although we do not agree with all the items he has listed, 14th Circuit Solicitor Duffie Stone has written "9 ways SC should reform criminal justice, improve public trust" that can help immensely. His take on police reform will help substantially to restore trust in police actions. We would like to see these suggestions made by Solicitor Stone in the legislation:

New Legislation

The South Carolina legislature is in the process of what could be historic criminal justice reform. The legislation, titled 2019-2020 H. 3322, can be a huge step forward in righting the wrongs of the past. Unfortunately, the bill so far is missing the mark, and because of recent changes further gutting the bill the ACLU has declined to endorse it in its current form.

Refusing to acknowledge that our criminal justice system is broken will leave us with a system that is both unfair and unnecessarily costly. We will continue to see an increase in prison population and an increase in costs for our prison system.

We also know that minimum sentencing guidelines restrict judge's discretion and lead to much longer sentences while increasing the recidivism rate, especially for minorities. The "tough on crime" legislation of the past has proven to be wholly inadequate in materially reducing crime, but has been quite effective in increasing racial disparity in sentencing and in length of time served.

Alarming Statistics

The national statistics that prove this out are alarming. According to the ACLU:

- The federal prison population has increased by almost 790 percent since 1980.

- Equip all law enforcement officers with bodycams and require their use
- Require that all evidence is shared in a timely manner
- Make unnecessary force a separate crime
- Create a statewide database for police misconduct information and provide prosecutors access

In addition, The Biden/Harris Campaign websites section titled “The Biden Plan for Strengthening America’s Commitment to Justice” contains several realistic and achievable goals. Joe Biden and Kamala Harris’ reforms will strengthen America’s commitment to justice and reform our criminal justice system. A few of their ideas are listed here:

- Reform the criminal justice system so that no one is incarcerated for drug use alone.
- Expand access to mental health and substance use disorder treatment, as well as educational opportunities and job training for individuals during and after incarceration.
- Redouble efforts to ensure insurance companies stop discriminating against people with behavioral health conditions and instead provide the coverage for treatment of mental illness and substance use disorders that patients and families need.
- Build safe and healthy communities. Rethink who we are sending to jail, how we treat those in jail, and how we help them get the health care, education, jobs, and housing they need to successfully rejoin society after they serve their time.
- Make pre-K available to every three and four-year old. Triple funding for Title I, the federal program funding schools with a high percentage of students from low-income families.

Where Do We Go from Here?

As we go forward to build on past reforms, it is obvious that the rights of the accused have recently taken a backseat to the shouting of “Law and Order”. We cannot continue to let others deter Horry County’s and South Carolina’s need to reform our unjust criminal justice system. It is imperative that we act now.

The legislators should reconsider all the suggested changes to H.3322 including, but not limited to, eliminating minimum sentencing requirements, retroactively decriminalizing marijuana, expanding mental health and substance use disorder treatment, and redoubling efforts to parole long term non-violent inmates.

We should also require police reform to at least the extent suggested by Solicitor Stone. With today’s technology, bodycams and a statewide police misconduct database just make sense. It is also time for law enforcement to be as transparent in their actions as they expect the people they serve to be.

Sources:

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- “One Thing You Can Say for the War on Drugs ... Is We Gave It a Fair Shot, [Matthew Harwood](#), Former Managing Editor, ACLU, APRIL 23, 2015
- “SC has nation’s second-highest arrest rate for marijuana offenses, report says”, [By Gregory Yee gye@postandcourier.com](#), Apr 20, 2020 Updated Aug 20, 2020
- “Across the country law enforcement selectively targets Black and brown people for stops, arrests, prosecution, and imprisonment at wildly disproportionate rates”, Bottom of Form [Ezekiel Edwards](#), Director Criminal Law Reform Project-ACLU, [Shilpi Agarwal](#), Interim Legal and Policy Director and Senior Staff Attorney-ACLU
- “Here are 5 ways South Carolina lawmakers are looking to reform civil asset forfeiture”, Greenville News, [Kirk Brown](#), Aug 31, 2020, Updated Sep 1, 2020, <https://www.greenvilleonline.com/staff/4382556002/kirk-brown/>

HORRY COUNTY DEMOCRATIC PARTY
