



Orange County Bail/Bond Justice Project

An Initiative of Faith-Based Communities

Quarterly Report January – March 2021

Expanded Assistance Program

Given the reduction in detentions over the last year and low current demand for the Orange County Bail/Bond Justice (OCBBJ) Bail Fund, the OCBBJ Board voted to donate 20% of its Bail Fund to provide other types of assistance to those detained (or potentially detained) pretrial in Orange County. For example, we will be helping to pay court costs and fees, transportation costs to court, and some jail-related fees (telephone calls and commissary costs at the detention center for people unable to afford them).

Citations v Arrests Report for 2020

In its February 2020 Court Observation Program Report, OCBBJ recommended greater transparency regarding law enforcement agencies' citation release practices, and that these agencies track and report statistics on citations versus arrests. In March – September 2020, the Court Observation Program—and the Orange County Detention Center—saw drastic reductions in people being detained pretrial (68% to 75% reductions). Based on anecdotal observations, the Orange County Criminal Justice System decision makers believed a number of factors contributed to the decreased detentions, particularly during the COVID-19 lockdown March-June. These reported factors included police interacting with fewer people (stopping people only if it was a dangerous situation) and increasing the use of citations over arrests.

Therefore, in the first quarter of 2021, OCBBJ assessed local law enforcement agency data on citations and arrests for the year 2020. A citation is a directive, issued by a law enforcement officer, for a person to appear in court. An arrest is when a law enforcement officer takes a person into custody. OCBBJ specifically assessed:

- When an officer is interacting with an individual, the officer's decision to cite or arrest the individual.
- The impacts of the COVID lockdown (March-June) and post-lockdown period on the number of police interactions and citation/arrest decisions.
- The degree to which these citation versus arrest decisions differ by race.

To better focus on enforcement situations where the officers' arrest choices are more discretionary, we assessed only those arrests not involving a warrant or indictment (called warrantless/onview arrests). For citations, we excluded traffic infractions, which include many people living outside of the Towns' jurisdiction; including such infractions would make comparison with Town demographic data more problematic.

We asked local government law enforcement agencies in Orange County to provide the following data:

- Issuance of citations versus warrantless/on-view arrests for cases involving misdemeanors and felonies. Totals for each, percentage for each, and by each month in 2020. Excluding traffic citations.

- Issuance of citations versus warrantless/on-view arrests for cases involving only misdemeanors (a subset of the total cases above). Totals for each, percentage for each, and by each month in 2020. Excluding traffic citations.
- Total citations, by race (White, Black, Asian, Hispanic, other). Excluding traffic citations.

In this Report, the terms “citation and arrest cases” or “cases” are a shorthand for the cases evaluated: warrantless/onview arrests and citations excluding traffic infractions.

The Carrboro, Chapel Hill, and Hillsborough Police Departments provided these data, as well as summary data for 2019. We greatly appreciate these law enforcement agencies taking the time to compile and report on this critical information. The Orange County Sheriff’s Office was unable to provide these data.

We used the 2020 US Census QuickFacts for Town’s race demographics. Although US Census data are commonly used as a benchmark in evaluating criminal justice data, such data have limitations as a benchmark. For example, some people who are cited or arrested live outside of the Town’s jurisdiction, and are, therefore, not reflected in the Town’s demographics. As noted above, we excluded traffic infractions to reduce this source of error. The UNC-CH students registered as Town residents and living on campus may skew the Towns’ racial demographic data and the indication of potential population that the Town police departments interact with. The UNC-CH police have jurisdiction over citations and arrests on campus and these data were not included in this assessment.

Aggregate differences in race may indicate disparity of treatment. However, additional, more complex study would be needed to show racial bias and racial discrimination, in practice. Conclusions of racial bias and discrimination cannot be drawn from this Report’s simple statistical analysis of potential disparity. The Towns’ Police Chiefs, in review of a draft of this Report, expressed concern about the use of Census data as a benchmark for comparison.

Big Picture Findings and Conclusions

Arrests versus Citations, Generally

- For cases involving only misdemeanor charges, Chapel Hill and Hillsborough issued citations in most cases (55% and 65% respectively). Carrboro issued arrests in 56% of these cases.

COVID

- An indicator of the Pre-COVID and COVID conditions is the number of cases of citations and arrests in 2019 versus 2020. The Town of Chapel Hill had a 46% decline in cases during 2020. The Town of Carrboro had a 23% decline, while the Town of Hillsborough had a 21% decline.
- In assessing the year 2020 data only, in Chapel Hill and Hillsborough, the number of citations and arrests per month decreased in the post lockdown period compared with to the January-February Pre-COVID period. They increased in Carrboro.
- The *percentage* of citations per month (compared to *percentage* of arrests) did not increase in the lockdown or post-lock down period during 2020. In the more robust indicator comparing the percentage of citations in 2019 versus 2020, there was a decline

in overall percentage of citations given in 2020.

- It appears the most significant change in practice was the number of police citation and arrest cases in 2019 versus 2020, not the proportion of citations given during the COVID lockdown or COVID post-lockdown period in 2020.
- In its Quarterly Reports last year, OCBBJ has called for maintaining the decreased detentions seen in 2020. The assessment of data in this Quarter Report shows a need to sustain the decreased police citations and arrests in order to achieve this goal. It also shows an opportunity to increase the use of citations over arrests when taking an enforcement action.

Race

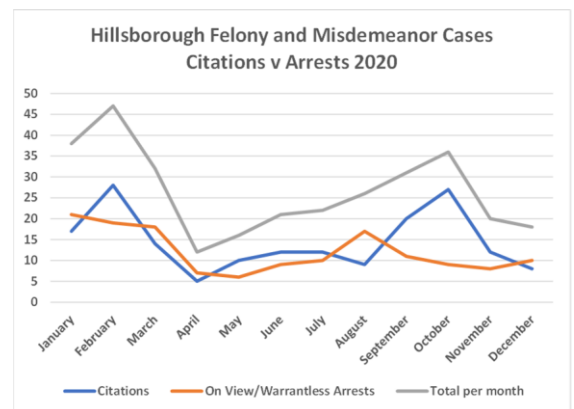
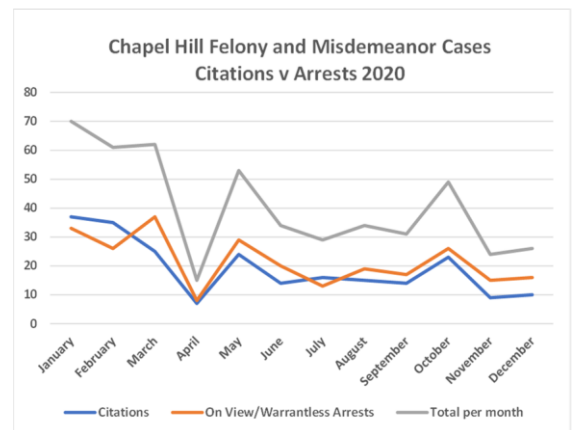
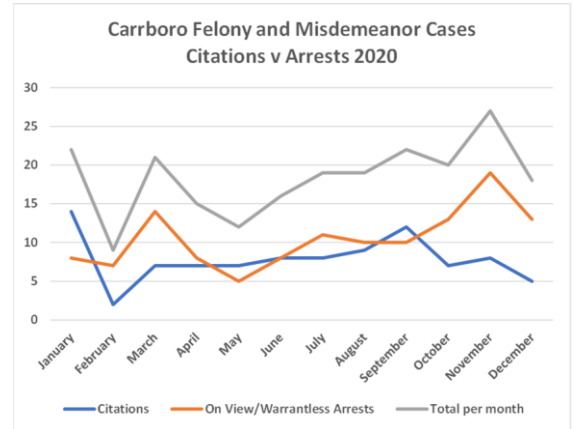
- In all three towns, there were a higher percentage of police cases involving citations and arrests with Black residents compared to their portion of the community. In Carrboro, this was also true for Hispanics.
- Given this higher rate of cases, it is not surprising that Black residents received a higher percentage of the citations given—as well as arrests made—than their portion of the population.
- In Carrboro and Hillsborough, White residents had a higher percentage of citation and arrest cases resulting in arrests than Black residents (61% v 46% and 49% v 42%, respectively). In Chapel Hill, Black and White residents had an equal likelihood/percentage of police cases resulting in arrests (approximately 50% each).
- For all three towns, though Hispanic and Asian members of the community had far less police cases involving citations and arrests, their percentage/likelihood of arrests per case was much higher (Hispanic residents' arrest ranging from 57% to 77% and Asian residents' arrest ranging from 67% to 100%).
- There are aggregate differences for Black residents in the total number of citation and arrest cases, and for Hispanics and Asians in the likelihood that a case will result in arrest. This indicates some racial disparity in our criminal justice system. This assessment did not evaluate causation. As noted before, additional, more complex study would be needed to show racial bias and racial discrimination in practice. These findings indicate a need for further study by police and the community into policies, practices, and biases that may contribute to inequities in our local criminal justice system.

(Notes: The citation versus arrests race data for the Towns of Carrboro and Chapel Hill excludes data for several Native American cases and, for Chapel Hill, several cases noted as “unknown”.)

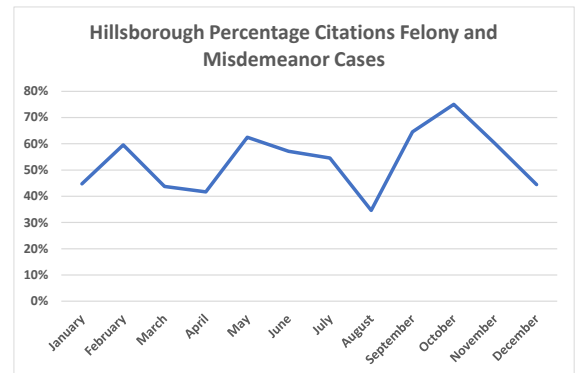
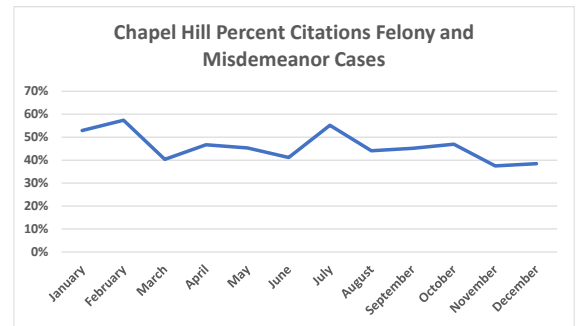
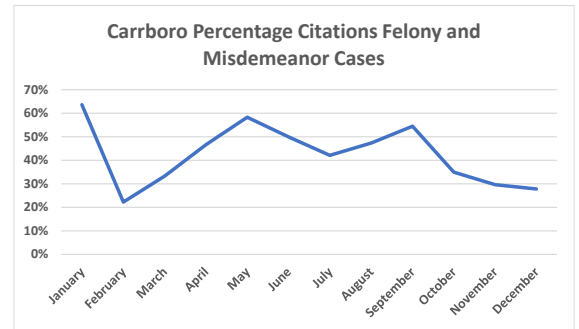
Citation Versus Arrests –

Summary Comparison for Town of Carrboro, Chapel Hill, and Hillsborough

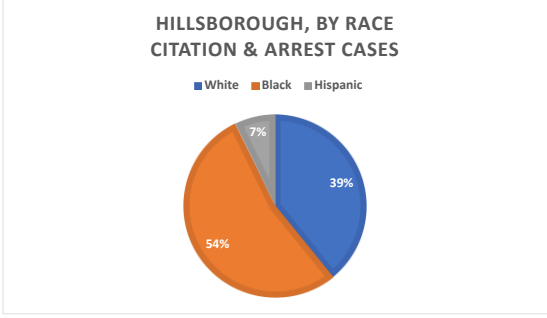
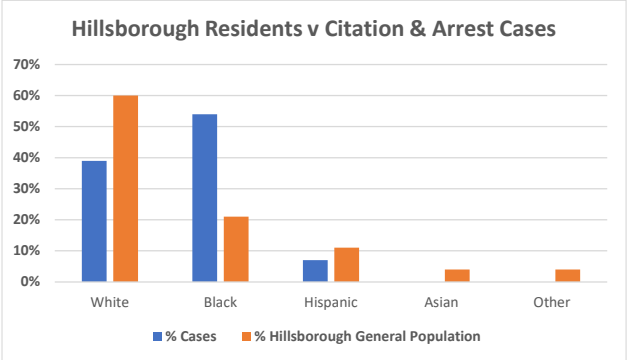
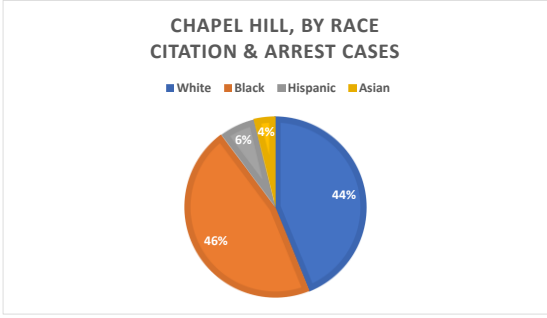
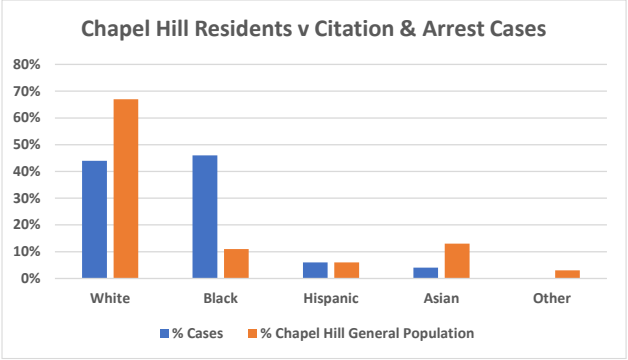
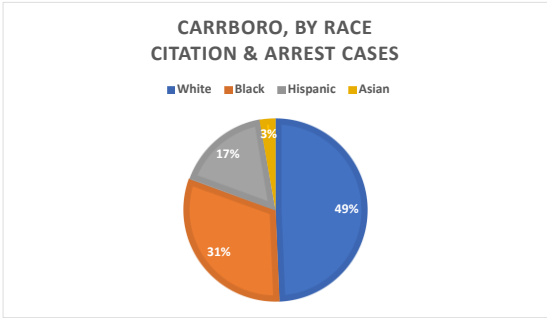
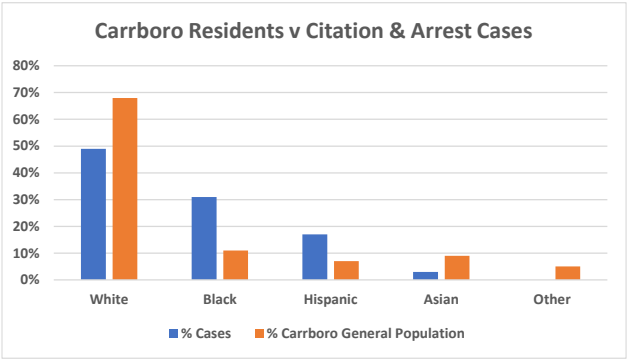
OVERALL PERCENTAGE		
Citation v Arrests 2020		
Carrboro	Felony & Misdemeanor	43% v 57%
	Misdemeanor Only	44% v 56%
Chapel Hill	Felony & Misdemeanor	47% v 53%
	Misdemeanor Only	55% v 45%
Hillsborough	Felony & Misdemeanor	55% v 45%
	Misdemeanor Only	65% v 35%
COVID 2020		
<i>Pre-COVID Indicator: January – February, 2020</i>		
<i>Lockdown: March-June, 2020</i>		
<i>Post-Lockdown: July- December, 2020</i>		
Did citations/month increase during lockdown, compared to rest of the year, for felony and misdemeanor and misdemeanor only cases?		No
Carrboro		No
Chapel Hill		No
Hillsborough		No
Did citations/month increase during post lockdown compared to Pre-COVID for felony and misdemeanor and misdemeanor only cases?		No
Carrboro		No
Chapel Hill		No
Hillsborough		No
Did monthly cases increase or decrease during post lockdown compared to Pre-COVID for felony and misdemeanor and misdemeanor only cases?		Increase
Carrboro		Decrease
Chapel Hill		Decrease
Hillsborough		Decrease



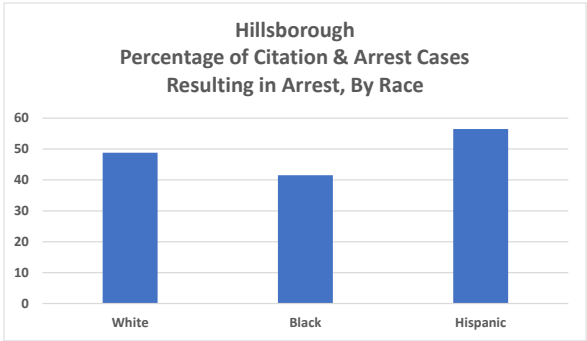
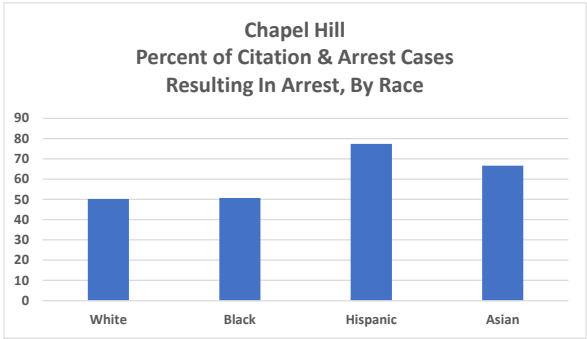
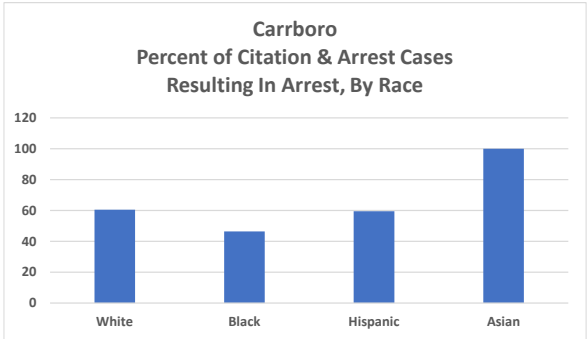
COVID 2020, CONT	
Did percentage of citations/month increase during lockdown compared to rest of year?	
Carrboro Felony & Misdemeanor Misdemeanor Only	Yes No
Chapel Hill Felony & Misdemeanor Misdemeanor Only	No No
Hillsborough Felony & Misdemeanor Misdemeanor Only	No Yes
Did the percentage of citations/month increase post lockdown compared to Pre-COVID for felony and misdemeanor and misdemeanor only cases?	No No No (except felony & misd)
COVID 2020 v 2019	
Was there a decrease in cases) in 2020 v 2019 for felony and misdeeanor cases?	
Carrboro	Yes -23%
Chapel Hill	Yes -46%
Hillsborough	Yes -21%
Did percentage of citations increase in 2020 v 2019 for felony and misdemeanor cases?	
Carrboro	No
Chapel Hill	No
Hillsborough	No



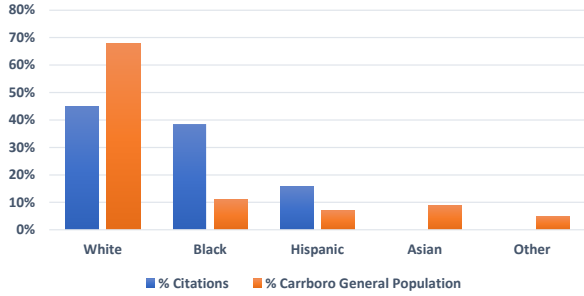
RACE	
<i>The following refer to felony and misdemeanor cases for 2020</i>	
Of the cases, what was the percentage, by race?	See pie charts
Of the cases, were some races stopped at a higher percentage than their portion of population? Carrboro Chapel Hill Hillsborough	Black, Hisp. Black Black



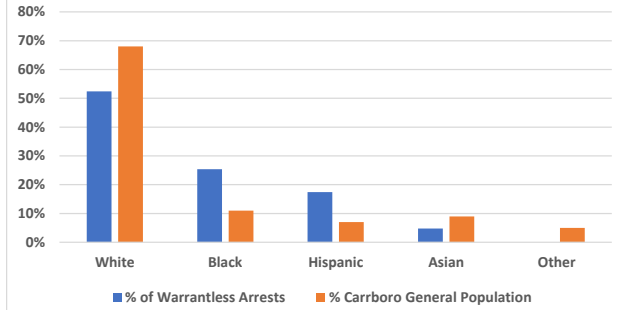
RACE, CONT	
<i>The following refer to felony and misdemeanor cases for 2020</i>	
Of police interactions, by race, what percentage resulted in arrest?	
Carrboro	
White (arrests 66/cases 109)	61%
Black (arrests 32/cases 69)	46%
Hispanic (arrests 22/cases 37)	59%
Asian (arrests 6/ cases 6)	100%
Chapel Hill	
White (arrests 106/cases 211)	50%
Black (arrests 112/ cases 221)	51%
Hispanic (arrests 24/cases 31)	77%
Asian (arrests 12/cases 18)	67%
Hillsborough	
White (arrests 61/cases 125)	49%
Black (arrests 71/cases 171)	42%
Hispanic (arrests 13/cases 23)	57%
Of citations given, did some races receive a high percentage than their percentage of the population?	
Carrboro	Black
Chapel Hill	Black
Hillsborough	Black
Of arrests made, were some races arrested at a higher percentage than their percentage of population?	
Carrboro	Black, Hisp.
Chapel Hill	Black, Hisp.
Hillsborough	Black



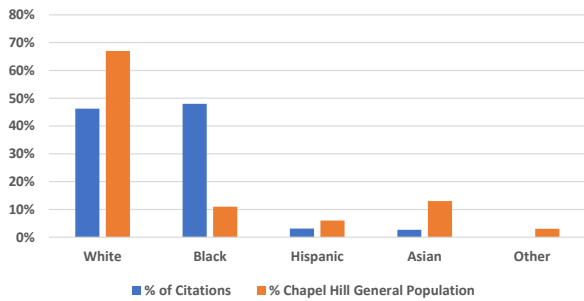
Carrboro Residents Versus Citations



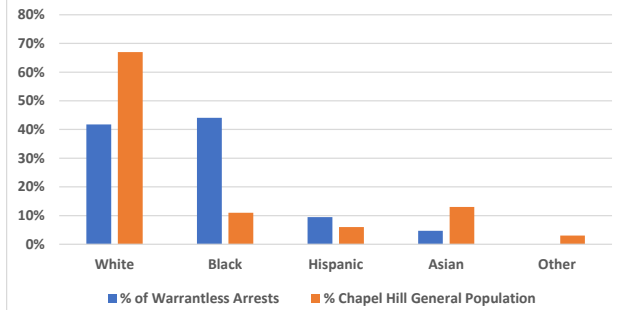
Carrboro Residents Versus Arrests



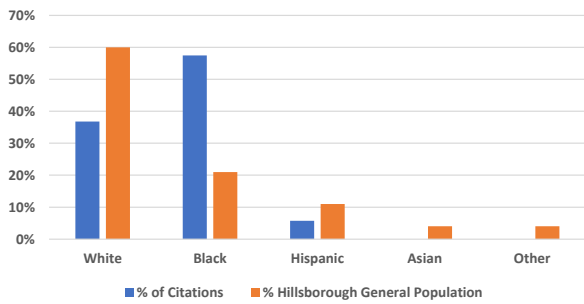
Chapel Hill Residents Versus Citations



Chapel Hill Residents Versus Arrests



Hillsborough Residents Versus Citations



Hillsborough Residents Versus Arrests

