

# ACLU of South Carolina

## Charleston County Sheriff Questionnaire

### RESPONSES FROM KRISTIN GRAZIANO:

#### Invest in Communities and People

Section 1: The ACLU believes it is past time to drastically reduce the size, scope, and role of law enforcement and drastically increase investments in areas like housing, education, and health care, especially in the Black and Brown communities that have been most targeted by discriminatory practices.

**1. Will you reduce the Charleston Sheriff's Office budget request beginning with the first fiscal year of your term and advocate for the reinvestment of those funds in non-Sheriff Department services including education and mental health services, especially in communities that have historically been over-policed?**

YES

Explanation: There needs to be a thorough examination of sheriff's office finances, and money should be redirected to other places if it is determined that there is a need. I do not have the authority to direct where those funds go -- Charleston County Council does -- but I could strongly suggest the redirection of funds. For example, the transport of mental health patients should not be a law enforcement function, unless the patient is a danger to others. Law enforcement can assist, but it should not be primarily our function.

#### Build Community Trust

Section 2: The Charleston County Sheriff's Office currently has a 287(g) agreement with Immigration and Customs Enforcement (ICE). While many Sheriffs across the country have already decided to terminate 287(g) programs and focus county resources on local priorities, the Charleston County Sheriff's Office has continued its participation in a program that leads to racial profiling, discrimination, and mistrust between law enforcement and immigrant communities. The office collaborates with ICE in other ways as well, including by dedicating county jail space for immigrants in detention: Since 2014, thousands of immigrants detained by ICE have been held at the county detention center as part of its Intergovernmental Service Agreement (IGSA) agreement.

**2. Will you commit to terminate the county's 287(g) agreement in the first 100 days of your term?**

YES

Explanation: I would take action to rescind the agreement executed May 28, 2020 between ICE and Al Cannon. This is a priority of mine and will be executed immediately when I have the legal authority.

**3. Will you commit to decline ICE detainer requests unless they are accompanied by a judicial criminal warrant?**

YES

**4. Will you commit to end the practice of housing immigrants in ICE detention and not renew the IGSA agreement?**

YES

Section 3: Reduce law enforcement jurisdiction - Charleston County must ensure the proper response to community issues, and eliminate law enforcement's role as a "solution" for drug use, misbehaving children at school, homelessness, and mental illness, and other issues where officers lack the tools, training, and resources to handle the situation.

**5. Will you instruct Sheriff's deputies to decline to arrest or cite people for minor offenses including failure to pay fines and low-level (one ounce) marijuana possession?**

YES

Explanation: The law already allows deputy sheriff's discretion in physical arrests; however, they are not trained to cite rather than arrest. I commit to aggressive training to reduce physical arrest and cite only when necessary as a matter of public safety. I will support legislation at the state level to decriminalize the use of marijuana.

**6. Will you commit to ban consent-based searches of vehicles and civilians during routine traffic or pedestrian stops?**

NO

Explanation: Consent searches are a legal exception to the Fourth Amendment, and as sheriff, I do not have the authority to change the Constitution. But I can commit to training objectives where searches aren't automatic, instead they would be based on the circumstances.

**7. Will you commit to ending the practice of stationing deputies in Charleston County public schools?**

NO

Explanation: I am open to a dialogue on how law enforcement can best serve students and be available for other services. But having served as a school resource officer, I know the positive impact that we can make on a child's life. Unfortunately, because politicians have passed the buck on gun safety reform, resources for low-income families, mental health, and school funding, law enforcement has been called in as reinforcements. As to whether we contribute to the school-to-prison pipeline, there is truth to that because our role hasn't been clearly defined. We need to clarify our role as mentors, protectors, and a community resource.

**8. Will you commit to using your authority as Sheriff to implement a policy against enforcing eviction judgments during the COVID-19 pandemic, except where there is an imminent and direct threat to the safety of other tenants or the landlord?**

YES

Explanation: I commit to this, with the exception being if there is an imminent and direct threat to the safety of others.

Section 4: Limit law enforcement power - As Charleston County residents witnessed first hand on May 31 when multiple law enforcement departments engaged in police violence against people exercising their First Amendment right to protest, law enforcement have immense power and discretion to harm the very people they are supposed to serve. Charleston County must substantially reduce law enforcement's power to control community actions and make arrests, including the power to unilaterally declare a protest unlawful, search a vehicle or pedestrian, or use no-knock warrants.

**9. Will you address unjust policing practices by enacting a use of force policy that directs officers to use de-escalation whenever possible, and prohibits them from using more force than necessary to accomplish a legitimate and immediate public safety or jail security objective?**

YES

Explanation: I will commit to engaging in an independent examination of the sheriff's office's policing practices, and based on those results, we'll form a truth and reconciliation council to help us determine how we'll move forward. I will also commit to make this an ongoing process to make sure our practices continue to align with our public safety objectives.

**10. Will you publicly commit to end participation in federal programs that provide surplus military equipment or funding to buy military equipment, and return any military equipment currently in the Sheriff's Office's possession in the first year of your term?**

NO

Explanation: The Charleston County Sheriff's Office has an extremely limited participation in this program, having in its possession rifles that are distributed to patrol personnel. The reason I can't sign on to this is because I will not put my personnel in harm's way when citizens walk the streets with semi-automatic rifles. Deputy sheriffs have a duty to protect everyone and shouldn't be constrained from responding because they don't have proper equipment. But I will commit to not engage in further acquisitions of military equipment because such equipment is not practical for a law enforcement response. And once the state legislature has passed stricter gun laws, I will readdress the need for patrol rifles from this program.

**11. Will you commit to ending the use of brutal and/or indiscriminate tools and tactics including: a. Tear gas b. Chokeholds c. No-knock warrants**

- a. NO
- b. YES
- c. YES

Explanation: Law enforcement uses OC spray, which is plant based and is a respiratory irritant. This is a tool that has proven useful in preventing higher levels of force during arrests, and it is defined in the use of force continuum. Deputy sheriffs are required to train annually, as well as be exposed to it to understand its effects.

In regard to chokeholds, I don't understand why some law enforcement use them, and I

wouldn't allow anyone at the sheriff's office to use them. Chokeholds are considered a form of deadly force, and they will never be an acceptable use of restraint.

With no-knock warrants, I believe they are dangerous and risky to both deputies and citizens. We have much better strategies to serve warrants. In my 32 years of law enforcement, I have never executed a no-knock warrant nor would ever put my employees in a position to do so.

Section 5: Ensure Law Enforcement is Transparent and Accountable - Transparency and accountability are cornerstones of good government, yet law enforcement too often act in secret and with impunity. Charleston County must ensure that law enforcement is transparent and accountable to the people when they abuse their power.

**12. Will you commit to end the practice of charging fees for FOIA and data requests, responding to requests in a timely manner, and a presumption against the use of investigatory exemptions?**

YES

Explanation: I believe that transparency is essential to rebuild community relationships. I plan to publish body cam footage after vetting them to protect the identities of mental health patients, victims of sexual assault, and children. I also plan on implementing a more streamlined response for FOIAs, with the exception of material that could jeopardize ongoing investigations.

**13. Will you commit to establishing an independent community advisory board including county residents and impacted community members that would meet regularly with the Sheriff's office, request and review data, inspect jail facilities, and make recommendations on enforcement and jail policies, practices, and responses to incidents?**

YES

Explanation: I plan on establishing independent advisory boards, one consisting of outside professionals to formulate new policies and standards at the sheriff's office, and the other inviting community members to have oversight over daily practices, to establish better relationships with the citizens we serve, and to hold us accountable when we make mistakes.

**14. Will you commit to use independent investigations outside the chain of command of the sheriff in situations where there is a death or serious injury in which an officer was involved, or involving all deaths of incarcerated persons?**

YES

Explanation: I commit to an independent investigation in the event of an officer-involved death or serious injury. I intend on following that law.

**15. Will you create a publicly accessible database that: a. Documents complaints about law enforcement misconduct and the outcomes of investigations into potential wrongdoing (redacting individual officer information): b. Documents law enforcement and corrections personnel found to have misconduct and the results of those investigations:**

a. YES

15a. I would create that database, but I would redact critical information that may result in the person or their family being targeted by wrongdoers.

b. YES

15b. I believe it is a matter of critical public safety to make public officer misconduct.

Section 6: End policing for profit - From civil asset forfeiture to fines and fees, South Carolina law incentivizes law enforcement to prioritize revenue collection. Charleston County must ensure that law enforcement is focused on the fair administration of justice, not collecting revenue or meeting quotas.

**16. Will you commit to ending participation in programs that encourage policing for profit (e.g. civil asset forfeiture)?**

YES

Explanation: I will support legislation in Columbia that regulates asset forfeiture. In my review of the past four years of the Charleston County Sheriff's Office's budget, this fund has served as the sheriff's personal travel fund, and I do not agree with that.

**17. Will you commit to not collecting and/or spending revenue that is not specifically granted to the Sheriff's Office through the Charleston County budget process?**

NO

Explanation: I take exception with one specific fund where money is generated through vending machines and phone fees by inmates. This fund generates nearly \$500,000 annually, and a review of this fund -- I believe -- indicates that it has been misused by jail and law enforcement administrators. I commit to redirecting those funds for the sole benefit of funding restorative justice educational or work programs for inmates. Additionally, I commit to a thorough investigation of the sheriff's office and jail spending.

Section 7: Protect Incarcerated Trans People - Transgender people are far more likely than cisgender people to encounter abuse and violence behind bars. Jail staff often contribute to this harassment by holding transgender people in facilities that are not consistent with their gender, looking the other way at harassment, and denying them access to medical care, including hormone therapy.

**18. Will you commit to place and classify people by their gender identity and ensure that transgender people have access to medically necessary care?**

YES

Explanation: I commit to protecting and treating all LGBTQ and transgender people with dignity and respect. I will insure that transgender people are housed in accordance of their personal identification. Staff will also be required to undergo training to address transgender people according to their gender identity and receive appropriate medical care as requested.