



**HOUSE LEGISLATIVE OVERSIGHT COMMITTEE
LAW ENFORCEMENT AND CRIMINAL JUSTICE
SUBCOMMITTEE**

**2021 STUDY OF THE
DEPARTMENT OF PROBATION, PAROLE
AND PARDON SERVICES**

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S.C. House Legislative Oversight Committee



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The purpose of the S.C. House Legislative Oversight Committee's (Committee) work is to determine if agency laws and programs are implemented and carried out in accordance with the intent of the General Assembly and whether they should be continued, curtailed, or eliminated. The Committee's member-driven process enhances the ability of Representatives to make informed decisions about state government and agency responsiveness to the needs of South Carolinians. The process is also a resource for public access to information about the performance of state agencies and their programs.

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RECOMMENDATION #2. Post online (i.e., in an easily accessible place for the public) community service (i.e., public service employment) information in a downloadable format.27

RECOMMENDATION #3. Collaborate with the Revenue and Fiscal Affairs Office (RFA) to determine non-confidential PPP information that may be beneficial to the public if made available in one of RFA’s digital applications (e.g., dashboard, locateme).30

RECOMMENDATION #4. Update and implement agency policy to reflect statutory requirements for personnel to electronically submit reports for the General Assembly to the Legislative Services Agency.30

RECOMMENDATION #5. Post online and submit to the Committee, after annually collaborating with the Department of Corrections and any other applicable agencies or entities, an updated flow chart illustrating the incarceration and supervision to release process, which was first created as part of this oversight study process.30

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RECOMMENDATION #6. Create and post online (i.e., in an easily accessible place for the public) an “Understanding Pardons” and “Understanding Paroles” document that provides a basic overview of related information and processes (e.g., explanation of what is required in law and what is discretionary; criteria for granting parole; timeline of events between being granted parole and released on parole; why all offenders granted parole may not be released on parole; reasons for rejecting parole; sample documents, etc.).32

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RECOMMENDATION #10. VICTIM RESTITUTION – Convene applicable representatives from Department of Corrections, Attorney General’s Office, Department of Juvenile Justice, Court Administration, Prosecution Coordination Commission, application developers in the Revenue and Fiscal Affairs Office, and any other applicable agencies or entities to evaluate potential costs, benefits, and logistics of agreements to enable secure data sharing and/or creation of a centralized directory of information related to restitution and debt owed by offenders. Within a year, report to the Committee the steps taken, information gathered, results of analysis performed, and decision of the agencies.35

RECOMMENDATION #11. OFFENDER INFORMATION - Convene Department of Corrections, Attorney General’s Office, State Law Enforcement Division, Court Administration, Department of Juvenile Justice, Prosecution Coordination Commission, application developers in the Revenue and Fiscal Affairs Office, and any other applicable agencies or entities to evaluate potential costs, benefits, and logistics of agreements to enable secure data sharing and/or creation of a centralized directory of information related to offenders. Within a year, report to the Committee the steps taken, information gathered, results of analysis performed, and decision of the agencies.....35

RECOMMENDATION #12. Risk Assessment and Programming Collaboration - Collaborate with the Department of Corrections (SCDC) and any other applicable agencies or entities on objective common recidivism risk assessment methods and program criteria to provide continuity for offenders that transition from supervision at SCDC to supervision with PPP. Within a year, report to the Committee on the discussion that occurred, decisions made, and how there will be more continuity between the methods utilized to determine an offender’s level of risk for recidivating, and programs to which the offender will be directed and/or provided credit.....43

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RECOMMENDATION #15. Collaborate with Revenue and Fiscal Affairs Office to evaluate potential benefits and options for a cost-effective central hub from which agency personnel can realize maximum benefits across PPP’s various databases (e.g., reduce/eliminate duplicative manual entry, etc.) as well as information from other agencies that may improve PPP’s effectiveness or efficiency. Within a year, report to the Committee the steps taken, information gathered, results of analysis performed, and decision of the agencies.47

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RECOMMENDATION #17. EMPLOYER DIRECTORY AND PERFORMANCE TRACKING - Convene the Department of Corrections, Department of Juvenile Justice, Prosecution Coordination Commission, Commission for Minority Affairs, Department of Employment and Workforce, application developers in the Revenue and Fiscal Affairs Office, and any other applicable agencies or entities to evaluate potential costs, benefits, and logistics of agreements to enable secure data sharing and/or creation of a centralized directory of information related to employers currently employing, or willing to employ, individuals previously convicted and track recidivism of individuals that obtain employment. Within a year, report to the Committee on the steps taken, information gathered, results of analysis performed, and decision of agencies.50

RECOMMENDATION #18. Collaborate with the Commission on Indigent Defense (SCCID) to ascertain if opportunities exist to create uniformity in information requested of individuals when determining whether they will receive indigent representation from SCCID and/or hardships while under supervision of PPP. Within a year, provide a report to the Committee outlining the steps taken, information gathered, results of analysis performed, decision of agencies, and list of other state agencies that may waive fees owed to the state due to hardship.51

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RECOMMENDATION #23. Update initial board training to require each board member (a) affirm acknowledgement of their duties in writing; and (b) prior to first serving on a hearing panel complete all required training, including either observing a real hearing or participate in a mock one.53

RECOMMENDATION #24. Collaborate with a professor and/or researcher at an academic institution to determine data necessary to evaluate the effectiveness of the parole process considering various potential intents of parole. Track the data for the recommended amount of time, then publish the information on the agency website and submit it to Legislative Services Agency for distribution to the General Assembly and publication on its website.54

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RECOMMENDATION #27. Consider repealing antiquated statutes related to PPP’s discretionary authority to establish restitution centers (i.e., S.C. Code Sections 24-21-480; 24-21-485; 24-13-730).^{Agency Request} In 2018, the agency stopped operating the centers and has no plans to exercise discretionary authority to reestablish the centers. Through enactment of sentencing reform, the General Assembly has focused on alternative means of enforcing the collection of restitution (e.g., administrative monitoring program where only remaining condition of supervision not completed is payment of the financial obligations).57

RECOMMENDATION #28. Consider authorizing supervised furlough processes (i.e., S.C. Code Sections 24-13-710 and 24-13-720, 24-13-730) to sunset when the last offender has completed the program. A similar recommendation was adopted in the study of the Department of Corrections.59

RECOMMENDATION #29. Consider repealing the Offender Management System Act (i.e., S.C. Code Sections 24-22-10; 24-22-20; 24-22-30; 24-22-40; 24-22-50; 24-22-60; 24-22-70; 24-22-80; 24-22-90; 24-22-100; 24-22-110; 24-22-120; 24-22-130; 24-22-140; 24-22-150; 24-22-160; 24-22-170; Reg. 130-10).^{Agency Request} The system and any regulations promulgated thereto terminated on July 1, 1995.....60

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RECOMMENDATION #34. Work with applicable entities to create, and implement a policy to annually update, post online, and submit to the Committee (or as part of the Accountability Report), a flow chart showing how each aspect of offender information flows through the criminal justice system from investigation through post-conviction and release, including, but not limited to, the different forms and systems to which it is handwritten or typed, and methods of transfer between various entities.....70

RECOMMENDATION # 35. Over the next three years, obtain input from law enforcement entities, professors, and national associations, and create an optional leadership certification available to law enforcement throughout the state that includes initial and ongoing requirements (e.g., review of incident reports, use of force reports, public contact warning reports, complaints by public, annual online training, etc.) to identify officers that exemplify unbiased behaviors and may excel in supervisory positions. Utilize

PPP and others to pilot the program. Within a year, provide the Committee a report on information discussed, decisions made, the plan for creation of the certification and annual status updates.70

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RECOMMENDATION #39. Work on a data sharing agreement with the Revenue and Fiscal Affairs Office to share publicly available information in ways in which the agency is able and provide the Committee a list of data the agency is sharing.....79

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AGENCY OVERVIEW

Department of Probation, Parole and Pardon Services

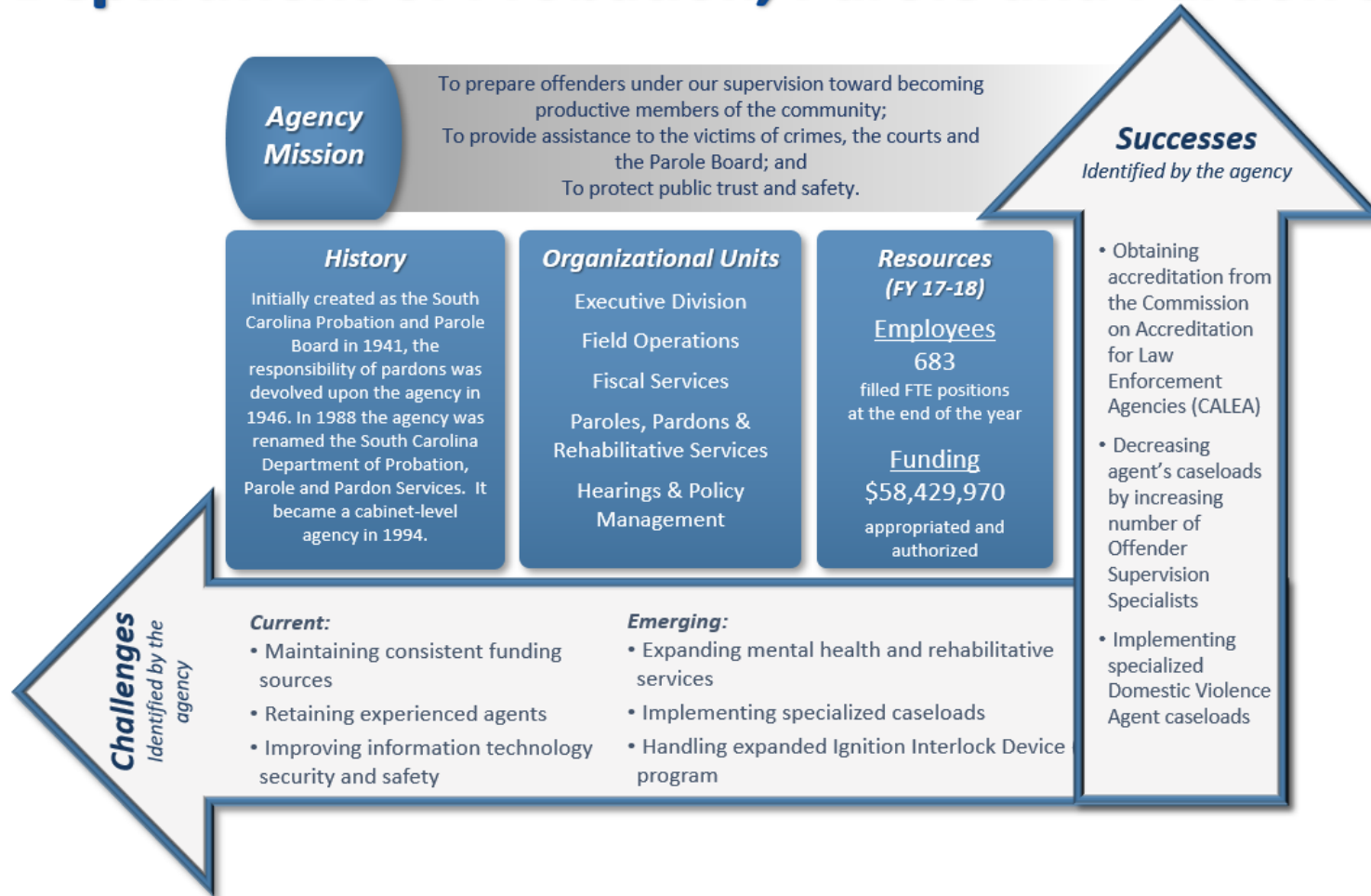


Figure 1. Overview of the agency's mission, history, organizational units, fiscal year 2017-2018 agency resources (employees and funding), successes, and challenges¹

COMMITTEE OVERVIEW

Oversight Purpose and Methods

PURPOSE

To determine if agency laws and programs:

- ➡ are being implemented and carried out in accordance with the intent of the General Assembly; and
- ➡ should be continued, curtailed, or eliminated.

METHODS

The Committee and Subcommittee evaluate:

- ➡ the application, administration, execution, and effectiveness of the agency's laws and programs;
- ➡ the organization and operation of the agency; and
- ➡ any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation pertaining to the agency.

S.C. Code Ann. § 2-2-20(B) and (C)

Study Process



Public Input

- 110** Responses to an online public survey
- 9** Online comments received
- 2** Constituents testify

Subcommittee Membership

EXECUTIVE SUBCOMMITTEE

The Honorable Chris Wooten (chair)
The Honorable Kimberly O. Johnson

The Honorable Josiah Magnuson
The Honorable John R. McCravy, III

Study Milestones

MEETINGS

Full Committee	12/5/18	8/13/19
Subcommittee	5/6/21	6/8/21
	6/22/21	7/27/21
	8/26/21	10/27/21

AGENCY REPORTS

March 2015	Seven-Year Plan Report
September 2019	FY 2018-19 Accountability Report
June 2019	Program Evaluation Report*
September 2021	FY 2020-21 Accountability Report

*Report was updated January 2020

FINDINGS

During the study of the Department of Probation, Parole and Pardon Services (agency or PPP), the Law Enforcement and Criminal Justice Subcommittee (Subcommittee) of the South Carolina House of Representatives’ Legislative Oversight Committee (Committee) adopts **17 findings**.

Findings note information a member of the public, or General Assembly, may seek to know or on which they may desire to act. The Subcommittee addresses some of these findings through various recommendations.

General

The three general findings are summarized in Table 1.

Table 1. Summary of general findings

GENERAL	<ol style="list-style-type: none"> 1. During the last five years, on average, 38% of offenders were released from the Department of Corrections without any transitional supervision. 2. While Department of Probation, Parole and Pardon Services personnel review offender sentencing sheets to determine which inmates are eligible for parole or community supervision, Department of Corrections personnel are responsible for calculating when an offender is eligible for initial parole consideration as well as when an offender is eligible for release to mandatory release programs.^{SEE RECOMMENDATIONS #6 AND #11} 3. Law enforcement officers who are not on the front line but are directly and predominately responsible for the supervision of other law enforcement required to preserve public order, protect life and property, and detect crimes may continue to participate in the South Carolina Police Officers Retirement System.
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FINDING #1. During the last five years, on average, 38% of offenders were released from the Department of Corrections without any transitional supervision.

During the study, information was requested about the annual number of releases from the Department of Corrections (SCDC) to the Department of Probation, Parole and Pardon Services for the last decade.² Also, SCDC publishes statistical information online about inmate releases, including release type (e.g., placed on probation; paroled to intensive supervision services; etc).³ Based on the information available, more than 1/3 of the offenders sent to prison were released with no transitional supervision.

Transitional supervision refers to when an individual is no longer in prison but is still held accountable to personnel at the Department of Probation, Parole, and Pardon Services through regular reporting and unannounced check ins. Different scenarios (e.g., straight sentence then transitional release through community supervision program; parole; supervised reentry program; or split sentence of prison and probation) result in transitional supervision.⁴

FINDING #2. While Department of Probation, Parole and Pardon Services personnel review offender sentencing sheets to determine which inmates are eligible for parole or community supervision, the Department of Corrections is responsible for calculating when an offender is eligible for initial parole consideration as well as when an offender is eligible for release to mandatory release programs.

An offender may have a conviction for a single charge in a single county or may have convictions for multiple charges in different counties. The type of conviction on each charge impacts whether an individual is eligible for parole or another transitional supervision program (e.g., community supervision or supervised re-entry). PPP personnel review each charge to determine if an individual is eligible for parole or transitional supervision.⁵

When an individual is eligible for release from state prisons is determined from analysis of various information.⁶ Department of Corrections (SCDC) personnel are responsible for gathering the information and entering it into SCDC's Offender Management System database to calculate when an offender is eligible for release, regardless of the type of release.⁷ During the study, information was requested about how those calculations are made; how they can be audited; and, if necessary, how they can be corrected.⁸ Many factors contribute to the complexity of the calculations.⁹

Recommendations #6 and #11 address this finding.

FINDING #3. Law enforcement officers who are not on the front line but are directly and predominately responsible for the supervision of other law enforcement required to preserve public order, protect life and property, and detect crimes may continue to participate in the South Carolina Police Officers Retirement System.

Participation in the South Carolina Police Officers Retirement System (PORS) is a recruitment and retention advantage for law enforcement agencies, including the Department of Probation, Parole and Pardon Services.¹⁰ However, the benefits of being a PORS member are not available to all positions within a law enforcement agency.

According to state law, only an individual whose employer "certifies to the system that his service as a police officer requires at least one thousand six hundred hours a year of active duty and that the person's salary for the service is at least two thousand dollars a year," is eligible.¹¹ Additionally, "if in any year after this certification the member does not render at least one thousand six hundred hours of active duty as a police officer, or if the member does not receive at least two thousand dollars in salary, his membership ceases and the provisions of Section 9-11-100 apply."¹²

During the study, questions were raised about what positions within an agency qualified including, but not limited to, whether individuals who began as front-line officers, but were later promoted to managerial positions, continued to be eligible for PORS. Additionally, PPP personnel proposed a law change to clarify those situations.¹³ Accordingly, inquiry was made to the Public Employee Benefit Authority (PEBA), the state agency responsible for the administration and management of the state's various retirement systems, about the eligibility requirements for participation PORS.¹⁴

According to PEBA representatives, to participate in PORS:

- an employee must be employed in a position that has duties and responsibilities that require the preservation of public order, the protection of life and property, and the detection of crimes, and
- an employer must certify the employee is expected to perform the duties of that law enforcement-related position for at least 1,600 hours each year, which equates to about 30 hours per week, and the employee’s salary for such service is at least \$2,000 per year.¹⁵

In determining whether a position “requires at least one thousand six hundred hours a year of active duty,” it is PEBA representatives’ position, as reflected in the statutory employer certification requirement of S.C. Code Section 9-11-40(4), that employers are in the best position to determine whether an employee is actually performing job duties that meet the requirements.¹⁶ In cases where PORS eligibility is largely dependent upon how the duties of the position are actually being carried out, an employer is required to submit an affidavit to PEBA attesting, under penalty of perjury, that the position requires the employee to perform duties that satisfy the statutory definition of a police officer for at least 1,600 hours each year.¹⁷

For an employer interpreting whether an employee’s time qualifies as “active” duty, PEBA representatives state an employee would not necessarily be required to walk a beat or be out on patrol to be considered on active duty as a police officer, so long as the employee is performing the duties of a qualifying police officer position.¹⁸ However, an employee would not be on active duty if merely “on call” or otherwise on reserve and not actively performing the duties of a police officer position.¹⁹

With regard to supervisory or administrative positions, PEBA representatives assert the Attorney General’s office has historically advised that an employee who is not necessarily in a frontline police officer position may continue to participate in PORS where that employee is directly responsible for the supervision of other employees who are required to preserve public order, protect life and property, and detect crimes and the employee’s duty to ensure that such responsibilities are carried out remains his or her predominate responsibility.²⁰ According to PEBA representatives, the Attorney General’s office has opined that supervisory personnel (e.g., city chief of police; public safety director; county detention center manager, and State Fire Marshal) are eligible for participation in PORS, even though they do not serve in frontline positions.²¹

However, PEBA representatives also state, if an employee is employed in a purely administrative position that does not have direct or supervisory responsibility for the preservation of public order, the protection of life and property, and the detection of crimes, or in a position that otherwise has duties and responsibilities that do not predominately relate to such law enforcement functions, the employee would not generally be eligible for participation in PORS, regardless of previous prior PORS participation or not.²²

Efficiency

The three findings relating to efficiency is summarized in Table 2.

Table 2. Summary of finding relating to efficiency

EFFICIENCY	4. The Department of Administration’s facilities management plans related to PPP expect to generate a cost avoidance of more than \$7 million over the next ten years.
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5. PPP spends \$2.2 million annually for manual data reentry; across state government, \$100 million annually is spent on this task.^{SEE RECOMMENDATIONS #8-#18,#32-#34, AND #36 - #40}
6. After considering requests from employees and analyzing operations effectiveness during COVID-19 office closures, PPP completed the Department of Administration's Division of State Human Resources' telecommuting toolkit and obtained approval for a telecommuting policy.

FINDING # 4. The Department of Administration's facilities management plans related to PPP expect to generate a cost avoidance of more than \$7 million over the next ten years.

From July 1, 2018, through September 24, 2021, staff with the Department of Administration (DOA) worked with personnel at state agencies to implement space standards for a target density of no more than 210 rentable square feet per person.²³ Even without the new space standards, a move was necessary for PPP personnel as the space at the prior location, 2221 Devine Street Columbia, South Carolina, was unsuitable.²⁴ For example, the space could not provide the physical security enhancements necessary at parole and pardon hearings to ensure the segregation and safety of victims and their families as required by the victims' bill of rights in the State Constitution.²⁵

PPP personnel worked with DOA's Division of Technology personnel to move PPP's information technology functions to the state data center to save space previously utilized for servers and other IT functions, as well DOA's facilities management to locate a new space to meet the agency's needs.²⁶ As a result of the partnership, PPP personnel moved into a newer, more functional building that will generate savings of more than \$500,000 over the ten year term solely related to PPP.²⁷ From the sale of the prior location, which also housed the Commission for Minority Affairs and Department of Consumer Affairs, there is an avoidance of overall cost of occupancy expenses (i.e., annual management and operating costs and deferred maintenance and recapitalization costs) in excess of \$7.8 million, which does not include savings from renovations to make the space functional for the tenants.²⁸

FINDING #5. PPP spends \$2.2 million annually for manual data reentry; across state government, \$100 million annually is spent on this task.

Multiple examples of opportunities to improve efficiency and accuracy of the transmission of information have been observed during prior agency studies.²⁹ Accordingly, the Committee collaborated with the Executive Budget Office within the Department of Administration to collect information from agencies on the type of data they receive that they manually input into their own database/system, from whom the data is received, and the cost to manually enter the data into the agency's system.

Analysis of the information indicates Department of Probation, Parole and Pardon Services personnel manually enter information received from multiple state agencies (e.g., State Law Enforcement Division – criminal history; Court Administration – offense and intake information) into various agency systems.³⁰ See Figure 2 for an illustration of resources that may be available to address other PPP needs if manual data entry was not necessary. Additionally, errors can and do occur in PPP processes because of manual data entry (e.g.,

restitution not collected from an offender for seven months and probation revocation of more time than statutory allowed).³¹

During the study, Court Administration personnel note “[i]t would be advantageous for PPP to provide probation violation warrant data electronically to the courts” as summary courts are required to manually enter probation violation warrants received from PPP.³²

Recommendations #8-#18, #32-34, and #36-#40 address this finding.

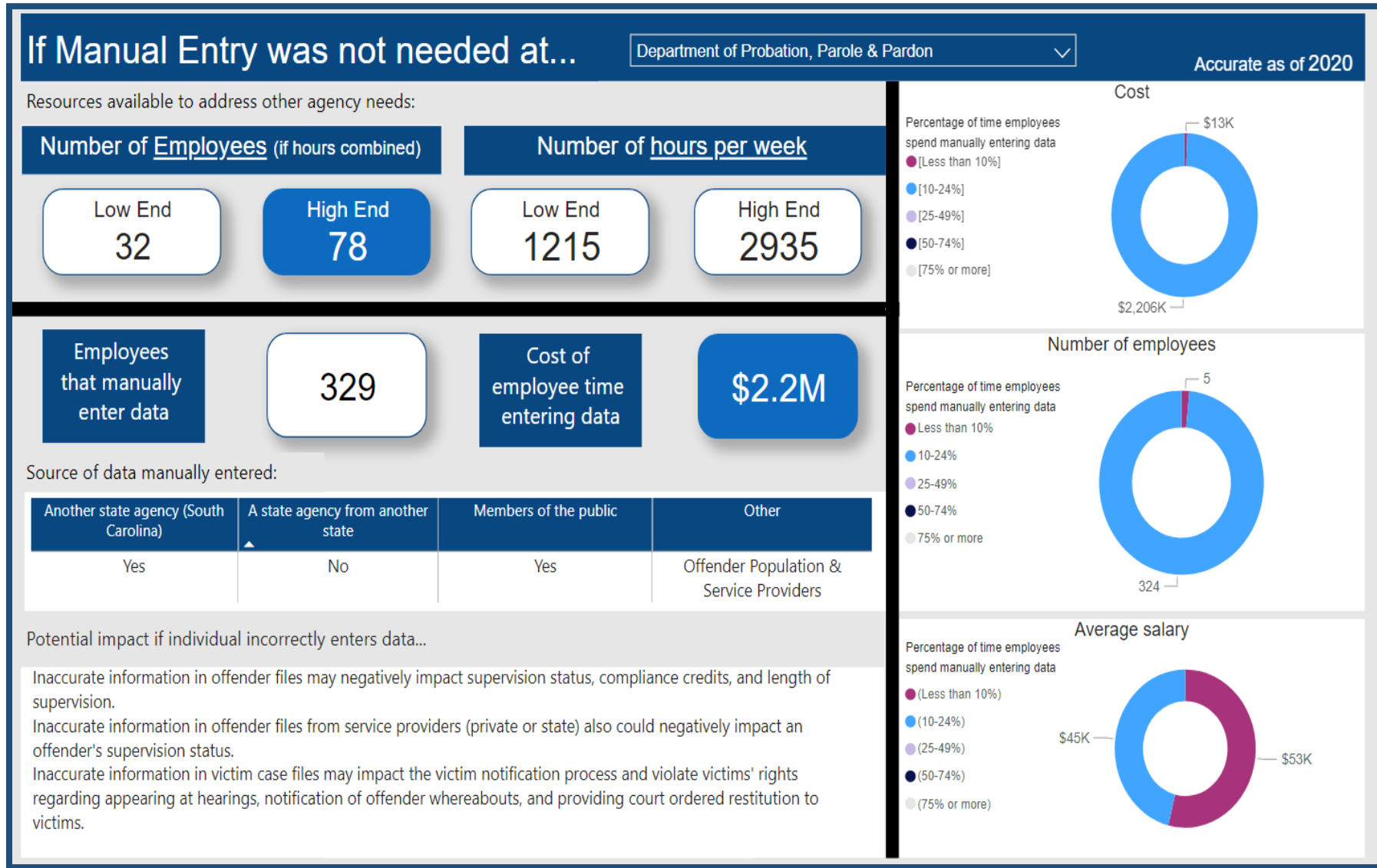


Figure 2. Resources that may be available to address other PPP needs if manual data entry was not necessary³³

FINDING #6. After considering requests from employees and analyzing operations effectiveness during COVID-19 office closures, PPP completed the Department of Administration's Division of State Human Resources' telecommuting toolkit and obtained approval for a telecommuting policy.

The move to remote work across state government and the private sector has led to a paradigm shift regarding where staff do their work. As private sector industries embrace remote work, state government must also adapt as recruitment and retention is likely to become more challenging as employees seek opportunities for increased flexibility.

Remote work (i.e., telecommuting) that results in greater efficiency and cost savings is authorized by state statute.³⁴ Additionally, the Department of Administration's Division of State Human Resources made available a Telecommuting Toolkit to assist state agencies with the development of a remote work implementation strategy.³⁵ The following items are included in the toolkit: agency telecommuting checklist; model telecommuting policy; sample telecommuting application; sample telecommuting agreement; sample telecommuting workplace checklist; sample telecommuting activities form; suggested space guidelines for telecommuting employees; sample business case for telecommuting; telecommuting pilot tracking spreadsheet; spreadsheet to record telecommuting in SCEIS; and required telecommuting reporting for non-SCEIS organizations. The Director of the Department of Administration's Division of State Human Resources informed the Committee the Department of Probation, Parole and Pardon Services is one of multiple agencies with an approved telecommuting policy.³⁶

Examples of operations effectiveness recognized by PPP leadership include its Field Operations Division personnel making a successful transition to a "virtual office" model for offender contacts during the pandemic, which involved probation agents significantly increasing home visits while decreasing office visits as they worked to determine offender compliance with conditions of supervision.³⁷ This benefitted offenders by reducing the time and gas necessary to make office visits, eliminating transportation challenges faced trying to reach PPP offices, and reducing disruptions to their employment.³⁸ In addition, PPP's Administration Division personnel continued to expand and operate PPP's virtual/online payment system for offender fees, which increased fee collections and offender ease in making payments.³⁹ Also, virtual meetings seemed to be conducted more efficiently than many of the in-person meetings held before the pandemic.⁴⁰

Effectiveness

The five findings relating to effectiveness are summarized in Table 3.

Table 3. Summary of findings relating to effectiveness

EFFECTIVENESS	<p>7. PPP’s innovations (e.g., paperless county offices, in-house data system, etc.) may be transferable to other state agencies.</p> <p>8. PPP calculates total operational costs (e.g., taser, body worn camera, vehicle lease, work cell phone) when requesting funding for a new employee.</p> <p>9. Over 75% of victims do not receive full restitution.^{SEE RECOMMENDATIONS #8-#11 AND #17-#19}</p> <p>10. Funding PPP did not request and has no control over how it is spent, passed through the agency to an outside entity (e.g., \$750,000 in fiscal year 2020 and \$750,000 in fiscal year 2022).</p> <p>11. Agencies focus on their own individual operations when purchasing technology (e.g., case management and other data management systems). While understandable, this siloed focus facilitates duplication of efforts across multiple agencies using the same information. If the General Assembly desires increased efficiency across all of state government operations, it will need to create incentives or provide consequences to change current agency purchasing practices.^{SEE RECOMMENDATIONS #8-#18, #32-#34, AND #36-#40}</p>
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FINDING #7. PPP’s innovations (e.g., paperless county offices, in-house data system, etc.) may be transferable to other state agencies.

During the study, agency personnel shared a variety of innovations, in general and arising from addressing COVID-19 issues.

Some are efficiency innovations. For example, agency personnel are transitioning to paperless county offices via an electronic offender management system.⁴¹ Benefits from this transition include increased: work efficiency as agents can access up-to-date information on an offender’s case from any location, data security, and data recovery.⁴² Additionally, there is a savings from no longer using paper (approximately \$407,876.21 annually) as well as from utilizing in-house technology expertise for creation of the processes instead of contracting with outside vendors.⁴³ Discussion of innovation is welcome during agency personnel meetings, and when technology opportunities are identified, there is the option to create in-house solutions or utilize outside private vendors.⁴⁴ Notably, the persistence of employees to seek efficiencies has also proved beneficial.⁴⁵ As another example of PPP’s innovations, online and specialized training programs are available to agency personnel and an employee workload committee seeks to find ways to streamline agency personnel tasks.⁴⁶

Some are financial innovations. For example, a six-member employee budget panel from a cross-section of agency divisions helps “more accurately account for budgetary expenditures, promote accountability and transparency to all agency cost centers, and to ensure financial integrity is maintained throughout the organization.”⁴⁷ As another example, agency personnel routinely provide internal presentations about PPP’s budget, which “promotes transparency and accountability, fosters trust in the organization, and allows the department staff to know exactly what it costs to operate within their perspective areas.”⁴⁸ Additionally, agency

personnel have a regular replacement plan for equipment (i.e., two ipads; cell phone; laptop; additional monitor; hotspot; and headset) utilized by the South Carolina Board of Pardons and Paroles.⁴⁹

Some innovations have improved agency personnel interactions with both victims and offenders. Regarding victims, streamlining agency processes has reduced the average amount of days it takes to confirm and mail a restitution check from 30 to 14 days.⁵⁰ With regard to offenders:

[T]he Field Operations Division made a successful transition to a “virtual office” model for offender contacts, which involved probation agents significantly increasing home visits while decreasing office visits as they worked to determine offender compliance with conditions of supervision. This benefitted offenders by reducing the time and gas they had to use to make office visits, eliminating transportation challenges they faced trying to get to our offices, and reducing disruptions to their employment. In addition, the Administration Division continued to expand and operate the Department’s virtual/online payment system for offender fees, which increased fee collections. In addition, virtual meetings seemed to be conducted more efficiently than many of the in-person meetings held before the pandemic.⁵¹

FINDING #8. PPP calculates total operational costs (e.g., taser, body worn camera, vehicle lease, work cell phone) when requesting funding for a new employee.

When the current agency head was appointed in 2015, PPP had almost twice as many officers as it had available vehicles, a situation that had a negative impact on employee morale.⁵² In working to resolve this issue, the agency head observed the agency’s new employee funding requests did not consider all costs necessary to equip a new officer to perform their duties (e.g., gun, vest, body-worn camera, computer, vehicle, etc.).⁵³ Accordingly, the agency head worked with the Department of Administration and General Assembly to obtain necessary equipment for PPP officers.⁵⁴ Agency personnel now strive to include all necessary costs in any budget requests for new employees.⁵⁵ Table 4 illustrates the difference inclusion of these costs can make in a budget request.

Table 4. Per agent cost comparison between fiscal year 2015 and fiscal year 2021, which includes breakdown of all costs to equip the agent ⁵⁶

Agent Cost FY 21			Agent Cost FY 15		
Recurring			Recurring		
Salary		\$36,700	Salary		\$33,000
Fringe		\$17,249	Fringe		\$12,861
Vehicle Lease		\$10,372	Vehicle Lease		N/A
Axon Taser Program		\$680	Axon Taser Program		N/A
Body Worn Camera		\$1,080	Body Worn Camera		N/A
Cell Phone		\$480	Cell Phone		N/A
Total Recurring		\$66,561	Total Recurring		\$45,861
Non-Recurring			Non-Recurring		
Furniture		\$900	Operating		\$13,201
Computer		\$2,047	DOES NOT INCLUDE ALL COSTS TO EQUIP THE AGENT.		
Duty Equipment		\$12,310			
LE Vehicle Package		\$1,934	Total Non-Recurring		\$13,201
Total Non-Recurring		\$17,192	Total Non-Recurring		\$13,201
Total Cost		\$83,753	Total Cost		\$59,062

FINDING #9. Over 75% of victims do not receive full restitution.⁵⁷

Restitution is within the discretion of the court, and it may be ordered for any type of crime.⁵⁸ The amount of restitution may be determined by the court or the South Carolina Board of Pardons and Paroles (parole board).⁵⁹ Collection of restitution from offenders may occur during incarceration or under the supervision of PPP personnel.⁶⁰

Restitution collection during incarceration in state prison

During incarceration in a state prison, court ordered victim restitution is processed from specific offender accounts.⁶¹ The Department of Corrections (SCDC) can only send payments for victim restitution to PPP or the county clerk of court office.⁶² SCDC has had trouble with some county clerks refusing to accept restitution payments.⁶³

Restitution collection under the supervision of PPP

For offenders under the supervision of PPP, if the court or parole board has not already done so, agency personnel set up a restitution payment schedule. The payment is originally calculated so the balance is paid within 80% of the period of supervision, but it can be restructured due to offender hardship.⁶⁴ PPP personnel have established collection mechanisms, and state statute provides a referral must be made back to court when six restitution payments are missed.⁶⁵

Prior to 2010, an offender remained under standard PPP supervision, even if the only requirement remaining was financial.⁶⁶ In 2010, the General Assembly authorized PPP

personnel to utilize administrative monitoring when financial obligations were the only remaining requirement.⁶⁷ Through administrative monitoring, an offender must continue to make financial obligations but is not required to report to a PPP officer, etc.⁶⁸ As of June 30, 2020, there were 22,651 offenders in the administrative monitoring program, which comprised over 1/3 of the population under PPP's jurisdiction. It is unclear what impact the administrative monitoring program has made on restitution collection.

Recommendations #8-#11 and #17-#19 address this finding.

FINDING #10. Funding PPP did not request and has no control over how it is spent, passed through the agency to an outside entity (e.g., \$750,000 in fiscal year 2020 and \$750,000 in fiscal year 2022).

This finding pertains to pass-through funding. This means the funds are provided to the Department of Probation, Parole and Pardon Services with an instruction the agency should provide these funds directly to another entity. In fiscal year 2020 and fiscal year 2022, funds passed through PPP to the Alston Wilkes Society, a nonprofit organization.⁶⁹ Listed below is the accounting for fiscal year 2022 provided by the Alston Wilkes Society to PPP pursuant to proviso 117.21:

The Alston Wilkes Society is requesting \$750,000.00 to be used for some infrastructure needs, but mainly to serve an additional 500 clients statewide who are on state probation or parole. These funds would be used to help with housing, job placement assistance, clothing, food, transportation, birth certificates & state IDs. Along with the \$750,000.00 that is already in recurring status in the budget, we would be able to serve a grand total of 1,000 additional citizens in helping them become tax paying citizens.⁷⁰

According to the most recent public information available from the Secretary of State's Office, the Alston Wilkes Society devoted 83% of its total expenses to program services for the organization's 2019 fiscal year.⁷¹

In 2017, the Committee adopted a recommendation seeking accountability for funds that pass-through state agencies to other entities.⁷² Studies of other agencies (e.g., Commission on Prosecution Coordination; Department of Archives and History; Department of Mental Health; and Law Enforcement Training Council and Criminal Justice Academy) have noted pass-through funding.

FINDING #11. Agencies focus on their own individual operations when purchasing technology (e.g., case management and other data management systems). While understandable, this siloed focus facilitates duplication of efforts across multiple agencies using the same information. If the General Assembly desires increased efficiency across all of state government operations, it will need to create incentives or provide consequences to change current agency purchasing practices.

This recommendation seeks to encourage continued interagency collaboration to explore data sharing opportunities that may increase overall efficiencies within state government. During the study, two examples of such collaboration were noted.

First, the Department of Administration’s Division of Technology Operations (DTO) assists state agencies with implementing a statewide strategic information technology plan.⁷³ While DTO personnel provide state agencies with guidance and oversight on technology purchases, there does not appear to be a requirement for analysis of similar information utilized by multiple agencies.⁷⁴ Requiring or conducting this analysis may ensure future creation and modification of technology at agencies, whether through external vendors or internal staff, affords opportunities for increased operational efficiencies through transfer, or centralized storage, of common information utilized by entities within state government.

Second, the judicial branch, which is among the entities not subject to oversight by DTO, as part of the replacement process for its case management system (CMS) has begun analysis of how various law enforcement entities, including PPP, utilize information available in CMS.⁷⁵ Notably, Court Administration personnel held meetings with representatives of PPP and the Department of Corrections regarding data sharing and the electronic sentence sheet.⁷⁶ Some agencies were already utilizing the system to receive time-sensitive information such as the State Law Enforcement Division and the Department of Motor Vehicles, but there are others who may benefit from the information contained within the system going forward (e.g., Department of Social Services, Department of Health and Environmental Control, Department of Revenue, etc.).⁷⁷

Recommendations #8-#18, #32-#34, and #36-#40 address this finding.

Paroles and Pardons

The two findings relating to paroles and pardons are summarized in Table 5.

Table 5. Summary of findings relating to paroles and pardons

PAROLES AND PARDONS	<p>12. Parole eligible does not mean an offender is guaranteed parole if certain conditions are met. Parole is at the discretion of the Board of Paroles and Pardons. <small>SEE RECOMMENDATIONS #6, #11-#12, #22-#24, AND #30-#31</small></p> <p>13. Under the existing organizational structure, a guarantee of parole cannot be utilized as a reliable method to incentivize good behavior or program participation by inmates at the Department of Corrections. <small>SEE RECOMMENDATIONS #6 AND #11-12</small></p>
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FINDING #12. Parole eligible does not mean an offender is guaranteed parole if certain conditions are met.⁷⁸ Parole is at the discretion of the Board of Paroles and Pardons.⁷⁹

FINDING #13. Under the existing organizational structure, a guarantee of parole cannot be utilized as a reliable method to incentivize good behavior or program participation by inmates at the Department of Corrections.

Parole is a privilege, exercised entirely at the discretion of the Board of Pardons and Paroles (parole board), and is not a right.⁸⁰ Discretion denied at one hearing may be exercised at a subsequent hearing.

Training

To assist parole board members in understanding various considerations and consequences in exercising this privilege, training is required when initially appointed (i.e., 16 hours within 90 days of confirmation) and annually (i.e., minimum of eight hours).⁸¹ If a board member does not complete training, the Governor may remove the board member or, if exceptional circumstances exist, grant an extension for completion of training.⁸² However, there is no evidence of any recent board members removal for this reason and no existing statutory requirement that a parole board member obtain training prior to participating and voting in a hearing.⁸³

Eligibility for Hearing

While the granting of parole is discretionary, the right to a parole hearing is not. One of the only actions for which an offender's good behavior credit during incarceration does not factor in is the calculation of when the offender becomes eligible for a parole hearing.⁸⁴

Requirements for granting

State law lists requirements a parole board must be satisfied are met before granting an individual parole.⁸⁵ Factors include:

- prisoner has shown a disposition to reform;
- in the future he will probably obey the law and lead a correct life;
- by his conduct he has merited a lessening of the rigors of his imprisonment;
- the interest of society will not be impaired thereby; and
- suitable employment has been secured for him.⁸⁶

While there is nothing in the law that speaks to establishment of reasons for rejection, the parole board has established them.⁸⁷ If an offender's request for parole is rejected, the parole board's rejection letter to the offender includes the individual reasons the parole board believes are applicable.⁸⁸ The reasons for rejection established by the parole board include:

- nature and seriousness of the current offense;
- indication of violence in the current or previous offense;
- use of a deadly weapon in the current or previous offense;
- subject's criminal history indicates poor community adjustment;
- inmate failure to successfully complete any supervision program; and
- inmate's institutional record is unfavorable.⁸⁹

While state law requires the parole board establish written criteria to consider when determining whether an offender satisfies the requirements for granting parole and provisional parole, each board member may place as little or as much weight as desired on each of the criteria.⁹⁰ It is possible a board member is never satisfied an offender has met the requirements necessary to grant parole because of the crime committed.⁹¹ Therefore, positive actions (e.g., good behavior or program participation) during incarceration may not improve prospects of obtaining parole.⁹²

Recommendation #6, #11-#12, #22-#24, and #30-#31 address Finding #12.

Recommendations #6 and #11-#12 address Finding #13.

The two findings relating to modernization of laws are summarized in Table 6.

Table 6. Summary of findings relating to modernization of laws

MODERNIZATION OF LAWS	<p>14. A statute encouraging innovation in state government by the Budget and Control Board, a defunct agency, should be modernized.</p> <p>15. Some statutory authorizations have not been utilized by PPP (e.g., Home Detention Act).</p> <p>16. Circumstances (e.g., lack of funding or agency choice if there is no consequence for failure to implement) may exist where some statutory requirements are not implemented by state agencies.</p> <p>17. The General Assembly may wish to consider including sunset provisions in legislation (e.g., discretionary programs not funded for more than a decade). <small>SEE RECOMMENDATIONS #25 AND #27-#29</small></p>
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FINDING #14. A statute encouraging innovation in state government by the Budget and Control Board, a defunct agency, should be modernized.

Almost 30 years ago, S.C. Code Section 8-1-190 was enacted and directed the Budget and Control Board to enter pilot programs with individual or groups of agencies to create innovations in state government. Approximately six years ago, the Budget and Control Board was abolished.⁹³ S.C. Code Section 8-1-190 was never updated and a Code Commissioner’s note to the statute states:

At the direction of the Code Commissioner, reference in this section to the former Budget and Control Board has not been changed pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), until further action by the General Assembly.

FINDING #15. Some statutory authorizations have not been utilized by PPP (e.g., Home Detention Act).

Establishment of a home detention program (i.e., alternative to incarceration for low-risk, nonviolent offenders for court to consider) is discretionary.⁹⁴ During the study, PPP representatives testified the agency does not have one and has never had a home detention program. PPP personnel believe the creation of a home detention program as an alternative to incarceration is best be left to the state agency with explicit jurisdiction over incarceration, the Department of Corrections.⁹⁵ Of interest, some local governments have exercised their discretion to establish these programs.⁹⁶

FINDING #16. Circumstances (e.g., lack of funding or agency choice if there is no consequence for failure to implement) may exist where some statutory requirements are not implemented by state agencies.

During the study, agency personnel noted statutory provisions enacted in 1995 establishing a statewide pretrial classification personnel classification program were not implemented due to staff (i.e., PPP and Court Administration personnel) concerns about separation of powers issues.⁹⁷ PPP personnel assert new legislative provisions (i.e., arresting officers required to provide relevant information about defendants to magistrates considering bail) effectively replaced the questionable statute enacted in 1995.⁹⁸

Sometimes agency personnel at separate state agencies may interpret statutory provisions differently. For example, Department of Corrections (SCDC) personnel and PPP personnel have differing interpretations of the jail time statute (i.e., S.C. Code Section 24-13-40), which has led SCDC personnel to obtain certain paperwork from other sources rather than from PPP.⁹⁹

FINDING #17. The General Assembly may wish to consider including sunset provisions in legislation (e.g., discretionary programs not funded for more than a decade).

Inclusion of sunset provisions in statutes may provide clarity for the public as agency operations continue to evolve. During the study of the Department of Probation, Parole and Pardon Services, there are examples of: (1) discretionary programs provided for in statute that are no longer operated (e.g., operation of community control centers which ceased in 2002 and offender management system which ceased in 1995) or funded (e.g., day reporting centers were never funded and PPP transitioned from their usage in 2018); and (2) tasks accomplished by a specific date and the date has passed (e.g., implementation of a statewide classification system and submission of the plan to the legislature by January 1982).¹⁰⁰

Recommendations #25 and #27-#29 address this finding.

RECOMMENDATIONS

The Subcommittee has 40 recommendations. These are directed to the multiple entities: Department of Probation, Parole and Pardon Services; General Assembly; Criminal Justice Academy and Law Enforcement Training Council; Attorney General’s Office; Department of Corrections; and Commission on Prosecution Coordination.

With any study, the Committee recognizes **these recommendations (e.g., continue, curtail, and/or eliminate agency programs, areas for potential improvement, etc.) will not satisfy everyone nor address every issue or potential area of improvement at the agency.** These recommendations are based on the agency’s self-analysis requested by the Committee, discussions with agency personnel during multiple meetings, and analysis of the information obtained by the Committee. This information, including, but not limited to, the Program Evaluation Report, Accountability Report, Restructuring Report, and videos of meetings with agency personnel, is available on the Committee’s website.

Recommendations to the Department of Probation, Parole and Pardon Services (PPP)

The Committee’s mission includes a commitment to transparency by informing the public about state agencies. The Subcommittee makes seven recommendations to the agency related to transparency, and a summary is in Table 7.

Table 7. Summary of transparency recommendations to the Department of Probation, Parole and Pardon Services

TRANSPARENCY	REPORTING AND POSTING
	1. Update information in the agency’s accountability report to match the Program Evaluation Report, or agency current operations and continue tracking applicable data about services, performance, and organization.
	2. Post online (i.e., in an easily accessible place for the public) community service (i.e., public service employment) information in a downloadable format.
	3. Collaborate with the Revenue and Fiscal Affairs Office (RFA) to determine non-confidential PPP information that may be beneficial to the public if made available in one of RFA’s digital applications (e.g., dashboard, locateme).
	4. Update and implement agency policy to reflect statutory requirements for personnel to electronically submit reports for the General Assembly to the Legislative Services Agency.
	5. Post online and submit to the Committee, after annually collaborating with the Department of Corrections and any other applicable agencies or entities, an updated flow chart illustrating the incarceration and supervision to release process (available here), which was first created as part of this oversight study process.

PAROLES AND PARDONS

6. Create and post online (i.e., in an easily accessible place for the public) an “Understanding Paroles” and “Understanding Pardons” document that provides a basic overview of related information and processes (e.g., explanation of what is required in law and what is discretionary; criteria for granting parole; timeline of events between being granted parole and released on parole; why all offenders granted parole may not be released on parole; reasons for rejecting parole; sample documents, etc.).^{SEE FINDINGS #2 AND #12-13}
7. Track information related to pardons going forward as aggregate data (e.g., year; demographics of applicant; whether represented by counsel; etc.) related to past pardons that were granted or denied is unavailable.

Reporting and Posting

RECOMMENDATION #1. Update information in the agency’s accountability report to match the Program Evaluation Report, or agency current operations and continue tracking applicable data about services, performance, and organization.

The Committee’s vision is for South Carolina agencies to become, and continuously remain, the most effective state agencies in the country through processes, which eliminate waste and efficiently deploy resources thereby creating greater confidence in state government.¹⁰¹

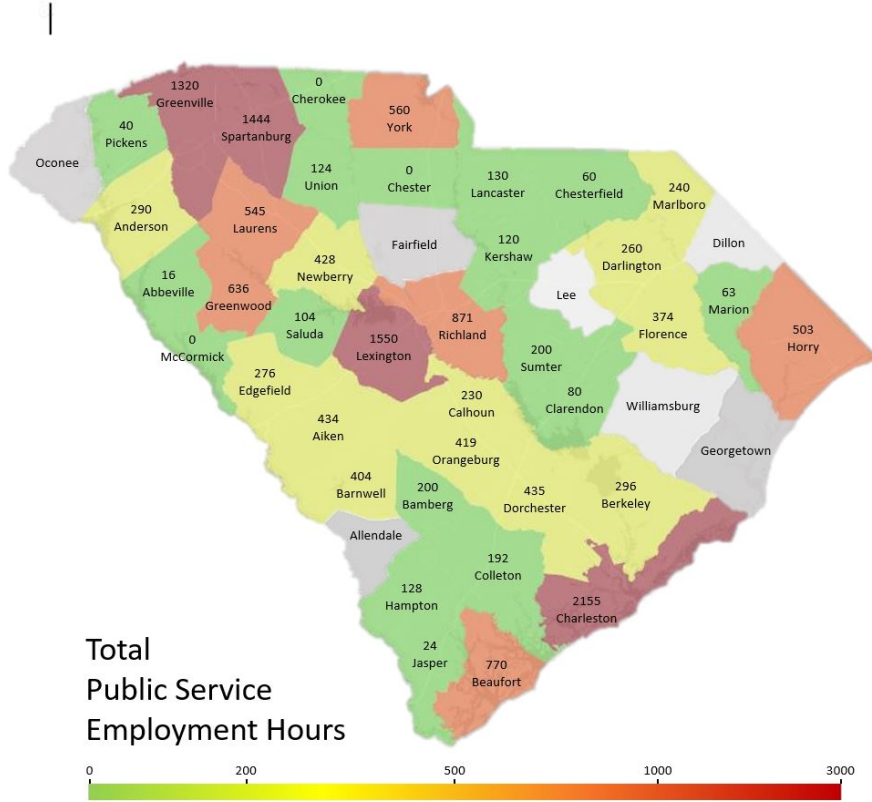
This recommendation requests the Department of Probation, Parole and Pardon Services provide an updated Program Evaluation Report (PER) to the Committee and make any adjustments necessary in next year’s accountability report submission to match the descriptions in the PER. This recommendation encourages the agency to track services and related information, each year going forward to allow those reviewing the information to compare similar material.

Agency personnel should research opportunities to track outcomes throughout the agency and determine whether the current set of performance measures assists agency management in determining if the agency is accomplishing its mission. The Department of Administration’s Executive Budget Office provides agencies with assistance in selecting outcome and efficiency measures through trainings and individual agency consultations.

RECOMMENDATION #2. Post online (i.e., in an easily accessible place for the public) community service (i.e., public service employment) information in a downloadable format.

Transparency about government operations is a method to build public confidence. Recommendation #2 seeks to increase transparency about offender public service provided while under the supervision of PPP personnel. PPP county offices individually recruit and vet nonprofit organizations for which offenders can perform community service.¹⁰² From fiscal years 2019 to 2021, public service employment sites benefited from 15,920 offender public

service hours.¹⁰³ Figure 3 illustrates the number of offender public service employment hours worked by county of location for fiscal years 2019 – 2021.



Greenville	
Local	80
Nonprofit	1080
State	160
Greenwood	
Local	56
Nonprofit	580
Hampton	
Local	128
Horry	
Local	143
Nonprofit	360
Jasper	
Local	24
Kershaw	
Nonprofit	120
Lancaster	
Local	0
Nonprofit	100
State	30
Laurens	
Local	56
Nonprofit	489
Lexington	
Local	450
Nonprofit	1100
Marion	
Local	63
Marlboro	
State	240
McCormick	
Nonprofit	0
Newberry	
Local	427.5
Orangeburg	
Nonprofit	419
Pickens	
Local	0
Nonprofit	40
Richland	
Local	323
Nonprofit	403
State	145
Saluda	
Nonprofit	104
Spartanburg	
Local	235
Nonprofit	1102
State	107
Sumter	
Nonprofit	200
Union	
Nonprofit	124
York	
Nonprofit	560

Abbeville	
Local Government	16
Aiken	
Local Government	250
Nonprofit Organization	184
Anderson	
Local Government	250
Nonprofit Organization	40
State Government	0
Bamberg	
Local Government	200
Barnwell	
Local Government	175
Nonprofit Organization	88
State Government	141
Beaufort	
Local Government	390
Nonprofit Organization	300
Business	80
Berkeley	
Local Government	200
Nonprofit Organization	96
Calhoun	
Local Government	230
Charleston	
Local Government	40

Nonprofit Organization		2015
State Government		100
Cherokee		
Nonprofit Organization		0
Chester		
Nonprofit Organization		0
Chesterfield		
Local Government		60
State Government		60
Clarendon		
Local Government		80
Colleton		
Local Government		192
Nonprofit Organization		0
Darlington		
Local Government		260
Dorchester		
Local Government		162.5
Nonprofit		72.5
State Government		200
Edgefield		
Local		180
State		96
Florence		
Local		64
Nonprofit		309.5

Figure 3. Number of offender public service employment hours worked by county of location for fiscal years 2019 – 2021

RECOMMENDATION #3. Collaborate with the Revenue and Fiscal Affairs Office (RFA) to determine non-confidential PPP information that may be beneficial to the public if made available in one of RFA’s digital applications (e.g., dashboard, locateme).

The Committee is aware the Revenue and Fiscal Affairs Office (RFA) is building an enhanced reporting system for publicly available data as a means of improving efficiency and transparency for the public. For example, RFA offers an online “Locate Me” service, which provides information about South Carolina districts and boundaries (e.g., House districts, Senate districts, school districts, etc.) by address.¹⁰⁵ Additionally, RFA’s website includes dashboards to access state information.¹⁰⁶

Notably, PPP already has a data sharing agreement with RFA.¹⁰⁷ Posting online publicly available information may help further inform the public about the agency’s operation (e.g., location of field offices, caseload report by county [i.e., ratio report], etc.) and those who are under its supervision (e.g., offense type by region; aggregate status of offender restitution collection, etc.).¹⁰⁸

Additionally, PPP personnel should consult with RFA personnel to determine if any of RFA’s tools or expertise may assist the agency in the creation of reports and interactive tools on the agency’s webpage or for internal agency operation analysis.

RECOMMENDATION #4. Update and implement agency policy to reflect statutory requirements for personnel to electronically submit reports for the General Assembly to the Legislative Services Agency.

During the study, agency personnel expressed a desire for increased electronic transmission of reports.¹⁰⁹ Notably, S.C. Code Section 2-1-230 requires electronic submission of agency reports to the General Assembly via its Legislative Services Agency. This recommendation encourages agency personnel to formalize this requirement in agency policies to ensure utilization of this efficiency.

RECOMMENDATION #5. Post online and submit to the Committee, after annually collaborating with the Department of Corrections and any other applicable agencies or entities, an updated flow chart illustrating the incarceration and supervision to release process, which was first created as part of this oversight study process.

To help inform the public about state agencies, the Committee posts flow charts explaining agency operations; criminal justice flow charts created as part of the House legislative oversight process include:

- Crime to Sentencing
- Incarceration and Supervision to Release;
- Crime Victim Information and Government Entities that Contact Crime Victims;

- Probation Violation Order: Journey from PPP to Court;
- Sentencing Sheet: Journey from Solicitors Office to Court to SCDC, PPP, etc.; and
- Sentencing Sheets: Electronic process newly created by Court Administration.

The criminal justice system is complex. Prior to this study, there was not a uniform diagram explaining the probation and parole process. This recommendation seeks to keep a flow chart relevant to PPP operations accurate. Accordingly, PPP personnel should annually convene or communicate with relevant stakeholders (i.e., personnel with the Attorney General’s Office; Court Administration; and Department of Corrections) to ensure the flow chart of the sentencing, supervision, and release process remains accurate. Figure 4 shows this flow chart. Also, expansion and improvement (e.g., addition of references to applicable laws and data about number of individuals at each stage of the process) to the flow chart are welcome.¹¹⁰ The updated flow chart should be shared electronically with the Committee and relevant parties as well as posted on the agency’s webpage.

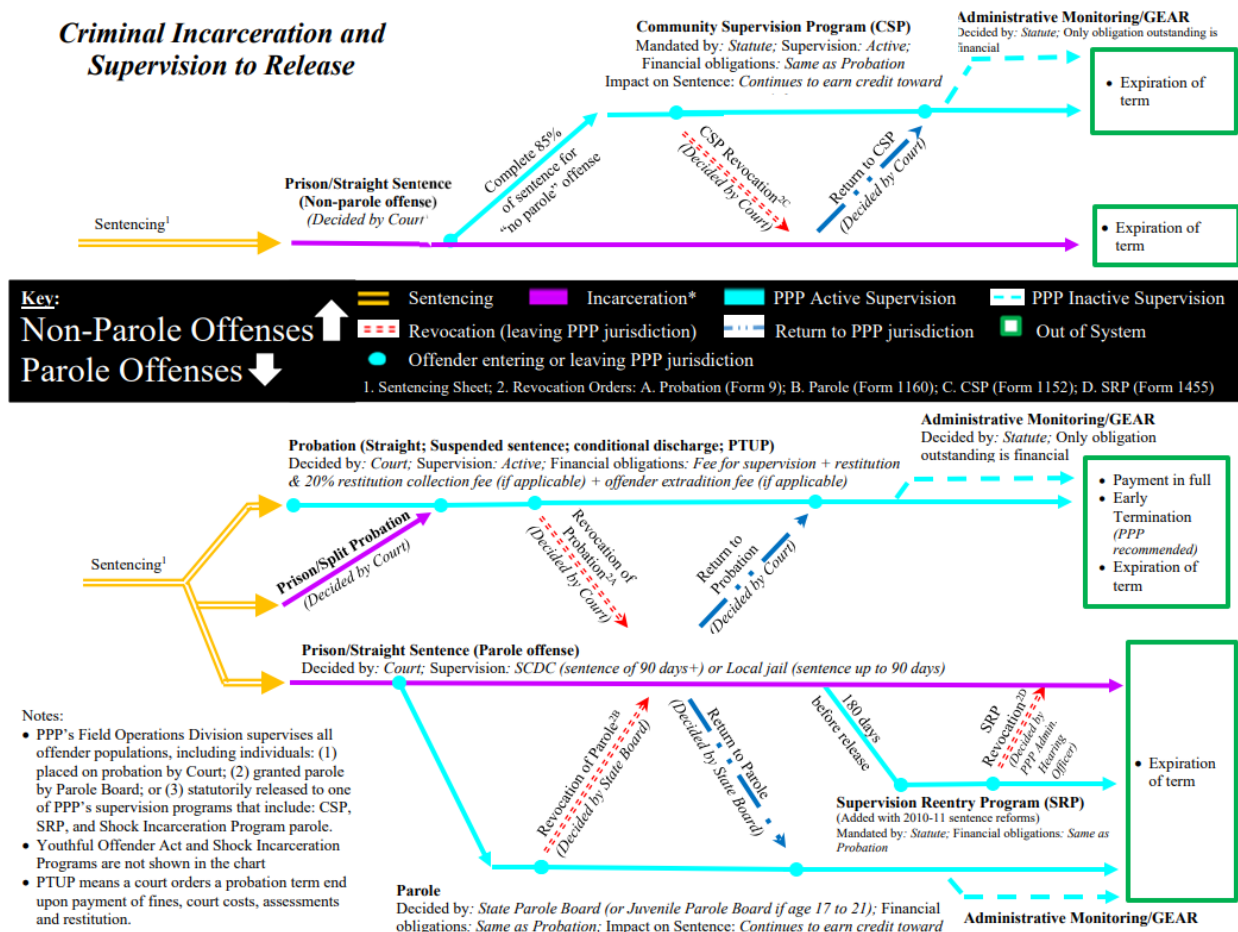


Figure 4. Flow chart illustrating criminal incarceration and supervision to release

Paroles and Pardons

RECOMMENDATION #6. Create and post online (i.e., in an easily accessible place for the public) an “Understanding Paroles” and “Understanding Pardons” document that provides a basic overview of related information and processes (e.g., explanation of what is required in law and what is discretionary; criteria for granting parole; timeline of events between being granted parole and released on parole; why all offenders granted parole may not be released on parole; reasons for rejecting parole; sample documents, etc.).

RECOMMENDATION #7. Track information related to pardons going forward as aggregate data (e.g., year; demographics of applicant; whether represented by counsel; etc.) related to past pardons that were granted or denied is unavailable.

Recommendations #6 and #7 seek to increase transparency about parole and pardon process for the public, including victims and offenders. Currently, agency personnel include only two questions related to parole under its frequently asked questions section of its website.¹¹¹ Understanding how these processes work may help victims and offenders better manage expectations.

See Finding #12 for a brief discussion of the parole process.

Pardon is a privilege and is not a right. This privilege is exercised entirely at the discretion of the Board of Paroles and Pardons whose decision is not appealable. The average length of time for review, hearing, and decision on a pardon application is seven to nine months.¹¹² Given the discretionary nature of pardons, no information is provided to those who are granted or denied it.¹¹³ Figure 5 is an example of an order granting pardon. Figure 6 is an example pardon rejection letter. As there are no established criteria for the pardon board to consider, having access to historical pardon data sought in Recommendation #7 may help offenders better manage expectations. Agency personnel should track, at a minimum, the following historical information pertaining to pardon decisions: (1) year; (2) demographics of applicant; (3) whether applicant was represented by legal counsel; (4) whether granted pardon hearing; (5) whether granted or denied pardon; (6) crime for which applicant was requesting pardon and (6) develop a method of determining which applicants are the same without identifying the applicant to know number of times in which application submitted. Currently, agency personnel do not track this information.¹¹⁴

SOUTH CAROLINA
DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES
COLUMBIA, SOUTH CAROLINA
ORDER OF PARDON


It having been made to appear to the SOUTH CAROLINA DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES that the pardoning of this individual is not incompatible with the welfare of society, and it appearing further that the BOARD is satisfied «Name» SID 00222279 will abide by all laws of this State:

It is therefore ORDERED that said «Name» SID 00222279 be PARDONED, effective this 01st day of Month 2021, and by this action, is absolved from all legal consequences of his crime and conviction, and all civil rights are restored.

Chairman

Figure 5. Sample order granting pardon

State of South Carolina
Department of Probation, Parole and Pardon Services



HENRY McMASTER
Governor

JERRY B. ADGER
Director

293 Greystone Boulevard
Post Office Box 207
Columbia, South Carolina 29202
Telephone: (803) 734-9220
Fax: (803) 734-9440
www.dppps.sc.gov

DATE

APPLICANT NAME

ADDRESS

CITY, STATE ZIP

Dear APPLICANT

NAME:

After thorough consideration of all the facts in your case, the Board at its meeting on HEARING DATE, rejected your request for a Pardon. Please be advised that the Board does not provide reasons for the decision to reject your request and that the Board's decision is final and may not be appealed.

You may re-apply one year from the date of the rejection decision. If you have any questions, please call me at CONTACT NUMBER

Sincerely,

Board Support
Services

Figure 6. Sample pardon rejection letter

Efficiency

Relating to efficiency, the Subcommittee makes eight recommendations for victims, offenders, and their families, and a summary is in Table 8.

Table 8. Summary of efficiency recommendations to the Department of Probation, Parole and Pardon Services

EFFICIENCY	FOR VICTIMS, OFFENDERS, AND THEIR FAMILIES
	<p>VICTIM NOTIFICATION - Collaborate with the Department of Corrections, Board of Juvenile Parole, Attorney General’s Office, victim groups, and any other applicable agencies or entities on utilization of a common system to offer an electronic notification option to victims. Within a year, report to the Committee on the discussion that occurred, decisions made, and how victims can expect more consistency in how they receive notifications from state agencies. <small>SEE FINDINGS #5, #9, AND #11</small></p>
	<p>VICTIM INFORMATION REPOSITORY - Convene representatives from Department of Corrections, Attorney General’s Office, Department of Juvenile Justice, Board of Juvenile Parole, Court Administration, Prosecution Coordination Commission, application developers in the Revenue and Fiscal Affairs Office, and any other applicable agencies or entities, to evaluate potential costs, benefits, and logistics of agreements to enable secure data sharing and/or creation of a centralized directory of information related to victims. Within a year, report to the Committee the steps taken, information gathered, results of analysis performed, and decision of the agencies. <small>SEE FINDINGS #5, #9, AND #11</small></p>
	<p>OFFENDER RESTITUTION AND DEBT COLLABORATION – Convene applicable representatives from Department of Corrections, Attorney General’s Office, Department of Juvenile Justice, Court Administration, Prosecution Coordination Commission, application developers in the Revenue and Fiscal Affairs Office, and any other applicable agencies or entities to evaluate potential costs, benefits, and logistics of agreements to enable secure data sharing and/or creation of a centralized directory of information related to restitution and debt owed by offenders. Within a year, report to the Committee the steps taken, information gathered, results of analysis performed, and decision of the agencies. <small>SEE FINDINGS #5, #9, AND #11</small></p>
	<p>OFFENDER INFORMATION REPOSITORY - Convene Department of Corrections, Attorney General’s Office, State Law Enforcement Division, Court Administration, Department of Juvenile Justice, Prosecution Coordination Commission, application developers in the Revenue and Fiscal Affairs Office, and any other applicable agencies or entities to evaluate potential costs, benefits, and logistics of agreements to enable secure data sharing and/or creation of a centralized directory of information related to offenders. Within a year, report to the Committee the steps taken, information gathered, results of analysis performed, and decision of the agencies. <small>SEE FINDINGS #2, #5, #9, AND #11-#13</small></p>
	<p>RISK ASSESSMENT AND PROGRAMMING COLLABORATION - Collaborate with the Department of Corrections (SCDC) and any other applicable agencies or entities on objective common recidivism risk assessment methods and program criteria to provide continuity for offenders that transition from supervision at SCDC to supervision with PPP. Within a year, report to the Committee on the discussion that occurred, decisions made, and how there will be more continuity between the methods utilized to determine an offender’s level of risk for recidivating, and programs to which the offender will be directed and/or provided credit. <small>SEE FINDINGS #5 AND #11-13</small></p>

FOR AGENCY

Reach, and document, a formal decision on what entity (i.e., Court Administration or PPP) maintains the probation violation order (i.e., Form 9).^{SEE FINDINGS #5 AND #11}

Work with Court Administration to ensure: (1) forms applicable to PPP operations are included in Court Administration's electronic form project; and (2) timely communication of information, without the need for manual data reentry, can occur between PPP and Court Administration's data management systems.^{SEE FINDINGS #5 AND #11}

Collaborate with Revenue and Fiscal Affairs Office to evaluate potential benefits and options for a cost-effective central hub from which agency personnel can realize maximum benefits across PPP's various databases (e.g., reduce/eliminate duplicative manual entry, etc.) as well as information from other agencies that may improve PPP's effectiveness or efficiency. Within a year, report to the Committee the steps taken, information gathered, results of analysis performed, and decision of the agencies.^{SEE FINDINGS #5 AND #11}

For Victims, Offenders, and their Families

RECOMMENDATION # 8. VICTIM NOTIFICATION- Collaborate with the Department of Corrections, Board of Juvenile Parole, Attorney General's Office, victim groups, and any other applicable agencies or entities on utilization of a common system to offer an electronic notification option to victims. Within a year, report to the Committee on the discussion that occurred, decisions made, and how victims can expect more consistency in how they receive notifications from state agencies.

RECOMMENDATION #9. VICTIM INFORMATION- Convene representatives from the Department of Corrections, Attorney General's Office, Department of Juvenile Justice, Board of Juvenile Parole, Court Administration, Prosecution Coordination Commission, application developers in the Revenue and Fiscal Affairs Office, and any other applicable agencies or entities, to evaluate potential costs, benefits, and logistics of agreements to enable secure data sharing and/or creation of a centralized directory of information related to victims. Within a year, report to the Committee the steps taken, information gathered, results of analysis performed, and decision of the agencies.

RECOMMENDATION #10. VICTIM RESTITUTION – Convene applicable representatives from Department of Corrections, Attorney General's Office, Department of Juvenile Justice, Court Administration, Prosecution Coordination Commission, application developers in the Revenue and Fiscal Affairs Office, and any other applicable agencies or entities to evaluate potential costs, benefits, and logistics of agreements to enable secure data sharing and/or creation of a centralized directory of information related to restitution and debt owed by offenders. Within a year, report to the Committee the steps taken, information gathered, results of analysis performed, and decision of the agencies.

RECOMMENDATION #11. OFFENDER INFORMATION - Convene Department of Corrections, Attorney General's Office, State Law Enforcement Division, Court Administration, Department of Juvenile Justice, Prosecution Coordination Commission, application developers in the Revenue and Fiscal Affairs Office, and any other applicable agencies or entities to evaluate

potential costs, benefits, and logistics of agreements to enable secure data sharing and/or creation of a centralized directory of information related to offenders. Within a year, report to the Committee the steps taken, information gathered, results of analysis performed, and decision of the agencies.

The goal of Recommendations #8 through #11 is to allow personnel at each state agency to spend more time focused on how to continually provide more effective services, instead of ascertaining, and obtaining, information on who they serve.

Notably, representatives from the below agencies indicated agreement with all the recommendations:¹¹⁵

- Department of Probation, Parole, and Pardon Services
- Board of Juvenile Parole
- Attorney General’s Office
- State Law Enforcement Division
- Department of Corrections
- Department of Juvenile Justice
- Prosecution Coordination Commission
- Revenue and Fiscal Affairs Office

Creation of systems to share data requires an understanding of the roles each state agency serves. Accordingly, the related recommendations listed in Table 9 seek process flow charts that illustrate the roles each state agency serves in the state criminal justice system.

Table 9. Related recommendations that seek to outline, and annually update, processes and the flow of information.¹¹⁶

Related Recommendations – Process Flow Charts	To
Recommendation #38. Post online and submit to the Committee, after annually collaborating with Court Administration and other applicable agencies, an updated <u>crime to sentencing flow chart</u> (available here), including addition of applicable forms utilized in the process, which the agency first created as part of its oversight study process.	Commission on Prosecution Coordination
Recommendation #5. Post online and submit to the Committee, after annually collaborating with the Department of Corrections and any other applicable agencies or entities, an updated <u>flow chart illustrating the incarceration and supervision to release process</u> , which was first created as part of this oversight study process.	PPP
Recommendation #36. Post online and submit to the Committee, after annually collaborating with other applicable agencies, updated <u>flow charts illustrating how victim information flows through the criminal justice system</u> and the different points of contact entities have with victims, which was first created as part of the oversight study process with PPP.	Attorney General’s Office
Recommendation #33. Work with applicable entities to create, and implement a policy to annually update, post online, and submit to the Committee (or as part of the Accountability Report), a <u>flow chart showing how each aspect of offender information flows through the criminal justice system</u> from investigation through post-conviction and release, including, but not limited to, the different forms and systems to which it is handwritten or typed, and methods of transfer between various entities.	Criminal Justice Academy

Complicated criminal justice system

The criminal justice system is complicated and involves many entities. Figure 7 illustrates a sample sequence of events in the state criminal justice process. Note, the sequence is not necessarily linear depending upon the actions of the offender (e.g., ability to obtain bond, multiple charges, parole revocation, etc.) Ensuring certain information is appropriately transferred (e.g., health, time served, etc.) protects constitutional rights and government entities from liability. A list of potential entities that may maintain information and need to transfer it back and forth is in Table 10.

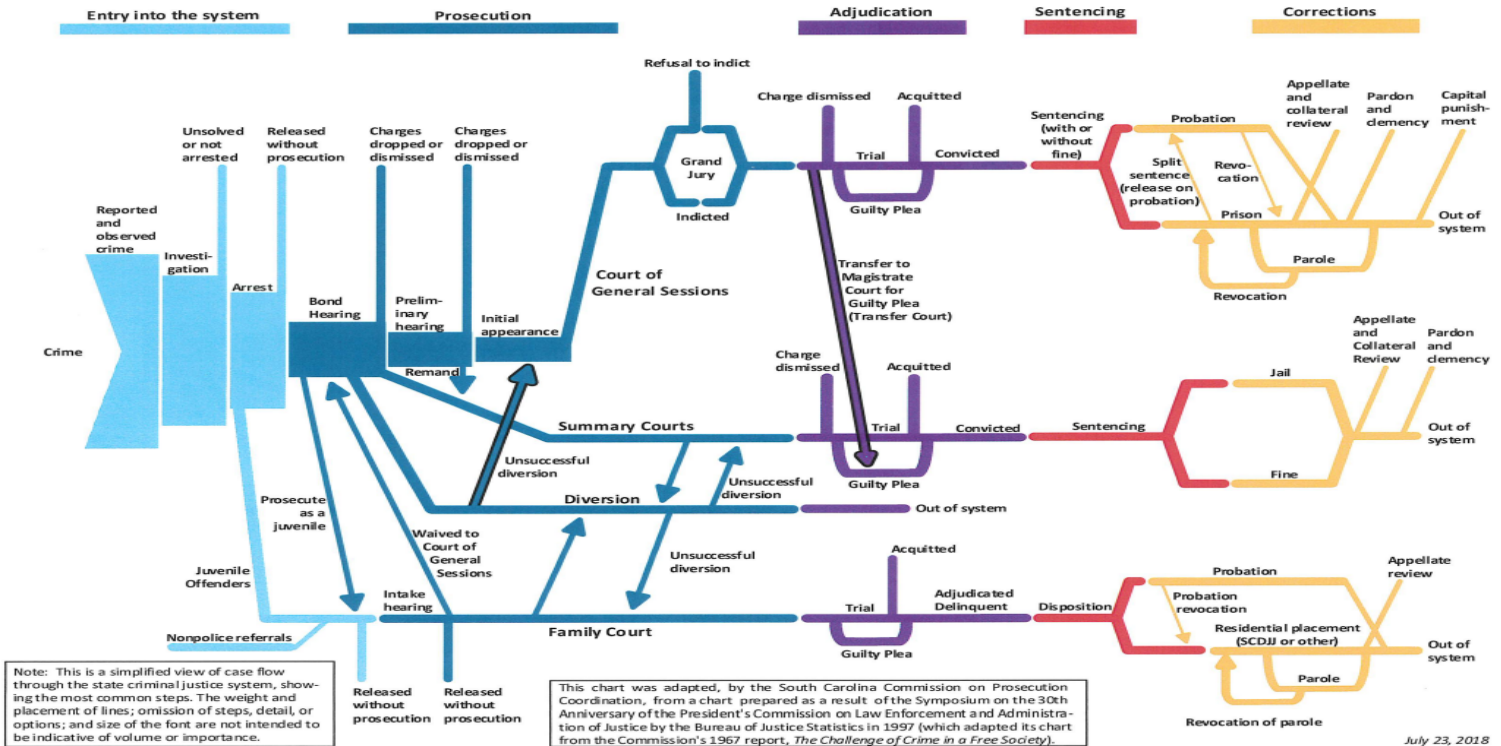


Figure 7. Sequence of events in the state criminal justice process as of July 2018. See Endnote Figure 2 for potential paths from criminal incarceration and supervision to release.¹¹⁷

Table 10. Example entities involved in the process.

INVESTIGATION	PROSECUTION	ADJUDICATION AND SENTENCING	CORRECTIONS
<ul style="list-style-type: none"> • 46 County Sheriff's Offices • 100+ City Police Departments • State Law Enforcement Division • Department of Public Safety • Department of Natural Resources 	<ul style="list-style-type: none"> • Entity conducting investigation • Local prosecutor • Circuit Solicitor's Offices • Attorney General's Office 	<ul style="list-style-type: none"> • Summary Courts (municipal and magistrate) • Family Court • Circuit Court • Court of Appeals • Supreme Court 	<ul style="list-style-type: none"> • Department of Corrections • Department of Probation, Parole, and Pardon Services • Department of Juvenile Justice • Local detention facilities
CUSTODY DURING PROSECUTION, ADJUDICATION, AND SENTENCING			
	<ul style="list-style-type: none"> • Department of Corrections • Department of Probation, Parole, and Pardon Services • Department of Juvenile Justice • Local detention facilities 		

Improved tracking of victim and offender information

Recommendations #9 and #11 seek to improve the tracking of offender and victim information. The state is responsible for tracking offenders and providing information to the victims and numerous entities involved, throughout the offender’s time in the criminal justice process, which may last months, years, or decades.¹¹⁸ Additionally, the state has an interest in maintaining information on repeat offenders to learn what aspects of the process may be improved upon to reduce recidivism.

The current methods of transferring confidential (and non-confidential) offender, victim, and other criminal information among entities may be viewed as antiquated. The process often involves personnel at one agency receiving a letter, email, fax, or phone call, then manually typing the applicable information into the agency’s siloed database then sending the same information via email, mail, or hand delivery to personnel at the next entity, who then manually enters or saves some or all the same information into their agency’s siloed database, and so on, as illustrated in Figure 8.¹¹⁹

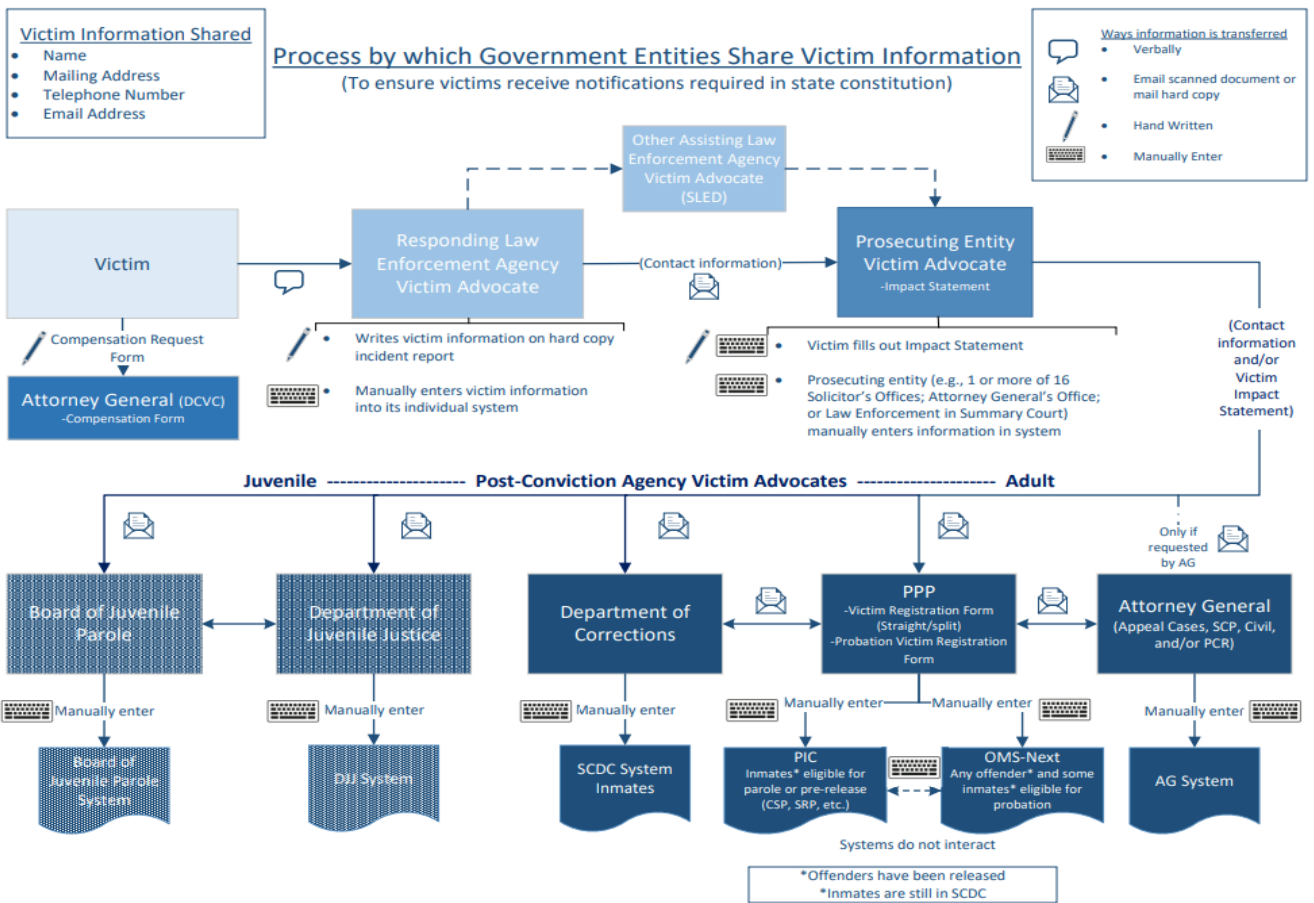


Figure 8. Example of how information related to victims is transmitted between entities in the criminal justice process.¹²⁰ See endnote for example of how information related to offenders is transmitted.¹²¹

This is a time-consuming process based upon the current number of offenders and victims. As of December 2021, there were over 20,000 offenders on PPP active supervision and over 15,000 victims associated with those offenders.¹²² This does not include the offenders at SCDC, local detention facilities, or somewhere else in the criminal justice process (e.g., out on bond).

Examples of issues caused by the current inability to electronically transfer applicable information and/or view all applicable information in a central location, include the following:

- An entity may receive an offender one day, but not have the offender's information in the format and location needed for agency operations for several weeks.¹²³
- A victim may reach the post-conviction stage and not know their case was disposed of at the prosecution stage.¹²⁴
- A victim, offender's family, or state entity cannot access the following for an offender from a central location:
 - all charges (regardless of the county) for which an offender is under supervision;
 - breakdown of time sentenced;
 - breakdown of credits received, including time served and all locations which serve as the source of that credit; and
 - time remaining until eligible for release (e.g., parole, Community Supervision Program, Supervised Reentry Program, maxout).¹²⁵
- An entity that receives custody of an offender cannot quickly access the following from a single location to assist in providing proper supervision/security/medical/dietary needs:
 - criminal history;
 - most recent risk assessment;
 - While the same offender may transition from incarceration at SCDC to supervision under PPP, or vice versa, currently, there is not a way for SCDC and PPP to access information on the risk assessments each conduct on the same offender, other than manually sending documents;
 - medical records with medication, allergies (i.e., continuity of care form); and
 - known gang affiliations.¹²⁶

Additionally, based on the Committee's prior studies of law enforcement entities, some basic statistics are not readily available for analysis and consideration when making legislative changes and determining resources impacted.¹²⁷ The ability to connect data from arrest through disposition by individual entity involved (e.g., law enforcement agency, solicitor's office, judge, etc.) may assist in identifying potential issues and solutions. Appendix A provides additional details on this broader issue, which the agencies may wish to consider as part of their discussions.

There is evidence of efforts made to centralize information related to some aspects of the criminal justice process. As an example, while there are separate victim advocates in the over 150 different entities involved in the criminal justice system, training and certification is centralized within the Attorney General's Office's Crime Victim Services Division.¹²⁸ Additionally, the Attorney General's Office houses the central crime victim ombudsman whose purpose is to ensure that victims of crime are served equitably and treated fairly by the South Carolina criminal justice system and its victim service organization.¹²⁹

Recommendations #9 and #11 seek to foster discussion among entities involved in different stages of the criminal justice process to identify: what is possible with technology capabilities currently at the entities; and what is needed to enable more centralized systems for victim and offender information.¹³⁰

Due to the volume of offenders, victims, and entities involved in the criminal justice process; complexity of different paths an offender may take within the criminal justice process; and length of time in which contact must be maintained with offenders and victims, a central victim information repository and offender information repository may provide many benefits, including, but not limited to, the following:

- added security for confidential information through a single location, instead of copies residing at multiple different agencies;
- decreased errors in victim notification and offender release dates caused by mistakes in recording of information, as fewer individuals would manually re-enter information in different systems;
- increased availability of staff to perform other activities necessary at the agencies, instead of spending time manually re-entering information;
- improved ability to track recidivism, performance of various programs, and perform other analysis;
- improved accountability through tracking and audit trails that (1) indicate if each victim received constitutionally required notifications, and, if not, where issues may need to be addressed or improved upon; as well as (2) status of each offender at all stages of the criminal justice process until fully released and, if the offender returns, access to prior programs utilized to ensure different ones are attempted in striving for longer lasting rehabilitation.¹³¹

Timing of this recommendation may be appropriate as 2021 marked the first year of the South Carolina Judicial Branch's work in replacing a 16-year old case management system (CMS) the judicial branch states was rapidly approaching the end of its life cycle.¹³² Additionally, the Commission on Prosecution Coordination has expressed a need for a database and case management systems for the previous few years, and the State Law Enforcement Division will need a new system in the upcoming couple of years.¹³³

Ensuring coordination of similar or individual systems, may allow for increased standardization of business processes at all stages of the criminal justice process, automated collection and generation of statistics statewide, and maintenance of a centralized repository of essential offender data.

As part of the discussion the representatives of the various entities should:

- Create documentation listing all information each entity possesses about offenders.
- Utilize the flow charts in Recommendation #33 that outline how information about offenders from the different agencies is received, processed, and/or transmitted within each agency, and then externally to other agencies.
- Create a document that outlines the following for each step in the processes:
 - costs to the agency including, but not limited to, personnel time and software or hardware;
 - errors experienced in information received, or method of sending it;
 - frequency of errors,
 - potential causes of the errors; and
 - impact of the errors.
- Consult with professors and researchers to learn of specific data that may be helpful to have accessible for future research and analysis.
- Meet with personnel from the Revenue and Fiscal Affairs Office to ensure information that may allow for the most efficient analysis is being collected.
 - Upon collection of the necessary information, consult with personnel from the Revenue and Fiscal Affairs Office to review the information and determine the anticipated net result if management made investments in technology systems potentially including, but not limited to a secure central repository of information housed at Revenue and Fiscal Affairs from which all three agencies were able to securely access the information needed by the agency.
- Provide a report to LOC outlining the steps taken, information gathered, and results of analysis performed.

Victim Notification

Recommendation #8 pertains to victim notification and seeks to evaluate the potential for a central notification system through encouragement of increased interagency collaboration. The South Carolina Constitution enumerates rights for crime victims, including, among other things, the right to be reasonably informed about certain issues.¹³⁴ These triggering events occur throughout the criminal justice process.¹³⁵ Since triggering events occur throughout the process, there are numerous entities responsible for sending the notifications. Additionally, there are scenarios under which victims may receive notification from more than one of these entities in different formats (e.g., email from one, letter from another).¹³⁶ A sample of triggering events is below and Figure 9 illustrates the numerous entities sending the notifications, some of which at the same time.¹³⁷

- Offender is arrested
- Offender makes bond
- Offender escapes from local detention facility
- Offender has a bond hearing
- Preliminary hearing
- Offender’s bond hearing or bond reduction hearing
- Defendant’s guilty plea
- Defendant’s trial
- Restitution hearing
- Offender is released from an institution (e.g., maxout, mandatory release programs)
- Offender escapes from institution
- Offender absconds from supervision
- Parole consideration hearings
- Violations of parole or shock parole
- Violations of probation and community supervision
- Post-conviction relief hearings
- Oral arguments for direct appeal or PCR appeal cases

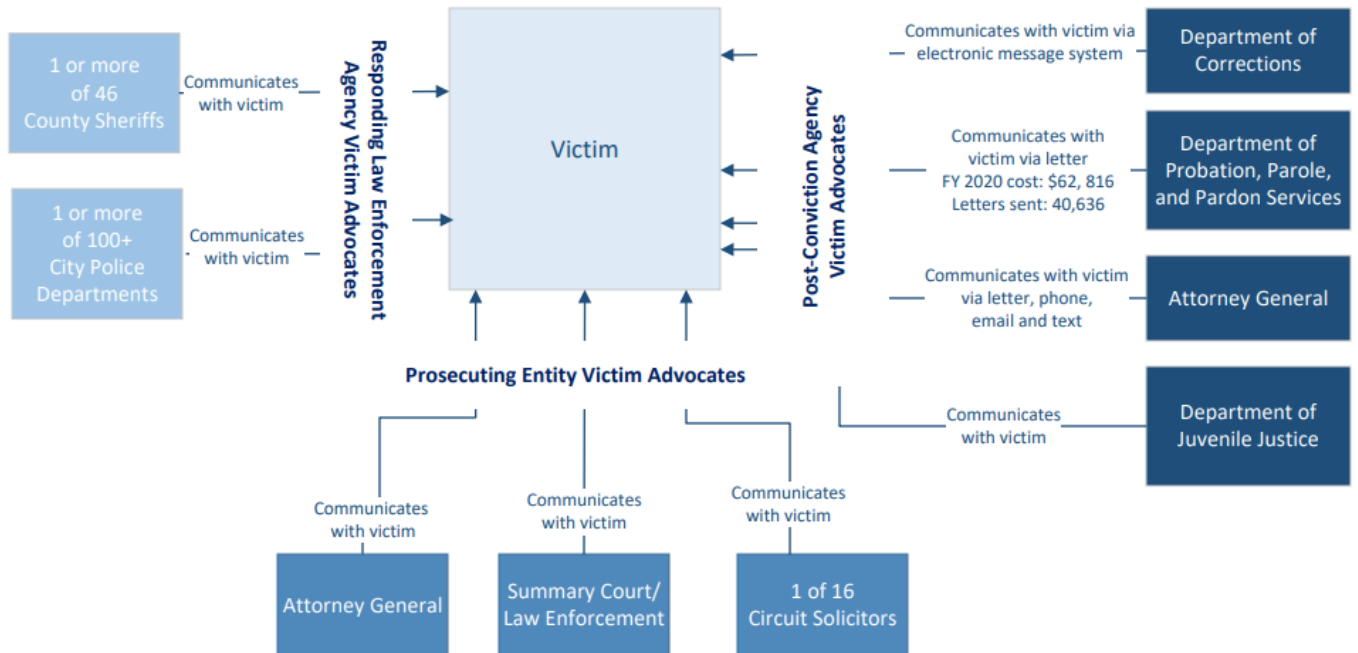


Figure 9. Entities from whom victims may receive contact.¹³⁸

A victim may be contacted by multiple entities, which is inefficient and possibly traumatizing (e.g., relive the crime). Currently, there is no central location for the victim to log in and initially set, or later change preference for any of the following as it relates to communication from all entities in the criminal justice process:

- which notifications they receive;
- method by which they receive notification (e.g., mail, text, phone call, etc.); or
- location to which notifications are sent (e.g., if contact information changes).¹³⁹

Also, there is no central system for all entities in the criminal justice process to utilize in communicating with victims, review notifications sent by other entities, or otherwise access victim information necessary to fulfill their responsibilities.¹⁴⁰

When a victim desires electronic notification, or does not wish to receive notification, the state is wasting resources in employee time and hard costs in sending those notifications via mail, etc.

Victim Restitution

Recommendation #10 pertains to victim restitution. As noted in Finding #9, most victims do not receive full restitution. Failure to receive full payment occurs for numerous reasons including but not limited to, hardships, and, in some cases, state law only permitting the Department of Corrections (SCDC) to send restitution payments to PPP or the county clerk of court office and some county clerks refusing to accept restitution payments.¹⁴¹

The lack of a centralized offender restitution and/or debt collection system for use by criminal justice entities results in each entity utilizing different collection monitoring systems and communicating information piecemeal through methods that may not be as safe or secure as a centralized system.¹⁴² Recommendation #10 seeks to streamline restitution collection processes through encouragement of increased interagency collaboration. As an example of how centralization can increase efficiency, in Spring 2020, PPP was able to reduce the time to confirm payment and mail a restitution check by 50% after it removed its county offices from the process and instead ran everything through the agency's central office.¹⁴³ Additionally, centralization may allow for audit trails to determine where there are failures that cause restitution collected from offenders not to reach the victims.

RECOMMENDATION #12. Risk Assessment and Programming Collaboration- Collaborate with the Department of Corrections (SCDC) and any other applicable agencies or entities on objective common recidivism risk assessment methods and program criteria to provide continuity for offenders that transition from supervision at SCDC to supervision with PPP. Within a year, report to the Committee on the discussion that occurred, decisions made, and how there will be more continuity between the methods utilized to determine an offender's level of risk for recidivating, and programs to which the offender will be directed and/or provided credit.

Recommendation #12 encourages advancement of existing interagency collaboration between personnel at Department of Corrections (SCDC) and PPP on common risk assessment methods

and criteria to improve the efficacy of offender programs. There are potential benefits from implementation of this recommendation identified by state agency personnel.¹⁴⁴ These include:

Department of Corrections

SCDC has recently implemented a reliable and valid risk and needs assessment system that produces a meaningful case plan for the offenders to follow to lower inmate's risk of recidivism level. It is important that as inmates fulfill their case plan and thus lower their risk level, this level of progress be incorporated in the [p]arole [b]oard's decision to parole or not and the conditions of parole.¹⁴⁵

Department of Probation, Parole and Pardon Services

Benefits of collaborating on strategies to provide continuity for offenders that transition between incarceration and supervision should be explored to ensure the inmate's success is the end-goal. Assessing risks for individuals inside correctional facilities and returning to society may not always be aligned. Both agencies should work together to ensure that their particular objectives are met while collaborating with the common goal of recidivism reduction and ultimate productive reintegration into society.¹⁴⁶

Additionally, personnel at the Department of Corrections identified concerns if a common risk assessment was not utilized.

If [p]arole [b]oard is using a different risk and needs assessment system, there will be some level of confusion on the part of the inmate on which system holds them accountable. For example, if under the SCDC risk and needs assessment system, if the inmate is assessed as high risk but completes several risk reduction programs that lower his/her risk level by the time they see the [p]arole [b]oard, it would be unfortunate if the [p]arole [b]oard system said the inmate was still high risk and needed to complete other programs. It would be like two doctors seeing the same patient and coming up with two different diagnoses and two different prescriptions for the same patient. We need to be using the same system which will lower risk levels, recidivism rates, prison populations[,] and prison violence.¹⁴⁷

SCDC and PPP personnel appear to have differing opinions about common risk assessment methods and criteria (i.e., SCDC personnel consider it imperative to assist with prison violence and population levels and PPP personnel assert the differing risks for returning to society). As noted in the discussion of Findings #12 and #13, the parole board's decisions are discretionary, and each parole board member may place as much or as weight as desired on the risk assessment scores. Accordingly, this recommendation is offered to encourage continued conversations on this issue to find common ground in how to calculate and use risk assessments to provide continuity for offender rehabilitation (e.g., utilizing a national provider for the initial assessment, then adjusting based on the offender's behavior and activity in following the treatment plan). Topics of conversation should include, but are not limited to:

- Utilization of the same system by SCDC and PPP personnel to track offender programs and program completion;
 - SCDC has recently implemented a new risk and needs assessment system that produces a case plan for the offenders to follow to lower the inmate's risk of recidivism level.¹⁴⁸
 - PPP does not currently have access to a comprehensive database of SCDC programming.¹⁴⁹
- Participation in regular meetings to monitor efficacy of programs and approve additions/removals of approved list of programs on SCDC and PPP's lists;
- Creation of flow charts and written descriptions available to inmates and the public that illustrate the information below; and
 - assessments currently performed, at what stage in the process performed, by whom they are performed, and for what purpose,
 - when offenders are placed into, or referred to, programs, at what stage in the process this occurs, the basis for the recommendation/referral, from whom the recommendation/referral comes, what is tracked about the participation; and what results from the participation, if anything (e.g., certain SCDC programming may be ordered as pre-release conditions; note, if SCDC is unable to provide the programming, the condition is removed and parole hearings are not postponed due to inmate's inability to attend or complete programming).¹⁵⁰
- objective common recidivism risk assessment methods and program criteria to provide continuity for offenders that transition between supervision at SCDC and supervision with PPP.

For Agency

RECOMMENDATION #13. Reach, and document, a formal decision on what entity (i.e., Court Administration or PPP) maintains the probation violation order (i.e., Form 9).

RECOMMENDATION #14. Work with Court Administration to ensure: (1) forms applicable to PPP operations are included in Court Administration's electronic form project; and (2) timely communication of information, without the need for manual data reentry, can occur between PPP and Court Administration's data management systems.

Figure 10 shows the number of probation revocation forms processed during fiscal years 2019 - 2021. Figure 11 shows the current process for transmission of probation revocation forms.

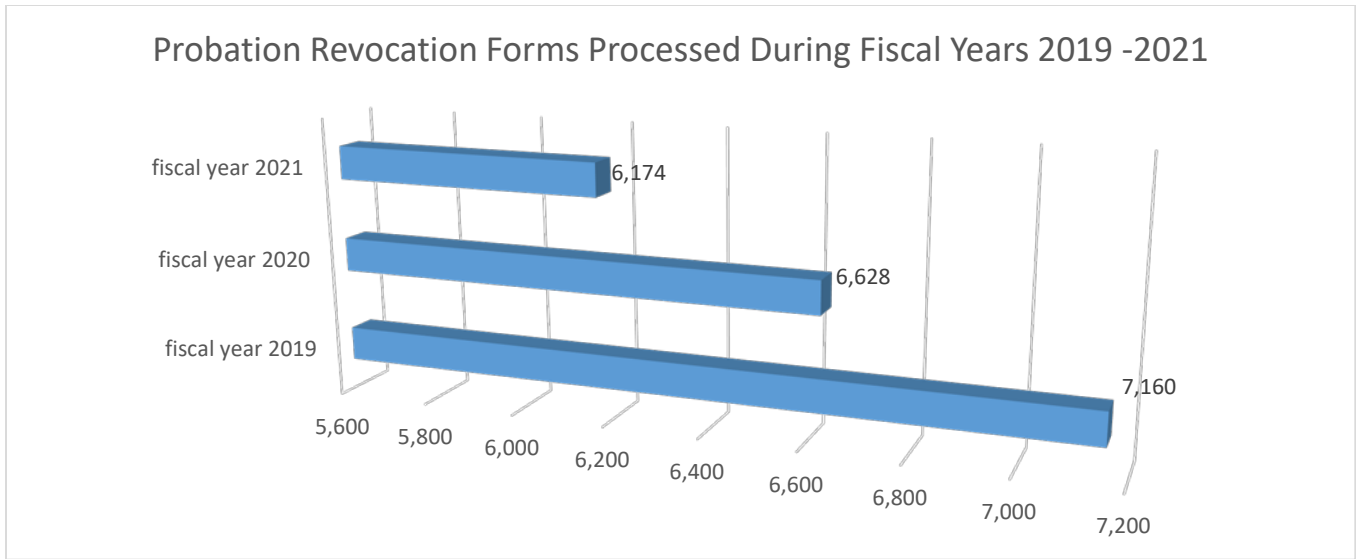


Figure 10. Probation revocation forms processed during fiscal years 2019 - 2021¹⁵¹

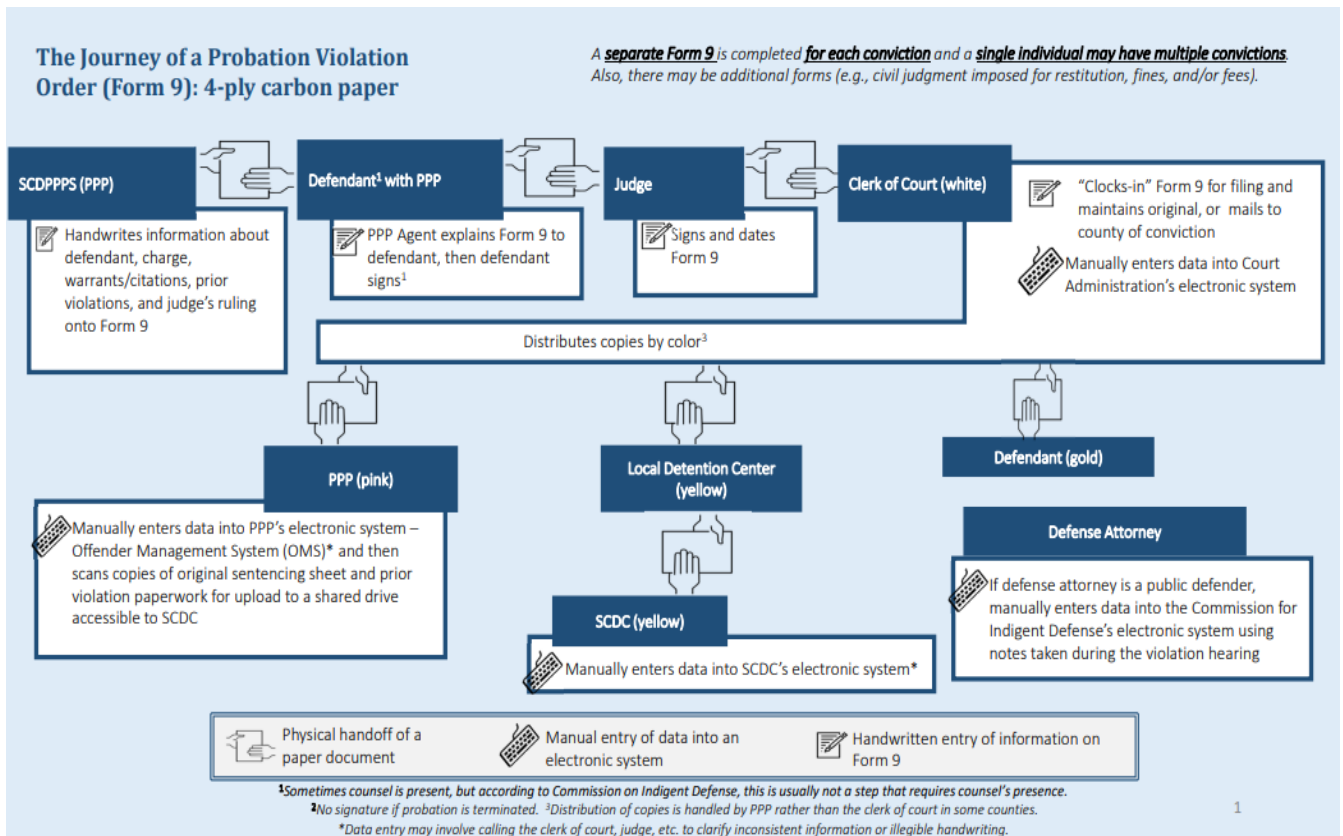


Figure 11. Probation revocation forms transmission process.¹⁵²

During the study, it is unclear which state entity maintains the probation revocation order (i.e., Form 9). Court Administration personnel assert Form 9 is a “created and maintained by PPP.”¹⁵³ However, PPP personnel believe Form 9 is “a Court Administration form.”¹⁵⁴ Recommendations #13 and #14 seek to advance interagency collaboration about Form 9 (and

any other forms or information utilized by the two entities officially or internally) with an aim to bring clarity as to which state entity maintains it; make it accessible electronically; reduce agency personnel manual data reentry; and facilitate timely communication of information to interested parties.¹⁵⁵

RECOMMENDATION #15. Collaborate with Revenue and Fiscal Affairs Office to evaluate potential benefits and options for a cost-effective central hub from which agency personnel can realize maximum benefits across PPP’s various databases (e.g., reduce/eliminate duplicative manual entry, etc.) as well as information from other agencies that may improve PPP’s effectiveness or efficiency. Within a year, report to the Committee the steps taken, information gathered, results of analysis performed, and decision of the agencies.

Currently, PPP personnel are operating multiple (13) databases as seen in Table 11, and manually entering various information (i.e., initially and subsequent changes).¹⁵⁶

Table 11. 13 different PPP databases and examples of information manually entered in the systems¹⁵⁷

PPP DATABASES	EXAMPLES OF INFORMATION MANUALLY ENTERED
<p>CUSTOM</p> <ul style="list-style-type: none"> • OFFENDER MANAGEMENT SYSTEM - Manages offenders under supervision • PAROLE INFORMATION CENTER - Manages parole hearings, and other types of Inmate releases • IGNITION INTERLOCK DEVICE - Ignition interlock program • Parole Automation Center - Manages pardon hearings and investigations • SINGLE SIGN ON - Security database for other applications • FORMS AND REPORTS - Repository for forms and reports used across applications • APPLICANT REGISTRY - Manages a pool of prospective Agents for hire • HUMAN RESOURCE SYSTEM - Archival data for human resources • PROPERTY - Manages law enforcement property <p>COMMERCIAL</p> <ul style="list-style-type: none"> • CORRECTIONAL OFFENDER MANAGEMENT PROFILING FOR ALTERNATIVE SANCTIONS - Risk and Needs Assessment database • LIVESCAN - Fingerprint server • TRACK-IT – Helpdesk • TEAMIA - Archival document management for human resources and records management 	<ul style="list-style-type: none"> • OFFENDER SOCIAL HISTORY <ul style="list-style-type: none"> ○ family members ○ employment history ○ financial information • OFFENDER IDENTIFIERS (date of birth, Social Security number, race, sex, etc.) • CRIMINAL HISTORY WITH PPP • HOME VISIT INTERACTION • TREATMENT PROVIDER INTERACTION • TELEPHONE CALLS WITH OFFENDER AND COMMUNITY CONTACTS • COURT INFORMATION • DRUG TEST RESULTS • ARREST RECORDS, • GPS INFORMATION • INCIDENT REPORTS, created in Offender Management System and manually entered for non-offenders

This is inefficient and creates the potential for errors. As an example, an offender had a Community Supervision (CSP) case entered as a probation case. At a violation hearing, the judge revoked six years when the statutory maximum for CSP is one year.¹⁵⁸

During the study, PPP personnel expressed desire for more technological solutions (e.g., mapping systems that could show offenders which are closest service providers; central agency-wide data warehouse, etc).¹⁵⁹ This recommendation seeks to increase agency efficiency through interagency collaboration.

Revenue and Fiscal Affairs (RFA) Office personnel have expertise in “transforming data into solutions for the Palmetto State.”¹⁶⁰ RFA personnel may be able to provide guidance on how to improve PPP personnel’s effectiveness and efficiency with its various databases. Before meeting with RFA personnel, PPP personnel may wish to convene all agency personnel who enter or access information from the individual databases utilized by PPP (e.g., Parole Information Center, Parole Automation Center; Offender Management System; etc.) to determine the specific information, method of entry and/or access and related costs (e.g., employee time multiplied by salary), then utilize this information when weighing options for applications that may help avoid manual re-entry of information across systems and other efficiencies.¹⁶¹

Effectiveness

The Subcommittee makes nine effectiveness recommendations to the Department of Probation, Parole and Pardon Services, and a summary is in Table 12.

Table 12. Summary of effectiveness recommendations to the Department of Probation, Parole and Pardon Services

EFFECTIVENESS	MEASURING PERFORMANCE AND DATA SHARING
	<p>SERVICE PROVIDER DIRECTORY AND PERFORMANCE TRACKING - Convene Department of Corrections, Department of Juvenile Justice, Prosecution Coordination Commission, Commission for Minority Affairs, Attorney General’s Office, application developers in the Revenue and Fiscal Affairs Office, and any other applicable agencies or entities to evaluate potential costs, benefits, and logistics of agreements to enable secure data sharing and/or creation of a centralized directory of information related to outside service providers and results of those that are referred to those providers. Within a year, report to the Committee on the steps taken, information gathered, results of analysis performed, and decision of agencies.^{SEE FINDINGS #5 AND #11}</p> <p>EMPLOYER DIRECTORY AND PERFORMANCE TRACKING - Convene Department of Corrections, Department of Juvenile Justice, Prosecution Coordination Commission, Commission for Minority Affairs, Department of Employment and Workforce, application developers in the Revenue and Fiscal Affairs Office, and any other applicable agencies or entities to evaluate potential costs, benefits, and logistics of agreements to enable secure data sharing and/or creation of a centralized directory of information related to employers currently employing, or willing to employ, individuals previously convicted and track recidivism of individuals that obtain employment. Within a year, report to the Committee on the steps taken, information gathered, results of analysis performed, and decision of agencies.^{SEE FINDINGS #5, #9, AND #11}</p>

Collaborate with the Commission on Indigent Defense to ascertain if opportunities exist to create uniformity in information requested of individuals when determining whether they will receive indigent representation and/or hardships while under supervision of PPP. Within a year, provide a report to the Committee outlining the steps taken, information gathered, results of analysis performed, decision of agencies, and list of other state agencies that may waive fees owed to the state due to hardship.^{SEE FINDINGS #5, #9, AND #11}

As administrative monitoring (i.e., only remaining condition of supervision not completed is payment of financial obligations) has existed for over a decade, provide data from which legislators may determine what impact, if any, the program has had on victims receiving restitution and costs to the agency.^{SEE FINDING #9}

AGENCY STAFF

Require initial and ongoing leadership and/or supervisor training for personnel to attain, and remain in, supervisory roles.

Ensure each agency job description includes accurate and current information in the “What knowledge, skills, and abilities are needed by an employee upon entry to this job including any special certification or license?” section.

STAFFING THE BOARD OF PAROLES AND PARDONS

Provide board members and agency staff involved in parole hearings, training about attorney ethical obligations as it relates to communication with judges and parole board members. Update agency policies to require this as part of staff and board training as the agency is responsible for board training pursuant to statute (i.e., initial and annual).^{SEE FINDING #12}

Update initial board training to require each board member (a) affirm acknowledgement of their duties in writing; and (b) prior to first serving on a hearing panel complete all required training, including either observing a real hearing or participate in a mock one.^{SEE FINDING #12}

Collaborate with a professor and/or researcher at an academic institution to determine data necessary to evaluate the effectiveness of the parole process considering various potential intents of parole. Track the data for the recommended amount of time, then publish the information on the agency website and submit it to Legislative Services Agency for distribution to the General Assembly and publication on its website.^{SEE FINDING #12}

Measuring Performance and Data Sharing

RECOMMENDATION #16. SERVICE PROVIDER DIRECTORY AND PERFORMANCE TRACKING- Convene the Department of Corrections, Department of Juvenile Justice, Prosecution Coordination Commission, Commission for Minority Affairs, Attorney General’s Office, application developers in the Revenue and Fiscal Affairs Office, and any other applicable agencies or entities to evaluate potential costs, benefits, and logistics of agreements to enable secure data sharing and/or creation of a centralized directory of information related to outside service providers and results of those that are referred to those providers. Within a year, report to the Committee on the steps taken, information gathered, results of analysis performed, and decision of agencies.

RECOMMENDATION #17. EMPLOYER DIRECTORY AND PERFORMANCE TRACKING- Convene the Department of Corrections, Department of Juvenile Justice, Prosecution Coordination Commission, Commission for Minority Affairs, Department of Employment and Workforce, application developers in the Revenue and Fiscal Affairs Office, and any other applicable agencies or entities to evaluate potential costs, benefits, and logistics of agreements to enable secure data sharing and/or creation of a centralized directory of information related to employers currently employing, or willing to employ, individuals previously convicted and track recidivism of individuals that obtain employment. Within a year, report to the Committee on the steps taken, information gathered, results of analysis performed, and decision of agencies.

Recommendations #16 and #17 seek to improve the effectiveness of overall state government operations through interagency collaboration.

With regards to Recommendation #16, various state agencies may rely upon the same entities for the same services, particularly for housing.¹⁶²

Personnel with PPP and other state agencies (i.e., Department of Corrections [SCDC], Department of Health and Human Services, Department of Disabilities and Special Needs, Department of Mental Health, Department of Social Services, and Vocational Rehabilitation Department) along with community-based organizations formed a reentry workgroup.¹⁶³ Initial meetings resulted in the development of a contact directory (i.e., contacts at the agencies and at statewide organizations) and a communication network.¹⁶⁴ While no provider directory was established, personnel with PPP and SCDC see potential benefits (e.g., eliminating duplication of effort, streamlining referrals, increasing resource availability, and improving communication among agencies) from development of a joint provider directory.¹⁶⁵

Currently, PPP personnel have incorporated a service provider directory into their updated supervision plan module to allow agents/offender supervision specialists to “attach” a provider to a supervision plan task, which allows for review of service providers (e.g., completion rates by program, case closure, readmission information, etc.).¹⁶⁶ However, there is no joint directory utilized by all the applicable agencies. Additionally, PPP and SCDC personnel are not aware of any prior discussions about creating a joint review board to receive anonymous feedback from individuals receiving services to assist agencies in making provider referrals.¹⁶⁷ Of interest, personnel with the Commission for Minority Affairs publish a “Second Chance Reentry Resource Guide.”¹⁶⁸ Accordingly, Commission for Minority Affairs might serve as an independent party to collect, evaluate, and publish this type of joint resource.¹⁶⁹

As for Recommendation #17, many state agencies assist individuals with obtaining employment and individuals with a criminal history face additional employment hurdles. It is a condition of PPP supervision for offenders to “work diligently in a lawful occupation.”¹⁷⁰ During the study, inquiry is made about the employment status of offenders under the supervision of PPP. Figure 12 shows employment status for PPP active offenders from fiscal years 2016 – 2021.

EMPLOYMENT STATUS	2016	2017	2018	2019	2020	2021
EMPLOYED	60%	62%	64%	64%	61%	61%
DISABLED	7%	7%	7%	7%	7%	6%
RETIRED/STUDENT/HOMEMAKER	2%	1%	1%	1%	1%	1%
UNEMPLOYED	26%	27%	26%	26%	30%	30%
MISSING INFORMATION	5%	3%	2%	2%	1%	2%

Figure 12. Employment status for PPP active offenders from fiscal years 2016 - 2021¹⁷¹

To help unemployed offenders, PPP personnel advise them where to secure identification documents, and refer them to applicable community resources that aid in finding employment, provide training, and/or monitor job search efforts.¹⁷² PPP county staff maintain knowledge and inform offenders of local employment opportunities (e.g., companies open to hiring people with a criminal history and day labor opportunities until more stable work is found.¹⁷³ Since a number of individuals remained unemployed despite these efforts, Recommendation #17 asks personnel from numerous state agencies to convene and evaluate potential costs, benefits, and logistics of creating a centralized directory of employers currently employing, or willing to employ, individuals previously convicted. Within a year, PPP personnel should report to the Committee on the steps taken, information gathered, results of analysis performed, and decision of agencies.

Notably, creation of a centralized directory occurs in other areas of state government operations. For example, the State Arts Commission publishes the S.C. Arts Directory, which connects schools to certified artists capable of adding value to the arts education experience of students. The directory serves as a reliable source for these services and removes administrative work associated with finding and verifying the credentials of artists.

RECOMMENDATION #18. Collaborate with the Commission on Indigent Defense (SCCID) to ascertain if opportunities exist to create uniformity in information requested of individuals when determining whether they will receive indigent representation from SCCID and/or hardships while under supervision of PPP. Within a year, provide a report to the Committee outlining the steps taken, information gathered, results of analysis performed, decision of agencies, and list of other state agencies that may waive fees owed to the state due to hardship.

In its 2018 study of the Commission on Indigent Defense, the Committee found there is not uniformity across the state with regards to screening for indigent defense representation. Who performs the screening process varies from county to county. Also, the information required from an individual to determine indigency varies from county to county. The Committee offered recommendations in the study of the Commission on Indigent Defense to encourage uniformity.

Accordingly, Recommendation #18 encourages interagency collaboration to see if there are opportunities to create uniformity in the information requested of individuals when

determining if they will receive indigent representation from SCCID and/or hardships under the supervision of PPP. At PPP, hardships are considered on a case-by-case basis but are an option for most accounts.¹⁷⁴ In determining whether to grant an offender a hardship, PPP agents review an offender’s income information and reported bills if available.¹⁷⁵ This information is documented on a declaration of financial ability form.¹⁷⁶ PPP’s process is not the same process used to determine if an offender is indigent and requires legal representation from SCCID. However, there may be similar information requested about an individual’s ability to pay in both situations.

RECOMMENDATION #19. As administrative monitoring (i.e., only remaining condition of supervision not completed is payment of financial obligations) has existed for over a decade, provide data from which legislators may determine what impact, if any, the program has had on victims receiving restitution and costs to the agency.

As noted in Finding #9, most victims do not receive full restitution. The establishment of administrative monitoring in 2010 authorized PPP personnel to continue to collect financial obligations after the offender has completed all other obligations of supervision.¹⁷⁷

Recommendation #19 seeks data from agency personnel to help legislators determine the impact the program has had on victims receiving restitution and the costs to the agency for the program. Questions agency personnel should consider include, but are not limited to:

- Are individuals more or less likely to pay restitution when no longer under regular supervision?
- Is there a certain length of time after which offenders on administrative monitoring are likely to stop paying restitution?
- Which actions have shown to be most effective in collecting restitution (e.g., phone call, late payment notice, email, referral to employment counseling, referral to drug counseling, etc.)?
- How much restitution has been waived by the court compared to PPP?

Data about administrative monitoring may help inform future policy decisions.

Agency Staff

RECOMMENDATION #20. Require initial and ongoing leadership and/or supervisor training for personnel to attain, and remain in, supervisory roles.

PPP has an existing, robust training program for agency personnel. For example, PPP “supervisors receive training as soon as they are selected for promotion,” and agency leadership intend to develop a course for aspiring supervisors.¹⁷⁸ Additionally, executive management at the agency participate in relevant training.¹⁷⁹ However, “[t]here is no standard

annual leadership and/or supervisor training. . . .”¹⁸⁰ Recommendation #20 seeks to expand training requirements and opportunities at the agency.

RECOMMENDATION #21. Ensure each agency job description includes accurate and current information in the “What knowledge, skills, and abilities are needed by an employee upon entry to this job including any special certification or license?” section.

Implementation of this recommendation may assist agency personnel with creation of a skills database that could be of assistance for staffing special projects or assisting employees if a current position became no longer necessary.¹⁸¹ During the study, the Subcommittee is made aware that not all PPP job descriptions include this information; however, PPP personnel are “open for requiring it when updating position descriptions.”¹⁸² PPP has in place a process to review position descriptions every four years.¹⁸³

Staffing the Board of Pardons and Paroles

RECOMMENDATION #22. Provide board members and agency staff involved in parole hearings, training about attorney ethical obligations as it relates to communication with judges and parole board members. Update agency policies to require this as part of staff and board training as the agency is responsible for board training pursuant to statute (i.e., initial and annual).

As discussed in Finding #12, there is mandatory training for the Board of Pardons and Paroles (parole board). However, there has been no training or information provided to agency personnel and/or parole board members regarding ethical obligations of attorneys that appear before the parole board; further, there are not any agency policies on this subject.¹⁸⁴ Recommendation #22 seeks to expand the current training for the parole board and agency staff to include ethical obligations; agency personnel are “not opposed to receiving training regarding ethical obligations.”¹⁸⁵

RECOMMENDATION #23. Update initial board training to require each board member (a) affirm acknowledgement of their duties in writing; and (b) prior to first serving on a hearing panel complete all required training, including either observing a real hearing or participate in a mock one.

A state commission may have numerous and diverse responsibilities requiring a significant time commitment. While some may meet once a month or quarter, others are active every week of the year. During the study, members of the Board of Pardons and Paroles (board) emphasized the importance that anyone considering serving on the board fully understand the time commitment, as well as the duties and responsibilities.¹⁸⁶ The current board chair testified, “I do not believe that a lot of people understand what this board does. I think everybody says, well, that would be an interesting job being on the parole board. But do they really know what it is?”¹⁸⁷ The vice-chair testified, “We need to make sure that it's communicated to anyone

who has interest in the board that this is not just a Wednesday job. I think that was kind of the mentality in the past.”¹⁸⁸

One of the two recently appointed board members affirmed this perception testifying, “Being a new member, I was under the impression that we'd work one day a week. . . . I see Mr. Boyd laughing. We both came in together. And when we see all the work that has to be done, which I enjoy doing”¹⁸⁹

As PPP personnel are responsible for developing the mandatory initial training requirements board members must complete, it is recommended the agency update the requirements of board training to require each board member affirm acknowledgment of their duties in writing.¹⁹⁰ A similar recommendation was adopted during the 2018 study of the Commission on Indigent Defense and requested the General Assembly consider requiring, in statute, commission/board members of all agencies affirm acknowledgment of their duties in writing.¹⁹¹

PPP personnel assert as part of the 2021 new board member training, new members were asked to observe parole hearings as well as to work through mock hearings with discussion.¹⁹² Additionally, mock hearings have been added to the board’s annual training.¹⁹³ During the study, a new member expressed appreciation and admiration for participation in the mock hearings.¹⁹⁴

Additionally, the South Carolina Legislative Audit Council has recommended the Board of Pardons and Paroles “should require that all new parole board members, prior to their service on the board, observe parole board hearings for both violent and nonviolent offenders.”¹⁹⁵ Recommendation #23 requests the agency to implement this observation for either a real or mock hearing.¹⁹⁶

RECOMMENDATION #24. Collaborate with a professor and/or researcher at an academic institution to determine data necessary to evaluate the effectiveness of the parole process considering various potential intents of parole. Track the data for the recommended amount of time, then publish the information on the agency website and submit it to Legislative Services Agency for distribution to the General Assembly and publication on its website.

Recommendation #24 encourages collaboration with a professor and/or researcher at an academic institution (i.e., college, law school, etc.) to determine data necessary to evaluate the effectiveness of the parole process considering:

1. Information the board reviews when making decisions and various potential intents of parole (e.g., use of the criteria the board created, risk level determined by SCDC and level determined by PPP, number of offenders that must appear for a hearing pursuant to law but request the board deny their parole, etc.); and

2. Any potential bias that may impact the decisions of the board (e.g., feelings about crimes for which an offender was convicted that were previously non-parole offenses, but due to changes in legislation are now parole-eligible).¹⁹⁷

Agency personnel should track the data as recommended by the professor and/or researcher, then publish the information on the agency website, and submit to Legislative Services Agency for distribution to the General Assembly and publication on its website.

Recommendations to the General Assembly

Modernization of Laws

The Subcommittee makes five recommendations to the General Assembly regarding modernization of laws, and a summary is in Table 13.

Table 13. Summary of effectiveness recommendations to the General Assembly

MODERNIZATION OF LAWS	<ol style="list-style-type: none"> 25. Consider repealing antiquated statutes (i.e., S.C. Code Sections 24-21-510 and -540) related to PPP’s duty to develop and operate a comprehensive community control system and community control centers as recommended by PPP. In 2002, the agency ceased operating the lone center, located in Charleston County, after the General Assembly stopped appropriating funds for its operation; PPP has no plans to seek funding to reestablish the centers.^{SEE FINDING #17} 26. Consider amending S.C. Code of Laws Section 23-3-540(H) (electronic monitoring; reporting damage to or removing monitoring device; penalty) to remove the final sentence, which the S.C. Supreme Court held unconstitutional in <i>State v. Dykes</i>, 403 S.C. 499, 744 S.E.2d 505 (2013). 27. Consider repealing antiquated statutes related to PPP’s discretionary authority to establish restitution centers (i.e., S.C. Code Sections 24-21-480; 24-21-485; 24-13-730).^{Agency Request} In 2018, the agency stopped operating the centers and has no plans to exercise discretionary authority to reestablish the centers. Through enactment of sentencing reform, the General Assembly has focused on alternative means of enforcing the collection of restitution (e.g., administrative monitoring program where only remaining condition of supervision not completed is payment of the financial obligations).^{SEE FINDING #17} 28. Consider authorizing supervised furlough processes (i.e., S.C. Code Sections 24-13-710 and 24-13-720, 24-13-730) to sunset when the last offender has completed the program. This was recommended in the study of the Department of Corrections.^{SEE FINDING #17} 29. Consider repealing the Offender Management System Act (i.e., S.C. Code Sections 24-22-10; 24-22-20; 24-22-30; 24-22-40; 24-22-50; 24-22-60; 24-22-70; 24-22-80; 24-22-90; 24-22-100; 24-22-110; 24-22-120; 24-22-130; 24-22-140; 24-22-150; 24-22-160; 24-22-170; Reg. 130-10).^{Agency Request} The
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system and any regulations promulgated thereto terminated on July 1, 1995. SEE FINDINGS #17

RECOMMENDATION #25. Consider repealing antiquated statutes (i.e., S.C. Code Sections 24-21-510 and-540) related to PPP’s duty to develop and operate a comprehensive community control system and community control centers as recommended by PPP. In 2002, the agency ceased operating the lone center, located in Charleston County, after the General Assembly stopped appropriating funds for its operation; PPP has no plans to seek funding to reestablish the centers.

Recommendation #25 seeks to repeal two statutes relating to PPP’s operation of a comprehensive community control system. Table 14 includes the text of these statutes. Agency personnel requested repeal of these statutes as the agency no longer operates such a system and has not for almost two decades.¹⁹⁸

Table 14. Full text of statutes pertaining to PPP’s operation of a comprehensive community control system

RECOMMENDED REVISION	REPEAL ENTIRE TEXT OF STATUTES
	<p>SECTION 24-21-510. Development and operation of system; basic elements.</p> <p>The department shall develop and operate a comprehensive community control system if the General Assembly appropriates sufficient funds. The system shall include community control centers and sentencing options as a condition of probation, and utilize all sentencing options set forth in Chapter 21 of Title 24.</p> <p>SECTION 24-21-540. Community Control Centers for higher risk offenders; guidelines for placement.</p> <p>The department shall develop and operate Community Control Centers for higher risk offenders, if the General Assembly appropriates funds to operate the centers. If the department has recommended the placement, offenders may be placed in a center for not less than thirty days nor more than six months by a judge as a condition of probation or as an alternative to probation revocation, or by the board as a condition of parole or as an alternative to parole revocation. An offender may not be placed in the center for more than six months on the same crime. There must not be consecutive sentencing to a Community Control Center.</p>

RECOMMENDATION #26. Consider amending S.C. Code Section 23-3-540(H) (electronic monitoring; reporting damage to or removing monitoring device; penalty) to remove the final sentence, which the S.C. Supreme Court held unconstitutional in *State v. Dykes*, 403 S.C. 499, 744 S.E.2d 505 (2013).

A 2013 State Supreme Court decision held the final sentence of S.C. Code of Law Section 23-3-540(H) unconstitutional.¹⁹⁹ At the agency’s request, Recommendation #26 seeks to strike this sentence from the statute. Table 15 notes the suggested revision.

Table 15. Recommended revision to S.C. Code Section 23-3-540

RECOMMENDED REVISION	<p>SECTION 23-3-540. Electronic monitoring; reporting damage to or removing monitoring device; penalty.</p> <p>(H) The person shall be monitored by the Department of Probation, Parole and Pardon Services with an active electronic monitoring device for the duration of the time the person is required to remain on the sex offender registry pursuant to the provisions of this article, unless the person is committed to the custody of the State. Ten years from the date the person begins to be electronically monitored, the person may petition the chief administrative judge of the general sessions court for the county in which the person was ordered to be electronically monitored for an order to be released from the electronic monitoring requirements of this section. The person shall serve a copy of the petition upon the solicitor of the circuit and the Department of Probation, Parole and Pardon Services. The court must hold a hearing before ordering the person to be released from the electronic monitoring requirements of this section, unless the court denies the petition because the person is not eligible for release or based on other procedural grounds. The solicitor of the circuit, the Department of Probation, Parole and Pardon Services, and any victims, as defined in Article 15, Chapter 3, Title 16, must be notified of any hearing pursuant to this subsection and must be given an opportunity to testify or submit affidavits in response to the petition. If the court finds that there is clear and convincing evidence that the person has complied with the terms and conditions of the electronic monitoring and that there is no longer a need to electronically monitor the person, then the court may order the person to be released from the electronic monitoring requirements of this section. If the court denies the petition or refuses to grant the order, then the person may refile a new petition every five years from the date the court denies the petition or refuses to grant the order. A person may not petition the court if the person is required to register pursuant to this article for committing criminal sexual conduct with a minor in the first degree, pursuant to Section 16-3-655(A)(1), or criminal sexual conduct with a minor in the third degree, pursuant to Section 16-3-655(C).</p>
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RECOMMENDATION #27. Consider repealing antiquated statutes related to PPP’s discretionary authority to establish restitution centers (i.e., S.C. Code Sections 24-21-480; 24-21-485; 24-13-730).^{Agency Request} In 2018, the agency stopped operating the centers and has no plans to exercise discretionary authority to reestablish the centers. Through enactment of sentencing reform, the General Assembly has focused on alternative means of enforcing the collection of restitution (e.g., administrative monitoring program where only remaining condition of supervision not completed is payment of the financial obligations).

Recommendation #27 seeks to repeal two statutes, and cross-references to them, relating to PPP’s operation of restitution centers. Table 16 includes the text of these statutes. Agency personnel requested repeal of these statutes as they have not operated restitution centers in over a decade.²⁰⁰ Additionally, in conjunction with sentencing reform, the General Assembly has placed a focus on alternative means of enforcing the collection of restitution, such as the Administrative Monitoring Program described in S.C. Code Sections 24-21-5(1) and 24-21-100.²⁰¹

Table 16. Full text of statutes pertaining to PPP's operation of restitution centers

<p>RECOMMENDED REVISION</p>	<p>REPEAL ENTIRE TEXT OF STATUTES</p> <p>SECTION 24-21-480. Restitution Center program; distribution of offenders' salaries.</p> <p>The judge may suspend a sentence for a defendant convicted of a nonviolent offense, as defined in Section 16-1-70, for which imprisonment of more than ninety days may be imposed, or as a revocation of probation, and may place the offender in a restitution center as a condition of probation. The board may place a prisoner in a restitution center as a condition of parole. The department, on the first day of each month, shall present to the general sessions court a report detailing the availability of bed space in the restitution center program. The restitution center is a program under the jurisdiction of the department.</p> <p>The offender must have paid employment and/or be required to perform public service employment up to a total of fifty hours per week.</p> <p>The offender must deliver his salary to the restitution center staff who must distribute it in the following manner:</p> <ol style="list-style-type: none"> (1) restitution to the victim or payment to the account established pursuant to the Victims of Crime Act of 1984, Public Law 98-473, Title II, Chapter XIV, Section 1404, as ordered by the court; (2) payment of child support or alimony or other sums as ordered by a court; (3) payment of any fines or court fees due; (4) payment of a daily fee for housing and food. This fee may be set by the department with the approval of the Department of Administration. The fee must be based on the offender's ability to pay not to exceed the actual costs. This fee must be deposited by the department with the State Treasurer for credit to the same account as funds collected under Sections 14-1-210 through 14-1-230; (5) payment of any costs incurred while in the restitution center; (6) if available, fifteen dollars per week for personal items. <p>The remainder must be deposited and given to the offender upon his discharge.</p> <p>The offender must be in the restitution center for not more than six months, nor less than three months; provided, however, in those cases where the maximum term is less than one year the offender must be in the restitution center for not more than ninety days nor less than forty-five days.</p> <p>Upon release from the restitution center, the offender must be placed on probation for a term as ordered by the court.</p> <p>Failure to comply with program requirements may result in a request to the court to revoke the suspended sentence.</p> <p>No person must be made ineligible for this program by reason of gender.</p>
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SECTION 24-21-485. Authority of Department of Probation, Parole, and Pardon Services with respect to establishment and maintenance of restitution centers.

In order for the department to establish and maintain restitution centers, the director may:

- (1) develop policies and procedures for the operation of restitution centers;
- (2) fund other management options advantageous to the State including, but not limited to, contracting with public or nonpublic entities for management of restitution centers;
- (3) lease buildings;
- (4) develop standards for disciplinary rules to be imposed on residents of restitution centers;
- (5) develop standards for the granting of emergency furloughs to participants.

REPEAL REFERENCES TO ABOVE STATUTES

SECTION 24-13-730. Implementation of new programs and program changes subject to appropriations by General Assembly.

Any new program established under Sections 14-1-210, 14-1-220, 14-1-230, 16-1-60, 16-1-70, 16-3-20, 16-3-26, 16-3-28, 16-23-490, 17-25-45, 17-25-70, 17-25-90, 17-25-140, 17-25-145, 17-25-150, 17-25-160, 63-3-620, 24-3-40, 24-3-1120, 24-3-1130, 24-3-1140, 24-3-1160, 14-3-1170, 24-3-1190, 24-3-2020, 24-3-2030, 24-3-2060, 24-13-210, 24-13-230, 24-13-610, 24-13-640, 24-13-650, 24-13-710, 24-13-910, 24-13-915, 24-13-920, 24-13-930, 24-13-940, 24-13-950, 24-21-13, 24-21-430, 24-21-475, ~~24-21-480, 24-21-485~~, 24-21-610, 24-21-640, 24-21-645, 24-21-650, 24-23-115, and 42-1-505 or any change in any existing program may only be implemented to the extent that appropriations for such programs have been authorized by the General Assembly.

RECOMMENDATION #28. Consider authorizing supervised furlough processes (i.e., S.C. Code Sections 24-13-710 and 24-13-720, 24-13-730) to sunset when the last offender has completed the program. A similar recommendation was adopted in the study of the Department of Corrections.

The Supervised Furlough Program permits carefully screened and selected inmates who have served the mandatory minimum sentence as required by law to be released on furlough prior to parole eligibility and under the supervision of an agent.²⁰² Release is discretionary with the Department of Corrections.²⁰³

One vestige of the Supervised Furlough Program remains (SF-IIA). Prior to 1993, S.C. Code Section 24-13-720 mandated that qualifying inmates (offense dates between June 13, 1983, and June 14, 1993) be released to furlough six months before max-out.²⁰⁴ The number of inmates released to SF-IIA has diminished over time and is in the single digits each of the last five years as shown in Table 17.²⁰⁵

Table 17. Number of offenders on supervised furlough at any time during fiscal years 2016- 2020²⁰⁶

FISCAL YEAR	NUMBER OF OFFENDERS ON SUPERVISED FURLOUGH AT ANY TIME DURING EACH FISCAL YEAR
2016	6
2017	5
2018	3
2019	2
2020	3

The Department of Corrections (SCDC) personnel assert there is not a supervised furlough program under S.C. Code Sections 24-13-710 and 24-13-720.²⁰⁷ According to SCDC personnel, supervised re-entry under S.C. Code Section 24-21-32, which went into effect in January 2011, has essentially replaced supervised furlough programs.²⁰⁸ After consulting with the Department of Probation, Parole, and Pardon personnel, SCDC staff recommend elimination of supervised furlough in S.C. Code Sections 24-13-710 and 24-13-720.²⁰⁹ Since there are still a few offenders remaining in the program, recommendation #28 seeks to have the program sunset when the last offender has completed the program.

RECOMMENDATION #29. Consider repealing the Offender Management System Act (i.e., S.C. Code Sections 24-22-10; 24-22-20; 24-22-30; 24-22-40; 24-22-50; 24-22-60; 24-22-70; 24-22-80; 24-22-90; 24-22-100; 24-22-110; 24-22-120; 24-22-130; 24-22-140; 24-22-150; 24-22-160; 24-22-170; Reg. 130-10).^{Agency Request} The system and any regulations promulgated thereto terminated on July 1, 1995.

S.C. Code Section 24-22-170 states the system “and any regulations promulgated thereto shall terminate July 1, 1995,” more than a quarter of a century ago, “unless extended by the General Assembly.”²¹⁰ SCDC personnel are unaware of any extensions to the system granted by the General Assembly.²¹¹ Therefore, SCDC and the Department of Probation, Parole, and Pardon Services personnel recommend repeal of S.C. Code Title 24, Chapter 22.²¹²

Proposed language to implement this recommendation is included in Table 18.

Table 18. Proposed statutory changes to eliminate outdated requirement to establish the classification system and adult criminal offender management system

RECOMMENDED REVISION	REPEAL ENTIRE CHAPTER
	<p>CHAPTER 22 Classification System and Adult Criminal Offender Management System</p> <p>SECTION 24-22-10. Short title. This chapter is known and may be cited as the "Offender Management System Act".</p>

SECTION 24-22-20. Definitions.

As used herein:

(a) "Adult criminal offender management system" means the system developed by the State Department of Corrections and the State Department of Probation, Parole and Pardon Services which permits carefully screened inmates to be identified, transferred into Department of Corrections Reintegration Centers and placed in Department of Probation, Parole and Pardon Services Community Control Strategies.

(b) "Community control strategies" means offender supervision and offender management methods available in the community, including, but not limited to, home detention, day reporting centers, restitution centers, public service work programs, substance abuse programs, short term incarceration, and intensive supervision.

(c) "High count" means the largest male prison system population, the largest female prison system population, or both, on any given day during a one-month period.

(d) "Prison" means any male correctional facility, female correctional facility, or combined male and female correctional facility operated by the State Department of Corrections.

(e) "Prison system" means the prisons operated by the State Department of Corrections.

(f) "Offender" means every male inmate or female inmate, or both, who, at the time of the initiation of the offender management system, is or at any time during continuation of the system is serving a criminal sentence under commitment to the State Department of Corrections, including persons serving sentences in local detention facilities designated under the provisions of applicable law and regulations.

(g) "Prison system population" means the total number of male prisoners, female prisoners, or combined total of female and male prisoners housed in the prisons operated by the State Department of Corrections.

(h) "Reintegration center" means an institution operated by the State Department of Corrections which provides for the evaluation of and necessary institutional programs for inmates in the offender management system.

(i) "Release date" means the date projected by the State Department of Corrections on which a prisoner will be released from prison, assuming maximum accrual of credit for good behavior has been established under Section 24-13-210 and earned work credits under Section 24-13-230.

(j) "Qualified prisoners" means any male prisoners, female prisoners, or combined total of female or male prisoners convicted of a nonviolent offense for which such prisoner has received a total sentence of five years or less and is presently serving a nonmandatory term of imprisonment for conviction of one or more of the following offenses:

reckless homicide (56-5-2910); armed robbery/accessory after the fact; simple assault; intimidation (16-11-550, 16-17-560); aggravated assault (16-23-490); arson of residence to defraud an insurer (16-11-110, 16-11-125); arson (16-11-110); arson-2nd degree (16-11-110(B)); arson-3rd degree (16-11-110(C)); burglary of safe vault (16-11-390); possession of tools for a crime (16-11-20); attempted burglary (16-13-170); petit larceny (16-13-30); purse snatching (16-13-150); shoplifting (16-13-110, 16-13-120); grand larceny (16-13-20); attempted grand larceny (16-13-20); larceny; credit card theft (16-13-20, 16-13-30, 16-13-35); possession of stolen vehicle (16-21-80, 16-21-130); unauthorized use of a vehicle (16-21-60, 16-21-130); forgery (16-13-10); fraud-swindling (16-13-320); fraudulent illegal use of credit card (16-14-60); fraudulent check (34-11-60); fraud-false statement or representation (16-13-240 through 16-13-290); breach of trust with fraudulent intent (16-13-230); failure to return tools or vehicle (16-13-420); insurance fraud (16-11-125, 16-11-130); obtaining controlled substance by fraud (44-53-40); defrauding an innkeeper (45-1-50); receipt of stolen

property (16-13-180); destroying personal property (16-11-510); malicious injury to property (16-11-510, 16-11-520); hallucinogen-possession (44-53-370(c)); heroin-possession (44-53-370(c)); cocaine-possession (44-53-370(c)); cocaine-transporting (44-53-370(a)); marijuana-possession (44-53-370(c)); marijuana-producing (44-53-370(a)); legend drugs-possession (44-53-370(c)); distributing imitation controlled substances (44-53-370(a)); possession-imitation controlled substance (44-53-370(a)); indecent exposure (16-15-130); peeping tom (16-17-470); contributing to delinquency of minor (16-17-490); neglect-child (63-5-7-70); criminal domestic violence (16-25-20); prostitution (16-15-90 through 16-15-110); unlawful liquor possession (61-6-1800, 61-6-2220, 61-6-4710); public disorderly conduct/intoxication (16-17-530); making false report (16-17-725); contempt of court (14-1-150); obstructing justice (16-9-310 through 16-9-380); bribery (16-9-210 through 16-9-270, 16-17-540 through 16-17-550); possession of incendiary device (16-23-480, 16-11-550); weapon license/registration (23-31-140); explosives possession (23-36-50, 23-36-170); threat to bomb (16-11-550); unlawful possession of firearm on premises of alcoholic beverage establishment (16-23-465); discharging firearm in dwelling (16-23-440); pointing a firearm (16-23-410); littering (16-11-700); DUI-drugs (56-5-2930, 56-5-2940); driving under suspension (56-1-460); failure to stop for officer (56-5-750); leaving the scene of accident (56-5-1210; 56-5-1220); possession of open container (61-4-110); trespassing (16-11-600 through 16-11-640); illegal use of telephone (16-17-430); smuggling contraband into prison (24-3-950); tax evasion (12-7-2750); false income tax statement (12-7-1630, 12-7-2750); accessory to a felony (16-1-40, 16-1-50); misprision of a felony; criminal conspiracy (16-17-410); habitual offender (56-1-1020 through 56-1-1100).

(k) "Operating capacity" means the safe and reasonable male inmate capacity, female inmate capacity, or combined male and female inmate capacity of the prison system operated by the State Department of Corrections as certified by the State Department of Corrections and approved by the Department of Administration.

SECTION 24-22-30. Eligibility to participate in offender management system.

To be eligible to participate in the offender management system, an offender shall:

- (a) be classified as a qualified prisoner as defined herein;
- (b) maintain a clear disciplinary record during the offender's incarceration or for at least six months prior to consideration for placement in the system;
- (c) demonstrate during incarceration a general desire to become a law-abiding member of society;
- (d) satisfy any reasonable requirements imposed on the offender by the Department of Corrections;
- (e) be willing to participate in the criminal offender management system and all of its programs and rehabilitative services and agree to conditions imposed by the departments;
- (f) possess an acceptable risk score. The risk score shall be affected by, but not be limited to, the following factors:
 - (1) nature and seriousness of the current offense;
 - (2) nature and seriousness of prior offenses;
 - (3) institutional record;
 - (4) performance under prior criminal justice supervision; and
- (g) satisfy any other criteria established by the South Carolina Department of Corrections and the State Board of Probation, Parole and Pardon Services.

SECTION 24-22-40. Implementation of system; limits to issuance of certificates; Orders by Governor to enroll or cease release of prisoners.

The South Carolina Department of Probation, Parole and Pardon Services, in cooperation with the South Carolina Department of Corrections shall develop and establish policies, procedures, guidelines, and cooperative agreements for the implementation of an adult criminal offender management system which permits carefully screened and selected male offenders and female offenders to be enrolled in the criminal offender management system.

After review by and approval of three members of the Board of Probation, Parole and Pardon Services designated by the Governor, the board shall enroll qualified offenders monthly into the offender management system to prevent the prison system population from exceeding one hundred percent of capacity at high count. No offender shall be issued an offender management system certificate and released from prison if the release of the offender will reduce the prison system population below ninety-five percent of capacity at high count.

If the Governor at any time during periods when the offender management system is in operation, determines that an insufficient number of inmates are being enrolled into the system to keep the prison system population below one hundred percent of capacity of high count or if the Governor determines that the number of inmates released has reached a level that could endanger the public welfare and safety of the State, he may issue an Executive Order requiring the South Carolina Department of Probation, Parole and Pardon Services and the South Carolina Department of Corrections to enroll a specified number of qualified prisoners per month for a specified number of months or require the department to cease and desist in the release of the inmates accordingly.

SECTION 24-22-50. System to be in operation during all periods in which funded.

The offender management system shall be in operation during all periods that the system is appropriately funded.

SECTION 24-22-60. Evaluation of offenders.

Offenders enrolled in the offender management system shall be evaluated at Department of Corrections Reintegration Centers. The evaluation shall determine the offender's needs prior to community placement. The programs and services provided at a reintegration center by the Department of Corrections shall prepare offenders to be placed in the appropriate community control strategies.

SECTION 24-22-70. Good behavior credit; earned work credits.

Offenders enrolled in the offender management system shall be entitled to good behavior credit as specified in Section 24-13-210 and to earned work credits as determined pursuant to Section 24-13-230. Offenders revoked from the offender management system shall not receive credit on their sentence for six months or for the time credited while placed in the community control strategies, whichever is less.

SECTION 24-22-80. Revocation of offender management system status; no appeal.

Revocation of offender management system status awarded under this chapter is a permissible prison disciplinary action.

Offenders transferred to a reintegration center who have not been placed in and agreed to community control strategies and who violate the conditions of the offender management system may be revoked from the system by the Department of Corrections. Offenders who have been placed in and agreed to the community control strategies who violate the conditions of the offender management system certificate may be revoked from the offender management system by the Department of Probation, Parole and Pardon Services. The revocation procedures shall be developed jointly by the South Carolina Department of Corrections and the South Carolina Department of Probation, Parole and Pardon Services. There shall be no right to appeal a revocation.

SECTION 24-22-90. Enrollment in system; supervision in community; giving of notice; statements by victims, witnesses, solicitors, law enforcement officers, and others for or against release.

Offenders shall be enrolled in the offender management system and supervised in the community by the South Carolina Department of Probation, Parole and Pardon Services. The South Carolina Department of Corrections shall transfer enrolled inmates to a South Carolina Department of Corrections Reintegration Center for evaluation pursuant to Section 24-22-60. The South Carolina Department of Probation, Parole and Pardon Services shall issue an offender management system certificate with conditions which must be agreed to by the offender prior to the offender's placement in the community control strategies.

The South Carolina Department of Corrections shall notify the South Carolina Department of Probation, Parole and Pardon Services of all victim impact statements filed pursuant to Section 16-1-1550, which references offenders enrolled in the offender management system. The South Carolina Department of Probation, Parole and Pardon Services shall, prior to enrolling an offender into the offender management system, give thirty days prior written notice to any person or entity who has filed a written request for notice. Any victim or witness pursuant to Article 15, Chapter 3, Title 16 and any solicitor, law enforcement officer, or other person or entity may request notice about an offender under this section and may testify by written or oral statement for or against the release. The South Carolina Department of Probation, Parole and Pardon Services shall have authority to deny enrollment to any offender based upon the statements of any person responding to the notice of enrollment.

SECTION 24-22-100. Enrollee participation in designated programs; community control strategies.

Offenders enrolled in the offender management system shall be required to participate in programs designated by the South Carolina Department of Probation, Parole and Pardon Services, including community control strategies. These strategies may include, but are not limited to:

- (a) the South Carolina Department of Probation, Parole and Pardon Services Home Detention Supervision Program;
- (b) day reporting centers;
- (c) restitution centers;
- (d) public service work programs;
- (e) substance abuse programs;
- (f) short term incarceration; and
- (g) intensive supervision programs.

SECTION 24-22-110. Status of enrollees; retention and sharing of control by departments; revocation of enrollment.

Offenders enrolled in the offender management system shall retain the status of inmates in the jurisdiction of the South Carolina Department of Corrections. Control over the offenders is vested in the South Carolina Department of Corrections while the offender is in a reintegration center and is vested in the South Carolina Department of Probation, Parole and Pardon Services while the offender is in the community. Offenders may be revoked from the offender management system for a violation of any condition of the offender management system. There shall be no right to appeal the revocation decision of either department.

SECTION 24-22-120. Discipline or removal from system; violation, arrest and detention; no bond pending hearing.

At any time while an enrolled offender is at a reintegration center, the enrolled offender may be disciplined or removed from the offender management system, or both, according to procedures established by the Department of Corrections.

At any time during a period of community supervision, a probation and parole agent may issue a warrant or a citation and affidavit setting forth that the person enrolled in the offender management system has in the agent's judgment violated the conditions of the offender management system. Any police officer or other officer with the power of arrest in possession of a warrant may arrest the offender and detain such offender in the county jail or other appropriate place of detention until such offender can be brought before the Department of Probation, Parole and Pardon Services. The offender shall not be entitled to be released on bond pending a hearing.

SECTION 24-22-130. Parole hearings; supervised furlough; vested rollbacks; continuation in system until sentence satisfied.

Offenders enrolled in the offender management system shall not be given a parole hearing or released on supervised furlough as long as the offender is on offender management system status. Offenders who have vested roll backs granted under the Prison Overcrowding Powers Act shall not lose such benefits. Offenders enrolled in the offender management system will remain in the offender management system until the offender's sentence is satisfied, unless sooner revoked.

SECTION 24-22-140. No liberty interest or expectancy of release created.

The enactment of this legislation shall not create a "liberty interest" or an "expectancy of release" in any offender now incarcerated or in any offender who is incarcerated in the future.

SECTION 24-22-150. Funding required for system initiation and ongoing operation; hiatus when funding exhausted.

(A) The offender management system must not be initiated, and offenders shall not be enrolled in the offender management system unless appropriately funded out of the general funds of the State.

(B) During periods when the offender management system is in operation and either the South Carolina Department of Corrections or the South Carolina Department of Probation, Parole and Pardon Services determines that its funding for the system has

been exhausted, the commissioner for the department having made the determination that funds are exhausted shall notify the commissioner of the other department, the Governor, the Speaker of the House of Representatives, and the President of the Senate. The offender management system shall then terminate until appropriate funding has been provided from the general funds of the State.

SECTION 24-22-160. Operating capacities of prison populations to be established; certification.

The Department of Corrections and the Department of Administration shall establish the operating capacities of the male prison population and the female prison population of the prison system operated by the Department of Corrections and shall, at least quarterly, certify existing operating capacities or establish change or new operating capacities.

SECTION 24-22-170. Termination of system and regulations.

The offender management system and any regulations promulgated thereto shall terminate July 1, 1995 unless extended by the General Assembly.

Recommendations to Board of Pardons and Paroles

The Subcommittee makes two recommendations to the Board of Pardons and Paroles regarding effectiveness, and a summary is in Table 19.

Table 19. Summary of effectiveness recommendations to the Board of Pardons and Paroles

EFFECTIVENESS	<p>30. Analyze current operations and discuss ideas for potential improvements. Within a year, provide the Committee information on changes the board is making internally and recommendations for changes in law that may improve operations (e.g., additional at-large board member, acknowledgement of time commitment prior to accepting position, etc.) with rationale.^{SEE FINDING #12}</p> <p>31. Establish a process to track hearing attendance for each parole board member and publish the information (e.g., number of hearing days attended by year, noting excused absences) annually on the agency website.^{SEE FINDING #12}</p>
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RECOMMENDATION #30. Analyze current operations and discuss ideas for potential improvements. Within a year, provide the Committee information on changes the board is making internally and recommendations for changes in law that may improve operations (e.g., additional at-large board member, acknowledgement of time commitment prior to accepting position, etc.) with rationale.

During the study, most members of the Board of Pardons and Paroles (board) testified. Based on testimony received, the following was observed about board operations.

General

- Board member availability affects the ability to obtain panel diversity.²¹³
- There is interest in having additional members to ensure continuity of operations and diversity of panel hearings.²¹⁴

Paroles

- While South Carolina's board members work part time, in some southeastern states (e.g., Alabama and Georgia) parole board members work full time.²¹⁵
- To advance transparency, board chair is supportive of PPP personnel publishing on the agency website the dates that each board member undergoes parole training.²¹⁶
- There is no written test at the end of the training each year.²¹⁷
- PPP personnel believe there is no expressed or implied obligation or authority for the agency to assess the performance or aptitude of the board, individually or collectively.²¹⁸
- Board members believe their actions in preparation for (e.g., training and review of case materials) and during hearings provide assurance the board is applying established parole criteria.²¹⁹
- Currently, a board member's request and receipt of per diem reflects review of investigative case summaries as PPP provides per diem for multiple days to compensate board members for studying the investigative case summary packets.²²⁰
- A parole board manual, which dates to the agency's inception, has been maintained and updated throughout the years for the purpose of identifying the board's adopted procedures (e.g., composition of the board, training, quorum for conducting business, implied powers, attendance, composition of panels, etc).²²¹

Pardons

- Currently, there are no criteria parole board members consider when determining whether an individual is granted pardon.²²²
 - Board chair and other members are in favor of developing criteria for use in determining whether an individual is granted pardon.²²³

As reflected by this testimony, potential items for discussion by the board include recommendations for changes in law (e.g., addition of at large board member; written job descriptions that include information on the amount of time required for the position) or updates to board policy (e.g., establishment of pardon criteria, informing appointing authority about attendance concerns; publication of additional materials online to increase public's confidence in the board's operations such as the parole board manual, etc.).

RECOMMENDATION #31. Establish a process to track hearing attendance for each parole board member and publish the information (e.g., number of hearing days attended by year, noting excused absences) annually on the agency website.

Currently, PPP staff do not track or maintain Board of Paroles and Pardons (board) attendance information.²²⁴ Recommendation #31 seeks to increase transparency as to board member

attendance. During the study, board members expressed an interest in having additional members to ensure continuity of operations; ready access to board attendance data may help inform policy makers’ decisions about the need for additional board members.²²⁵

Recommendations to Criminal Justice Academy and Law Enforcement Training Council

The Subcommittee makes recommendations to the Criminal Justice Academy and Law Enforcement Training Council regarding transparency and effectiveness, and summaries are in Table 20.

Table 20. Summary of transparency and effectiveness recommendations to the Criminal Justice Academy and Law Enforcement Training Council

<p>TRANSPARENCY AND EFFECTIVENESS</p>	<p>32. Work on a data sharing agreement with the Revenue and Fiscal Affairs Office to share publicly available information and provide the Committee a list of data the agency is sharing.^{SEE FINDINGS #5 AND #11}</p> <p>33. Work on a data sharing agreement with the Revenue and Fiscal Affairs Office to share non-publicly available information for purposes of assisting in research that can be publicly published utilizing aggregated data across agencies.^{SEE FINDINGS #5 AND #11}</p> <p>34. Work with applicable entities to create, and implement a policy to annually update, post online, and submit to the Committee (or as part of the Accountability Report), a flow chart showing how each aspect of offender information flows through the criminal justice system from investigation through post-conviction and release, including, but not limited to, the different forms and systems to which it is handwritten or typed, and methods of transfer between various entities.^{SEE FINDINGS #5 AND #11}</p> <p>35. Over the next three years, obtain input from law enforcement entities, professors, and national associations, and create an optional leadership certification available to law enforcement throughout the state that includes initial and ongoing requirements (e.g., review of incident reports, use of force reports, public contact warning reports, complaints by public, annual online training, etc.) to identify officers that exemplify unbiased behaviors and may excel in supervisory positions. Utilize PPP and others to pilot the program. Within a year, provide the Committee a report on information discussed, decisions made, the plan for creation of the certification and annual status updates.</p>
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RECOMMENDATION #32. Work on a data sharing agreement with the Revenue and Fiscal Affairs Office to share publicly available information and provide the Committee a list of data the agency is sharing.

RECOMMENDATION # 33. Work on a data sharing agreement with the Revenue and Fiscal Affairs Office to share non-publicly available information for purposes of assisting in research that can be publicly published utilizing aggregated data across agencies.

The Committee’s mission includes a commitment to transparency by informing the public about state agencies. The Committee is aware that the Revenue and Fiscal Affairs Office (RFA) is building an enhanced reporting system for publicly available data as a means of improving efficiency and transparency for the public. For example, RFA offers an online “Locate Me” service, which provides information about South Carolina districts and boundaries (e.g., House districts, Senate districts, school districts, etc.) by address.²²⁶ Additionally, RFA’s website includes dashboards to access state information.²²⁷

Data sharing of publicly available information from the Criminal Justice Academy and Law Enforcement Training Council and may help further inform the public about state government operations.

Also, the Committee strives to improve efficiency and effectiveness in agency operations and policy decisions through analysis of information. Some of this information maintained about law enforcement personnel must remain confidential as it may pose a security risk if made public. Notably, RFA personnel can aggregate this non-publicly available information for purposes of assisting in research that can be publicly published.

Examples of information for the Criminal Justice Academy and Law Enforcement Training Council to consider providing RFA include:

On RFA and any other state or local agency website:

- Location for nearest law enforcement entity
- Contact information for nearest law enforcement entity
- Following for each law enforcement entity around the state:
 - Jurisdictional boundaries
 - Contact information
 - Number of law enforcement personnel, by certification level (e.g., ~~E911~~, Detention Officer, Class I, etc.) with link to explanation of certification level

Aggregate non-publicly available data for research that can be publicly published:

- Types of allegations for which law enforcement officers are terminated from employment and any potential related trends regarding offense types, times of year, locations within the state, size of entity employing the officer, certification level, etc.

Additionally, personnel with the Criminal Justice Academy and Law Enforcement Training Council should consult with RFA to determine if any of RFA’s tools or expertise may assist the agency in creation of reports and interactive tools on the agency’s webpage or for internal agency operation analysis.

Notably, Criminal Justice Academy and Law Enforcement Training Council personnel had no objections.²²⁸

RECOMMENDATION #34. Work with applicable entities to create, and implement a policy to annually update, post online, and submit to the Committee (or as part of the Accountability Report), a flow chart showing how each aspect of offender information flows through the criminal justice system from investigation through post-conviction and release, including, but not limited to, the different forms and systems to which it is handwritten or typed, and methods of transfer between various entities.

As discussed in Recommendation #5 and #8-11, to help inform the public about state agencies, the Committee posts flow charts (e.g., Crime to Sentencing ; Incarceration and Supervision to Release; Crime Victim Information and Government Entities that Contact Crime Victims; etc.) explaining various aspects of how the state’s complex, criminal justice system operates.

Recommendation #34 seeks to further inform the public how offender information flows through the criminal justice system from investigation through post-conviction and release, including but not limited to, the different forms and systems to which it is handwritten or typed, and the methods of transfer between various entities. Additionally, this information may help inform future law enforcement or legislative policy decisions (e.g., investments in technology that may improve efficiency and security in transfer and storage of information, as referenced in Recommendation #11).

The recommendation is made to Criminal Justice Academy and Law Enforcement Training Council (LETC) personnel because the LETC membership includes representatives from state and local law enforcement entities. LETC personnel should communicate with relevant stakeholders to create a flow chart illustrating this process and implement a policy to ensure it is updated. The updated flow chart should be shared electronically with the Committee and relevant parties.

RECOMMENDATION # 35. Over the next three years, obtain input from law enforcement entities, professors, and national associations, and create an optional leadership certification available to law enforcement throughout the state that includes initial and ongoing requirements (e.g., review of incident reports, use of force reports, public contact warning reports, complaints by public, annual online training, etc.) to identify officers that exemplify unbiased behaviors and may excel in supervisory positions. Utilize PPP and others to pilot the program. Within a year, provide the Committee a report on information discussed, decisions made, the plan for creation of the certification and annual status updates.

At the request of the Committee, in September 2021, the Law Enforcement Training Council conducted a survey of all law enforcement agencies in the state regarding leadership and supervisor training.²²⁹ One hundred and forty-six entities representing various state and local law enforcement organizations (e.g., sheriff’s office, police department, state agency, solicitor’s

office, airport public safety, campus police, railroad police, etc.) responded.²³⁰ A summary of the results is below.²³¹

- Over 90% believe some type of leadership or supervisor training would be helpful for individuals in a supervisory role.
- Over 90% would be interested in a Criminal Justice Academy leadership certification program designed for those officers seeking promotional or supervisory opportunities.
- Only 34% currently require individuals to receive initial leadership or supervisor training before an individual is promoted or hired to serve in a supervisory role.
- Only 15% currently require annual leadership and/or supervisor training for an individual to remain in a supervisory role.

Recommendation #34 is offered to meet the desires expressed in the responses and comments to the survey.²³²

Two general attributes for consideration as part of the certification program include:

- Education
 - Initial certification requirements (e.g., mandatory courses in diversity, management, discipline, maintaining connection between patrol and office staff, etc.); and
 - Continuing education (required and optional in-person and online resources).
- Data collection regarding
 - Statistics about officers earning/maintaining the certification (e.g., number of arrests, uses of force, etc.);
 - Employment status of individual officer before and after earning/maintaining certification (e.g., promotions, turnover, job offers, etc.);
 - Statistics about employers of officers in the program (e.g., number, size, and type organizations in which employed at time of earning certification, etc.); and
 - Use of certified officer information by law enforcement organizations seeking to hire officers in leadership roles/supervisors.

As for the education component, the Criminal Justice Academy (CJA) personnel may wish to collaborate with personnel at the Federal Bureau of Investigation (FBI) and Clemson University. Based on responses to the survey of law enforcement entities and the Committee's study of PPP, these entities have established leadership courses and training programs.²³³

As for data collection, CJA personnel may wish to collaborate with the Commission on Accreditation for Law Enforcement Agencies (CALEA) personnel and researchers/professors

from colleges and universities. These entities have established data collection methodologies and experience in identifying data that assists in long term research and analysis.²³⁴ Additionally, CJA personnel may want to propose to a national accreditation organization (e.g., CALEA, etc.) certification of the leadership program framework for use in other states after piloting and implementation in South Carolina as PPP personnel are not aware of any similar program for individual law enforcement officers.²³⁵

Within six months from publication of the study, CJA personnel should have discussions with applicable representatives (e.g., CALEA; FBI; professors/researchers; representatives from smaller rural and larger metropolitan law enforcement entities willing to participate and pilot) to create a tentative three-year plan that includes goals for the program. Example goals may include: (1) increase retention of accomplished law enforcement personnel; (2) provide a pool from which law enforcement organizations seeking supervisory personnel may find qualified candidates and encourage entities to hire these candidates. Additionally, the three-year plan should include performance metrics; necessary data to track metrics and options for how to collect it; and topics for initial and ongoing education requirements.

Recommendation to the Attorney General's Office

The Subcommittee makes one recommendation to the Attorney General's Office Commission regarding transparency and a summary is in Table 21.

Table 21. Summary of recommendation to the Attorney General's Office

TRANSPARENCY	<p>36. Post online and submit to the Committee, after annually collaborating with other applicable agencies, updated flow charts (available here) illustrating how victim information flows through the criminal justice system and the different points of contact entities have with victims, which was first created as part of the oversight study process with PPP. <small>SEE FINDINGS #5 AND #11</small></p>
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RECOMMENDATION #36. Post online and submit to the Committee, after annually collaborating with other applicable agencies, updated flow charts (available [here](#)) illustrating how victim information flows through the criminal justice system and the different points of contact entities have with victims, which was first created as part of the oversight study process with PPP.

As discussed in Recommendations #5, #8-11, and #33, to help inform the public about state agencies, the Committee posts flow charts explaining various aspects of how the state's complex, criminal justice system operates.

Recommendation # 36 seeks to keep a flow chart illustrating how victim information flows through the criminal justice system and the different points of contact entities have with victims accurate. This recommendation is directed to the Attorney General's Office which houses a Department of Crime Victim Services Training, Provider Certification, and Statistical Analysis tasked with providing oversight, training, education, and certification of victim assistance programs and collecting and analyzing relevant statistical data.²³⁶

Accordingly, personnel with the Attorney General’s Office should annually convene or communicate with relevant stakeholders to ensure the flow chart remains accurate. Figures 13 and 14 show these flow charts. Also, expansion and improvement to the flow chart are welcome. The updated flow chart should be shared electronically with the Committee and relevant parties.

Notably, Attorney General’s Office personnel had no objections.²³⁷

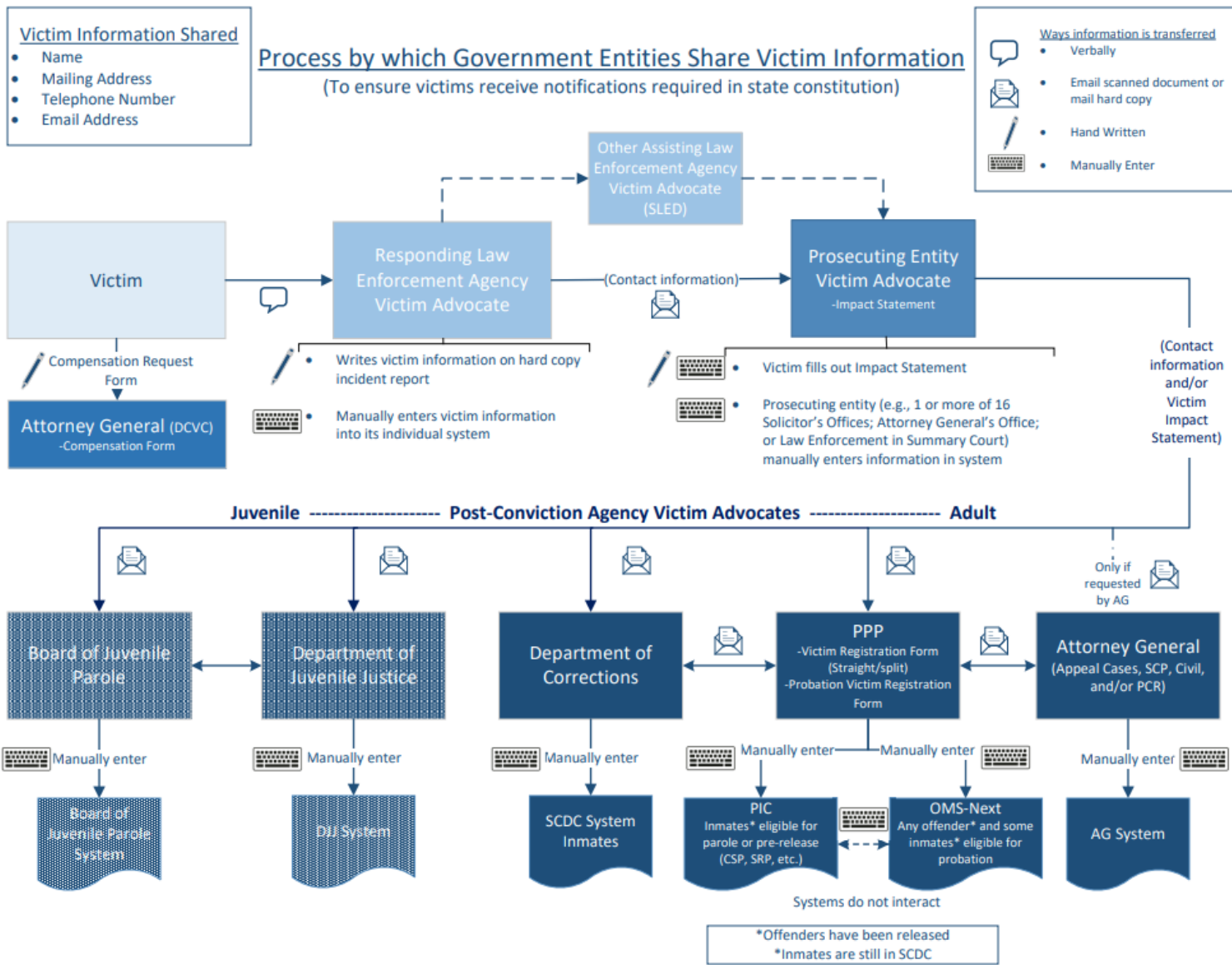


Figure 13. Crime Victim Information and Government Entities that Contact Crime Victims (8.26.21)²³⁸

Government Entities that Contact the Victim of a Crime

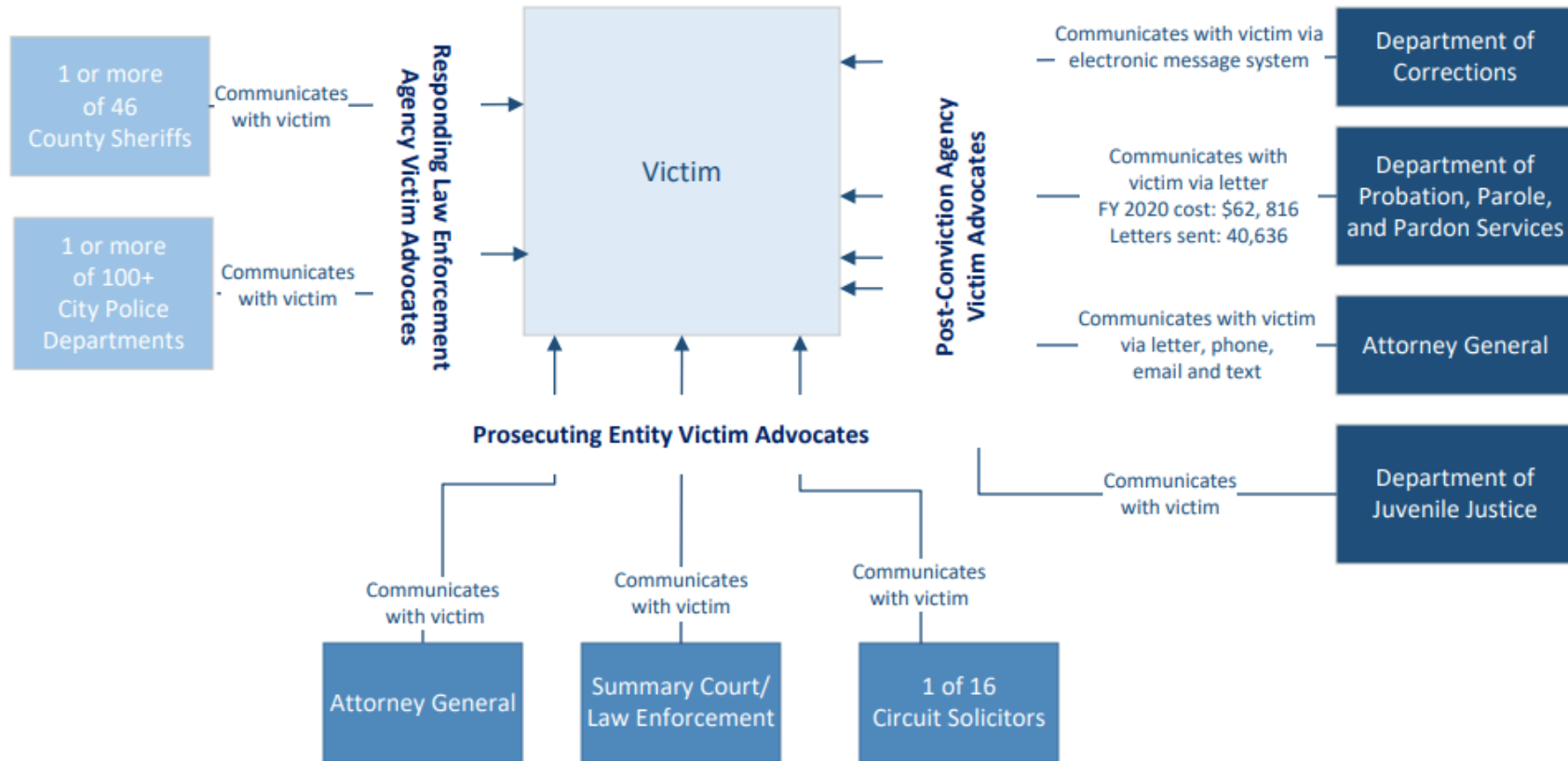


Figure 14. Crime Victim Information and Government Entities that Contact Crime Victims (8.26.21)²³⁹

Recommendation to the Department of Corrections

The Subcommittee makes one recommendation to the Department of Corrections regarding transparency, and a summary is in Table 22.

Table 22. Summary of recommendation to the Department of Corrections

TRANSPARENCY	37. Work on a data sharing agreement with the Revenue and Fiscal Affairs Office to share publicly available information and provide the Committee a list of data the agency is sharing. ^{SEE FINDINGS #5 AND #11.}
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RECOMMENDATION #37. Work on a data sharing agreement with the Revenue and Fiscal Affairs Office to share publicly available information and provide the Committee a list of data the agency is sharing.

The Committee’s mission includes a commitment to transparency by informing the public about state agencies. The Committee is aware that the Revenue and Fiscal Affairs Office (RFA) is building an enhanced reporting system for publicly available data as a means of improving efficiency and transparency for the public. For example, RFA offers an online “Locate Me” service, which provides information about South Carolina districts and boundaries (e.g., House districts, Senate districts, school districts, etc.) by address.²⁴⁰ Additionally, RFA’s website includes dashboards to access state information.²⁴¹

Data sharing of publicly available information from the Department of Correction (SCDC) may help further inform the public about state government operations. SCDC already has a data sharing agreement with RFA to share non-publicly available information for purposes of assisting in research that can be publicly published utilizing aggregated data across agencies.²⁴² However, SCDC personnel have yet to provide RFA personnel information on what data can be shared publicly.

Notably, SCDC personnel had no objections.²⁴³ Additionally, personnel with SCDC should consult with RFA to determine if any of RFA’s tools or expertise may assist the agency in creation of reports and interactive tools on the agency’s webpage or for internal agency operation analysis.

Recommendations to the Commission on Prosecution Coordination

The Subcommittee makes three recommendations to the Commission on Prosecution Coordination regarding transparency and effectiveness, and a summary is in Table 23.

Table 23. Summary of recommendation to the Commission on Prosecution Coordination

TRANSPARENCY AND EFFECTIVENESS	38. Post online and submit to the Committee, after annually collaborating with Court Administration and other applicable agencies, an updated crime to sentencing flow chart (available here), including addition of applicable forms
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utilized in the process, which the agency first created as part of its oversight study process.^{SEE FINDINGS #5 AND #11}

39. Work on a data sharing agreement with the Revenue and Fiscal Affairs Office to share publicly available information in ways in which the agency is able and provide the Committee a list of data the agency is sharing.^{SEE FINDINGS #5 AND #11}
40. Work on a data sharing agreement with the Revenue and Fiscal Affairs Office to share non-publicly available information for purposes of assisting in research that can be publicly published utilizing aggregated data across agencies.^{SEE FINDINGS #5 AND #11}

RECOMMENDATION #38. Post online and submit to the Committee, after annually collaborating with Court Administration and other applicable agencies, an updated crime to sentencing flow chart (available [here](#)), including addition of applicable forms utilized in the process, which the agency first created as part of its oversight study process.

As discussed in Recommendations #5, #8-11, #33, and #36 to help inform the public about state agencies, the Committee posts flow charts explaining various aspects of how the state’s complex, criminal justice system operates.

Recommendation #38 seeks to maintain a flow chart illustrating activities from crime to sentencing that Commission on Prosecution Coordination (SCCPC) staff originally created while under oversight study. Accordingly, personnel with SCCPC should annually convene or communicate with relevant stakeholders (e.g., Court Administration, Law Enforcement Training Council, State Law Enforcement Division, Attorney General’s Office, etc.) to ensure the flow chart remains accurate. Figure 15 shows this flow chart. Also, expansion and improvement to the flow chart are welcome (e.g., superscripts with index that references statutes and/or regulations applicable to different aspects of the flow chart, etc.). The updated flow chart should be shared electronically with the Committee and relevant parties. Notably, SCCPC personnel had no objections.²⁴⁴

What is the sequence of events in the state criminal justice system in South Carolina?

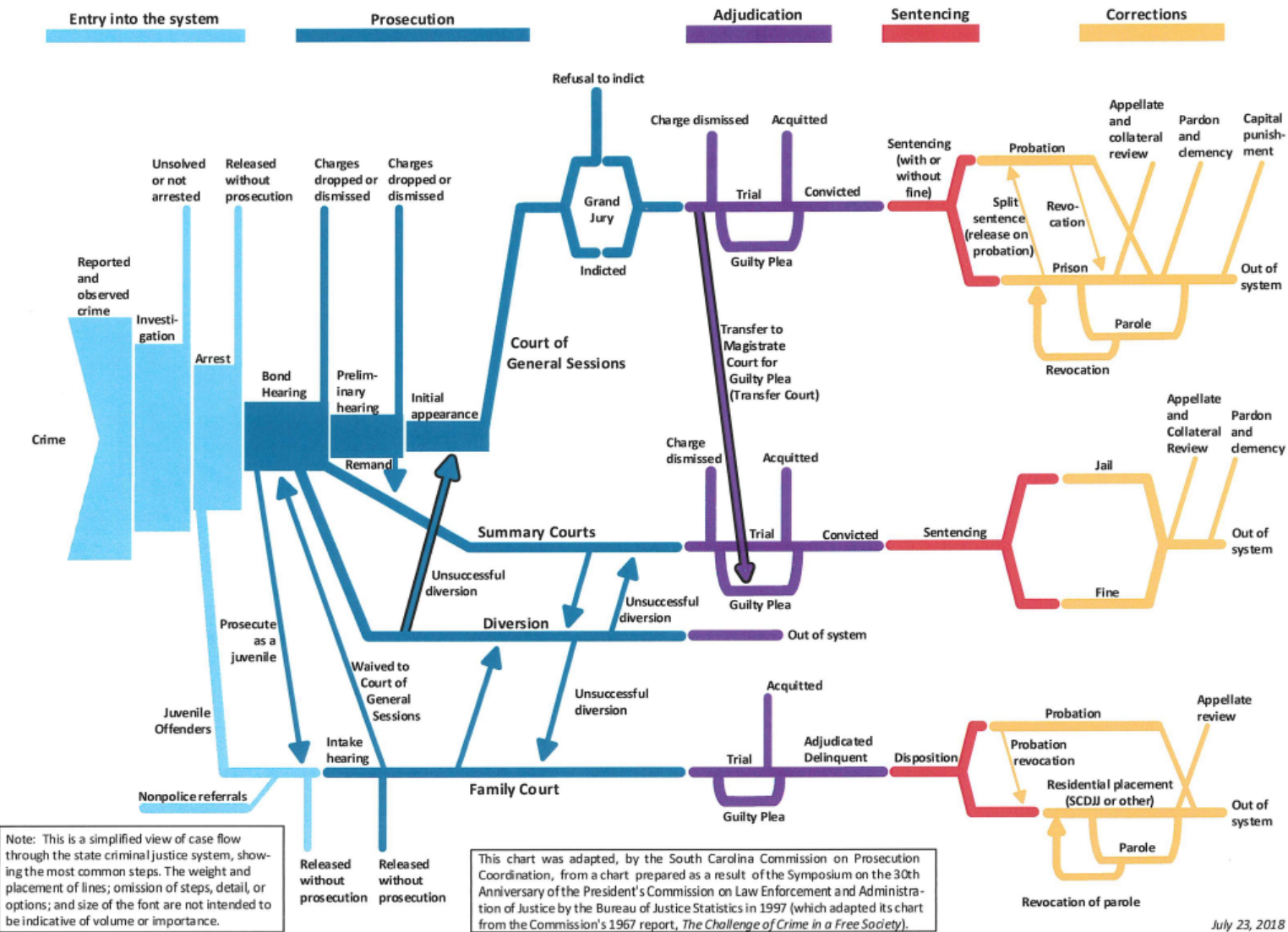


Figure 15. Crime to Sentencing (7.23.18)²⁴⁵

RECOMMENDATION #39. Work on a data sharing agreement with the Revenue and Fiscal Affairs Office to share publicly available information in ways in which the agency is able and provide the Committee a list of data the agency is sharing.

RECOMMENDATION #40. Work on a data sharing agreement with the Revenue and Fiscal Affairs Office to share non-publicly available information for purposes of assisting in research that can be publicly published utilizing aggregated data across agencies.

The Committee's mission includes a commitment to transparency by informing the public about state agencies. The Committee is aware that the Revenue and Fiscal Affairs Office (RFA) is building an enhanced reporting system for publicly available data as a means of improving efficiency and transparency for the public. For example, RFA offers an online "Locate Me" service, which provides information about South Carolina districts and boundaries (e.g., House districts, Senate districts, school districts, etc.) by address.²⁴⁶ Additionally, RFA's website includes dashboards to access state information.²⁴⁷

Data sharing of publicly available information from the Commission on Prosecution Commission may help further inform the public about state government operations.

Also, the Committee strives to improve efficiency and effectiveness in agency operations and policy decisions through analysis of information. Some of information maintained about individuals in the law enforcement or criminal justice process must remain confidential, as it would pose a security risk if made public. However, RFA can aggregate this non-publicly available information for purposes of assisting in research that can be publicly published.

SCCPC personnel had no objections in regards to information to which they can easily access from solicitors across the state.²⁴⁸ SCCPC personnel noted, they currently do not have a database but are trying to obtain one.²⁴⁹ Additionally, SCCPC personnel testified the majority of circuit solicitors have outdated technology and systems within their offices.²⁵⁰ Therefore, compiling information is done manually because it is difficult to obtain electronic information in an efficient manner.²⁵¹

Additionally, personnel with SCCPC should consult with RFA to determine if any of RFA's tools or expertise may assist the agency in creation of reports and interactive tools on the agency's webpage or for internal agency operation analysis.

INTERNAL CHANGE

During the study process, there is **one** internal change implemented directly related to participation in the study process by the Department of Probation, Parole and Pardon Services.

INTERNAL CHANGE #1. As part of the agency’s budget process, agency personnel have requested repeal of Proviso 66.3 related to GED preparation, a program the agency no longer operates.²⁵²

As background, PPP is authorized to enter into agreements with statewide colleges, technical colleges, and school districts for the purpose of providing GED and GED prep education to offenders.²⁵³ Offenders enrolled in the program must repay the cost of the course and materials within six months of obtaining their GED.²⁵⁴

During the study, PPP personnel indicated the program ceased operation in 2016 and recommended the proviso be deleted.²⁵⁵ The program ended because “getting these fees paid for offenders is no longer a barrier” due to the efforts of charitable organizations and SC Vocational Rehabilitation resources in each county.²⁵⁶

SELECTED AGENCY INFORMATION

Department of Probation, Parole and Pardon Services “Program Evaluation Report (PER) – Complete Report (June 12, 2018; updated January 27, 2020)”

[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProbationParoleandPardon/PPP%20PER%20-%20Complete%20\(6.12.19,%20updated%201.27.20\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProbationParoleandPardon/PPP%20PER%20-%20Complete%20(6.12.19,%20updated%201.27.20).pdf)

Department of Probation, Parole and Pardon Services. “Restructuring and Seven-Year Plan Report, 2015.”

<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/2015AgencyRestructuringandSevenYearPlanReports/2015%20Department%20of%20Probation,%20Parole%20and%20Pardon.pdf>

Department of Probation, Parole and Pardon Services. “Agency Accountability Report, 2020-2021.”

<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/aar2021/N080.pdf>

REPORT ACTIONS

FULL COMMITTEE OPTIONS STANDARD PRACTICE 12.4	FULL COMMITTEE ACTION(S)	DATE(S) OF FULL COMMITTEE ACTION(S)
(1) Refer the study and investigation back to the Subcommittee or an ad hoc committee for further evaluation; (2) Approve the Subcommittee’s study; or (3) Further evaluate the agency as a full Committee, utilizing any of the available tools of legislative oversight.	Subcommittee study report available for consideration Subcommittee study presentation and discussion Approval of the Subcommittee’s study	

APPENDIX A. WHAT DATA IS AND IS NOT AVAILABLE ABOUT THE CRIMINAL JUSTICE SYSTEM?

What data is and is not available about the criminal justice system?

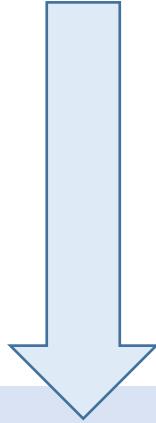
Listed below are some examples relating to data availability; however, the lists are not exhaustive.

Law Enforcement

Examples of data availability related to law enforcement activities.

Data Available

- Specifics on each criminal incident (see below)
- Training records



Data Not Available

- Disciplinary infractions with dates; supervising officer, and punishments – *may be helpful for awareness of officer’s history, but with information for others to fairly analyze it (e.g., if certain supervising officers are stricter about certain policies; if officer hasn’t had any discipline for a number of years; etc.)*
- For each officer and/or each law enforcement entity, the number of cases sent to prosecutor and number of those actually prosecuted in total and/or by type – *may be helpful in learning what type of cases officers may need additional training on to improve cases they send to solicitor*

Criminal Incidents

The following information is **available for each criminal incident throughout the state** via the [S.C. Incident Based Reporting System](#) (SCIBRS). Each law enforcement entity in the state is required to submit information to SLED on each criminal incident. Note: The information is by “criminal incident” as this term is utilized by the state/federal incident reporting systems. It does not align with specific state statutes. Summaries of this information is also available in the annual “Crime in S.C.” publication (most recent available online is [2018 Crime in SC](#)) published by SLED and DPS.

- Law Enforcement Agency (LEA) applicable²⁵⁷
- LEA’s case number^{258*} (information can be encrypted prior to dissemination to ensure recipients cannot identify the actual case)
- Date incident occurred (Year, month, and day)²⁵⁹

Offense Segment

- 10 most serious offenses occurring in the incident (see list of offenses [here](#))²⁶⁰ and, for each, whether...
 - it was attempted or completed²⁶¹
 - any offender was suspected of consuming alcohol or drugs/narcotics during or shortly before the incident²⁶²
 - any offender was suspected of using computer equipment to perpetrate the crime²⁶³
 - any offender’s actions were motivated by bias (e.g., race, religion, ethnicity, sexual orientation, disability, gender, gender identity)²⁶⁴
- Type of location where incident occurred (list of location options [here](#))²⁶⁵
- Number of structures (premises) entered in cases where the crime is Burglary/Breaking & Entering and the Hotel Rule applies²⁶⁶
- Whether the burglar(s) used force or no force to enter the structure.²⁶⁷
- Criminal activity/gang involvement of the offenders for certain offenses.²⁶⁸
- Type(s) of weapon(s) or force used by the offender.²⁶⁹

Property Segment

- Type(s) of property loss, recovery, seizure, etc., which occurred in an incident.²⁷⁰
- Descriptions of the property that was burned, counterfeited/forged, destroyed/damaged/vandalized, recovered, seized, stolen, bribed, defrauded, embezzled, extorted, ransomed, robbed, etc., as a result of the incident. (list of descriptions [here](#).)²⁷¹
- Total dollar value (in whole dollars) of the property burned (includes damage caused in fighting the fire), counterfeited, destroyed/damaged/vandalized, recovered, seized, stolen, etc., at a result of the incident.²⁷²
- Month, day and year that an LEA recovered previously stolen property.²⁷³
- Number of motor vehicles an LEA found were stolen in a Motor Vehicle Theft incident.²⁷⁴
- Number of motor vehicles an LEA recovered in a Motor Vehicle Theft incident.²⁷⁵
- Types of drugs or narcotics the LEA seized in a drug case.²⁷⁶
- Quantity of drugs or narcotics seized in a drug case.²⁷⁷
- Type of measurement used in quantifying drugs or narcotics seized in a drug case.²⁷⁸

Victim Segment

- Sequence number from 001 to 999 assigned to each victim in an incident.²⁷⁹
- Link each victim up to ten most serious Group A offenses which were perpetrated against him/her during the incident.²⁸⁰
- Categorize each victim associated with a SCIBRS incident.²⁸¹
- Type of activity in which the officer was engaged at the time he/she was assaulted or killed in the line of duty.²⁸²
- Officer's type of assignment at the time he/she sustained injury or died while on duty.²⁸³
- Unique nine-character Originating Agency Identifier (ORI) belonging to the agency of a law enforcement officer who was assaulted or killed while on duty in a jurisdiction other than his/her own. Reported by the LEA who has jurisdiction.²⁸⁴
- Age or age range of an individual (person) victim in an incident when the crime occurred.²⁸⁵
- Sex of an individual (person) victim in an incident.²⁸⁶
- The race of an individual (person) victim in an incident.²⁸⁷
- Ethnic origin of victim. (optional)²⁸⁸
- Resident status of victim. (optional)²⁸⁹
- Circumstances of either an Aggravated Assault or a Homicide. (list of circumstances [here](#).)²⁹⁰
- Circumstances of a justifiable homicide.²⁹¹
- Type of bodily injury suffered by the victim.²⁹²
- Offender Sequence Number of each offender to be identified in Data Element 35 (Relationship of Victim to Offender).²⁹³
- Relationship of the victim to offender(s) who perpetrated a Crime Against Person or a Robbery against the victim.²⁹⁴

Offender Segment

- Sequence number (01 to 99; or 00) assigned to each offender in an incident.²⁹⁵
- Age or age range of an offender in an incident.²⁹⁶
- Sex of an offender in an incident.²⁹⁷
- Race of an offender in an incident²⁹⁸
- Ethnicity of an offender in an incident. (optional)²⁹⁹

Arrestee Segment

- Sequence number (01 to 99) assigned to each arrestee reported in a Group A Incident Report or Group B Arrest Report.³⁰⁰

- Unique number assigned to an arrest report.³⁰¹
- Date (year, month, and day) of an arrest.³⁰²
- Type of apprehension (at the time of initial contact with the arrestee).³⁰³
- Counts the arrestee only once when the arrest is related to multiple incidents.³⁰⁴
- UCR Arrest Offence Code identifies the offense for which the LEA arrested an offender.³⁰⁵
- Indicates whether they arrested an offender in possession of a commonly-known weapon at the time of his/her arrest.³⁰⁶
- Age or age range of an arrestee in an incident.³⁰⁷
- Sex of an arrestee in an incident.³⁰⁸
- Race of an arrestee in an incident.³⁰⁹
- Ethnicity of an arrestee in an incident. (optional)³¹⁰
- Whether the arrestee was a resident or nonresident of the jurisdiction in which the incident occurred. (optional)³¹¹
- Nature of the arrestee’s detention when the arrestee was 17 years of age or younger at the time of the arrest (handled within the department or referred to other authorities).³¹²

Other information

- [Databases and information collected by DPS](#)

Criminal Prosecution and Defense

Examples of data availability related to criminal prosecution and defense of indigents.

Data available, or that agencies assert will be available, about both prosecution and defense includes:

- Revenue and expense by county
- As of November 2019, SCCPC asserts it is increasing the data it currently collects on the staffing of the Offices of Solicitor so as to provide information to the Legislature that is consistent with that collected about the Public Defenders' Offices by SCCID. This will include information such as salaries, job duties, which prosecutors are assigned to which courts, and handling of juvenile cases. ([Agency status](#) on implementing LOC recommendation #21 from the SCCPC study [here](#))
- As of November 2019, SCCPC asserts it has assigned two deputy solicitors to come up with a definition of the term "case," which will then be reviewed by the SCCPC staff and other representatives of the Offices of Solicitor. The final product of that effort will be presented to the Commission. ([Agency status](#) on implementing LOC recommendation #10 from the SCCPC study [here](#)). SCCID reached a consensus on how to define the term "case" when it began utilizing its statewide defender data system several years ago. SCCID has submitted a proposed regulation to establish the definition in regulation. ([Agency status](#) on implementing LOC recommendation #11 from the SCCID study [here](#)).

Note: SCCPC had a task force that began the process of gathering information to determine a financial best practices framework for circuit solicitors in the summer of 2018 that it expected would have recommendations available by February 2019 with the analysis phase to begin thereafter.^[1]) As of November 2019, there is no report or recommendations from the task force. ([Agency status](#) on implementing LOC recommendation #2 and #3 from the SCCPC study [here](#)).

Data Available

Prosecution:

- Number of individuals in diversion programs
- Disposition of domestic violence prosecutions ([FY 19 CDV Prosecution Report](#))
- Disposition of driving under the influence prosecutions ([FY 19 DUI Prosecution Report](#))

Criminal defense:

- Number of individuals represented by public defenders
- Average amount spent to represent an indigent defendant

Data Not Available

Prosecution:

- Number of individuals recidivating from each diversion program
- Number of individuals prosecuted annually
- Number of cases prosecuted
- Average amount spent to prosecute an individual
- Number of cases, warrants, or criminal incidents received from law enforcement, but not prosecuted, in total, by type of incident, or by specific law enforcement entity - *may be helpful to ensure (a) solicitor is not just prosecuting easier cases, and (b) personality conflicts between a solicitor's office and law enforcement entity is not jeopardizing the areas from which the solicitor is prosecuting crimes.*

Criminal defense:

- Number of individuals that
 - apply for indigent representation
 - are deemed not qualified to receive indigent representation

Court Cases

- [Data Court Administration tracks](#)
- [Data from Court Administration that SCCPC uses](#)

Information typically tracked by Court Administration for General Sessions cases:

Case number	Defendant sex
Warrant / ticket number	Defendant race
File data	Defendant social security number
Restore date	Defendant date of birth
Transfer date	Defendant driver license state, defendant driver's license number
Arrest date	Defendant's attorney, solicitor
Offense code (cdr),	Disposition date, disposition code,
Initial judge code / summary court judge code	Conviction code (CDR), sentence literal
Defendant name	Judge code
Defendant address, city, state, and zip code	

Corrections

Examples of data availability related to adults and juveniles incarcerated.

Data Available

- Number of youth who are adjudicated for a new offense within one year of completing arbitration, probation, or commitment - includes only those individuals who are subsequently adjudicated (convicted) in the juvenile justice system³¹³ (DJJ recidivism)
- Number of inmates who return to SCDC within three years of release for violations of their conditions of release or for new offenses that occur after their release.³¹⁴

Data Not Available

- Number of individuals released from DJJ that are later convicted of a new offense and incarcerated at a state facility or local facility
- Number of individuals released from SCDC that are later convicted of a new offense and incarcerated at a local facility; or incarcerated at a state facility after the three years after release

Types of data SCDC maintains on each inmate includes the items below. ([SCDC inmate data by type and source](#))

1. Identifiers (Name, DOB, SSN, SID#, FBI#, Aliases, etc)
2. Demographics (Race, Sex, Occupation, Religion, Education Level, Veteran Status, etc)
3. Relatives
4. Addresses
5. Convictions (Offense, Incarcerative Sentence, Suspended Sentence, Jail Time Credit, Sex Registry, etc)
6. Priors
7. Status (Incarcerated, Released, Parole, Probation, etc)
8. Classification (Custody / Security)
9. Time Served and Date Projections (Projected Maxout, Parole Eligibility, etc)
10. Movements / Movement Reasons (Administrative, Medical, Court, Release, Death, etc)
11. Bed Assignment
12. Assessments (Drug Dependency, Mental Health Screening, Prison Rape Elimination Act, Global Risk Assessment Device, etc)
13. Disciplinary Infractions
14. Disciplinary Hearings / Sanctions (Loss of Good Time Credits)
15. Disciplinary Restrictions (Canteen, Phone, etc)
16. Earned Work Credit Job Assignments
17. Earned Education Credit Assignments
18. Record Audits
19. Parole Reviews / Hearings
20. Screenings (Labor Crew, Pre-Release, Supervised Re-Entry, etc)
21. Detainers
22. Separation Requirements
23. Security Threat Group / Gang Affiliation
24. Accomplices
25. Incidents / Use of Force
26. Staff Requests / Grievances
27. Medical / Mental health / Pharmacy
28. Education (Class enrollment, Degrees / Certificates Earned)
29. Program Participation
30. Restitution (DNA, Property Damage, Medical Copay, Victims Assistance, Court Ordered, etc)
31. Trust Fund Transactions
32. Canteen Items Purchased
33. Commissary Items Issued
34. Visitation (Visitor Applications, Approved Visitors, Visits)
35. Victims (Registrations, Notifications)
36. Drug Testing

ENDNOTES

¹ Figure 1 is compiled from information in the “Department of Probation, Parole and Pardon Services” study materials available online under “Citizens’ Interest,” under “House Legislative Oversight Committee Postings and Reports,” and then under “Probation, Parole and Pardon, Department of” <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyPHPFiles/ProbationParoleandPardon.php> (accessed January 6, 2022).

² S.C. House of Representatives, House Legislative Oversight Committee, “PPP Correspondence to Subcommittee (9.27.2021),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Probation, Parole and Pardon, Department of,” and under “Correspondence,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProbationParoleandPardon/PPP%20Letter%20to%20Subcommittee%20with%20attachments%20\(9.27.21\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProbationParoleandPardon/PPP%20Letter%20to%20Subcommittee%20with%20attachments%20(9.27.21).pdf) (accessed December 2, 2021). See question 85. Hereinafter “PPP Correspondence to Subcommittee (9.27.2021).”

Endnote Table 1. Excerpt from PPP Correspondence to Subcommittee (9.27.2021)

	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20
C-Supervision	896	939	1,091	1,026	1,111	1,025	969	926	887	805	775
DJJ	38	50	45	33	23	13	17	21	23	15	8
Parole	690	954	735	738	694	1,032	893	1,034	1,473	1,461	1,103
Supervised Furlough-2	7	7	5	3	5	3	3	2	-	1	-
Supervised Furlough-2A	18	7	5	6	3	4	-	1	1	1	-
Shock Incarceration	1	-	-	-	90	151	128	151	146	112	107
Split Sentence Supervised Reentry	2,234	2,085	2,333	2,321	2,205	1,897	1,862	1,644	1,593	1,461	1,324
Total	3,884	4,042	4,214	4,183	4,427	3,603	4,558	4,574	4,880	4,453	2,512

*Table Note: This chart does not include offenders sentenced by the courts instead of released from SCDC into PPP supervision. [Populations **not** included are: GPS monitoring, “Not guilty by reason of insanity” (NGRI), Probation, Probation terminated upon payment (PTUP) and Youthful Offenders (YOA).]*

³S.C. House of Representatives, House Legislative Oversight Committee, “SCDC Correspondence to Subcommittee (9.27.2021),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Probation, Parole and Pardon, Department of,” and under “Correspondence,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProbationParoleandPardon/SCDC%20Letter%20to%20Subcommittee%20\(9.27.21\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProbationParoleandPardon/SCDC%20Letter%20to%20Subcommittee%20(9.27.21).pdf) (accessed December 2, 2021). See question 1. Hereinafter “SCDC Correspondence to Subcommittee (9.27.2021).”

**RELEASES FROM SCDC BASE POPULATION
FISCAL YEARS 2016 - 2020**

RELEASES	FY 2016		FY 2017		FY 2018		FY 2019		FY 2020	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
EXPIRATION OF SENTENCE (LESS GOOD TIME & WORK/EDUCATION CREDITS)	3,920	42.9%	3,919	42.1%	3,067	35.7%	2,518	33.5%	2,778	37.3%
MAXOUT - YOA	98	1.1%	96	1.0%	64	0.7%	83	1.1%	83	1.1%
PLACED ON PROBATION	1,895	20.7%	1,831	19.7%	1,659	19.3%	1,469	19.5%	1,416	19.0%
PAROLED TO INTENSIVE SUPERVISION SERVICES*	552	6.0%	513	5.5%	492	5.7%	513	6.8%	455	6.1%
PAROLED BY YOA PAROLE BOARD**	180	2.0%	199	2.1%	193	2.2%	135	1.8%	133	1.8%
PAROLED BY DPPPS***	655	7.2%	820	8.8%	1,219	14.2%	1,196	15.9%	931	12.5%
RE-SENTENCED	15	0.2%	17	0.2%	7	0.1%	5	0.1%	0	0.0%
COMMUNITY SUPERVISION (UNDER TRUTH-IN-SENTENCING STATUTE)	1,033	11.3%	985	10.6%	957	11.1%	871	11.6%	900	12.1%
SUPERVISED RE-ENTRY****	692	7.6%	812	8.7%	782	9.1%	621	8.3%	636	8.5%
DEATH	86	0.9%	86	0.9%	114	1.3%	79	1.1%	82	1.1%
DEATH-EXECUTED	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
RELEASE TO EPA	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
OTHER *****	21	0.2%	27	0.3%	31	0.4%	29	0.4%	31	0.4%
TOTAL RELEASES	9,147	100.0%	9,305	100.0%	8,585	100.0%	7,519	100.0%	7,445	100.0%

* Intensive Supervision Administrative Release Authority (ISARA) assumed YOA Parole Board duties on February 1, 2013.

** The Youthful Offender Act provides for indeterminate sentences of 1 - 6 years for offenders aged 17 - 25.

*** Department of Probation, Parole and Pardon Services.

**** Supervised Re-entry began in FY 2013.

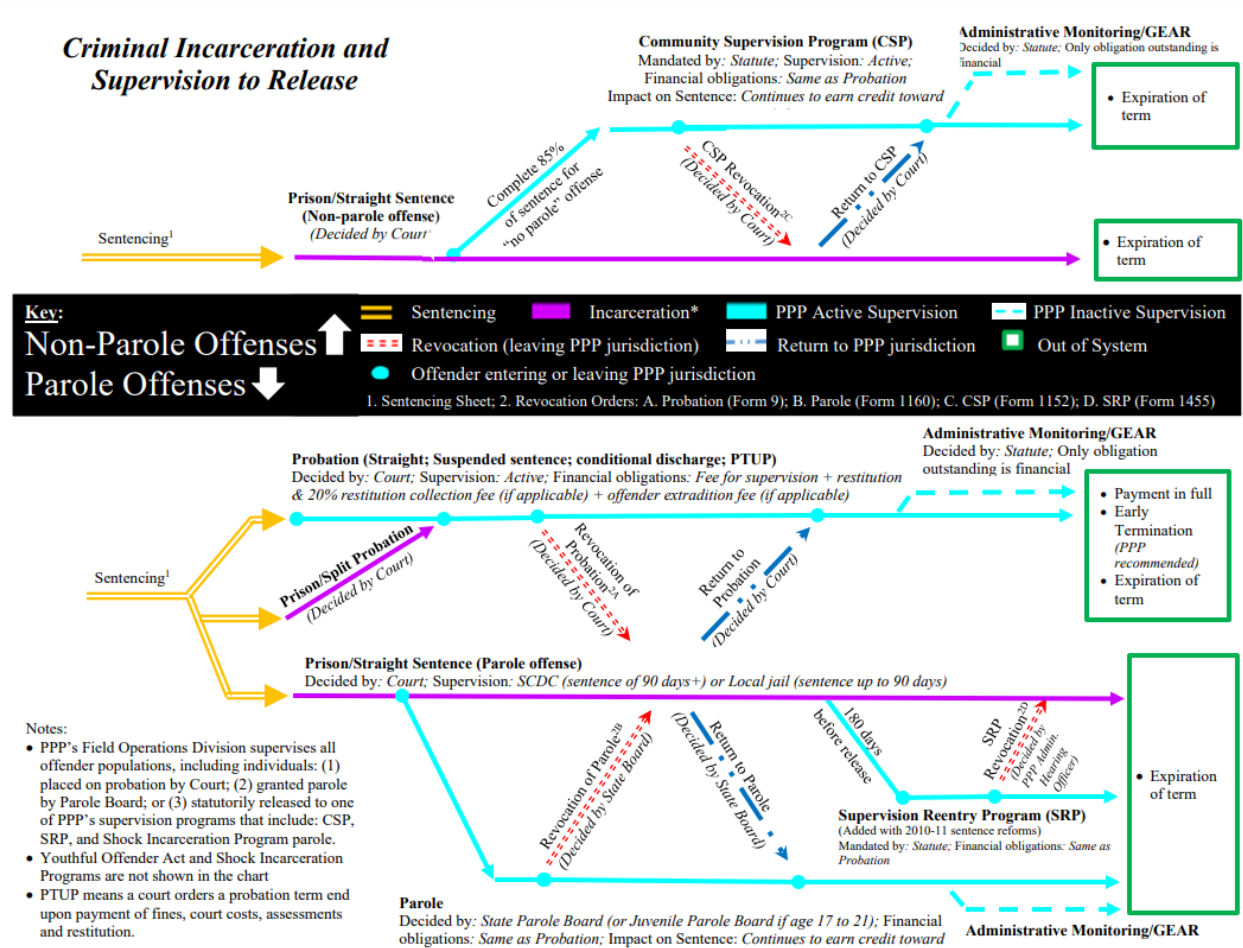
***** These releases include court ordered, paid fine, appeal bond, pardon, remanded to county and released on furlough.

Note: Percentages may not add up due to rounding.

Endnote Figure 1. Excerpt from SCDC Correspondence to Subcommittee (9.27.2021)

See, also, Department of Corrections, “Statistical Reports – Annual Inmate Releases from SCDC” <http://www.doc.sc.gov/research/statistics.html> (accessed December 2, 2021).

⁴ S.C. House of Representatives, House Legislative Oversight Committee, “Incarceration and Supervision to Release (8.18.21),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Probation, Parole and Pardon, Department of,” and under “Additional Agency Details,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProbationParoleandPardon/Incarceration%20and%20Supervision%20to%20Release%20Flow%20Chart%20\(8.18.21\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProbationParoleandPardon/Incarceration%20and%20Supervision%20to%20Release%20Flow%20Chart%20(8.18.21).pdf) (accessed January 7, 2022). Hereinafter, “Incarceration and Supervision to Release (8.18.21).”



Endnote Figure 2. Incarceration and Supervision to Release (8.18.21)

⁵ PPP Correspondence to Subcommittee (9.27.2021). See response to question 86.

⁶ Note: Different pieces of information analyzed included:

- time served prior to sentencing (i.e., jail time forms);
- sentencing sheets;
- time served after sentencing;
- disciplinary hearing reports;
- probation and parole revocation orders; and
- education, work, and good behavior credits while serving time after sentencing.

See, also, SCDC Correspondence to Subcommittee (9.27.2021). See response to question 18.

⁷ PPP Correspondence to Subcommittee (9.27.2021). See response to question 88.

⁸ PPP Correspondence to Subcommittee (9.27.2021). See responses to questions 86 and 89.

See, also, SCDC Correspondence to Subcommittee (9.27.2021). See response to question 18.

Note: The implementation of the Court Administration's new statewide electronic sentencing sheet will provide the capability to conduct a statewide search, including the ability to view charges and sentencing information for an offender with multiple charges and multiple counties using the offender's biographical information. However, the judicial branch of government does not have access to time-served data.

⁹ Note: An offender may have a conviction for a single charge in a single county or may have convictions for multiple charges in multiple counties. The type of conviction on each charge impacts whether an individual is eligible for parole or another transitional supervision program (e.g., community supervision, supervised re-entry).

Currently, each conviction is viewable either through hard copy documents emailed or hand delivered to PPP, or by reviewing each individual county's clerk of court webpage. Based on this information PPP personnel can determine if an individual is eligible for parole or community supervision. The judicial branch's new case management system will provide the capability to conduct a statewide search, including the ability to view charges and sentencing information for an offender with multiple charges and multiple counties using the offender's biographical information.

When an individual is eligible for release from state prisons is determined from analysis of multiple different pieces of information including:

- 1) time served prior to sentencing (jail time forms);
- 2) sentencing sheets;
- 3) time served after sentencing;
- 4) disciplinary hearing reports;
- 5) probation and parole revocation orders;
- 6) education, work, and good behavior credits while serving time after sentencing.⁹

The sources of these pieces information may include any number of local jails, judicial branch, Department of Corrections (SCDC) facilities, and PPP supervision. Currently, each of these entities tracks this information for their own uses through their own individual case management systems. Department of Corrections personnel are responsible for gathering all this information and entering it into SCDC's offender management system database to calculate when an offender is eligible for release, regardless of the type of release.

Time served prior to sentencing may occur at a local jail or SCDC facility. The judicial branch does not have access to time served data. If a defendant is to be given credit for time served, the judge would check the box on the sentencing sheet that states, "time served is to be calculated by the Department of Corrections, as outlined in S.C. Code Section 24-13-40." This indicates SCDC is to obtain the applicable information as outlined in statute. However, there are times when a judge has handwritten on a sentencing sheet a specific number of days of time served for which a defendant should receive credit. Generally, any amount of time served written on a court order is applied by SCDC because it is considered a court order. (Per S.C. Code Section 24-13-40 and *Tant v. South Carolina Dept. of Corrections*, 408 S.C. 334 (2014).) Thus, even if the amount of time a judge handwrites on a sentencing sheet is incorrect, it is what is applied.

According to Court Administration, on the electronic sentence sheet, which is currently in pilot phase, there should be no situation in where a judge would handwrite on the electronic sentence sheet. However, the electronic sheet does provide an option for the judge to type in additional sentencing information.⁹

The ability of judges to inadvertently type sentencing information which may not align with applicable law or relate to information about which they may not have all the facts, in addition to lacking a centralized database in which all those who have custody over offenders during some point in the process may enter information may complicate and slow the ability of SCDC, or any entity responsible, for calculating when an offender is eligible for initial parole consideration as well as when an offender is eligible for release to mandatory release programs. See Recommendation 11 for additional information related to centralized offender information.

¹⁰ Note: South Carolina Police Officers Retirement System is a defined benefit plan primarily for public safety employees. See S.C. Public Benefit Authority, “Fiscal year 2022 – Police Officers Retirement Member Handbook,” https://www.peba.sc.gov/sites/default/files/pors_handbook.pdf (accessed December 2, 2021).

¹¹ S.C. Code Section 9-11-40(4).

¹² Ibid.

¹³ Department of Probation, Parole and Pardon Services, “Field Operations Division Presentation (updated July 27, 2021),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” and under “Probation, Parole and Pardon, Department of” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProbationParoleandPardon/Presentation%20-%20Field%20Operations%20\(updated%207.27.21\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProbationParoleandPardon/Presentation%20-%20Field%20Operations%20(updated%207.27.21).pdf) (accessed December 6, 2021). See presentation slide 272. Hereinafter, “Agency Field Operations Division Presentation (updated July 27, 2021).”

See, also, Department of Probation, Parole and Pardon Services, “PER – Complete report (Complete Report June 12, 2019; updated January 27, 2020),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” and under “Probation, Parole and Pardon, Department of” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProbationParoleandPardon/PPP%20PER%20-%20Complete%20\(6.12.19,%20updated%201.27.20\)](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProbationParoleandPardon/PPP%20PER%20-%20Complete%20(6.12.19,%20updated%201.27.20)) (accessed December 3, 2021).pdf. See law change recommendation #10. Hereinafter, “PPP Program Evaluation Report.”

Endnote Table 2. Proposed Revision to Law Wording

Proposed Revisions to Law Wording
<p>Section 9-11-40</p> <p>Application to become an employer under system; membership in system; classification of members; transfer of contributions and credited service to South Carolina Retirement System; continuation of membership in correlated systems.</p> <p>(1)(a) A county, municipality, or other political subdivision of the State, and an agency or department of a political subdivision or service organization referred to in Section 9-11-10(17)(c) in its discretion, may become an employer by applying to the board for admission to the system and by complying with the requirements of this section and the rules and regulations of the board. The application must set forth the requested date of admission, which must be the January first, or the April first, or the July first, or the October first next following receipt by the board of the application, except that in the case of any applications received before January 1, 1963, the requested date of admission may be July 1, 1962.</p> <p>(b) Notwithstanding the foregoing, if such application is received prior to July 1, 1966, the requested date of the admission shall be July 1, 1962; provided that contributions are made to the System within the calendar year 1966, in such manner as the Board deems reasonable, by the political subdivision seeking such admission and each and every police officer in its employ who will become a member following such admission, in amounts respectively equal to the total contributions which they would have made had such political subdivision become an employer as of July 1, 1962.</p>

(c) When such application is received after June 30, 1966 and prior to April 1, 1974, the requested date of such admission may be July 1, 1962, without loss or prejudice to their affected employees' claims to prior service credits but such electing employers and their employees shall be subject to the payment of such contributions, if any, as the Board may determine to be necessary to avoid any possible discrimination as against employers and employees coming under the terms hereof at an earlier date.

(d) An employer whose requested date of admission is on or after July 1, 1974, shall agree to make contributions on account of all service before the date of admission rendered by members in its employ who make contributions with respect to such service.

(2) In no event will admission as an employer be allowed unless a majority of all persons then employed as police officers by the prospective employer elect irrevocably to become members of the System as of the requested date of admission.

(3) Any employer participating in the System as of June 30, 1974 which is not participating in the Supplemental Allowance Program may elect as of July 1, 1974 or as of July 1 of any year thereafter to provide Class Two membership for police officers in its employ and thereby enable them to qualify for benefits based on Class Two service. Any such employer who so elects shall agree to pay the increased rate of employer contributions applicable to Class Two members with respect to police officers in its employ who become Class Two members. The police officers in the employ of any such employer which does not make such election shall be entitled only to the benefits herein provided with respect to Class One service.

(4) All persons who become employed as police officers by the State or other employer after the employer's date of admission to the system under the provisions of this section must become members, as a condition of their employment.

Notwithstanding the provisions of this subsection, no person shall become a member on or after July 1, 1963 unless: (1) his employer certifies to the system that his service as a police officer requires at least one thousand six hundred hours a year of active duty and that the person's salary for the service is at least two thousand dollars a year, or (2) his employer certifies to the system that the person previously served as a police officer requiring at least one thousand six hundred hours a year of active duty, for an aggregate period of at least ten years, and now works in an administrative or supervisory capacity for the employer. If in any year after this certification the member does not ~~render at least one thousand six hundred hours of active duty as a police officer, or if the member does not receive at least two thousand dollars in salary,~~ meet one of these two qualifying conditions, his membership ceases and the provisions of Section 9-11-100 apply.

(5) Notwithstanding any other provision of law, no person shall be eligible to participate in the System as a member and in another fund with respect to the same position nor shall any person be entitled to receive duplicate benefits for the same period of service in the same position.

(6) All persons who are employed as police officers by an employer at the date of the employer's admission to the System shall become members as of such date unless, within a period of one month following such date, they shall have filed with the Board on a form prescribed by the Board a notice of their election not to be covered in the membership and duly executed waiver of all present and prospective benefits which would otherwise inure to them on account of their participation in the System.

(7) Each member shall be classified as either a Class One member or a Class Two member, as hereinafter provided, and shall make the contributions and be eligible for the benefits provided for his class. Each member who is a participant in the Supplemental Allowance Program as of June 30, 1974 shall be a Class Two member. Any other police officer who became a member prior to July 1, 1974 and who is employed by the State or by an employer which is participating in the Supplemental Allowance Program as of June 30, 1974 or which elects to provide Class Two membership for police officers in its employ may elect by written notice filed with the Board within 60 days after July 1, 1974 to become a Class Two member as of said date, provided that any such member who is not in service as of July 1, 1974 may make such election within 60 days after his return to service. Any police officer becoming a member on or after July 1, 1974 who is employed by the State or by an employer which has elected to provide Class Two membership for police officers in its employ shall become a Class Two member. Any member employed by an employer whose date of admission is on or after July 1, 1974 shall be a Class Two member. Any member who is not a Class Two member shall be a Class One member.

(8) Should any member of the System withdraw his accumulated contributions or die or retire under the provisions hereof, he shall thereupon cease to be a member. The membership of any police officer entering the Armed Service of the United

States shall be continued during such period in the Armed Service if he does not withdraw his contributions, and such member shall be considered to have accrued service credit during such period in the Armed Service if he returns to service as a police officer for an employer within ninety days after first becoming eligible for a discharge from such Armed Service and if, within one year following such return, he makes the contributions which he would have made had he continued in service as a police officer during such period.

(9) As used in this item, "correlated system" shall mean one or more of the following:

- (a) South Carolina Retirement System;
- (b) South Carolina Police Officers Retirement System;
- (c) Retirement System for Members of the General Assembly of the State of South Carolina.

If a member of any correlated system ceases to occupy a position covered under the System and if, within the protective period and under such conditions as are set forth in the correlated system for continuation of membership therein, he accepts a position covered by another correlated system, he shall notify the Director of each System of such employment, and his membership in the first System must be continued so long as his membership in the other System continues. Service credited to the member under the provisions of the first System must be considered service credits for the purpose of determining eligibility for benefits, but not the amount thereof, under the other System. Any benefit under any one of the correlated systems must be computed solely on the basis of service and contributions credited under that System, and must be payable at such times and subject to such age and service conditions as are set forth therein, except the average final salary under either the South Carolina Retirement System or the Police Officers Retirement System may be used for the benefit calculation under both systems for consecutive earned service credit. A member is not eligible to receive retirement payments so long as he is employed in a position covered by the South Carolina Retirement System or the South Carolina Police Officers Retirement System.

A member of the South Carolina Police Officers Retirement System may transfer credited service he received under the South Carolina Retirement System to the South Carolina Police Officers Retirement System on payment of accumulated employer and employee contributions and interest in the South Carolina Retirement System plus five percent of current compensation for each year of service prorated for periods of less than a year.

Service transferred under this subsection that was earned in the South Carolina Retirement System is "earned service" and counts toward the required five or more years of earned service necessary for benefit eligibility. With respect to service transferred to the system under this subsection, compensation earned while participating in the South Carolina Retirement System is not earnable compensation under the system and shall not be used in calculating a member's average final compensation.

(10) Notwithstanding any other provision of law, any county, municipality or other political subdivision of the State, and any agency or department thereof which is participating in the South Carolina Retirement System with respect to firemen in its employ, may become an employer under the South Carolina Police Officers Retirement System with respect to such firemen by applying to the Board for admission to the System and complying with the rules and regulations of the Board. Such application shall set forth the requested date of admission which shall be July 1, 1976, or any subsequent July first, next following receipt by the Board of such application.

In no event will admission as an employer under this subsection be allowed unless a majority of all persons then employed as firemen by the prospective employer elect irrevocably to become members of the System as of the requested date of admission.

All persons who are employed as firemen by such employer at the date of the employer's admission to the System shall become members as of such date unless, within a period of one month following such date, they shall have filed with the Board on a form prescribed by the Board a notice of their election not to be covered in the membership and a duly executed waiver of all present and prospective benefits which would otherwise inure to them on account of their participation in the System.

All persons who become employed as firemen by the State or other employer after the employer's date of admission to the System under the provisions of this subsection shall become members, as a condition of their employment.

Notwithstanding the provisions of this subsection, no fireman shall become a member on or after July 1, 1976, unless the member's employer certifies to the system that his service as a fireman requires at least one thousand, six hundred hours a

year of active duty and that the member's salary for the service is at least two thousand dollars a year. If in any year after this certification the member does not render at least one thousand, six hundred hours of active duty as a fireman, or if the member does not receive at least two thousand dollars in salary, his membership ceases and the provisions of Section 9-11-100 apply.

Each fireman who becomes a member of the System as provided in this subsection shall be classified as a Class Two member and shall make the contributions and be eligible for the benefits provided for Class Two members. With respect to his service while a member of the System, any fireman who becomes a member of the System pursuant to this subsection shall be subject to all of the provisions of this article which would be applicable if he were a police officer.

If a fireman is a member of the South Carolina Retirement System at the time he becomes a member of the South Carolina Police Officers Retirement System his membership in the South Carolina Retirement System shall be continued so long as his membership in the South Carolina Police Officers System continues. Service credited to the member under the provisions of the South Carolina Retirement System shall be considered credited service for the purpose of determining eligibility for benefits, but not the amount thereof, under the South Carolina Police Officers Retirement System. Any benefit under either one of these two correlated systems shall be computed solely on the basis of service and contributions credited under that System, but in determining the member's average final compensation, his compensation received during credited service under both Systems shall be taken into account. Such benefits shall be payable at such times and subject to such age and service conditions as provided under the respective Systems; provided, however, a member shall not be eligible to receive retirement payments so long as he is employed in a position covered by the South Carolina Retirement System or the South Carolina Police Officers Retirement System. Notwithstanding the above, the disability retirement benefit shall only be paid from and based on the benefit provisions of the System to which the member is contributing at the time of disability and shall be based on the total of his credited service under both Systems. The amount of accumulated contributions of such disabled member which is credited to his account under the System to which he is not contributing at the time of disability, shall be transferred to the System from which his disability retirement benefit shall be paid.

¹⁴ S.C. House of Representatives, House Legislative Oversight Committee, "Public Benefit Authority Correspondence to Subcommittee (9.15.2021)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Probation, Parole and Pardon, Department of," and under "Correspondence," [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProbationParoleandPardon/PEBA%20Letter%20to%20Subcommittee%20\(9.15.21\)%20-%20PDF.pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProbationParoleandPardon/PEBA%20Letter%20to%20Subcommittee%20(9.15.21)%20-%20PDF.pdf) (accessed December 2, 2021). See response to questions 1, 2, and 3. Hereinafter "Public Benefit Authority Correspondence to Subcommittee (9.15.2021)".

¹⁵ Public Benefit Authority Correspondence to Subcommittee (9.15.2021). See response to question 1. See, also, S.C. Code Section 9-11-40(4).

¹⁶ Ibid.

¹⁷ Ibid.

STATE OF SOUTH CAROLINA)	EMPLOYER AFFIDAVIT
)	AND CERTIFICATION OF
COUNTY OF <u>COUNTY NAME.</u>)	POLICE OFFICERS RETIREMENT
_____)	SYSTEM (PORS) ELIGIBILITY

PERSONALLY APPEARED before me, Name of Affiant, who first being duly sworn, deposes and says:

1. I am the Title of Affiant of Name of Employer (“Employer”), a participating employer in the South Carolina Police Officers’ Retirement System (“PORS”).
2. In that capacity, I am familiar with the duties and responsibilities of the employees of the Employer and have been authorized to execute this affidavit on its behalf.
3. I understand that PORS was established to provide enhanced benefits because “the physical qualifications for the services of police officers require an earlier retirement age than other employees of the State” and because “the dangerous character of their services justifies higher retirement benefits.”
4. I understand that, pursuant to Section 9-11-40(4) of the South Carolina Code of Laws, no person may become a member of PORS unless his or her employer certifies that the person meets the eligibility requirements for PORS participation.
5. I further understand that, pursuant to Section 9-11-320 of the South Carolina Code of Laws, “[a]ny person who shall knowingly make any false statement, or shall falsify or permit to be falsified any record of the System in any attempt to defraud the System, as a result of such act shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding five hundred dollars or imprisonment not exceeding twelve months, or both in the discretion of the court.”
6. I certify that Name of PORS Enrollee (“Employee”) is an employee of the Employer and currently holds the position of PORS Enrollee’s Position Title.
7. I further certify that in his/her capacity in that position, Employee is eligible to participate in PORS as a (check the appropriate category):
 - Police officer, because he/she is required by the terms of his/her employment to give his/her time to the exercise of traditional law enforcement powers and responsibilities, including: (i) the preservation of public order, (ii) the protection of life and property, and (iii) the detection of crimes in the state.
 - Firefighter, because he/she is required by the terms of his/her employment to give his/her time to prevention and control of property destruction by fire, including actual firefighting duties.
 - Peace officer, because he/she is employed by the South Carolina Department of Corrections, South Carolina Department of Juvenile Justice, or South Carolina

Department of Mental Health and by the terms of his/her employment has the status of a peace officer with respect to the custody and control of inmates pursuant to Section 24-1-280 of the South Carolina Code of Laws.

8. I also attest that, in his/her capacity in that position, Employee is required to devote at least 1,600 hours per year of active duty to performing the police officer, firefighter, or peace officer duties listed in paragraph 7 above, and that he/she receives at least \$2,000 salary per year for the performance of those duties.
9. I hereby certify, under penalty of perjury, that all of the foregoing information in this affidavit is true and correct to the best of my knowledge.

Signature

Title

Employer Name

Sworn to and subscribed before me this

____ day of _____ 20__.

Notary Public for the State of South Carolina

Notary Printed Name

My commission expires: _____

Endnote Figure 3. Employer affidavit and certification of Police Officers Retirement System (PORS) eligibility

¹⁸ Public Benefit Authority Correspondence to Subcommittee (9.15.2021). See response to question 2.

¹⁹ Ibid.

²⁰ Public Benefit Authority Correspondence to Subcommittee (9.15.2021). See response to question 3.

²¹ Ibid.

²² Ibid.

²³ S.C. House of Representatives, House Legislative Oversight Committee, “Correspondence from Department of Administration (10.1.21),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under Probation, Parole and Pardon, Department of,” and under “Correspondence,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProbationParoleandPardon/DOA%20letter%20to%20Oversight%20Subcommittee%20\(10.1.21\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProbationParoleandPardon/DOA%20letter%20to%20Oversight%20Subcommittee%20(10.1.21).pdf) (accessed January 12, 2022).

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Note: Additional projected savings from the Department of Administration’s work with other agencies to implement space standards from July 1, 2018, through September 24, 2021, include the following:

Endnote Table 3. Projected savings from implementation of Department of Administration’s space standards from July 1, 2018, through September 24, 2021

AGENCY	DEPARTMENT OF MOTOR VEHICLES	DEPARTMENT OF CHILDREN’S ADVOCACY	COMMISSION ON HIGHER EDUCATION	STATE ACCIDENT FUND	DEPARTMENT OF REVENUE
LOCATION	1005 Hwy 52, Moncks Corner	4925 Lacross Rd, Ste 1 12, N Charleston	1122 Lady St, Columbia	113 Reed Ave, Lexington	33 Villa Road, Greenville
LEASE START	5/1/2021	5/1/2021	12/1/2020	11/19/2019	8/13/2018
TERM – YEARS	10	5	10	10	10
OLD SQUARE FOOTAGE	4,800	5,490	23,461	21,871	14,670
NEW SQUARE FOOTAGE	4,480	3,156	12,906	20,500	1 1,400
DIFFERENCE IN SQUARE FOOTAGE	320	2,334	10,555	1,371	3,270
RENT SAVINGS OVER TERM	\$70,380.80	\$223,060.38	\$2,104,403.13	\$2,514,468.82	\$564 075.00

²⁹ Note: For example, it costs the Commission on Indigent Defense almost \$2 million annually in employee time manually entering information, that may be available directly from Court Administration, into the statewide public defender case management system (i.e., Defender Data). This occurs at two points in the criminal process: (1) when the file is opened (i.e., when defendant and charge identifiers are entered into Defender Data) and (2) when the case is closed (i.e., when information from the sentencing sheet is entered into Defender Data). If a defendant receives additional charges during the case, the information regarding those new charges is also manually entered into Defender Data. Two, information from a handwritten, sometimes difficult to read, forms is transcribed manually by several agencies (e.g., solicitors' offices, public defenders, SCDC, Department of Probation, Pardon, and Parole, and Department of Motor Vehicles) into different databases.

³⁰ PPP Program Evaluation Report. See question 16.

³¹ PPP Correspondence to Subcommittee (9.27.2021). See response to question 84.

³² Court Administration, "Court Administration Correspondence to Subcommittee (9.30.2021)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," and under "Probation, Parole and Pardon, Department of"

[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProbationParoleandPardon/Court%20Administration%20letter%20to%20House%20Subcommittee%20\(9.30.21\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProbationParoleandPardon/Court%20Administration%20letter%20to%20House%20Subcommittee%20(9.30.21).pdf) (accessed December 7, 2021). Hereinafter, "Court Administration Correspondence to Subcommittee (9.30.2021)."

³³ PPP Correspondence to Subcommittee (9.27.2021). See response to question 72.

Note: This figure was created based on information PPP provided as part of the Accountability report in 2019-2020 related to manual entry of data, costs, and potential impacts of errors. The calculation used to create the figure is as follows:

\$45,400 (average salary of 324 PPP employees who spend 10-24% of their time entering manual data)
x .15 (median percent) x 324 employees= \$2,206,440 cost of employee time entering data

\$53,000 (average salary of 5 PPP employees who spend less than 10% of their time entering manual data)
x .05 (median percent) x 5 employees= \$13,250 cost of employee time entering data

(The number of staff performing manual data entry and the average salary came from the Program Evaluation Report [PER].)

³⁴ S.C. Code Section 8-11-15(B) authorizes state agencies to "use alternate work locations, including telecommuting, that result in greater efficiency and cost savings."

³⁵ Department of Administration, "Telecommuting Toolkit (Updated June 2021)" https://admin.sc.gov/dshr/model_policies#telecommuting (accessed November 18, 2021).

³⁶ Karen Luchka Wingo, Department of Administration Division of Human Resources Director, letter to House Legislative Oversight Committee Chairman Wm. Weston J. Newton, November 30, 2021.

Note: As of November 22, 2021, the following agencies have received approval of telecommuting policies: Arts Commission; Board of Financial Institutions; College of Charleston; Commission for Higher Education; Conservation Bank; Department of Administration; Department of Commerce; Department of Education; Department of Health

and Environmental Control; Department of Labor, Licensing and Regulation; Department of Mental Health; Department of Parks, Recreation and Tourism; Department of Social Services; Department on Aging; Educational Television; Human Affairs Commission; Medical University of South Carolina; Procurement Review Panel; Public Employee Benefit Authority; Public Service Commission of South Carolina; Revenue and Fiscal Affairs Office; SC Housing; School for the Deaf and the Blind; Sea Grant Consortium; State Accident Fund; and University of South Carolina.

³⁷ S.C. House of Representatives, House Legislative Oversight Committee, “PPP Correspondence to Subcommittee (6.4.2021),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Probation, Parole and Pardon, Department of,” and under “Correspondence,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProbationParoleandPardon/SCDPPPS%20letter%20to%20Subcommittee%20with%20attachments%20\(5.28.21\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProbationParoleandPardon/SCDPPPS%20letter%20to%20Subcommittee%20with%20attachments%20(5.28.21).pdf) (accessed January 10, 2022). See question 38. Hereinafter “PPP Correspondence to Subcommittee (6.4.2021).”

³⁸ PPP Correspondence to Subcommittee (6.4.2021). See response to question 38.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ PPP Correspondence to Subcommittee (9.27.2021). See response to question 68.

See, also, Department of Probation, Parole and Pardon Services, “Paperless Office and E-Filing Presentation (October 27, 2021),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” and under “Probation, Parole and Pardon, Department of” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProbationParoleandPardon/PPP%20-%20Paperless%20Office%20and%20E-filing%20Presentation%20\(10.27.21\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProbationParoleandPardon/PPP%20-%20Paperless%20Office%20and%20E-filing%20Presentation%20(10.27.21).pdf) (accessed December 3, 2021). See presentation slides 13 and 14. Hereinafter, “Paperless Office and E-Filing Presentation (October 27, 2021).”

⁴² Paperless Office and E-Filing Presentation (October 27, 2021). See presentation slides 13 and 14.

Note: Currently, data in paper files would be lost in the event of a disaster.

See, also, PPP Correspondence to Subcommittee (9.27.2021). See response to question 68.

⁴³ Paperless Office and E-Filing Presentation (October 27, 2021). See presentation slides 13 and 14.

Note: Currently, data in paper files would be lost in the event of a disaster.

See, also, PPP Correspondence to Subcommittee (9.27.2021). See response to question 68.

⁴⁴ PPP Correspondence to Subcommittee (9.27.2021). See response to questions 66-69 and 71.

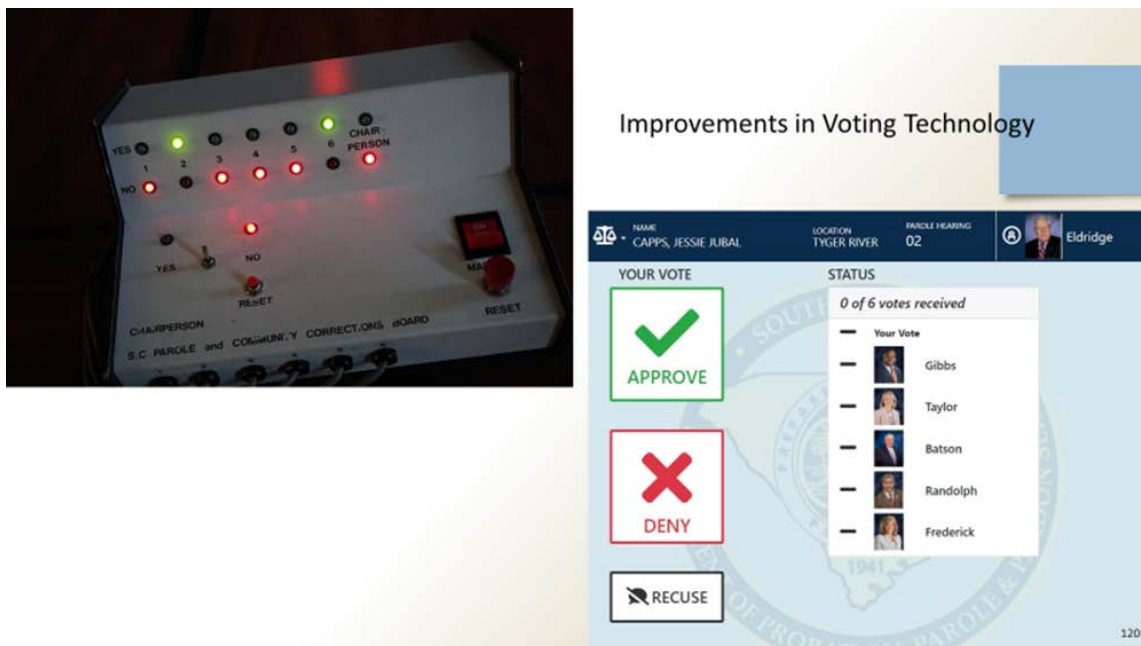
⁴⁵ PPP Correspondence to Subcommittee (9.27.2021). See response to questions 66-69 and 71.

Note: As an example, in July 2018, as PPP explored creation of a Parole/Pardon Investigations Unit, meetings were held with subject matter experts, PPP IT, and an external vendor to explore pardon automation. One of those meetings included a presentation regarding a previously developed and shelved application, which did not satisfy PPP’s business need. The designated subject-matter expert presented the idea of copying an existing system, Parole Information Center (PIC), which embodies the desired workflow, with modifications that could satisfy the business need for pardons. The internal and external information technology officials believed the suggestion was not feasible and, within weeks, the designated subject-matter expert was informed pardon automation was no longer a priority. After numerous conversations with IT experts and agency leadership, permission was granted in 2020 to move forward with the original concept of modifying the existing PIC system to fulfill the pardon automation needs. The Pardon Automation Center (PAC) was developed and completed in approximately one year, internally by agency staff and experienced a successful launch July 7, 2021.

⁴⁶ PPP Correspondence to Subcommittee (9.27.2021). See responses to questions 8-10, 15-21, 39, 64-66, and 69-71.

See, also, Department of Probation, Parole and Pardon Services, “Paroles, Pardons, and Release Services Division Presentation (July 27, 2021),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” and under “Probation, Parole and Pardon, Department of” <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProbationParoleandPardon/PPP%20Presentation%20-%20Paroles,%20Pardons%20and%20Release%20Services.pdf> (accessed December 3, 2021). See presentation slide 120. Hereinafter, “Agency Paroles Pardons Release Services Presentation (July 27, 2021).”

Note: The agency states it is working to develop the Real-Time-Roster, which would capture votes of Parole Board Members and allow all hearing participants to see the hearing results in real-time, throughout the hearing day. The current method and new method are seen in Endnote Figure 4.



Endnote Figure 4. Screen shot of Agency Paroles Pardons Release Services Presentation (July 27, 2021) presentation slide 119

⁴⁷ PPP Correspondence to Subcommittee (6.4.2021). See response to question 34.

⁴⁸ PPP Correspondence to Subcommittee (6.4.2021). See response to question 35, “Budget Training PowerPoint” attachment, and “Projected Annual Revenue and Expenditures” attachment to the letter.

⁴⁹ Agency Paroles Pardons Release Services Presentation (July 27, 2021). See presentation slide 38.

See, also, S.C. House of Representatives, House Legislative Oversight Committee, “Meeting Minutes” (7.27.21), under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Probation, Parole and Pardon, Department of,” and under “Meetings,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProbationParoleandPardon/July%2027,%202021%20-%20Meeting%20Minutes.pdf] (accessed January 10, 2022). A video of the meeting is available at https://www.scstatehouse.gov/video/archives.php?key=11332. See archived video at 02:06:08-02:07:20.” Hereinafter, “July 27, 2021 Minutes and Video.”

⁵⁰ PPP Correspondence to Subcommittee (9.27.2021). See response to question 106.

⁵¹ Note: For more information about the agency personnel’s improved interactions with offenders, see PPP Correspondence to Subcommittee (9.27.2021). See responses to questions 27, 102, and 103.

⁵² S.C. House of Representatives, House Legislative Oversight Committee, “Meeting Minutes” (5.6.21), under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Probation, Parole and Pardon, Department of,” and under “Meetings,” https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProbationParoleandPardon/May%206,%202021%20-%20Meeting%20Minutes.pdf(accessed January 11, 2022). A video of the meeting is available at https://www.scstatehouse.gov/video/archives.php?key=11328. See archived video at 01:00:34-01:03:00.” Hereinafter, “May 6, 2021 Minutes and Video.”

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ PPP Correspondence to Subcommittee (6.4.2021). See response to question 13.

⁵⁷ PPP Correspondence to Subcommittee (9.27.2021). See response to question 112.

⁵⁸ Ibid. See response to question 99.

⁵⁹ Ibid. See response to question 100.

⁶⁰ Department of Corrections, “Department of Corrections Correspondence to Subcommittee (9.27.2021),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” and under “Probation, Parole and Pardon, Department of”
[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProbationParoleandPardon/SCDC%20Letter%20to%20Subcommittee%20\(9.27.21\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProbationParoleandPardon/SCDC%20Letter%20to%20Subcommittee%20(9.27.21).pdf) (accessed December 3, 2021). See response to question 9. Hereinafter, “SCDC Correspondence to Subcommittee (9.27.2021).”

⁶¹ SCDC Correspondence to Subcommittee (9.27.2021). See response to question 9.

Note: Restitution payments are processed from an offender’s work center and prison industries accounts.

⁶² SCDC Correspondence to Subcommittee (9.27.2021). See response to question 8.

⁶³ Ibid.

⁶⁴ PPP Correspondence to Subcommittee (9.27.2021). See response to question 101 and 115.

⁶⁵ PPP Correspondence to Subcommittee (9.27.2021). See response to question 101 and 115-117.

Note: For context the agency’s responses to questions 115-117 are included below.

9.27.21 Letter from PPP to LOC Subcommittee (Question 115)

Please explain the mechanisms utilized by PPP during the last five years to ensure a victim receives full restitution, and frequency in which PPP utilizes them, including but not limited to number of unpaid amounts before petition for civil contempt has been filed for violation of administrative monitoring?

a. Please list any other mechanisms available that PPP does not utilize.

Agents monitor arrearage reports monthly, regardless of if the offender has been seen during this time period. If an offender is found to have missed a payment, the Agent is to act by notifying the offender and to order that a payment be made. If the offender becomes three payments in arrears, the case must be staffed with a supervisor. During this staffing, it is determined if the missed payments are willful or not. Other mechanisms to assist in collecting monetary obligations include: employment counseling (if unemployed), drug counseling (if substance abuse is found), or the case can be referred back to Court for a Judge to review the case. Sometimes hardships are found and fees are waived by the courts or PPP staff so that more of an offender’s financial means can be directed to a restitution account. It should be noted that by statute if a restitution account is 6 payments in arrears, it must be referred back to court (per S.C. Code Section 17-25-322(C)). For a term of probation that is shorter than five years, the court has the option to extend probation to a full five years to provide additional time for payment of restitution. Offenders are advised that if payments are made as instructed, they are granted compliance credits in order to be released earlier than originally ordered. Offenders on administrative monitoring who become six or more payments in arrears are to submit to the county of conviction for an issuance of a Petition for a Civil Contempt. However, *prior* to issuance of the petition, but *after* the offender is placed on

administrative monitoring, phone calls, Late Payment Notices and emails are sent to the offender to assist with the collection of the restitution.

9.27.21 Letter from PPP to LOC Subcommittee (Question 116)

How many times has a petition for civil contempt been filed for violation of administrative monitoring since inception of administrative monitoring?

PPP has filed twenty-four petitions for civil contempt for violations of administrative monitoring terms over the past nine years.

9.27.21 Letter from PPP to LOC Subcommittee (Question 117)

How many victims have offenders, that are under administrative monitoring, that have not made payments toward restitution for at least three consecutive months during each of the following time periods: a. FY2016; b. FY17; c. FY18; d. FY19, and e. FY20.

Endnote Table 4. PPP Response to 9.27.21 Letter from PPP to LOC Subcommittee (Question 117)

Offenders in AM and Having a DACOR Account			
Fiscal Year	Offenders with AM and DACOR Accounts	Offenders Not Paying Three or More Months in a Row	Victims
2016	534	124	350
2017	829	201	530
2018	1284	288	745
2019	1482	201	573
2020	1570	141	333
NOTE:	1. All these offenders paid at least one payment to their victim		

See, also, S.C. Code Section 17-25-322(C).

⁶⁶ Agency Field Operations Division Presentation (updated July 27, 2021). See presentation slide 223.

⁶⁷ 2010 Act No. 273. (Omnibus Crime Reduction and Sentencing Reform Act of 2010).

⁶⁸ Agency Field Operations Division Presentation (updated July 27, 2021). See presentation slide 223.

⁶⁹ Alston Wilkes Society, "Main Webpage," <http://www.alstonwilkessociety.org/> (accessed December 3, 2021).

⁷⁰ PPP Correspondence to Subcommittee (9.27.2021). See response to question 30.

⁷¹ S.C. Secretary of State’s Office, “Alston Wilkes Society,” <https://search.scsos.com/charities> (accessed December 3, 2021).

Charities Search Home

<< Back to Search Results

Alston Wilkes Society


Public Id: P840
 S. Anne Walker , CEO
 3519 Medical Dr.
 Columbia, SC 29203

Status: Registered. Information from this organization's annual financial report is listed below.

The following financial information has been provided to the Secretary of State's Office by the above named organization. The Secretary of State's Office has not independently verified this financial information. If a charity has recently registered with the Secretary of State's Office for the first time, there may not be any financial data available. Below are figures for the organization's fiscal year **1/1/2019 - 12/31/2019**.

Financial Report	
TOTAL REVENUE:	\$8,059,258.00
PROGRAM EXPENSES:	\$6,791,878.00
TOTAL EXPENSES:	\$8,182,985.00
NET ASSETS:	(\$1,607,576.00)
FUNDRAISER COSTS:	\$0.00

Financial Report File

 p840.pdf

Next Report: 01/01/2020 - 12/31/2020 Due Date: 11/15/2021

According to the financial information filed with this office, this organization devoted **83.0%** of its total expenses to program services during the year reported.

Endnote Figure 5. Screen shot of fiscal year 2019 information available about the Alston Wilkes Society available on the Secretary of State’s Office website (accessed December 3, 2021)

⁷² S.C. House of Representatives, House Legislative Oversight Committee, “Department of Archives and History Full Committee Study(August 2017),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Archives and History, Department of,” and under, “Full and Subcommittee Reports,” <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ArchivesandHistory/Full%20Committee%20Study%20-%20Archives%20and%20History.pdf> (accessed January 11, 2022). See recommendation 9.

⁷³ 2021 Act No. 94. (General Appropriations Act Part 1B, Section 117.112).

⁷⁴ Ibid.

⁷⁵ Court Administration Correspondence to Subcommittee (9.30.2021).

⁷⁶ Ibid.

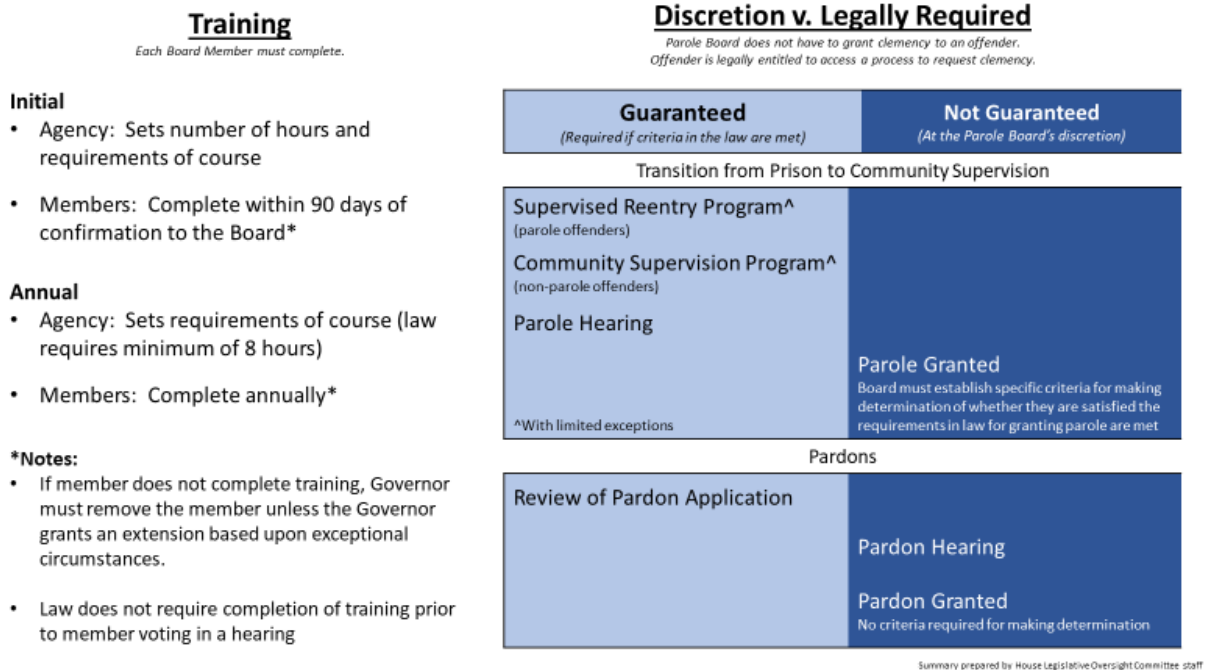
⁷⁷ Ibid.

⁷⁸ PPP Correspondence to Subcommittee (9.27.2021). See response to question 58.

⁷⁹ Ibid. See response to question 59.

⁸⁰ S.C. Code Section 24-21-30(B).

See, also, S.C. Code Section 24-21-680.



Summary prepared by House Legislative Oversight Committee staff

Endnote Figure 6. Requisite training for South Carolina Board of Pardons and Paroles and what is discretionary versus legally required

⁸¹ Agency Pardons Pardons Release Services Presentation (July 27, 2021). See slides 25, 36, 37, 38, 39, 40, 41, 42, and 43.

Note: Agency personnel and board members have not received training on the ethical obligations of attorneys appearing before them.

See, also, PPP Correspondence to Subcommittee (9.27.2021). See response to question 47.

⁸² Agency Pardons Pardons Release Services Presentation (July 27, 2021). See slide 25.

Note: It does not appear that a board member has been removed for failure to complete training.

⁸³ Note: During the study, two board members testified that they participated in parole hearings prior to starting and/or completing the required training.

S.C. House of Representatives, House Legislative Oversight Committee, “Meeting Minutes” (7.27.21), under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Probation, Parole and Pardon, Department of,” and under “Meetings,” <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProbationParoleandPardon/July%2027,%202021%20-%20Meeting%20Minutes.pdf> (accessed January 11, 2022). A video of the meeting is available at <https://www.scstatehouse.gov/video/archives.php?key=11332>. See archived video at 02:35:13-0:2:37:02. Hereinafter, “July 27, 2021 Minutes and Video.”

⁸⁴ Agency Field Operations Division Presentation (updated July 27, 2021). See presentation slide 274.

Note: In calculating the date when an inmate becomes eligible for parole, time served and earned work credits are counted. However, good conduct credits are not included.

⁸⁵ S.C. Code Section 24-21-640.

Note: Factors include: (a) prisoner has shown a disposition to reform; (b) in the future he will probably obey the law and lead a correct life; (c) by his conduct he has merited a lessening of the rigors of his imprisonment; (d) the interest of society will not be impaired thereby; and (e) suitable employment has been secured for him.

⁸⁶ *Ibid.*

⁸⁷ July 27, 2021 Minutes and Video. See archived video at 01:36:46-01:37:38.

⁸⁸ Valerie Suber, Associate Deputy Director for the Department of Pardons, Pardons, and Release Services, email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, 10.20.21.

State of South Carolina
Department of Probation, Parole and Pardon Services

HENRY McMASTER
Governor



JERRY B. ADGER
Director

293 Greystone Boulevard
Post Office Box 207
Columbia, South Carolina 29202
Telephone: (803) 734-9220
Fax: (803) 734-9440
www.dppps.sc.gov

Date

INMATE NAME #SCDC
INSTITUTION
ADDRESS
CITY, STATE, ZIP

RE: NOTICE OF REJECTION

Dear INMATE NAME:

It is my responsibility to inform you, on behalf of the South Carolina Parole Board, that the Board has reached a decision regarding your parole hearing. The Board hereby makes the following CONCLUSION OF LAW:

After careful consideration of: (1) the characteristics of your current offense(s), prior offense(s), prior supervision history, prison disciplinary record, and/or prior criminal record, as described in the findings of fact below; (2) the factors published in Department Form 1212 (Criteria for Parole Consideration); (3) the factors outlined in Section 24-21-640 of the South Carolina Code of Laws, and (4) actuarial risk and needs assessment factors pursuant to Section 24-21-10 (F)(1) of the South Carolina Code of Laws. The Parole Board had determined that your parole must be denied.

You will be notified 30 days prior to your next scheduled parole consideration date.

FINDINGS OF FACT:

REASON(S) FOR DENIAL

Vote Count: VOTE COUNT

Sincerely,

Board Support
Services

DATE A

Endnote Figure 7. Sample letter of parole rejection

⁸⁹ July 27, 2021 Minutes and Video. See archived video at 01:36:46-01:37:38.

⁹⁰ Agency Paroles Pardons Release Services Presentation (July 27, 2021). See slides 28 and 29.

Criteria for Parole Consideration

	The risk the inmate poses to the community
	The nature and seriousness of the inmate's offense, circumstances surrounding the offense, and the inmate's attitude toward it
	The inmate's prior criminal records and his/her adjustment under any previous program or supervision
	The inmate's attitude toward his/her family, the victim, and authority in general
	The inmate's adjustment while in confinement, including his/her progress in counseling, therapy, and other similar programs designed to encourage the inmate to improve himself/herself
	The inmate's employment history, including his/her job training and skills and his/her stability in the work place
	The inmate's physical, mental and emotional health
	The inmate's understanding of the cause of his/her past criminal conduct
	The inmate's efforts to solve his/her problems such as seeking treatment for substance abuse, enrolling in academic and vocational education courses, and in general using whatever resources the Department of Corrections has made available to inmates to help with their problems
	The adequacy of the inmate's overall parole plan. This includes inmates living arrangements, where and with whom he/she will live; the character of those with whom the inmate plans to associate in both his/her working hours and his/her off-work hours; the inmate's plans for gainful employment
	The willingness of the community into which the inmate will be released to receive the inmate
	The willingness of the inmate's family to allow him/her to return to the family circle
	The attitudes of the sentencing judge, the solicitor, and local law enforcement officers regarding the inmate's parole
	The feelings of the victim's family, and any witnesses to the crime about the release of the inmate
	The actuarial risk and needs assessment outlined in Section 24-21-10 (F) (1) of the SC Codes of Laws which evaluates based on criminal involvement, relationships/lifestyle, personality/attitudes, family, social exclusion and mental health
	Other facts considered relevant in a particular case by the Board
This tool is provided to assist the Board in their review and consideration of the established Criteria for Parole.	

Endnote Figure 8. Screenshot of Agency Paroles Pardons Release Services Presentation (July 27, 2021) presentation slide 29

See, also, S.C. Code 24-21-645, which states in part, "A provisional parole order shall include the terms and conditions, if any, to be met by the prisoner during the provisional period and terms and conditions, if any, to be met upon parole."

See, also, S.C. Code Section 24-21-640.

Note: The board must establish written, specific criteria for the granting of parole and provisional parole. These criteria must reflect all the aspects of this section and include a review of a prisoner's disciplinary and other records. The criteria must be made available to all prisoners at the time of their incarceration and the public. The paroled prisoner must, as often as may be required, render a written report to the board giving that information as may be required by the board which must be confirmed by the person in whose employment the prisoner may be at the time. The board must not grant parole nor is parole authorized to any prisoner serving a sentence for a second or subsequent conviction, following a separate sentencing for a prior conviction, for violent crimes as defined in Section 16-1-60. Provided that where more than one included offense shall be committed within a one-day period or pursuant to one continuous course of conduct, such multiple offenses must be treated for purposes of this section as one offense.

⁹¹ Valerie Suber, Associate Deputy Director for the Department of Paroles, Pardons, and Release Services, email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, 10.20.21.

Note: Victims may not have a full understanding as to why an offender was granted parole because orders granting parole simply restate all the factors that must be satisfied before the parole board can grant parole.

See, also, PPP Correspondence to Subcommittee (9.27.2021). See response to question 56.

South Carolina Department of Probation, Parole and Pardon Services

Columbia, South Carolina

ORDER OF PAROLE

It having to be made appear to the satisfaction of the Board that **INMATE NAME AND SCDC** is eligible for parole and has shown a disposition to reform; that there is a reasonable probability that said prisoner will remain at liberty without violating the law; that release is not incompatible with the welfare of society; and that the prisoner will not become a public charge upon release, and that the prisoner will keep and/or successfully satisfy the conditions of this order in violate, and understands that the violation or unsuccessful completion of any of the conditions pre- or post-release will constitute a breach of faith and be sufficient grounds for the revocation or rescission of the parole issued, and the execution of the original sentence imposed.

It is therefore ordered that **INMATE NAME AND SCDC** be released on Parole the **xxth** day of **Month, 2021** subject to said prisoner's agreement to abide by the conditions listed on the reverse side of this order, which parole is to expire [Parole Expiration date]. This parole is granted by [the full board or a panel of the full board].

Ordered this **xxth** day of **Month, 2021**

Chairman

Figure 9. Screenshot of sample order granting parole from PPP Correspondence to Subcommittee (9.27.2021) response to question 56

⁹² Note: On average the total amount of time, including reviewing the file, attending the hearing, and contemplating the decision is 30 minutes. In an eight-hour day, hearing the max number of violent cases, which is 55, equates to one case per 8.7 minutes. For non-violent cases, where the max number is 65 per day, it equates to one case per 7.4 minutes.

See, also, July 27, 2021 Minutes and Video. See archived video at 02:22:15-02:27:40.

⁹³ 2014 Act No. 121, which was effective July 1, 2015.

⁹⁴ S.C. Code Section 24-13-1520.

See, also, S.C. Code Section 24-13-1540.

See, also, Agency Field Operations Division Presentation (updated July 27, 2021). See presentation slide 276.

⁹⁵ PPP Correspondence to Subcommittee (9.27.2021). See response to question 124.

Note: For context the agency's response is included below.

9.27.21 Letter from PPP to LOC Subcommittee (Question 124)

Has the agency ever utilized the authorizations granted to it in S.C. Code Sections 24-13-1250 and 24-13-1540 (Home Detention Act)? If no, why not?

No, for three reasons, PPP has not utilized the cited Home Detention Act authorizations. First, the agency's primary jurisdiction does not fit within the intended coverage of the statute. Instead, the relevant portion of the Home Detention Act provides in part that: ". . . electronic and nonelectronic home detention programs may be used as an alternative to incarceration for low risk, nonviolent adult and juvenile offenders as selected by the court if there is a home detention program available in the jurisdiction." S.C. Code Section 24-13-1530(A). In other words, the statute appears to contemplate the court imposing a sentence of imprisonment, but then allowing the defendant to serve that term of imprisonment on home detention, as an alternative to incarceration. See State v. Simpson, 429 S.C. 83, 837 S.E.2d 669 (Ct. App. 2020) (holding that the sentencing statute for second degree sexual exploitation of a minor, a "violent offense," required that the defendant be imprisoned for the mandatory two-year minimum sentence rather than being allowed to serve those two years of imprisonment on home detention under the terms of the Home Detention Act, because the Act only permitted home detention as an alternative to incarceration for "non-violent" offenses). The Department's primary jurisdiction, as set forth by the Legislature, encompasses defendants whose prison sentences have been suspended to a term of probation, as well as those who are released early from prison to either parole or a mandatory release program, not those who are actually serving a term of imprisonment.

Second, while the agency acknowledges the statute goes on to provide that "[a]pplications by offenders for home detention may be made to the court as an alternative to [among other correctional programs]. . . probation (intensive supervision);" this specific provision is superfluous because the court already has the authority to impose "house arrest" and "surveillance by electronic means" as conditions of probation. S.C. Code Section 24-21-430. Because the imposition of probation and the option for house arrest, with or without electronic monitoring, is generally available to the sentencing court, the agency has never seen a need to utilize the authorizations granted in the Home Detention Act, particularly where "other law enforcement agenc[ies] created by law" have established their own home detention programs in several jurisdictions. S.C. Code Section 24-13-1520(1).

Finally, enforcement mechanisms for probation are well established by statute and have been effectively utilized by both the Department and the courts for years. Any newly established home detention program would not fall under these tried-and-true enforcement mechanisms. The Department believes the creation of a home detention program as an alternative to incarceration would best be left to the agency with explicit jurisdiction over incarceration, the South Carolina Department of Corrections.

⁹⁶ Spartanburg County Sheriff's Office, "Home Detention," <http://www.spartanburgsheriff.org/home-detention.php> (accessed December 7, 2021).

⁹⁷ Note: S.C. Code Section 22-5-580 provided for the establishment of a statewide pretrial classification program.

See, also, Agency Field Operations Division Presentation (updated July 27, 2021). See presentation slides 267-268.

See, also, July 27, 2021 Minutes and Video. See archived video at 00:09:32-00:15:03.

⁹⁸ S.C. Code Section 22-5-510.

See, also, Agency Field Operations Division Presentation (updated July 27, 2021). See presentation slide 268.

⁹⁹ SCDC Correspondence to Subcommittee (9.27.2021). See response to question 19.

Note: For context the agency's response is included below.

9.27.21 Letter from SCDC to LOC Subcommittee (Question 19)

Does the agency have, or know of, a standard practice for how to address a situation, should it arise, in which a statute directed SCDC to take some action in regard to another entity and the other entity would not allow it?

SCDC has historically been the agency that calculates and applies jail time credit for its inmates. SCDC construes the jail time statute, S.C. Code 24-13-40, broadly, as required under the law, to include time spent in jail when a probation citation has been issued. Although PPP is not involved in the determination of jail credit, PPP disagrees with SCDC's interpretation and contends inmates should not get this credit because a citation alone would not hold the offender in jail. SCDC takes the position that, although the person was in jail due to other warrants, the citation was issued and the person was actually in jail; therefore, the person should receive credit for that jail time against a subsequent revocation. Because PPP disagrees with SCDC's interpretation of the jail time statute, PPP refuses to send copies of citation paperwork despite our requests. In response to PPP's refusal, SCDC had to develop a standard practice of obtaining citation paperwork from clerks of court or other sources.

¹⁰⁰ Agency Field Operations Division Presentation (updated July 27, 2021). See slides 295 (statewide classification system); 289-291 (community control centers); 292 (day reporting centers); and 293 -294 (offender management system).

See, also, PPP Correspondence to Subcommittee (9.27.2021). See responses to questions 135, 136, and 138.

Note: The below is offered as further information about the example situations referenced in the body of the report.

Example #1. Operation of Community Control Systems

- PPP Updated Field Operations Presentation, Slide 289-291
- S.C. Code Section 24-21-510 and 24-21-540
- The Department must establish and maintain community control centers if they are funded by the Legislature.
- If they are established and the Department recommends placement, the Court of General Sessions may place offenders in community control centers as a condition of probation or as an alternative to probation revocation, or by the Parole Board as a condition of parole or as an alternative to parole revocation.
- First passed in 1993 and last substantively amended in 1995, these two laws authorize something that no longer exists.
- The Department ceased operating the lone Community Control Center, located in Charleston County, in 2002, after the General Assembly stopped appropriating funds for its operation.
- The Department currently has no plans to seek funding for community control centers or to reestablish community control centers in South Carolina.
- Establishes the Department's duty to develop and operate a comprehensive community control system and Community Control Centers if the General Assembly appropriates sufficient funds.

Example #2. Offender management system which ceased in 1995

- PPP Updated Field Operations Presentation, Slide 293-294
- S.C. Code Sections 24-22-10; 24-22-20; 24-22-30; 24-22-40; 24-22-50; 24-22-60; 24-22-70; 24-22-80; 24-22-90; 24-22-100; 24-22-110; 24-22-120; 24-22-130; 24-22-140; 24-22-150; 24-22-160; 24-22-170; Reg. 130-10
- First passed in 1992, the entire Act terminated July 1, 1995, because it was not extended by the General Assembly.
- The offender management system shall be in operations during all periods that the system is appropriately funded (Section 24-22-50)
- The offender management system and any regulations promulgated thereto shall terminate July 1, 1995, unless extended by the General Assembly. (Section 24-22-170)

Example #3. Day reporting centers were never funded and PPP transitioned from their usage in 2018

PPP Updated Field Operations Presentation, Slide 292

- S.C. Code Sections 24-21-1300; 24-21-1310; 24-21-1320; 24-21-1330
- If they are established and the inmate or offender meets eligibility requirements, he or she may be placed in Day Reporting Centers.

9.27.21 Letter from PPP to LOC Subcommittee (Question 134-136; 138)

- PPP is unaware of the General Assembly having funded Day Reporting Centers.
- PPP requested funding for them in the FY 2012 agency budget. However, funding was not received.
- PPP has no plans to seek funding for Day Reporting Centers in the foreseeable future.
- Cost of Day Reporting Centers: \$1,009,578 (based on calculations from July of 2008)
- Potential benefits of Day Reporting Center: None of which the Department is aware. We have found innovative ways to provide offender services and benefits that would otherwise have been made available at a Day Reporting Center.

- The Agency opened a Day Reporting Center (DRC) in Columbia in 2012. The concept was to establish programming similar to a previous program called the Community Control Center located in Charleston. Offender services provided by the DRC included: job skills training, cognitive behavior therapy, substance abuse classes, financial counseling, parenting skills, educational programming, etc. Offenders who participated in the DRC were able to attend classes, but not reside on the property. Unlike restitution centers of the past, the DRCs were not residential facilities. The Department assisted offenders needing transportation by sending drivers in agency vehicles to pick up offenders at various locations in the Midlands.
- As inmates were released to the DRC, and as offenders were placed on probation by the General Sessions Court, certain offenders- identified by an initial assessment- were referred by supervising Agents to report to the DRC daily. As the offenders progressed through the DRC program components, they were given the opportunity to seek employment. All DRC offenders were subject to random drug testing. The DRC attendance requirement lasted for up to six months- after which time the offenders would transition to traditional supervision in local county offices.
- PPP transitioned away from the use of Day Reporting Centers in 2018 to more evenly distribute offender services across the state through all 46 county field offices. The Rehabilitation Services Division (prior to COVID-19) traveled to county offices and facilitated classes at the local level, so the offenders did not have to travel as far. (For example, Rehabilitation Service Coordinators traveled to Saluda versus the Saluda offenders having to find transportation to Richland/Lexington counties.) Now that the classes are virtual, Rehabilitation Services has been able to expand to almost every county in the state. Additionally, Program Planning and Development has expanded contractual services, enabling PPP to pay for some of the upfront costs for Batterer's Intervention and/or Substance Use counseling. This programming allows offenders to use local providers. The combination of both Department internal programming and Department financial assistance for external programming allows offenders greater freedom for selecting classes that fit their schedule- ensuring a greater chance at long-term success.

House Legislative Oversight Committee's Study of SCDC, Recommendation #62

- S.C. Code Sections 24-21-1310 and 24-21-1320 allow for day reporting centers with joint discretion of SCDC and PPP for inmate placement
- SCDC personnel testify the agency does not utilize day reporting centers

Example #4. Implementation of a statewide classification system and submission of the plan to the legislature by January 1982

- PPP Updated Field Operations Presentation, Slide 295
- Develop a plan for the implementation of a statewide case classification system and submission of the plan to the Legislature by January, 1982.
- S.C. Code Sections 24-23-10; 24-23-20; 24-23-30; 24-23-40
- This directive was completed on January 31, 1982, when Chairman of the Parole and Community Corrections Board, Walter D. Tyler, Jr., and Executive Director of the Department of Parole and Community Corrections, J.P. Pratt, II, submitted the 45-page plan along with multiple attachments.
- A digital copy of this Plan is currently available at the S.C. State Library's State Document Depository.
- (<https://dc.statelibrary.sc.gov/handle/10827/30579>)

¹⁰¹ S.C. House of Representatives, House Legislative Oversight Committee, "Mission", under "Committee Postings and Reports," under "House Legislative Oversight Committee," under <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php> (accessed November 18, 2021).

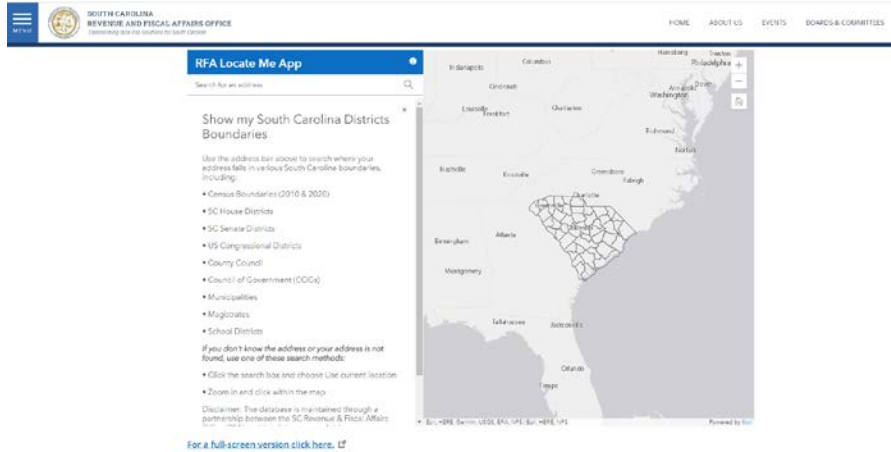
¹⁰² PPP Correspondence to Subcommittee (9.27.2021). See response to question 28.

Note: To the best of agency personnel’s knowledge, there are no legislators associated with any of the registered public service employment entities.

¹⁰³ PPP Correspondence to Subcommittee (9.27.2021). See response to question 28.

¹⁰⁴ Ibid. See response to question 29.

¹⁰⁵ South Carolina Revenue and Fiscal Affairs Office, “Locate Me” <https://rfa.sc.gov/mapping/locate-me> (accessed November 18, 2021). Hereinafter, “South Carolina Revenue and Fiscal Affairs Office ‘Locate Me’ Application.”



Endnote Figure 10. Screenshot of South Carolina Revenue and Fiscal Affairs Locate Me application (accessed November 18, 2021)

¹⁰⁶ South Carolina Revenue and Fiscal Affairs Office, “Public Dashboard”, under “Online Analytics,” https://public.tableau.com/views/RFAPublicDashboard/Household?%3Adisplay_count=no&%3AshowVizHome=no#1 (January 11, 2022). Hereinafter, “RFA Public Dashboard.”

¹⁰⁷Debbie Parker, Director of External Affairs for the Department of Pardons, Paroles, and Release Services, email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, 10.22.21.

¹⁰⁸ PPP Correspondence to Subcommittee (9.27.2021). See responses to questions 1 and 2.

Note: For context the agency’s response to question 1 is included below.

Endnote Table 5. PPP response to question 1

This chart lists the type of offenses most prevalent in each region. All offenses with at least 250 offenders under supervision are listed. The remainder of offenses with under 250 offenders are placed in the “other” category.

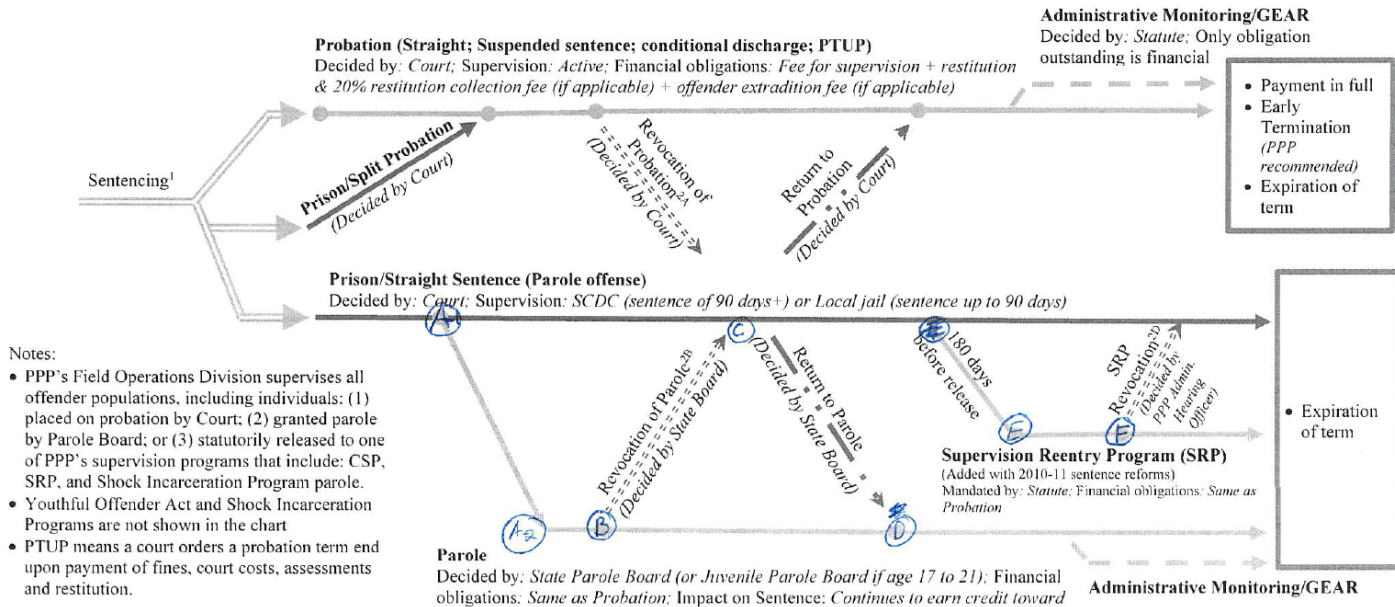
	Region 1	Region 2	Region 3	Region 4	Region 5	Central	Total
DRUGS (not trafficking)	2,321	1,161	1,185	961	1,540	11	7,179
BURGLARY	628	276	453	451	429	4	2,241

ASSAULT	545	262	384	372	466	0	2,029
DOMESTIC VIOLENCE	644	338	296	253	236	2	1,769
LARCENY	566	174	280	214	313	1	1,548
ROBBERY	249	85	179	242	287	0	1,042
BREACH	200	101	142	183	169	2	797
SHOPLIFTING	376	90	117	88	124	0	795
FORGERY	194	101	134	158	178	1	766
WEAPONS	165	90	163	155	188	1	762
SEX CRIMES	204	77	141	132	168	0	722
DRUG TRAFFICKING	160	99	146	124	169	0	698
DUI	258	87	68	72	108	1	594
CHILDREN	215	78	66	66	98	0	523
FINANCIAL TRANSACTION CARD FORGERY	148	66	101	82	98	3	498
MURDER	113	41	50	107	83	0	394
VEHICLE	133	39	70	48	83	0	373
DRIVING UNDER SUSPENSION	157	50	34	53	48	0	342
RECEIVING STOLEN GOODS	96	50	62	35	54	0	297
Other	714	310	477	530	458	2	2,581
Total	8,086	3,575	4,548	4,326	53,87	28	25,950

The county in which the offense took place is referred to as the “order county.” The “supervision county” is the county in which the offender is supervised. **77.9%** of offenders are supervised in the county where the offense took place.

¹⁰⁹ Agency Field Operations Division Presentation (updated July 27, 2021). See presentation slide 5.

¹¹⁰ Note: See below example for potential improvements.



A-1 – Determination of Parole Eligibility and Parole Hearing

Applicable Statutes

- Sections 24-21-10; Reg. 130-30 – Initial and Annual Parole Board Training
- Sections 24-21-10 - Risk Assessments
- SECTIONS 24-21-30 (B); 24-21-60; 24-21-70; 24-21-220; 24-21-610; 24-21-620; 24-21-640; 24-21-950; 24-21-970; 24-13-730 - Prepare Investigations and Case Summaries for the Board of Pardons and Paroles regarding individuals being considered for parole or pardon.

Overview

- SCDC is responsible for calculating when an offender is eligible for INITIAL parole consideration as well as when an offender is eligible for release to mandatory release programs.
- PPP reviews offender sentencing sheets to determine which inmates are eligible for parole or community supervision.

Data Available

- Number of offenders eligible for parole
- Number of offenders that waive their right to a parole hearing
- Number of offenders that receive a parole hearing
- Number of offenders granted parole, based on general risk level and violent risk level

Presentations, Flow Charts, or Reports

- PPP's Pardons, Paroles, and Release Services Division presentation to House Legislative Oversight Committee (July 27, 2021)

- PPP's Victim Services and Other Executive Services presentation to House Legislative Oversight Committee (August 26, 2021)
- SCDC documents outlining how sentences and time served are calculated
- Crime Victim Information and Government Entities that Contact Crime Victims flow chart (8.26.21)

A-2 – Events between being granted parole and being releases & Events during initial meetings with Parole Officers

Overview

After the end of the Parole Board grants an offender parole at the end of a parole hearing...

- Offender may be required to complete certain programs before being released for parole.
- Victims are notified the day the offender is released from SCDC (and on which day offender is to report to Parole Officer)
-

Data Available

- Number of offenders eligible for parole
- Number of offenders that waive their right to a parole hearing
- Number of offenders that receive a parole hearing
- Number of offenders granted parole, based on general risk level and violent risk level

Presentations, Flow Charts, or Reports

- PPP's Field Operations Division presentation to House Legislative Oversight Committee (updated July 27, 2021)
- PPP's Victim Services and Other Executive Services presentation to House Legislative Oversight Committee (August 26, 2021)
- Crime Victim Information and Government Entities that Contact Crime Victims flow chart (8.26.21)

¹¹¹ Department of Probation, Parole and Pardon Services, "Frequently Asked Questions Parole & Pardon Hearings," <https://www.dppps.sc.gov/FAQ> (accessed December 7, 2021). See unnumbered questions 1 and 4.

¹¹² PPP Correspondence to Subcommittee (9.27.2021). See response to question 63.

¹¹³ Ibid. See response to question 62.

¹¹⁴ Ibid. See response to question 61.

¹¹⁵ S.C. House of Representatives, House Legislative Oversight Committee, "Meeting Minutes" (10.27.21), under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Probation, Parole and Pardon, Department of," and under "Meetings," (They will be posted when approved.) A video of the meeting is available at <https://www.scstatehouse.gov/video/archives.php?key=11542&part=1>. See archived video at 01:17:32-01:29:25. Hereinafter, "October 27, 2021 Minutes and Video."

Note: Below provides specific points in the video.

- Department of Probation, Parole and Pardon Services - 01:17:32-01:17:53;
- Attorney General's Office - 01:19:43-01:20:04;
- Commission on Indigent Defense - 01:18:42-01:19:40;

- State Law Enforcement Division - 01:22:03-01:22:12;
- Commission on Prosecution Coordination – 01:22:21-01:27:43;
- Department of Corrections - 01:27:56-01:28:01;
- Department of Juvenile Justice - 01:28:17-01:28:37;
- Juvenile Parole Board - 01:28:51-01:29:00; and
- Revenue and Fiscal Affairs Office– 01:29:17-01:29:25.

¹¹⁶ Endnote Table 6. Related recommendations that seek to utilize information common among multiple entities

Related Recommendations (utilization of common information)	To
Common within law enforcement and rehabilitation	
Recommendation # 8. Victim Notification - Collaborate with the Department of Corrections, Board of Juvenile Parole, Attorney General’s Office, victim groups, and any other applicable agencies or entities on <u>utilization of a common system to offer an electronic notification option to victims</u> . Within a year, report to the Committee on the discussion that occurred, decisions made, and how victims can expect more consistency in how they receive notifications from state agencies.	PPP
Recommendation #9. Victim Information - Convene representatives from Department of Corrections, Attorney General’s Office, Department of Juvenile Justice, Board of Juvenile Parole, Court Administration, Prosecution Coordination Commission, application developers in the Revenue and Fiscal Affairs Office, and any other applicable agencies or entities, to evaluate potential costs, benefits, and logistics of agreements to enable secure data sharing and/or creation of a <u>centralized directory of information related to victims</u> . Within a year, report to the Committee the steps taken, information gathered, results of analysis performed, and decision of the agencies.	PPP
Recommendation #10. Victim Restitution – Convene applicable representatives from Department of Corrections, Attorney General’s Office, Department of Juvenile Justice, Court Administration, Prosecution Coordination Commission, application developers in the Revenue and Fiscal Affairs Office, and any other applicable agencies or entities to evaluate potential costs, benefits, and logistics of agreements to enable secure data sharing and/or creation of a <u>centralized directory of information related to restitution and debt owed by offenders</u> . Within a year, report to the Committee the steps taken, information gathered, results of analysis performed, and decision of the agencies.	PPP
Recommendation #11. Offender Information Repository - Convene Department of Corrections, Attorney General’s Office, State Law Enforcement Division, Court Administration, Department of Juvenile Justice, Prosecution Coordination Commission, application developers in the Revenue and Fiscal Affairs Office, and any other applicable agencies or entities to evaluate potential costs, benefits, and logistics of agreements to enable secure data sharing and/or creation of a <u>centralized directory of information related to offenders</u> . Within a year, report to the Committee the steps taken, information gathered, results of analysis performed, and decision of the agencies.	PPP

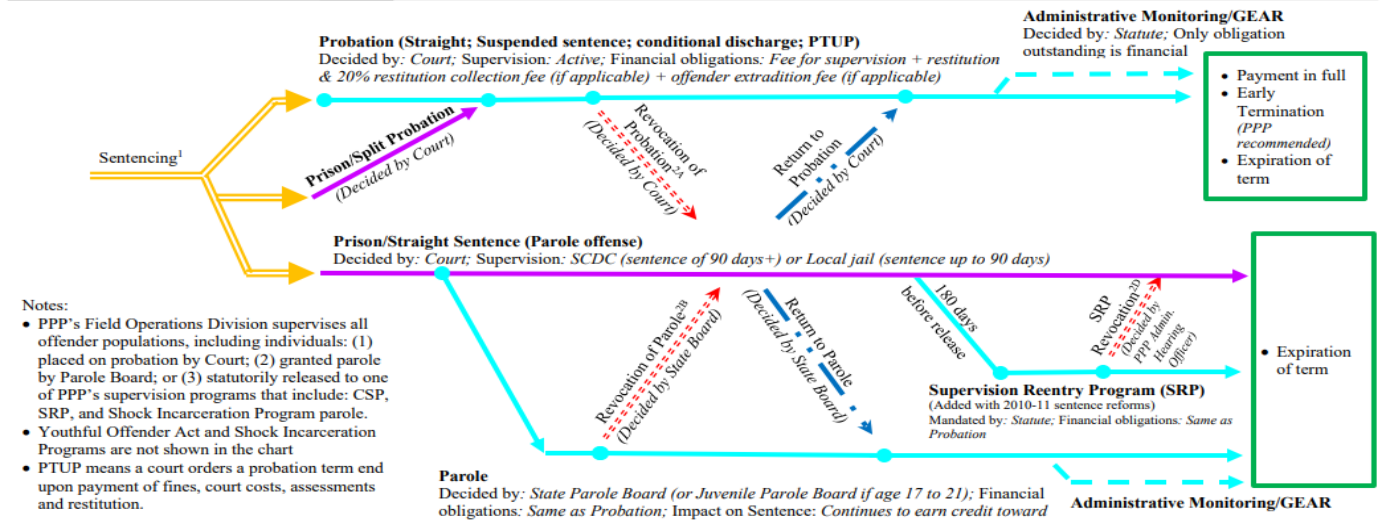
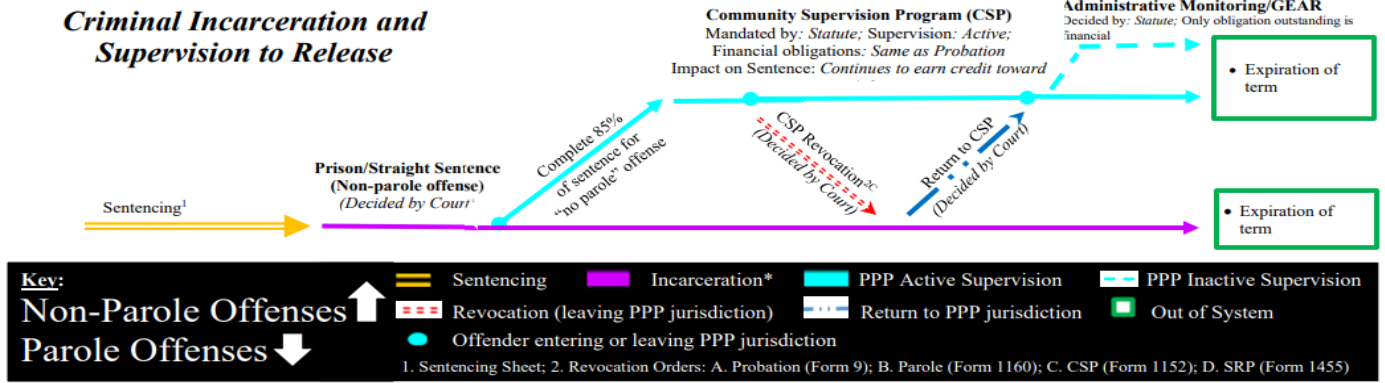
<p>Recommendation #16. Service Provider Directory and Performance Tracking - Convene Department of Corrections, Department of Juvenile Justice, Prosecution Coordination Commission, Commission for Minority Affairs, Attorney General’s Office, application developers in the Revenue and Fiscal Affairs Office, and any other applicable agencies or entities to evaluate potential costs, benefits, and logistics of agreements to enable secure data sharing and/or creation of a <u>centralized directory of information related to outside service providers and results of those that are referred to those providers</u>. Within a year, report to the Committee on the steps taken, information gathered, results of analysis performed, and decision of agencies.</p>	<p>PPP</p>
<p>Recommendation #17. Employer Directory and Performance Tracking - Convene Department of Corrections, Department of Juvenile Justice, Prosecution Coordination Commission, Commission for Minority Affairs, Department of Employment and Workforce, application developers in the Revenue and Fiscal Affairs Office, and any other applicable agencies or entities to evaluate potential costs, benefits, and logistics of agreements to enable secure data sharing and/or creation of a <u>centralized directory of information related to employers currently employing, or willing to employ, individuals previously convicted and track recidivism of individuals that obtain employment</u>. Within a year, report to the Committee on the steps taken, information gathered, results of analysis performed, and decision of agencies.</p>	<p>PPP</p>
<p>Common within PPP and SCDC</p>	
<p>Recommendation #12. Risk Assessment and Programming Collaboration - Collaborate with the Department of Corrections (SCDC) and any other applicable agencies or entities on <u>objective common recidivism risk assessment methods and program criteria</u> to provide continuity for offenders that transition from supervision at SCDC to supervision with PPP. Within a year, report to the Committee on the discussion that occurred, decisions made, and how there will be more continuity between the methods utilized to determine an offender’s level of risk for recidivating, and programs to which the offender will be directed and/or provided credit.</p>	<p>PPP</p>
<p>Common within PPP and Courts</p>	
<p>Recommendation #13. Reach, and document, a formal decision on what entity (i.e., Court Administration or PPP) maintains the probation violation order (i.e., Form 9).</p>	<p>PPP</p>
<p>Recommendation #14. Work with Court Administration to ensure: (1) forms applicable to PPP operations are included in Court Administration’s electronic form project; and (2) timely communication of information, without the need for manual data reentry, can occur between PPP and Court Administration’s data management systems.</p>	<p>PPP</p>
<p>Common within PPP and Indigent Defense</p>	
<p>Recommendation #18. Collaborate with the Commission on Indigent Defense (SCCID) to ascertain if opportunities exist to create uniformity in <u>information requested of individuals when determining whether they will receive indigent representation from SCCID and/or hardships while under supervision of PPP</u>. Within a year, provide a report to the Committee outlining the steps taken, information gathered, results of analysis performed, decision of agencies, and list of other state agencies that may waive fees owed to the state due to hardship.</p>	<p>PPP</p>
<p>Common within PPP</p>	

<p>Recommendation #15. Collaborate with Revenue and Fiscal Affairs Office to evaluate potential benefits and options for a cost-effective central hub from which agency personnel can realize maximum benefits across PPP's various databases (e.g., reduce/eliminate duplicative manual entry, etc.) as well as information from other agencies that may improve PPP's effectiveness or efficiency. Within a year, report to the Committee the steps taken, information gathered, results of analysis performed, and decision of the agencies.</p>	<p>PPP</p>
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¹¹⁷ S.C. House of Representatives, House Legislative Oversight Committee, "Crime to Sentencing (7.23.18)," under "Committee Studies of Agencies and Issues," under "Flow Charts," under "House Legislative Oversight Committee," [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/CJ%201%20-%20Crime%20to%20Sentencing%20Flow%20Chart%20\(7.23.18\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/CJ%201%20-%20Crime%20to%20Sentencing%20Flow%20Chart%20(7.23.18).pdf) (accessed January 12, 2022).

See, also, S.C. House of Representatives, House Legislative Oversight Committee, "Incarceration and Supervision to Release (8.18.21).

Note: Endnote Figure 12 includes potential paths for an offender after being sentenced. An offender can go straight through one path or go back and forth between them. As the offender progresses through the paths, or is sent back and forth, there are required notifications to victims, and required transfers of information between different state entities involved in criminal justice.



Endnote Figure 12. Potential paths for offender from criminal incarceration and supervision to release

¹¹⁸ Note: Due to the nature of the crime, some offenders will never be released from incarceration. Others will serve their sentence and never commit a crime again. Still others may continue to commit crimes and come in and out of the criminal justice process multiple times.

¹¹⁹ PPP Correspondence to Subcommittee (9.27.2021). See response to question 78.

Endnote Table 7. Offender information PPP personnel must obtain, from where it is obtained, method through which is obtained, and how entered into a PPP database, if entered into one

OFFENDER INFORMATION	FROM WHERE IS IT OBTAINED?	WHAT METHOD IS USED TO OBTAIN IT?	HOW IS IT ENTERED INTO A PPP DATABASE?
Criminal History	State Law Enforcement Division (SLED)	SLED database retrieval	Not applicable
Fingerprints	Offender	Entering fingerprints into Livescan database	Not applicable
Intake Information	Court Offender	Information received on paper	Manual entry

Offender Reports	Body camera Offender	Meeting with offender	Manual entry
PSE Hours	PSE worksite	Visit to worksite, email, or phone call	Manual entry
Jail Records	Jail	Website or in person	Manual entry
New Offense	Public Index	Website or in person	Manual entry
Treatment Progress	Treatment provider	Email, in person, phone, or email	Manual entry
GPS Data	Vendor website	Retrieval of information	Manual entry
Drug Test Results	Drug test	Conducting test, receiving lab results	Manual entry
DNA	Offender, ILAb (SLED)	Swab test or retrieving data from ILAB	Manual entry
NCIC Information	Offender	Retrieval of information from DataMax	Manual entry in field office and/or central office
Body Camera Footage	Body camera	Download and label in Axon Evidence.com	Not applicable
Social History	Offender	In person or phone	Manual entry
Employment Verification	Employer	In person or phone	Manual entry
Residence Verification	Homeowner	In person or phone	Manual entry

S.C. House of Representatives, House Legislative Oversight Committee, “SCDC Correspondence to Subcommittee(5.24.19),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” and under “Correspondence,” <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Inmate%20data%20by%20types%20and%20source.pdf> (accessed January 12, 2022).

Endnote Table 8. Sample offender related information SCDC personnel obtain from a sentencing sheet or court order and what SCDC does with the information

TYPE OF DATA	FROM WHERE IS IT OBTAINED?	SOURCE?	SOURCE OBTAINED FROM:	TYPE OF DATA
Identifiers	At intake	Sentencing Sheet, NCIC, Livescan, Intake Interview	Sentencing Sheet - County Detention Staff, NCIC/Livescan/Intake Interview - SCDC Staff Conducts	Identifiers (Name, DOB, SSN, SID#, FBI#, Aliases, etc)
Demographics	At intake	Sentencing Sheet, Intake Interview	Sentencing Sheet - County Detention Staff, Intake Interview - SCDC Staff Conducts	Demographics (Race, Sex, Occupation, Religion, Education Level, Veteran Status, etc)
Relatives	At intake	Intake Interview	Intake Interview - SCDC Staff Conducts	Relatives
Addresses	At intake	Sentencing Sheet, Intake Interview	Sentencing Sheet - County Detention Staff, Intake Interview - SCDC Staff Conducts	Addresses

Convictions	At intake and as received from courts	Sentencing Sheet	Sentencing Sheet - County Detention Staff	Convictions (Offense, Incarcerative Sentence, Suspended Sentence, Jail Time Credit, Sex Registry, etc)
Priors	At intake	NCIC	Intake Interview - SCDC Staff Conducts	Priors
Status	At intake and upon any status change	Sentencing Sheet, Parole Orders, Records Office Staff	Sentencing Sheet - County Detention Staff, Parole Orders - County Detention Staff or PPP,	Status (Incarcerated, Released, Parole, Probation, etc)
Classification	At intake	Convictions, Priors, Disciplinary History, Status Changes, etc	Automated system - SCDC Staff	Classification (Custody / Security)
Time Served and Date Projections	Computed by the automated system upon changes to any record that could affect the inmate's date projections	Convictions, Inmate Status, Earned Work Credit Job Assignment, Earned Education Credit Assignments, Disciplinary Convictions / Sanctions, Custody Classification	Automated system - SCDC Staff	Time Served and Date Projections (Projected Maxout, Parole Eligibility, etc)
Movements / Movement Reasons	When inmates move in and out of correctional institutions	Operations Staff (entries made into the automated system in real time)	Automated system - SCDC Staff	Movements / Movement Reasons (Administrative, Medical, Court, Release, Death, etc)
Bed Assignment	As inmates are assigned to new cells / beds	Operations Staff (entries made into the automated system in real time)	Automated system - SCDC Staff	Bed Assignment
Assessments	At intake and as needed thereafter for all types except PREA, which is done at intake and upon every movement to a new facility	Inmate Interviews	SCDC Staff	Assessments (Drug Dependency, Mental Health Screening, Prison Rape Elimination Act, Global Risk Assessment Device, etc)
Disciplinary Infractions	As charges are filed	Security, Institutional Staff	Written/automated entries - SCDC Staff	Disciplinary Infractions

See, also, S.C. House of Representatives, House Legislative Oversight Committee, “SCDC Correspondence to Subcommittee (4.29.19),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” and under “Correspondence,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20letter%20to%20Committee%20with%20attachments%20\(April%2029,%202019\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20letter%20to%20Committee%20with%20attachments%20(April%2029,%202019).pdf) (accessed January 12, 2022). See response to question 6, which includes other related information seen below in Endnote Table 9. Hereinafter, “SCDC Correspondence to Subcommittee (4.29.19).”

Endnote Table 9. Offender related information SCDC personnel obtain from a sentencing sheet or court order and what SCDC does with the information

OFFENDER INFORMATION	FROM WHERE IS IT OBTAINED?	HOW IS IT UTILIZED?	HOW IS IT ENTERED INTO A SCDC DATABASE?	DOES IT IMPACT RELEASE DATE?
Sentencing County	Court	For detainer and release notification	Manual entry	No
Personal Information	Court	Alias, race, sex, age, DOB, social security number, driver's license number, state identification number used for personal identification purposes.	Manual entry	No
Indictment Information	Court	Indictment/case number and warrant number	Manual entry	No
SC Statute/CDR Code	Court	Impacts release date and parole eligibility	Manual entry	Yes
Date of Offense	Court	Depending on the CDR code violation and the date the law went into effect the offense date could determine release date, parole eligibility and early release eligibility	Manual entry	Yes
Sentence Information	Court	Inmate plea, written verbiage of sentence convicted of, indicator of non-violent, violent, serious, mandatory GPS - used to determine violent/nonviolent classification of crime, determine time to serve, determine if the sentence is 85% mandatory minimum and calculation of projected release dates.	Manual entry	Yes
Plea-entered	Court	Used as part of sentencing information	Manual entry	No
Youthful Offender Act or Adult Straight sentence	Court	Used to determine sentence type, which determines sentence calculation; can also determine programming schedule and based outcome could affect release date.	Manual entry	Yes
Concurrent or Consecutive indicator	Court	Used to determine sentence calculation	Manual entry	Yes
Credit for time served	Court	Applied toward release date calculation in accordance with SC Code 24-13-40	Manual entry	Yes
Restitution	Court	Restitution requirement and amount used to determine payment amount if the inmate is assigned to the Work Program	Manual entry	No

Special conditions	Court	Used as needed	Manual entry	No
Presiding Judge Name	Court	First initial and last name used as part of sentencing information	Manual entry	No

Note: Types of data the Department of Corrections maintains on each offender includes the items below (available at <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Inmate%20data%20by%20types%20and%20source.pdf>).

- | | |
|---|---|
| 1. Identifiers (Name, DOB, SSN, SID#, FBI#, Aliases, etc) | 19. Parole Reviews / Hearings |
| 2. Demographics (Race, Sex, Occupation, Religion, Education Level, Veteran Status, etc) | 20. Screenings (Labor Crew, Pre-Release, Supervised Re-Entry, etc) |
| 3. Relatives | 21. Detainers |
| 4. Addresses | 22. Separation Requirements |
| 5. Convictions (Offense, Incarcerative Sentence, Suspended Sentence, Jail Time Credit, Sex Registry, etc) | 23. Security Threat Group / Gang Affiliation |
| 6. Priors | 24. Accomplices |
| 7. Status (Incarcerated, Released, Parole, Probation, etc) | 25. Incidents / Use of Force |
| 8. Classification (Custody / Security) | 26. Staff Requests / Grievances |
| 9. Time Served and Date Projections (Projected Maxout, Parole Eligibility, etc) | 27. Medical / Mental health / Pharmacy |
| 10. Movements / Movement Reasons (Administrative, Medical, Court, Release, Death, etc) | 28. Education (Class enrollment, Degrees / Certificates Earned) |
| 11. Bed Assignment | 29. Program Participation |
| 12. Assessments (Drug Dependency, Mental Health Screening, Prison Rape Elimination Act, Global Risk Assessment Device, etc) | 30. Restitution (DNA, Property Damage, Medical Copay, Victims Assistance, Court Ordered, etc) |
| 13. Disciplinary Infractions | 31. Trust Fund Transactions |
| 14. Disciplinary Hearings / Sanctions (Loss of Good Time Credits) | 32. Canteen Items Purchased |
| 15. Disciplinary Restrictions (Canteen, Phone, etc) | 33. Commissary Items Issued |
| 16. Earned Work Credit Job Assignments | 34. Visitation (Visitor Applications, Approved Visitors, Visits) |
| 17. Earned Education Credit Assignments | 35. Victims (Registrations, Notifications) |
| 18. Record Audits | 36. Drug Testing |

See, also, PPP Correspondence to Subcommittee (9.27.2021). See response to question 76 and attachment (Data Sharing Grant Application).

Note: For context information pertaining to the Data Sharing Grant Application is included below.

Data Maintained by SLED

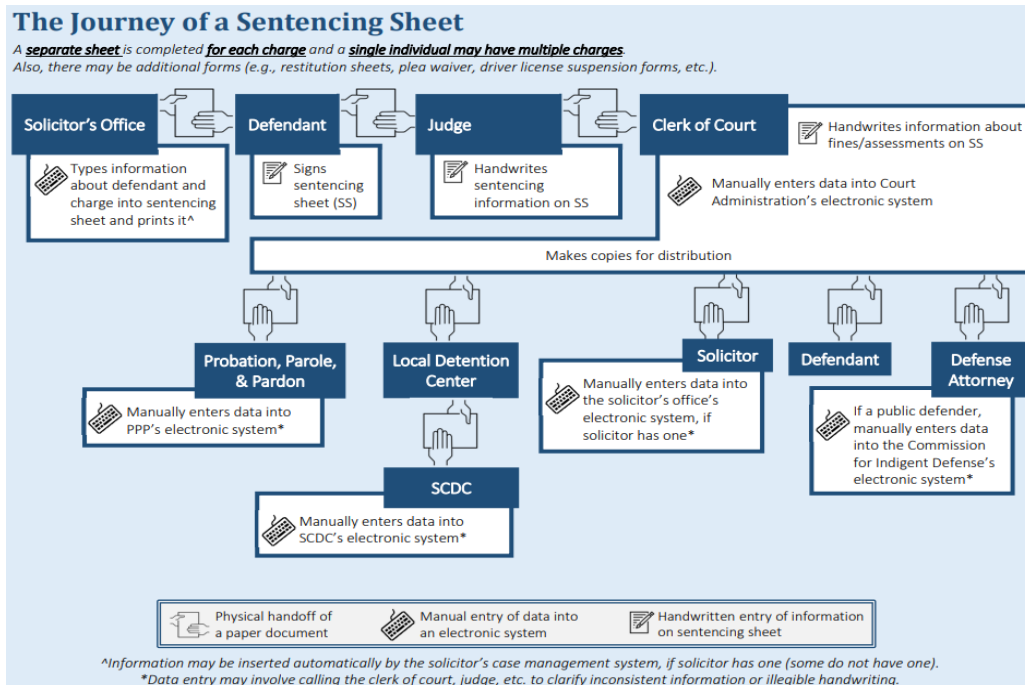
- As South Carolina’s criminal data clearinghouse, SLED manages information related to defenders in multiple databases, including the SC Sex Offender Registry, SC Information Exchange (SCIE), National Crime Information Center (NCIC), National Law Enforcement Telecommunications System (NLETS), Computerized Criminal History (CCH), Automated Fingerprint Identification System (AFIS), as well as court-ordered expungements, violent gang affiliations, and driving records.

While this information is important to the work of PPP and other entities involved in the criminal justice process, and the entities have access to the information in SLED's systems, each often has to retype it into their own agency database for internal use.

Risk Assessments

- SCDC uses an assessment tool to determine inmate classification levels and referral needs upon entry to prison. There is no method to have SCDC's initial assessment results transferred to SCDPPPS when an inmate is released to supervision.
- Moreover, SCDPPPS administers the COMPAS (Correctional Offender Management Profiling for Alternative Sanctions) actuarial risk/needs assessment tool on probationers to determine the likelihood an offender will reoffend; and the degree in which certain criminogenic factors linked to criminal behavior are present. Those factors include criminal history, family issues, substance abuse, education and employment. In addition, SCDPPPS administers the COMPAS Re-entry tool on parole eligible inmates and inmates in mandatory release programs to determine risk of reoffending as well as referral needs upon release. Unfortunately, SCDC has no way to receive those assessment scores if a probationer or parolee is incarcerated.

¹²⁰ S.C. House of Representatives, House Legislative Oversight Committee, "Crime Victim Information and Government Entities that Contact Crime Victims (8.26.21)" under "Committee Studies of Agencies and Issues," under "Flow Charts," under "House Legislative Oversight Committee," [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Crime%20Victim%20Information%20and%20Government%20Entities%20that%20Contact%20Crime%20Victims%20\(8.26.21\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Crime%20Victim%20Information%20and%20Government%20Entities%20that%20Contact%20Crime%20Victims%20(8.26.21).pdf) (accessed January 12, 2022). Hereinafter, "Crime Victim Information and Government Entities that Contact Crime Victims (8.26.21)."



EndNote Figure 13. Process for transferring the offender information in a sentencing sheet.

Note: Court Administration is in the process of piloting an electronic sentencing sheet with funding provided by the General Assembly. However, there is other offender information still transferred between incarcerating entities via email, fax, telephone, etc.

See, also, Crime Victim Information and Government Entities that Contact Crime Victims (8.26.21).

See, also, SCDC Correspondence to Subcommittee (4.29.19). See response to question 10.

¹²² Debbie Parker, Director of External Affairs for the Department of Paroles, Pardons, and Release Services, email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, 12.22.21.

Note:

- Total number of offenders on PPP active supervision on 12/22/21 (regardless of whether they have an associated victim) - (22,272);
- Number of offenders on PPP active supervision on 12/22/21 that have a victim associated with their crime/s -(10,952);
- Total number of victims associated with PPP active offenders on 12/22/21 - (15,213); and
- Number of victims who have requested PPP notifications as of 12/22/21 -(5,766).

¹²³ SCDC Correspondence to Subcommittee (4.29.19). See response to question 10.

¹²⁴ SCDC Correspondence to Subcommittee (9.27.2021). See responses to questions 3, 4, 96, and 97.

¹²⁵ PPP Correspondence to Subcommittee (9.27.2021). See response to question 87.

See, also, S.C. House of Representatives, House Legislative Oversight Committee, “Attorney General’s Office Correspondence to Subcommittee (9.25.21),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Probation, Parole and Pardon, Department of” and under “Correspondence,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProbationParoleandPardon/AG%20letter%20to%20Oversight%20Subcommittee%20\(9.25.21\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProbationParoleandPardon/AG%20letter%20to%20Oversight%20Subcommittee%20(9.25.21).pdf) (accessed January 12, 2022). See responses to questions 1 and 2. Hereinafter “Attorney General’s Office Correspondence to Subcommittee (9.25.21).”

¹²⁶ PPP Correspondence to Subcommittee (9.27.2021). See response to question 76 and attachment (Data Sharing Grant Application).

Note: While the same offender may transition from incarceration at Department of Corrections (SCDC) to supervision under PPP, or vice versa, there is no way for SCDC and PPP to access information on the risk assessments each conduct on the same offender, other than manually sending documents.

- SCDC uses an assessment tool to determine inmate classification levels and referral needs upon entry to prison. There is no method to have SCDC’s initial assessment results transferred to PPP when an inmate is released to supervision.
- Moreover, PPP administers the COMPAS (Correctional Offender Management Profiling for Alternative Sanctions) actuarial risk/needs assessment tool on probationers to determine the likelihood an offender will reoffend; and the degree in which certain criminogenic factors linked to criminal behavior are present. Those factors include criminal history, family issues, substance abuse, education, and employment. In addition, PPP administers the COMPAS Re-entry tool on parole eligible inmates and inmates in mandatory release programs to determine risk of reoffending as well as referral needs upon release. SCDC has no way to receive those assessment scores if a probationer or parolee is incarcerated.

See, also, SCDC Correspondence to Subcommittee (4.29.19). See response to question 11.

¹²⁷ Note: Examples include the following:

- Number of individuals prosecuted statewide is unknown (i.e., a case is defined differently by various stakeholders)
- Number of individuals applying for public defenders but deemed not qualified is unknown (i.e., application process varies by county)
- Number of individuals recidivating from each diversion program is unknown
- Total collection of court fines and fees cannot be verified (State auditor conducted engagements of less than 20% of entities required to remit revenue and found almost \$1 million owed to the state during 2014, 2015, and 2016)

¹²⁸ S.C. Code Section 16-3-1410.

¹²⁹ South Carolina Attorney General’s Office, “Crime Victim Ombudsman,” <https://www.scag.gov/inside-the-office/crime-victim-services-division/crime-victim-ombudsman/> (accessed January 12, 2022). See main page and Crime Victim Ombudsman’s enabling statutes.

¹³⁰ PPP Correspondence to Subcommittee (9.27.2021). See responses to questions 91 and 92.

See, also, SCDC Correspondence to Subcommittee (9.27.2021). See responses to question 2, 3, and 5.

Note: Potential steps to take during discussion include the following:

1. Build upon the initial handout provided during the Oversight process to fully draft out the processes for how information is received, processed, and/or transmitted to others for victim information
 - a. Consider building it out for each agency individually to view the advantages of the systems each entity is utilizing. For example, SCDC's VINE system already has a website, mobile app, and way to send recorded telephone messages.
2. After outlining these processes, create a document that outlines the following for each step in the processes:
 - a. costs to the agency including, but not limited to, personnel time and software or hardware;
 - b. errors experienced in information received, or method of sending it;
 - c. frequency of errors,
 - d. potential causes of the errors, and
 - e. impact of the errors.

During this time, the agencies are to regularly meet with personnel from the Revenue and Fiscal Affairs Office to ensure information that may allow for the most efficient analysis is being collected.

3. Upon collection of the necessary information, consult with personnel from the Revenue and Fiscal Affairs Office to review the information and determine the anticipated net result if management made investments in technology systems potentially including, but not limited to a secure central repository of information housed at Revenue and Fiscal Affairs from which all three agencies were able to securely access the information needed by the agency.
4. Provide a report to LOC outlining the steps taken, information gathered, and results of analysis performed. Before acting, do the same for other information received, processed, and/or transmitted by the entities to see if incorporation of changes in them may increase or decrease the net result so all upgrades that have a net positive result can be made as part of the same plan.

Additional items to also consider include:

- Currently, notification in South Carolina is a "closed system." This means that only the actual victim or direct family member (in the case where the victim has died or is a minor). While the intent is to ensure victims have access to notification, this process may be a good opportunity to expand the scope to allow additional individuals to participate in notification, without compromising victims access in any way. Opening the system in this way, would allow a centralized location for everyone to self-manage be more easily implemented as well.

¹³¹ SCDC Correspondence to Subcommittee (9.27.2021). See responses to questions 2 and 4.

See, also, PPP Correspondence to Subcommittee (9.27.2021). See response to questions 84, 92, and 96.

Note: PPP personnel can view notifications they send, and SCDC personnel can view notifications they send. However, information is siloed at the two agencies.

¹³² Court Administration Correspondence to Subcommittee (9.30.2021).

¹³³ Note: Case management system (CMS) is a type of software application employed by an organization to efficiently process, track, and maintain the activities and data that are essential to operations of that organization. Many industries and government agencies use CMS applications, including most criminal justice-related organizations. The applications are typically tailored to meet the individual operational needs of each agency. While CMS and other applications can gain some efficiency within a particular organization, their full benefit is not

realized for the individual agency, or the state as whole, without consideration of data transmitted between and utilized by other entities with whom the agency interacts.

¹³⁴ S.C. Const. Art. I, Section 24.

¹³⁵ PPP Correspondence to Subcommittee (9.27.2021). See response to question 93.

Note: For context the agency’s response to question 93 is included below in Endnote Table 8.

EndNote Table 8. Sample list of victim notifications provided by various entities

TYPE OF ENTITY	APPLICABLE PORTION OF STATE CONSTITUTION (ARTICLE 1, SECTION 24(A))	EXAMPLE EVENTS THAT WOULD TRIGGER A NOTIFICATION TO VICTIM	ENTITY LIKELY MAKING THE NOTIFICATION
RESPONDING LAW ENFORCEMENT AGENCY VICTIM ADVOCATES	(2) be reasonably informed when the <i>accused</i> or convicted person is arrested, released from custody, or has escaped;	Offender is arrested	Law enforcement (county sheriff or city police)
		Offender makes bond	Detention center
	(4) be reasonably informed of and be allowed to submit either a written or oral statement at all hearings affecting bond or bail;	Offender escapes from local detention facility	Detention center
		Offender has a bond hearing	Detention center, summary court, or law enforcement
PROSECUTING ENTITY VICTIM ADVOCATES	(3) be informed of and present at any criminal proceedings which are dispositive of the charges where the defendant has the right to be present	Preliminary hearing	Summary court
		Offender’s bond hearing or bond reduction hearing	Summary court/solicitor’s office
	(4) be reasonably informed of and be allowed to submit either a written or oral statement at all hearings affecting bond or bail;	Defendant’s guilty plea	Solicitor’s office
		Defendant’s trial	Solicitor’s office
		Restitution hearing	Solicitor’s office
POST-CONVICTION AGENCY VICTIM ADVOCATES	(2) be reasonably informed when the accused or <i>convicted</i> person is arrested, released from custody, or has escaped;	Offender is released from an institution (e.g. maxout, mandatory release programs)	Department of Corrections (SCDC)
		Offender escapes from institution	SCDC
	(10) be informed of any proceeding when any post-conviction action is being considered, and be present at	Offender absconds from supervision;	Department of Probation, Parole, and Pardon (PPP)

	any post-conviction hearing involving a post-conviction release decision;	Parole consideration hearings	PPP
		Violations of parole or shock parole	PPP
		Violations of probation and community supervision	PPP
		Post-conviction relief hearings (PCR)	Attorney General
		Oral arguments for direct appeal or PCR appeal cases	Attorney General

¹³⁶ PPP Correspondence to Subcommittee (9.27.2021). See response to question 94.

Note: Below are example scenarios when a victim may be contacted by multiple government entities are below.

- Scenario #1: An offender is currently serving time in SCDC and is eligible for parole. This same offender has also filed an appeal for his criminal conviction. If the victim is registered with SCDC, the victim will receive information from SCDC. However, if this same inmate is eligible for parole and is scheduled for a parole hearing, the victim will also receive notification from PPP as to the date and time of the parole hearing. Finally, the SC Attorney General’s office will contact the victim as it relates to the appeal process which is taking place while the inmate is serving his sentence.
- Scenario #2: If an offender on supervision reoffends the same victim and is arrested for this offense, the law enforcement agency will contact the victim about the arrest and/or the bond hearing for the new offense. If the offender is convicted of the new offense, the offender then is in violation of his probation. PPP will notify the victim of the probation violation hearing.

¹³⁷ PPP Correspondence to Subcommittee (9.27.2021). See response to question 93.

¹³⁸ Crime Victim Information and Government Entities that Contact Crime Victims (8.26.21).

¹³⁹ PPP Correspondence to Subcommittee (9.27.2021). See response to question 95.

¹⁴⁰ SCDC Correspondence to Subcommittee (9.27.2021). See responses to questions 3, 4, 96, and 97.

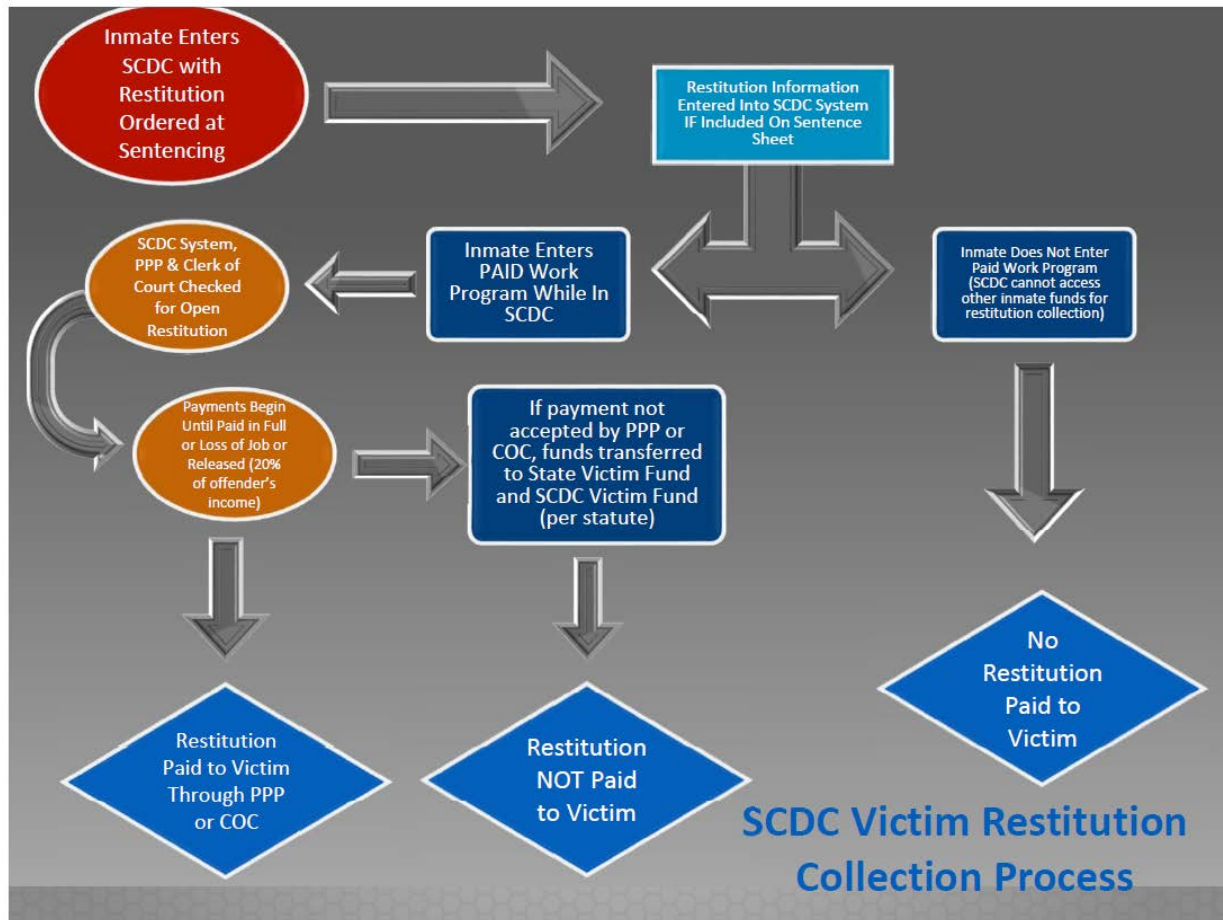
Note: While the Department of Corrections utilizes a system enabling victims to make choices about some notifications, PPP and other law enforcement entities do not

Currently, SCDC manages all victim contact information and notification methods through an internal case management system, which is securely transmitted to SC VINE to make the necessary notifications. Currently, victims utilizing the VINE system at the county level can log into the central location (VINELink), enter, and update their own contact information and choose method(s) of notification. There is not a way to choose notifications based upon type of status change the offender may experience (i.e. just transfers or just releases, etc.) The VINE system has an administrative portal by which credentialed Victim Services staff can monitor the delivery and verification of notifications, as well as assist with the registration and modification of accounts as needed.

A change in statute would be required for some correspondence. Due to South Carolina victim statute, Article 15, Victim and Witness Services, Section 16-3-1530 (4)(B), that states mandated victim notification “may not be only by electronic or other automated communication or recording except in the case of an intradepartmental transfer.” Which means our Division is required to generate manual letters and mail notifications. This statutory language, while appropriate years ago, now that technology has advanced in both reliability as well as use by the general public, it would greatly advance our operation to allow victims to choose the method of notification, versus mandating letters be sent in each case. Many victims prefer electronic notification and currently do not have the ability to opt out of receiving paper notification. SCDC sends written notification regarding upcoming releases from custody, as well as a few other types of communications directly to registered victims.

¹⁴¹ SCDC Correspondence to Subcommittee (9.27.2021). See responses to questions 7 and 8.

Note: Per statute, SCDC can only send victim restitution collected to PPP or a county Clerk of Court office.



EndNote Figure 14: Illustration of normal flow of restitution collection within the Department of Corrections (SCDC) submitted by the SCDC

¹⁴² PPP Correspondence to Subcommittee (9.27.2021). See responses to questions 105 and 109.

Note: PPP personnel state the most accurate information regarding the amount of restitution owed is the sentence sheet and/or the restitution order, which are completed, and maintained by, the court.

See, also, SCDC Correspondence to Subcommittee (9.27.2021). See response to question 7.

¹⁴³ PPP Correspondence to Subcommittee (9.27.2021). See response to question 106.

¹⁴⁴ Ibid. See response to question 34.

¹⁴⁵ SCDC Correspondence to Subcommittee (9.27.2021). See response to question 10.

¹⁴⁶ PPP Correspondence to Subcommittee (9.27.2021). See response to question 34.

¹⁴⁷ SCDC Correspondence to Subcommittee (9.27.2021). See response to question 10.

¹⁴⁸ PPP Correspondence to Subcommittee (9.27.2021). See response to question 10.

¹⁴⁹ Ibid. See response to question 35.

¹⁵⁰ Ibid. See response to question 60.

¹⁵¹ Ibid. See response to question 81.

¹⁵² S.C. House of Representatives, House Legislative Oversight Committee, "Probation Violation Order: Journey from PPP to Court (September 2020)," under "Committee Studies of Agencies and Issues," under "Flow Charts," under "House Legislative Oversight Committee," [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Probation%20Violation%20Order%20%20Journey%20from%20PPP%20to%20Court%20\(9.13.21\)%20\(1\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Probation%20Violation%20Order%20%20Journey%20from%20PPP%20to%20Court%20(9.13.21)%20(1).pdf) (accessed January 12, 2022).

¹⁵³ Court Administration Correspondence to Subcommittee (9.30.2021).

¹⁵⁴ PPP Correspondence to Subcommittee (9.27.2021). See response to question 100.

¹⁵⁵ Ibid. See responses to question 80 and 82.

Note: During the study, a Subcommittee member shares constituent concerns about timely receipt of court information.

¹⁵⁶ PPP Correspondence to Subcommittee (9.27.2021). See response to question 74.

¹⁵⁷ Ibid. See responses to questions 73, 74, and 83.

¹⁵⁸ Ibid. See response to question 84.

¹⁵⁹ Ibid. See responses to questions 73, 74, 75, 76, 83, and 84.

¹⁶⁰ S.C. Revenue and Fiscal Affairs Office, “Programs and Services: Data Services & Online Solutions,” <https://rfa.sc.gov/programs-services> (accessed December 14, 2021).

¹⁶¹ Note: The following are PPP databases:

- Offender Management System (OMS) - Manages Offenders under Supervision [custom]
- Parole Information Center (PIC) - Manages Parole hearings, and other types of Inmate releases [custom]
- Ignition Interlock Device (IID) - Ignition Interlock Program [custom]
- Parole Automation Center (PAC) - Manages Pardon hearings and investigations [custom]
- Single Sign On (SSO) - Security database for other applications [custom]
- Forms and Reports (FR) - Repository for forms and reports used across applications [custom]
- Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) - The Risk and Needs Assessment database [commercial]
- Track-It – Helpdesk [commercial]
- TeamIA - Archival document management for Human Resources and Records Management [commercial]
- Livescan - Fingerprint server [commercial]
- Applicant Registry - Manages a pool of prospective Agents for hire [custom]
- Human Resource System (HRS) - Archival data for Human Resources [custom]
- Property - Manages Law Enforcement property [custom]

¹⁶² PPP Correspondence to Subcommittee (9.27.2021). See response to question 118.

See, also, SCDC Correspondence to Subcommittee (9.27.2021). See response to question 12.

¹⁶³ PPP Correspondence to Subcommittee (9.27.2021). See response to question 13.

¹⁶⁴ Ibid.

¹⁶⁵ Ibid. See responses to questions 13-15.

¹⁶⁶ Ibid. See response to question 37.

¹⁶⁷ Ibid. See responses to questions 14 and 120.

¹⁶⁸ S.C. Commission for Minority Affairs, “Second Chance Reentry Resource Guide,” <https://cma.sc.gov/second-chance> (accessed January 12, 2022).

¹⁶⁹ Ibid.

¹⁷⁰ Chad Gambrell, Deputy Director, Offender Supervision and Enforcement Services for the Department of Paroles, Pardons, and Release Services, email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, 10.19.21.

¹⁷¹ Ibid.

¹⁷² Ibid.

¹⁷³ Ibid.

¹⁷⁴ PPP Correspondence to Subcommittee (9.27.2021). See response to question 6.

¹⁷⁵ Ibid.

¹⁷⁶ Ibid.

¹⁷⁷ Agency Field Operations Division Presentation (updated July 27, 2021). See presentation slide 223.

¹⁷⁸ PPP Correspondence to Subcommittee (9.27.2021). See response to question 23.

¹⁷⁹ PPP Correspondence to Subcommittee (6.4.2021). See response to question 6-8.

¹⁸⁰ PPP Correspondence to Subcommittee (9.27.2021). See response to question 24.

¹⁸¹ Ibid. See response to question 13.

¹⁸² Ibid. See response to question 12.

¹⁸³ Ibid. See response to question 14.

¹⁸⁴ Ibid. See responses to questions 47 and 48.

¹⁸⁵ Ibid. See response to question 48.

¹⁸⁶ July 27, 2021 Minutes and Video. See archived video at 03:05:20- 03:11:43.

¹⁸⁷ Ibid. See archived video at 03:10:47-03:11:43.

¹⁸⁸ Ibid. See archived video at 03:06:58-03:08:09.

¹⁸⁹ Ibid. See archived video at 02:26:21-02:27:40.

¹⁹⁰ Note: The Executive Subcommittee of the House Legislative Oversight Committee included a similar recommendation in its 2021 Study of the State Ethics Commission; the report has not been considered by the full committee as of date of publication of this subcommittee report.

See, also, S.C. Code Section 24-21-10(D).

¹⁹¹ Note: H.4076 was introduced during the 123rd General Assembly by various House Legislative Oversight Committee members to implement this recommendation. On January 21, 2021, it was approved by the House of Representatives by a vote of 109 to 0 and was referred to the Senate Judiciary Committee on January 23, 2020. As an internal change related to the study process, the Commission on Indigent Defense creates a resource book, which includes duties of commissioners and is signed by them.

¹⁹² PPP Correspondence to Subcommittee (9.27.2021). See responses to questions 39 and 40.

¹⁹³ Ibid.

¹⁹⁴ July 27, 2021 Minutes and Video. See archived video at 02:31:29-02:32:10.

¹⁹⁵ S.C. Legislative Audit Council, “A Limited Review of the S.C. Department of Corrections,” https://lac.sc.gov/sites/default/files/Documents/Legislative%20Audit%20Council/Reports/A-K/SCDC_2019.pdf (accessed December 9, 2021). See recommendation 73.

¹⁹⁶ July 27, 2021 Minutes and Video. See archived video at 02:35:13-02:37:02.

Note: During the study, two board members testified that they participated in parole hearings prior to starting and/or completing the required training.

¹⁹⁷ July 27, 2021 Minutes and Video. See archived video at 02:52:28-02:53:54.

¹⁹⁸ Agency Field Operations Division Presentation (updated July 27, 2021). See presentation slides 289-291.

¹⁹⁹ State v. Dykes, 403 S.C. 499, 744 S.E.2d 505 (2013).

Note: A 2021 State Supreme Court decision found the requirement that sex offenders must register for life without any opportunity for judicial review to assess the risk of re-offending violates due process. The Supreme Court delayed the effective date of the opinion for 12 months from the date of filing to allow the General Assembly to correct the deficiency in statute regarding judicial review.

²⁰⁰ PPP Correspondence to Subcommittee (9.27.2021). See responses to questions 132 and 133.

Note: The agency last operated restitution centers in 2009.

²⁰¹ PPP Program Evaluation Report. See law change recommendation 7.

²⁰² Agency Field Operations Division Presentation (updated July 27, 2021). See presentation slides 282-284.

²⁰³ Ibid.

²⁰⁴ Ibid.

²⁰⁵ Ibid.

²⁰⁶ PPP Correspondence to Subcommittee (9.27.2021). See response to question 129.

²⁰⁷ SCDC Correspondence to Subcommittee (4.29.19). See responses to questions 5 and 44.

Note: For context the agency’s response to question 5 is included below.

Maxout [Expiration of Sentence]: A mandatory, unconditional release administered by SCDC which occurs when the sum of service time and total credits equals or exceeds the incarcerative term on all convictions.

Maxout with Probation: A mandatory, conditional release administered by SCDC whereby an inmate is released to the supervision of Department of Probation, Parole and Pardon Services [PPP] upon expiration of the incarcerative terms of all convictions, at least one [1] of which has an unserved probation requirement.

Maxout with Community Supervision: A mandatory conditional release administered by SCDC whereby an inmate is released to Community Supervision under PPP upon serving a mandatory minimum percentage of his/her sentence with or without parole eligibility.

Supervised Furlough IIA [SFIIA]: To allow carefully screened inmates to be placed on furlough from SCDC under the supervision of Probation and Parole Agents from PPP for the purpose of pre-release preparation, securing employment, or obtaining rehabilitation services. The inmate may be released up to six [6] months prior to his/her maxout date. However, s/he must have been in SCDC at least six (6) months, must not have been convicted of a disciplinary infraction within the last six [6] months prior to early release eligibility date, and committed the crime or was convicted between June 14, 1983, and June 13, 1993, on his/her dominant offense for which s/he is currently serving.

Supervised Re-entry: A period of re-entry supervision upon release from incarceration, PPP administers the supervision of these inmates. The inmate shall be released six [6] months prior to his/her maxout date provided that his/her offense date is on or after January 1, 2011, and s/he has served at least two (2) years from the sentence start date, is parole eligible, cannot have Community Supervision upon release, and does not have more than six [6] months' probation to serve upon release.

Parole by PPP: A conditional release administered by PPP. Inmate is eligible when service time, Earned Work Credits (EWC), and/or Earned Educational Credits [EEC] meet or exceed the parole requirements on each conviction, the Parole Board has conducted the review, and an approval entry is entered on the Parole Review [PARREV] screen. Since it is an PPP authorized release, PPP will handle all release coordination, to include coordinating all releases to detaining authorities in which a hold, wanted, or notify has been placed. SCDC's responsibility will be limited to providing data processing reports. The inmate cannot be released from the facility/institution until the parole examiner provides the inmate with a Parole Certificate.

Provisional Parole: A conditional release approved and administered by PPP. Inmates can be released to this program 90 days prior to their parole eligibility date under the supervision of PPP.

Youthful Offender Act [YOA] Parole: The conditional release of an inmate sentenced under the Youthful Offender Act is administered by SCDC. Parole will

be based on the inmate's participation in educational and treatment programs, progress, overall adjustment, and behavior.

Release per Court Order: When court orders are received for mandatory release of an inmate.

- *Sentence Remanded/Vacated*: A release which results from a sentence that is overturned in the State Supreme Court, an Appeals Court, or a General Sessions Court due to an inmate having filed a Post-Conviction Relief (PCR) or other appeal. The inmate will be released to the county to await re-sentencing by the Court unless s/he has won an appeal to be released to the "streets" and there are no other sentence obligations.
- *Post-Conviction Relief*: When the inmate claims the conviction is invalid due to certain constitutional violations. Decision to release is based on the Court Order and appeals by the Attorney General's Office.
- *Paid Fine/Discharge*: The inmate has paid a fine requirement as stipulated on the commitment order at the time of sentencing for the conviction which considers the conviction's incarcerative term satisfied, and, if paid, the inmate is released from custody.
- *Appeal Bond*: The inmate is released on a bond and is pending an appeal of a conviction. If the appeal is denied, the inmate returns to SCDC custody. The decision to release an inmate on bond is based on the Court Order and must cover all indictments/warrants for which the inmate is serving time.)

²⁰⁸ SCDC Correspondence to Subcommittee (4.29.19). See responses to questions 44.

See, also, S.C. House of Representatives, House Legislative Oversight Committee, "SCDC Response to Subcommittee (February 19, 2020)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Corrections, Department of," and under, "Correspondence," [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20response%20to%20Subcommittee%20with%20attachments%20\(2.19.20\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20response%20to%20Subcommittee%20with%20attachments%20(2.19.20).pdf) (accessed January 12, 2022). See responses to questions 79, 80, and 81. Hereinafter, "SCDC Response to Subcommittee (February 19, 2020)."

²⁰⁹ SCDC response to Subcommittee (June 20, 2019). See response to question 33.

²¹⁰ S.C. Code Ann. Section 24-22-170.

²¹¹ SCDC Response to Subcommittee (February 19, 2020). See response to question 70.

²¹² PPP Program Evaluation Report. See law recommendation 9.

See, also, SCDC Response to Subcommittee (February 19, 2020). See response to question 69.

See, also, S.C. House of Representatives, House Legislative Oversight Committee, “SCDC Response to Subcommittee (July 2, 2019),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” and under, “Correspondence,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20letter%20to%20Committee%20with%20attachments%20\(7.2.19\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20letter%20to%20Committee%20with%20attachments%20(7.2.19).pdf) (accessed January 25, 2022). See responses to question 37.

²¹³ July 27, 2021 Minutes and Video. See archived video at 02:56:30-02:58:07.

²¹⁴ PPP Correspondence to Subcommittee (9.27.2021). See response to question 46.

²¹⁵ Ibid. See response to question 38.

²¹⁶ July 27, 2021 Minutes and Video. See archived video at 02:40:29-02:41:10.

²¹⁷ PPP Correspondence to Subcommittee (9.27.2021). See response to question 41.

²¹⁸ Ibid.

²¹⁹ July 27, 2021 Minutes and Video. See archived video at 02:58:11-03:05:12.

²²⁰ PPP Correspondence to Subcommittee (9.27.2021). See response to question 49.

²²¹ Ibid. See responses to questions 42 and associated attachment, 43, and 44.

²²² July 27, 2021 Minutes and Video. See archived video at 02:41:52-02:42:24.

²²³ Ibid. See archived video at 02:41:52-02:46:23.

²²⁴ PPP Correspondence to Subcommittee (9.27.2021). See response to question 45.

²²⁵ Ibid. See response to question 46.

²²⁶ South Carolina Revenue and Fiscal Affairs Office ‘Locate Me’ Application.

²²⁷ RFA Public Dashboard.

²²⁸ October 27, 2021 Minutes and Video. See archived video at 01:17:53-01:18:18.

²²⁹ S.C. House of Representatives, House Legislative Oversight Committee, “Law Enforcement Training Council Correspondence to Subcommittee (10.01.21),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Probation, Parole and Pardon, Department of” and under “Correspondence,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProbationParoleandPardon/LETC%20letter%20to%20Subcommittee%20\(10.1.21\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProbationParoleandPardon/LETC%20letter%20to%20Subcommittee%20(10.1.21).pdf) (accessed January 12, 2022).

²³⁰ Ibid.

²³¹ Ibid.

²³² Law Enforcement Training Council Correspondence to Subcommittee (10.01.21).

See, also, May 6, 2021 Minutes and Video. See archived video at 00:17:34-00:20:28.

²³³ Law Enforcement Training Council Correspondence to Subcommittee (10.01.21).

²³⁴ Commission on Accreditation for Law Enforcement Agencies, <https://www.calea.org/> (accessed January 25, 2022).

²³⁵ PPP Correspondence to Subcommittee (9.27.2021). See response to question 26.

²³⁶ S.C. Code Section 16-3-1410. See, also, Attorney General's Office, "Crime Victim Services Training, Provider Certification, and Statistical Analysis," under "Crime Victim Services Division," <https://www.scag.gov/inside-the-office/crime-victim-services-division/crime-victim-services-training-provider-certification-and-statistical-analysis/> (accessed January 13, 2022).

²³⁷ October 27, 2021 Minutes and Video. See archived video at 01:17:53-01:18:18.

²³⁸ Crime Victim Information and Government Entities that Contact Crime Victims (8.26.21).

²³⁹ Ibid.

²⁴⁰ South Carolina Revenue and Fiscal Affairs Office 'Locate Me' Application.

²⁴¹ RFA Public Dashboard.

²⁴² Emails from Trevis Shealy, Division Director, Resource and Information Management, South Carolina Department of Corrections and N. Dayne Haile, Office of the Director, South Carolina Department of Corrections email message to House Legislative Oversight Committee Legal Counsel to Charles Appleby (October 2021).

²⁴³ October 27, 2021 Minutes and Video. See archived video at 01:27:56-01:28:01.

²⁴⁴ Ibid. See archived video at 01:22:21-01:24:01.

²⁴⁵ S.C. House of Representatives, House Legislative Oversight Committee, "Crime to Sentencing (7.23.18)," under "Committee Studies of Agencies and Issues," under "Flow Charts," under "House Legislative Oversight Committee," [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/CJ%201%20-%20Crime%20to%20Sentencing%20Flow%20Chart%20\(7.23.18\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/CJ%201%20-%20Crime%20to%20Sentencing%20Flow%20Chart%20(7.23.18).pdf) (accessed January 12, 2022).

²⁴⁶ South Carolina Revenue and Fiscal Affairs Office 'Locate Me' Application.

²⁴⁷ RFA Public Dashboard.

²⁴⁸ October 27, 2021 Minutes and Video. See archived video at 01:22:21-01:24:01.

²⁴⁹ Ibid. See archived video at 01:22:21-01:27:43.

²⁵⁰ Ibid.

²⁵¹ Ibid.

²⁵² Department of Probation, Parole and Pardon Services, “Fiscal Year 2022-2023 Agency Budget Plan,” <https://admin.sc.gov/sites/default/files/budget/FY23%20N080%20-%20PPP.pdf> (accessed January 13, 2022). See Form D on page 17.

²⁵³ Agency Field Operations Division Presentation (updated July 27, 2021). See presentation slide 286.

²⁵⁴ Ibid.

²⁵⁵ Ibid.

²⁵⁶ PPP Correspondence to Subcommittee (9.27.2021). See responses to questions 130 and 131. Note: The program ceased operation in 2016.

²⁵⁷ South Carolina Law Enforcement Division, “South Carolina Incident Based Reporting System (SCIBRS) Training Manual.” https://www.sled.sc.gov/forms/cjis/SCIBRS_Manual.pdf (accessed January 31, 2022). See Data Element 1 (ORI), page 49. Hereinafter, “SCIBRS Training Manual.”

²⁵⁸ Ibid. See Data Element 2 (Incident Number), page 49.

²⁵⁹ Ibid. See Data Element 3 (Incident Date), page 50.

²⁶⁰ Ibid. See Data Element 6 (UCR Offense Code), page 52.

²⁶¹ Ibid. See Data Element 7 (Offense Attempted/Completed), page 53. Note: The SCIBRS training manual states on pg. 53, “Attempted murder should be reported as Aggravated Assault, and all Assault Offenses should be coded as C = Completed.”

²⁶² Ibid. See Data Element 8 (Offender Suspected of Using), page 53.

²⁶³ Ibid.

²⁶⁴ Ibid. See Data Element 8A (Bias Motivation), pages 53-55. Note: The SCIBRS training manual states on pg. 53 and 54, “Because of the difficulty of ascertaining the offender’s subjective motivation, LEAs should report a bias motivation only if investigation reveals sufficient objective facts to lead a reasonable and prudent person to conclude the offender’s actions were motivated, in whole or in part, by bias against race, religion, disability, ethnicity, gender, gender identity, or sexual orientation. ...In the SCIBRS, incidents not involving any facts which indicate bias motivation on the part of the offender are to be reported as 88 = None, whereas incidents involving

ambiguous facts (some facts are present but are not conclusive) should be reported as data value 99 = Unknown. When an offense is initially classified as bias motivation 99 = Unknown and subsequent investigation reveals the crime was motivated by bias or no bias was found, the agency must update its original submission.”

²⁶⁵ Ibid. See Data Element 9 (Location Type), page 56.

²⁶⁶ Ibid. See Data Element 10 (Number of Premises Entered), page 61.

²⁶⁷ Ibid. See Data Element 11 (Method of Entry), page 61.

²⁶⁸ Ibid. See Data Element 12 (Type Criminal Activity/Gang Information), see page 62.

²⁶⁹ Ibid. See Data Element 13 (Type Weapon/Force Involved), page 64.

²⁷⁰ Ibid. See Data Element 14 (Type Property Loss/Etc.), pages 65-66.

²⁷¹ Ibid. See Data Element 15 (Property Description), page 67.

²⁷² Ibid. See Data Element 16 (Value of Property), page 77.

²⁷³ Ibid. See Data Element 17 (Date Recovered), page 79.

²⁷⁴ Ibid. See Data Element 18 (Number of Stolen Motor Vehicles), page 79.

²⁷⁵ Ibid. See Data Element 19 (Number of Recovered Motor Vehicles), page 80.

²⁷⁶ Ibid. See Data Element 20 (Suspected Drug Type), page 80.

²⁷⁷ Ibid. See Data Element 21 (Estimated Drug Quantity), page 81.

²⁷⁸ Ibid. See Data Element 22 (Type Drug Measurement), page 83.

²⁷⁹ Ibid. See Data Element 23 (Victim Sequence Number), page 84.

²⁸⁰ Ibid. See Data Element 24 (Victim Connected to UCR Offense Code), pages 84-85.

²⁸¹ Ibid. See Data Element 25 (Type of Victim), page 85.

²⁸² Ibid. See Data Element 25A (Type of Officer Activity/Circumstance), page 86.

²⁸³ Ibid. See Data Element 25B (Officer Assignment Type), page 86.

²⁸⁴ Ibid. See Data Element 25C (Officer – ORI Other Jurisdiction), page 87.

²⁸⁵ Ibid. See Data Element 26 (Age of Victim), page 87.

²⁸⁶ Ibid. See Data Element 27 (Sex of Victim), page 88.

- ²⁸⁷ Ibid. See Data Element 28 (Race of Victim), page 88.
- ²⁸⁸ Ibid. See Data Element 29 (Ethnicity of Victim), page 89.
- ²⁸⁹ Ibid. See Data Element 30 (Resident Status of Victim), page 89.
- ²⁹⁰ Ibid. See Data Element 31 (Aggravated Assault/Homicide Circumstances), page 90.
- ²⁹¹ Ibid. See Data Element 32 (Additional Justifiable Homicide Circumstances), page 91.
- ²⁹² Ibid. See Data Element 33 (Type Injury), page 92.
- ²⁹³ Ibid. See Data Element 34 (Offender Number to be Related), page 93.
- ²⁹⁴ Ibid. See Data Element 35 (Relationship of Victim to Offender), page 94.
- ²⁹⁵ Ibid. See Data Element 36 (Offender Sequence Number), page 96.
- ²⁹⁶ Ibid. See Data Element 37 (Age of Offender), page 96.
- ²⁹⁷ Ibid. See Data Element 38 (Sex of Offender), page 97.
- ²⁹⁸ Ibid. See Data Element 39 (Race of Offender), page 97.
- ²⁹⁹ Ibid. See Data Element 39A (Ethnicity of Offender), page 98.
- ³⁰⁰ Ibid. See Data Element 40 (Arrestee Sequence Number), page 98.
- ³⁰¹ Ibid. See Data Element 41 (Arrest Transaction Number), page 98-99.
- ³⁰² Ibid. See Data Element 42 (Arrest Date), page 99.
- ³⁰³ Ibid. See Data Element 43 (Type of Arrest), page 99.
- ³⁰⁴ Ibid. See Data Element 44 (Multiple Arrestee Segments Indicator), pages 99-100.
- ³⁰⁵ Ibid. See Data Element 45 (UCR Arrest Offense Code), page 100.
- ³⁰⁶ Ibid. See Data Element 46 (Arrestee Was Armed With), page 101.
- ³⁰⁷ Ibid. See Data Element 47 (Age of Arrestee), page 101-102.
- ³⁰⁸ Ibid. See Data Element 48 (Sex of Arrestee), page 102.
- ³⁰⁹ Ibid. See Data Element 49 (Race of Arrestee), page 102.
- ³¹⁰ Ibid. See Data Element 50 (Ethnicity of Arrestee), page 103.

³¹¹ Ibid. See Data Element 51 (Resident Status of Arrestee), page 103.

³¹² Ibid. See Data Element 52 (Disposition of Arrestee Under 18), page 104.

^[i] S.C. House of Representatives, House Legislative Oversight Committee, “Letter from Prosecution Coordination to Oversight Committee (July 16, 2018),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Prosecution Coordination, Commission on,” and under, “Correspondence,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20\(July%2016,%202018\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20(July%2016,%202018).pdf) (accessed July 27, 2020). See question 9. Hereinafter, “Letter from Prosecution Coordination to Oversight Committee (July 16, 2018).”

The SCCPC has formed a finance task force to help shed additional light on the funding and expenditures of the solicitors’ offices. Below are details regarding the task force’s plans.

- Answers sought - How to provide a financial best practices framework for the solicitors to ensure transparency, uniformity, and accountability.
- Areas reviewing - The necessary checking accounts required by practice and statute and the use of (1) audits, (2) host county finance personnel, and (3) transparency measures.
- Entities communicating with - The entities represented on the Commission, which include solicitors and their staff, House of Representatives, Senate, Department of Public Safety, and State Law Enforcement Division are aware of the task force’s goals and progress.
- Timeline for completion of each stage of analysis and publication of recommendations - The task force is gathering information now. It expects to have most of the information by September 2018 and to begin analysis immediately. SCCPC anticipates receiving recommendations from the task force by February 2019.

³¹³ SCDC Response to Subcommittee (February 19, 2020). See Question 4 (According to the Department of Juvenile Justice Data Resource Guide, available online at <https://djj.sc.gov/research-and-data/publications-documents>, SCDJJ defines its Annual Recidivism Rate as: Youth who are adjudicated for a new offense within one year of completing Arbitration, Probation, or Commitment. This rate includes only those youths who were subsequently adjudicated (convicted) in the juvenile justice system. It does not include those who were subsequently convicted in the adult system.)

³¹⁴ S.C. House of Representatives, House Legislative Oversight Committee, “SCDC Response to Subcommittee (May 24, 2019),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” and under, “Correspondence,” (accessed August 3, 2020). See Question 54.