

Agenda for Community Supervision Subgroup #1

October 4, 2017

1. Welcome and Member Introductions – Chair Senator Campsen
2. Charge from State Leaders – Chair Senator Campsen
 - a. “Develop and advance fiscally sound, data driven adult criminal justice sentencing and corrections policies that protect public safety, hold offenders accountable, and control taxpayer spending”
 - b. “We will encourage the Task Force to take a look at a wide range of policy options.”
3. Subgroup Goal – Chair Senator Campsen
 - a. Analyze supervision and treatment practices and policies to make policies that reduce the supervision population, protect public safety, and control corrections spending.
4. Overall Community Supervision Topics & Roadmap Forward – Nicole
 - a. Resources at reentry
 - b. Removing barriers to reentry
 - c. Increase risk tool effectiveness
 - d. Strengthen supervision through incentives
 - e. Length of supervision
 - f. Reinvestment
5. Today’s Policy Discussion – Nicole
 - a. Resources at reentry
 - b. Incentives
 - c. Length of supervision
6. Calendar – Andy & Paula

Supervision Data Findings

1. The supervision population is 28,734 people, **down 8%** from 31,227 in 2010.
2. Supervision success rates have **gone up nearly 30%**. Less than one-fourth of supervision rates end in failure, down from a third.
3. Despite this increasing success, **4,200 people failed on supervision in 2016**. In that year, **revocations accounted for 31%** of all prison admissions.

Overall Policy Discussion Roadmap

Continuum of Supervision

Beginning →

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End

Release: the point of reentry

Content of supervision

Time necessary on supervision

1. Resources at reentry
2. Removing barriers to reentry

3. Supervision effectiveness
4. Incentives to strengthen supervision

5. Length of supervision

Policy Discussion: Reentry Resources

Research Principle:

Frontload Resources

- Focus supervision and programming resources during the initial weeks and months following release from prison when violations and arrests are most likely to occur.¹

Current Reentry Practices and Data:

1. The **recidivism rate dropped by nearly 10%** since the reforms in 2010.
2. The 2010 omnibus sentencing bill addressed reentry priorities as well, and PPP has already been working on reentry planning at release. Currently, there are just a few staff focused on resources at reentry, who have started better connecting people with services upon release. Despite strides in improving recidivism through an increased focus on reentry practices, the Department of Probation, Parole and Pardons still has **limited staff to devote to connecting people with resources in the community.**

Policy Option:

Reentry coordinators or specialists could be instituted to concentrate on helping to find housing, treatment, medical attention, jobs, and other needs—generally make the bridge from prison to the community.

Other States:

Louisiana: Recently, Louisiana established reentry specialists to help those being released with their housing, medicine, IDs, and other services.

Policy Discussion:

How can South Carolina implement a framework to safely transition people back to their communities and reduce recidivism?

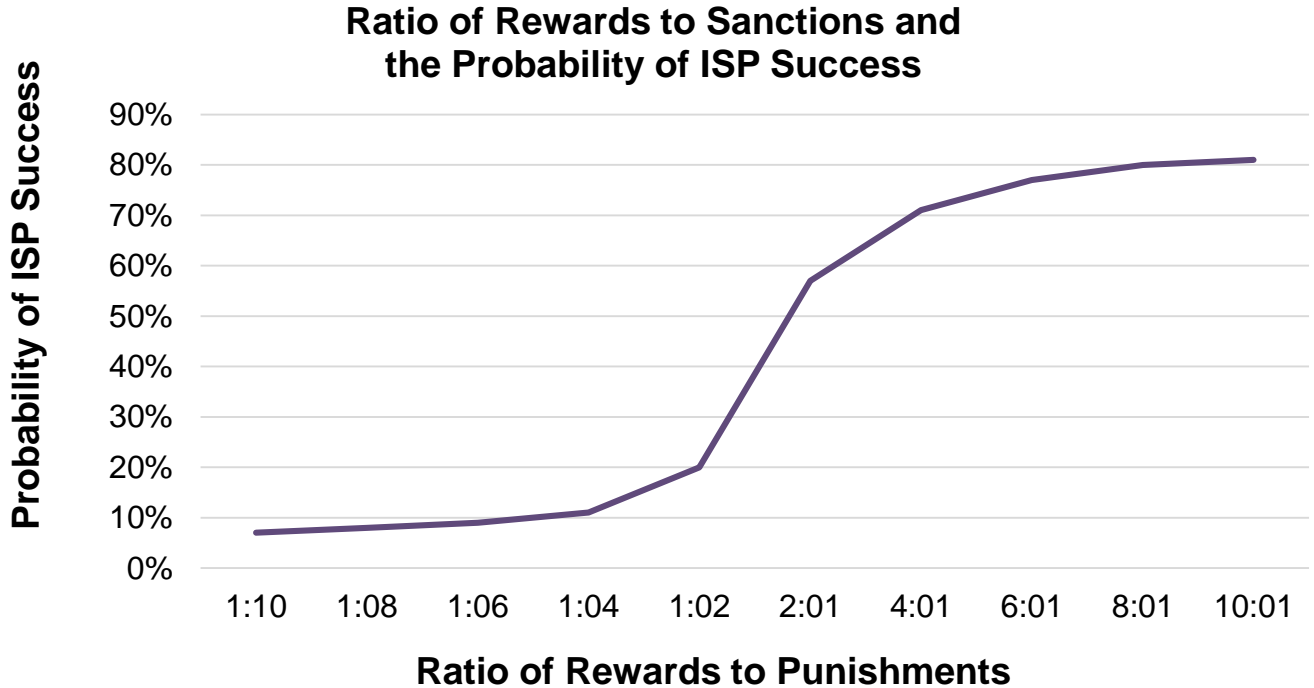
¹ National Research Council (2007)

Policy Discussion: Strengthen Supervision through Incentives

Research Principle:

Incentivize Positive Behavior

- Research shows that administering rewards in proportionally higher numbers than sanctions produces the best results, especially when **a ratio of four or more rewards for every sanction** is achieved.² Evidence-based supervision systems:
 - Provide incentives for meeting case-specific goals of supervision to enhance individual motivation.
 - Develop a continuum of rewards to round out the continuum of sanctions.



- Compliance credits, a type of incentive which allows supervisees to earn time off their sentences, have been shown to reduce people's sentences while providing incentives for positive behavior change, and freeing up resources to be used for people at a higher risk to reoffend.³

² Wodahl, Garland, Culhane & McCarty (2011), *Utilizing Behavioral Interventions to Improve Supervision Outcomes in Community-based Corrections*

³ Petersilia, J. (2007). Employ behavioral contracting earned discharge parole. *Criminology and Public Policy* (6)(4): 807-14.

Current Incentives Practices and Data:

1. With the enactment of 2010's omnibus sentencing reform, most people on supervision in South Carolina are eligible to earn time off their sentence for complying with the terms of supervision.⁴ People on supervision for an offense committed on or after January 1st, 2011 can earn 20 days off for every 30 days spent on supervision.
2. The total number of compliance credits earned has increased even in the most recent years of its use, **nearly doubling in months of credit since 2013**. One recent policy change, allowing 3 months of unpaid financial obligations, could be a factor in the increase.
3. However, **just 8% of total supervision closures expired early** due to compliance credits.
4. While there is a research-based range of sanctions for probation and parole officers to use, there's **no matching range of administrative incentives**. The available incentives are compliance credits and early release.

Policy Options:

1. **Expand the use of compliance credits:**
 - a. Further limit the definition of "noncompliance" to those who *willfully* refuse to pay their financial obligations, not those who are *unable* to pay 3 months or more.
 - b. Open up eligibility for compliance credits to those whose aggregate sentences on supervision are 6 months or greater (up from those whose aggregate sentences are greater than 1 year).
 - c. Expand compliance credits to those currently on supervision with offenses before January 1st, 2011.
 - d. Expand compliance credits to 30 days of credit for each month of compliance (up from 20).
 - e. Implement training for agents on compliance credits.
2. **Create a continuum of small incentives** to match the violation matrix that is already in existence, for example: increased or eliminated curfew, waived supervision fees, and/or verbal recognition.

⁴ 24-21-280

State Examples:

1. *Mississippi*: Allows probationers and parolees to earn 30 days of credit for each month of compliance.⁵

With the passage of this policy, Mississippi's community corrections population has dropped 19% between June 2014 and June 2016, allowing probation and parole officers to better focus on their high-risk cases. Additionally, public safety outcomes have improved: 10% more probationers were successfully discharged than in 2014.

2. *Arkansas*: Allows probationers and parolees to earn 30 days of credit for each month of compliance.⁶

3. *Missouri*: Allows probationers and parolees to earn 30 days of credit for each month of compliance.⁷

This has brought the average supervision term down 14 months and has brought the average probation and parole officer caseload down from 70 in 2012 to 59 in 2015.

Policy Discussion:

How can South Carolina continue to incentivize positive behavior on supervision and also lower supervision lengths?

⁵ Miss. Code Ann. § 47-7-40

⁶ A.C.A. § 16-90-1303

⁷ Missouri Revised Statutes Section 217.703.1

Policy Discussion: Supervision Length

Research Principle:

Frontload Resources

- Focus supervision and programming resources during the initial weeks and months following release from prison when violations and arrests are most likely to occur
 - Focus resources where they can have the biggest impact

Current Practices and Data:

1. **Length of stay on supervision has inched up** since 2010.
2. **Maximum probation length is 5 years across all felony and misdemeanor classes** (misdemeanor classes A through C, felony levels A through F, as well as unclassified offenses).⁸

Policy Options⁹:

1. **Reduce maximum term of probation:** Reduce the maximum for a term of probation.
2. **Create graduated probation maximums:** Tier offenses and lower probation maximums by offense severity.

Class ¹⁰	Max. Probation Length
Unc. Felony	5 years
Felony class A	5 years
Felony class B	5 years
Felony class C	5 years
Felony class D	5 years
Felony class E	5 years
Felony class F	5 years
Unc. Misd	5 years
Misd. A	5 years
Misd. B	5 years
Misd. C	5 years

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Class	Max. Probation Length
Unc. Felony	5 years
Felony class A	5 years
Felony class B	3 years
Felony class C	3 years
Felony class D	2 years
Felony class E	2 year
Felony class F	1 year
Unc. Misd.	6 months
Misd. A	6 months
Misd. B	6 months
Misd. C	6 months

⁸ 24-21-440

⁹ Probation maximums are tied to suspended sentencing maximums, and these policy ideas would only affect probation.

¹⁰ 16-1-10

State Examples:

Florida: Florida limits the maximum term of probation to two years.¹¹

Delaware: Delaware limits the maximum term of probation as follows¹²:

- Violent Felonies: Two years
- Controlled substance offenses: 18 months
- All other offenses: One year

Exceptions: For sex offenses and violent felonies, term may be extended if court rules on the record that a longer period would enhance public safety. However, the total period of probation still cannot exceed the maximum term of commitment provided by law for the offense.

Under Delaware law, the term of probation can be extended up to 90 days past the limit for the purposes of treatment.

Wisconsin: Wisconsin limits the maximum term of probation as follows¹³:

- Felonies: Three years or maximum length of confinement (whichever is greater)
- Higher level misdemeanors: Two years
- All other misdemeanors: One year

Exceptions: If offender is convicted of multiple crimes, term may be extended by 1–2 years (depending on number of crimes).

Policy Discussion:

Should South Carolina lower supervision terms and/or establish a graduated set of caps?

¹¹ Fla. Stat. § 948.04 (this maximum does not apply to probation terms that are imposed as part of splits)

¹² Del. Code tit. 11 § 11-4333

¹³ Wis. Stat § 973.09(2)

Calendar

1. Workgroup meeting #2: 10/18, 10am (Charleston, specific location TBA)
2. Workgroup meeting #3: 11/8, AM TBD (Columbia)
3. Full SROC Report-Out Meeting: 11/8, 2pm (Room 308, Gressette Building, Columbia)
4. Workgroup meeting #4: 12/6, 10am (Charleston, specific location TBA)
5. Full SROC Final Meeting: 12/13, 10am (Room 105, Gressette Building, Columbia)