

THE  
**PEW**  
CHARITABLE TRUSTS

South Carolina Data Analysis Part 2: Community  
Supervision Trends  
Sentencing Reform Oversight Committee  
September 28<sup>th</sup>, 2017

Introduction

## Data Sources

- Bureau of Justice Statistics
- Federal Bureau of Investigation, Uniform Crime Report
- United States Census Bureau
- South Carolina Department of Corrections
  - Prison admissions, releases, and snapshot population 2007-2016
- South Carolina Department of Probation, Parole, and Pardon Services
  - Supervision admissions, closures, and snapshot population, 2007-2016
  - Compliance violation revocations, 2010-2016

## Introduction

## Definition of Terms: Supervision Types

- **Probation**
  - A period of supervision ordered and overseen by a judge.
- **Supervision following prison:** A period of supervision that follows a prison or jail stay. This supervision comprises:
  - **Parole:** A term of supervision that results when an inmate is conditionally released from prison at the discretion of the Parole Board.
  - **Other types of post-prison supervision:** A term of supervision following prison other than parole (e.g. community supervision program, supervised reentry program, intensive supervision, judge-imposed probation sentences to follow prison).

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## Introduction

## Definition of Terms: Supervision Closure Types

- **Failure:** The discontinuation of supervision by the judge or the board, typically involving a return to prison or jail.
  - **Failure for new criminal offense:** Termination of supervision, with or without a revocation hearing, due to a conviction of a criminal offense, a return to prison or jail, or a return to solicitor control.
  - **Revocation for compliance violation:** Termination of supervision due to failing to comply with a rule or rules that one is required to follow while under supervision.

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## Definition of Terms: Supervision Closure Types

- **Success:** The completion of supervision that does not end in failure.
  - **Successful closure:** The end of supervision through the completion of the term and conditions of supervision.
  - **Successful early completion:** The end of supervision prior to the end of the supervision term based on a judge's order or through the acquisition of compliance credits.

## Definition of Terms: Supervision Levels

- **Standard:**
  - Lowest-level of supervision.
  - Initial home contact; additional field contacts conducted in the event of community complaints or a violation investigation.
- **Medium:**
  - One progress report every other month; additional progress reports conducted every six months as a Field Visit Progress or Home Visit Progress.
- **High:**
  - One progress report every other month; additional progress reports conducted every quarter as a Field Visit Progress or Home Visit Progress.

## Definition of Terms: Supervision Types Continued

- **Other specialized caseloads:**
  - Includes intensive supervision caseloads, domestic violence caseloads, and sex offender caseloads.
  - Supervision requirements are determined by risk-level and type of special caseload.

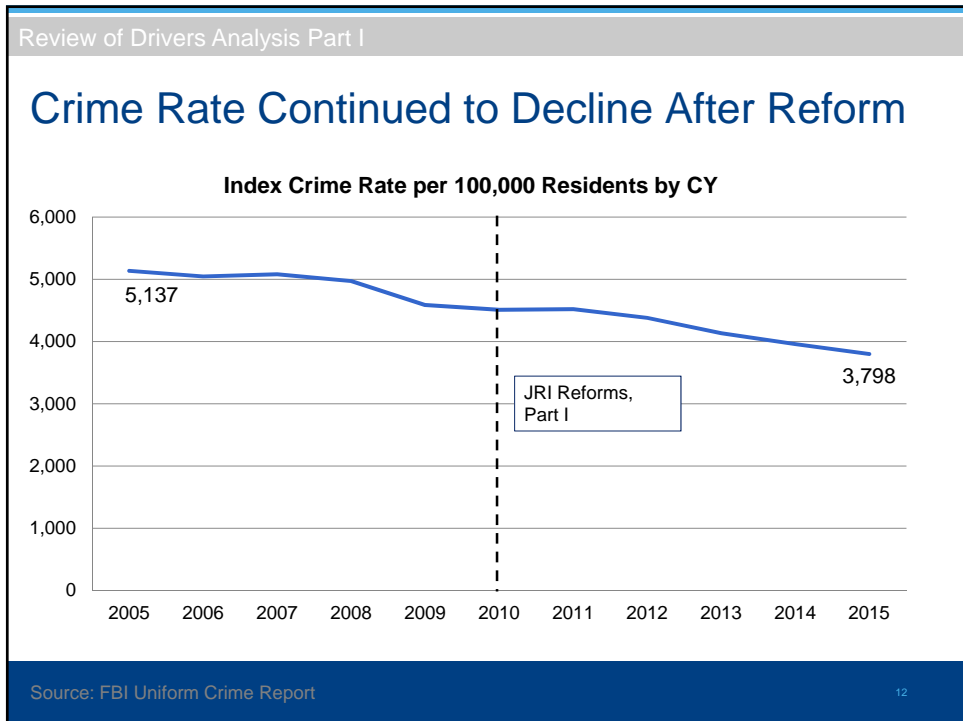
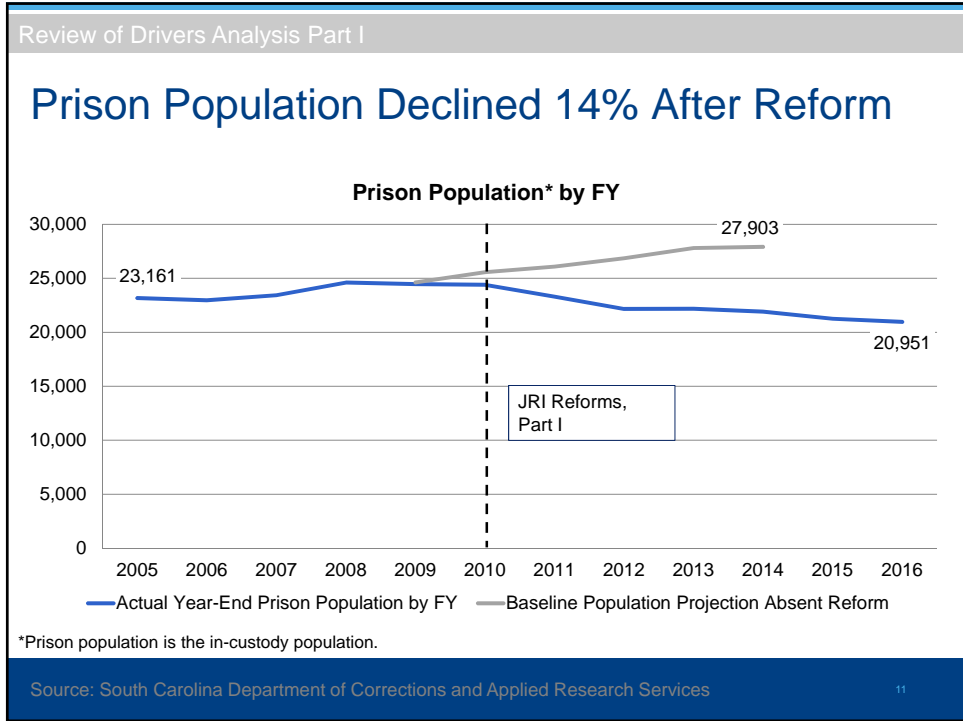
## Definition of Terms: Financial Obligations

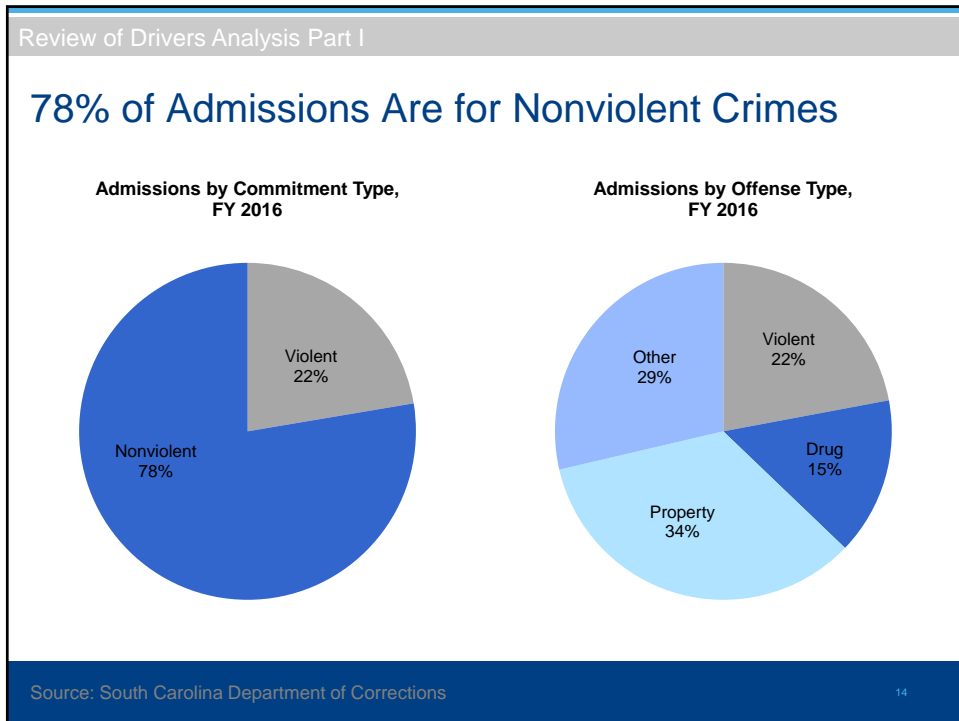
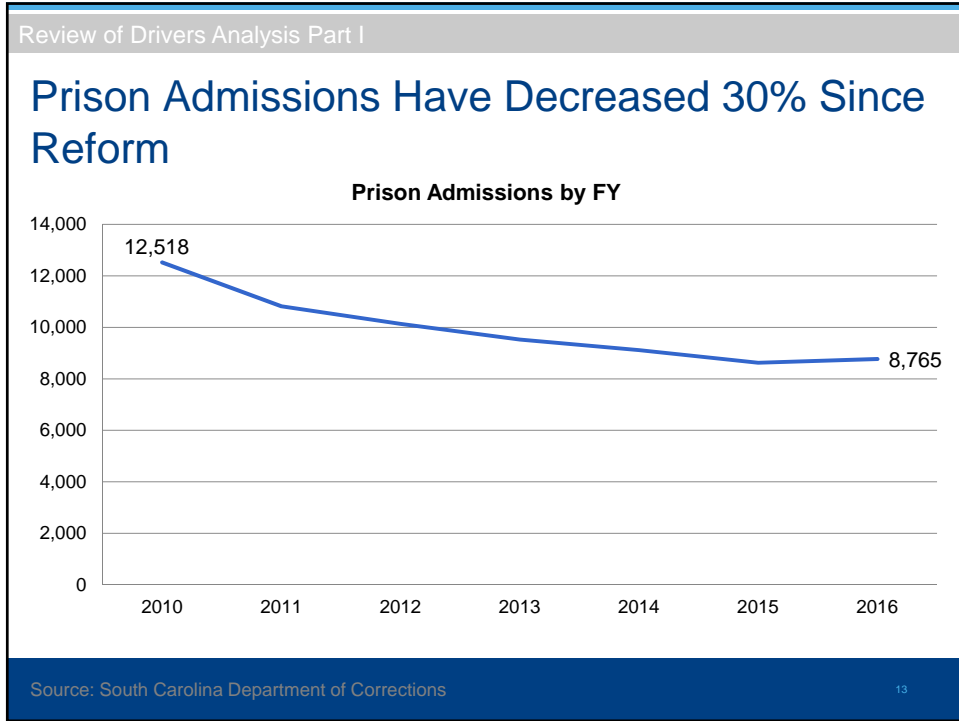
- **Financial Obligations:**
  - Criminal justice debts collected from inmates and supervisees (e.g. restitution, supervision fees, court fines etc.)
    - **Covered:** By the closure of a supervision term, what financial obligations have been paid or forgiven by the court.
    - **Owed:** By the closure of a supervision term, what financial obligations are still outstanding.

## Outline

- Review of Drivers Analysis Part I and follow-up questions
- Community supervision trends since Justice Reinvestment
- Taking a second look: issues worth examining
- Summary of takeaways and questions

# REVIEW OF DRIVERS ANALYSIS PART I AND FOLLOW-UP QUESTIONS





Review of Drivers Analysis Part I

## 7 of Top 10 Admissions Offenses are Nonviolent; 4 Drug-Related

Top 10 Offenses at Admission in FY 2016	
Offense	Number of Admissions
Burglary (2 <sup>nd</sup> degree nonviolent and 3 <sup>rd</sup> degree)	952
Commercial drug offense	668
Possession drug offense	525
Assault and battery – nonviolent	504
Shoplifting	497
Forgery/fraud	475
Burglary (2 <sup>nd</sup> degree violent)	312
Common law robbery	288
Manufacture methamphetamine	280
Trafficking controlled substances	271

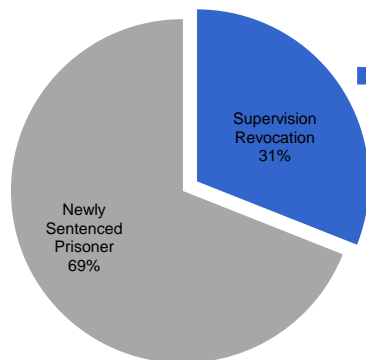
Source: South Carolina Department of Corrections

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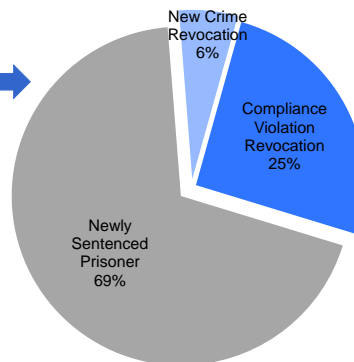
Review of Drivers Analysis Part I

## 1 in 4 Prison Admissions Are for Compliance Violations

Admissions by Admission Type, FY 2016



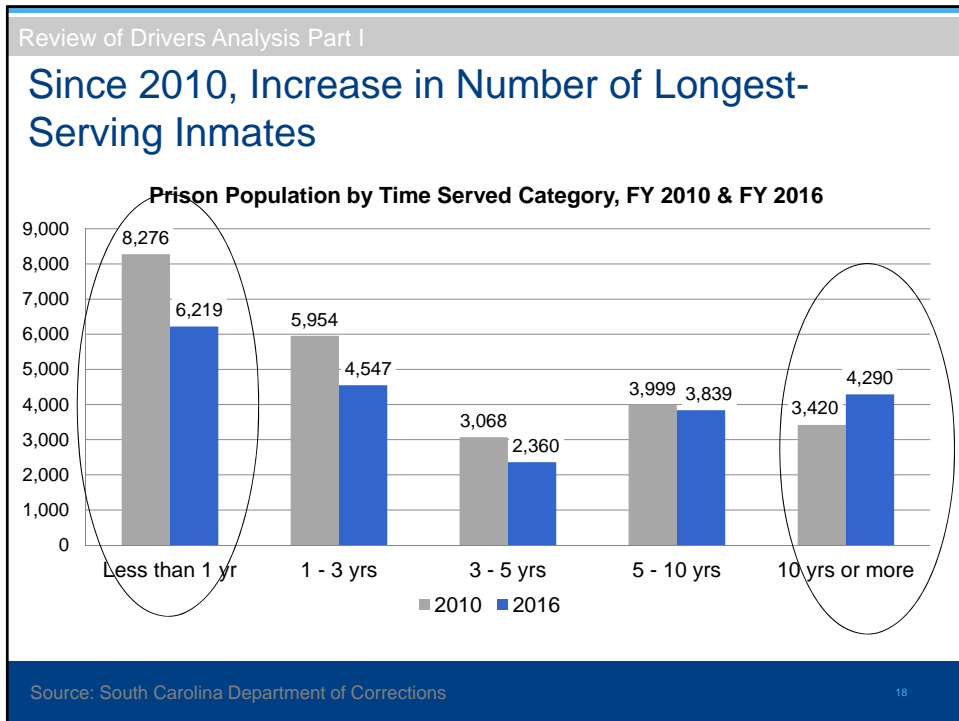
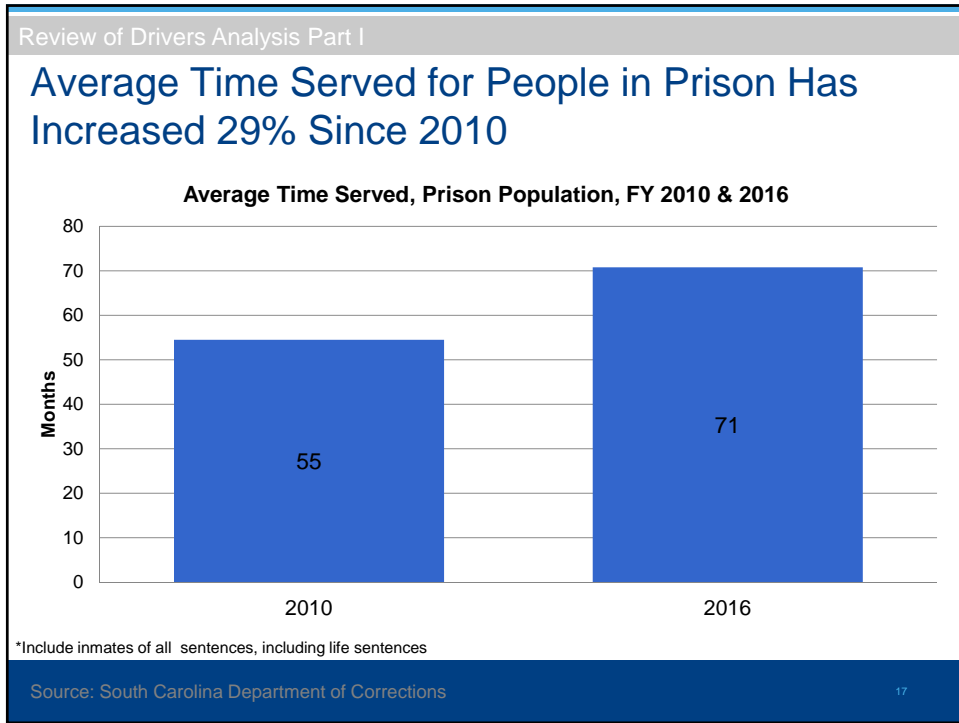
Admissions by Admission Type and Violation Type, FY 2016



Source: South Carolina Department of Corrections & South Carolina Department of Probation, Parole, and Pardon Services

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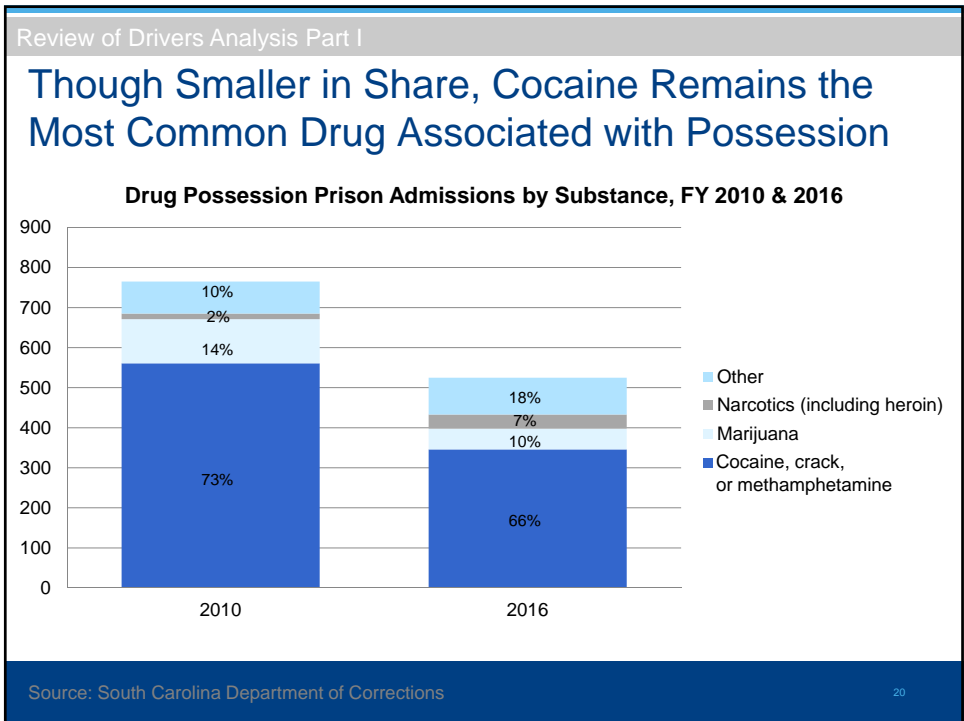


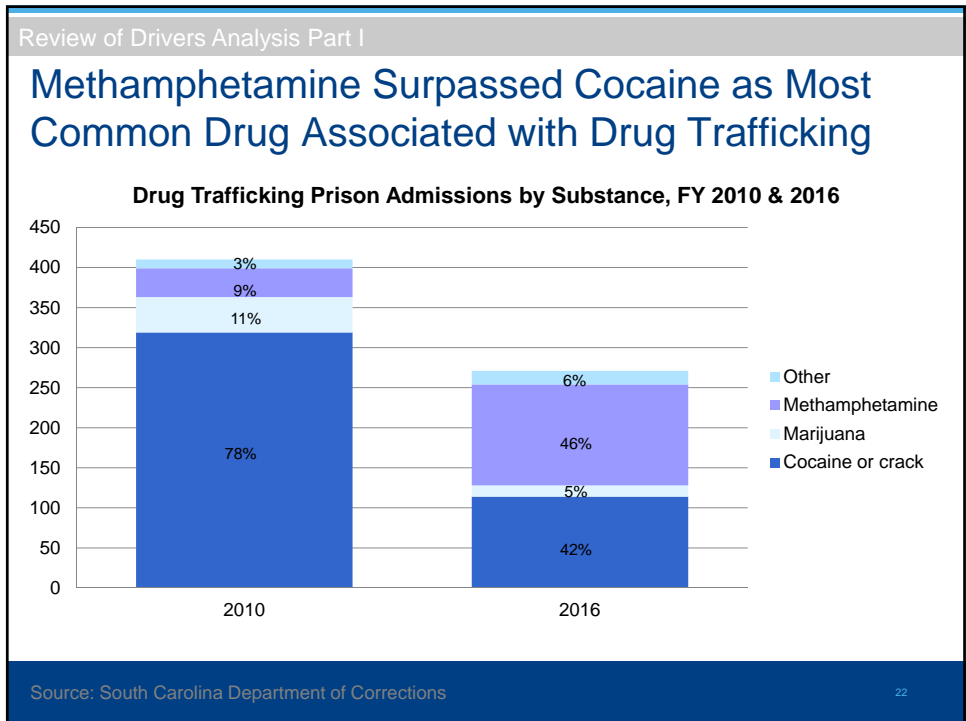
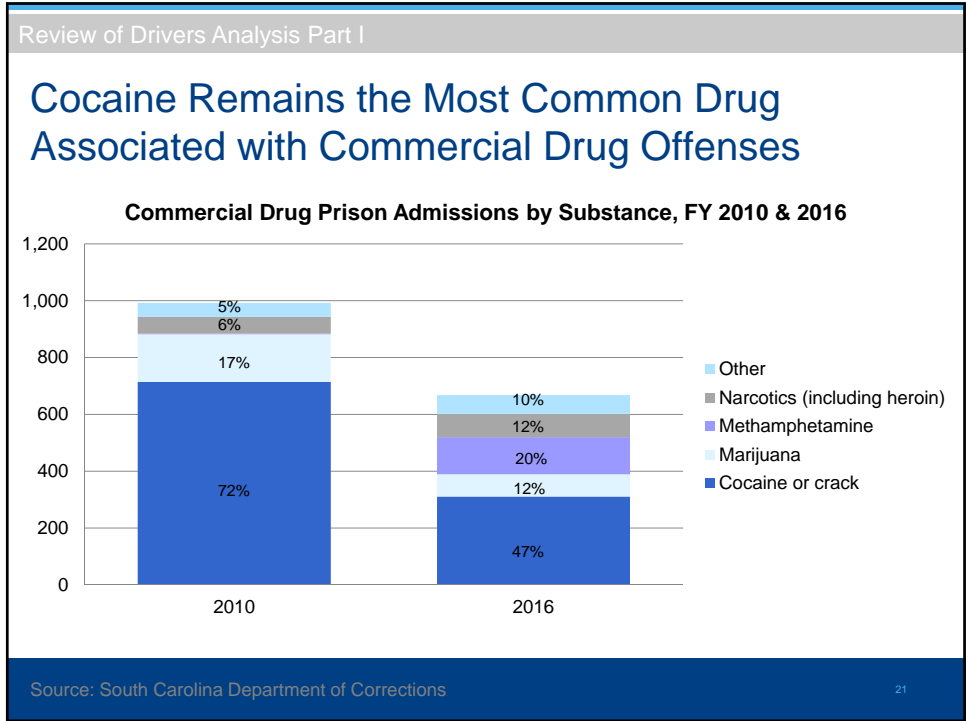
Review of Drivers Analysis Part I

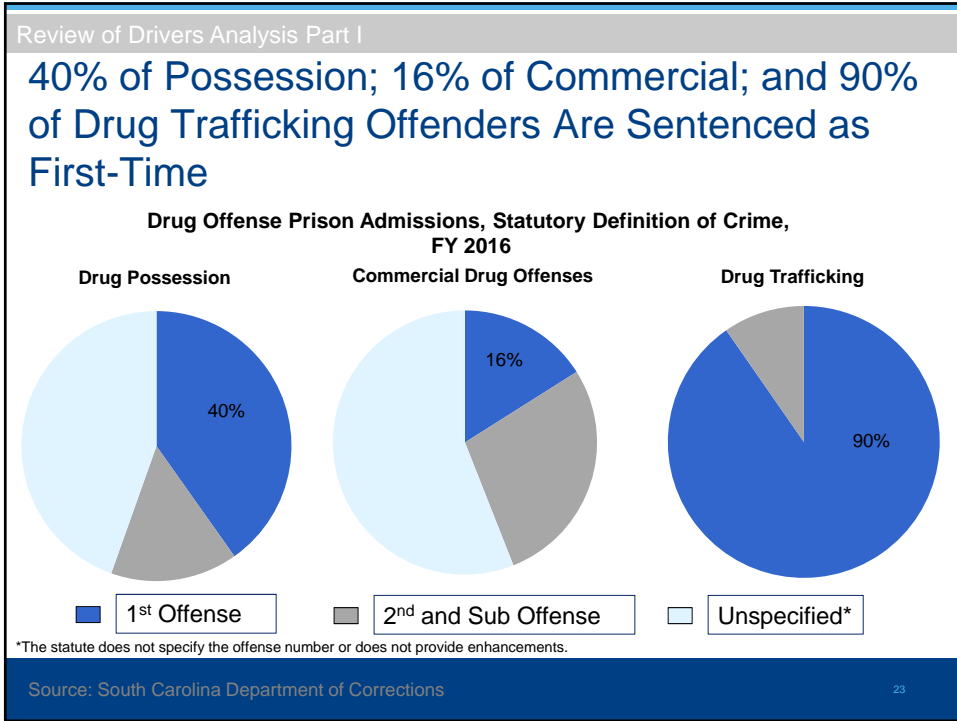
### Follow-Up Topic: Prison Admissions For Drug Offenses

- By substance
- By criminal history
  - Using the legal definition of crime for which the person was convicted, e.g. Possession of heroin, 1<sup>st</sup> offense

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Review of Drivers Analysis Part I

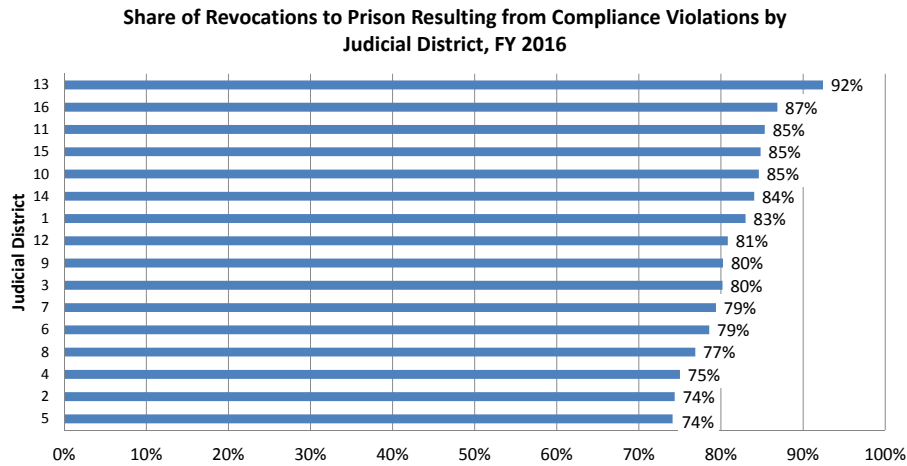
### Follow-Up Topic: Compliance Violations

- By judicial district

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Review of Drivers Analysis Part I

## Share of Revocations to Prison Due to Compliance Violations Vary Little Between Judicial Districts

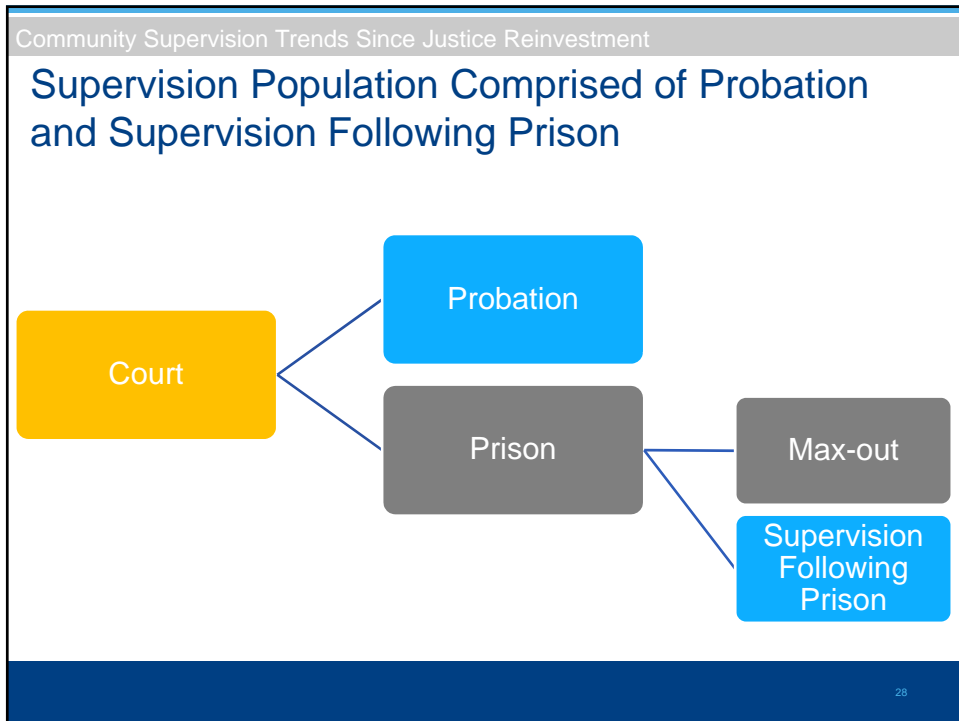
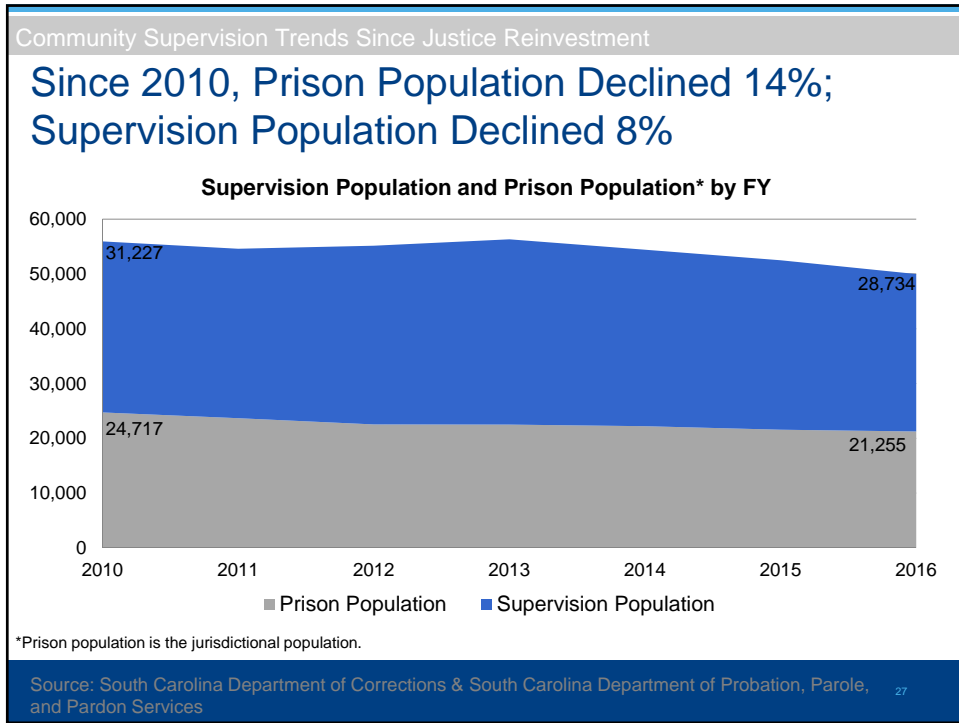


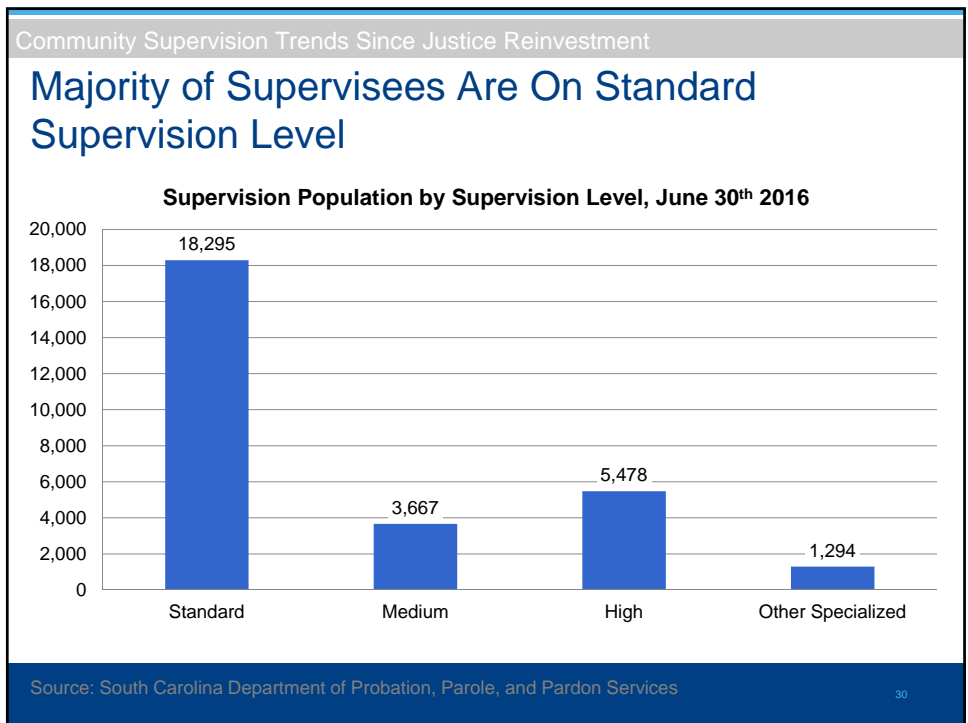
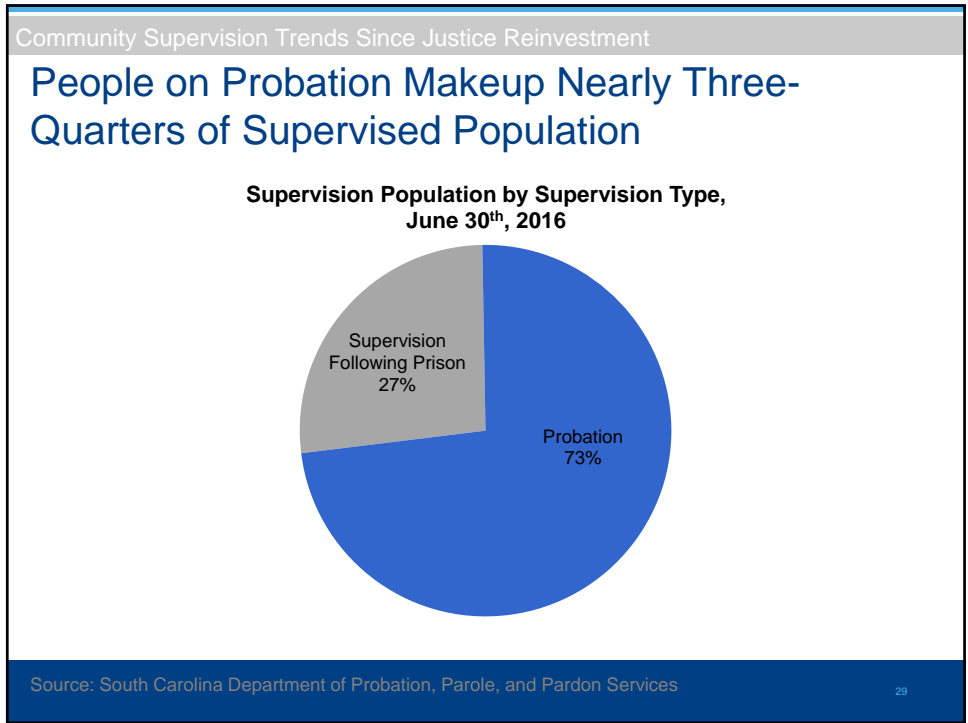
Source: South Carolina Department of Corrections & South Carolina Department of Probation, Parole, and Pardon Services 25

Community Supervision Trends Since Justice Reinvestment

### Outline

- Review of Drivers Analysis Part I and follow-up questions
- Community supervision trends since Justice Reinvestment
  - Supervision population declined 8%
  - Success rates on supervision trending up as failure rates decline
- Taking a second look: issues worth examining
- Summary of takeaways and questions



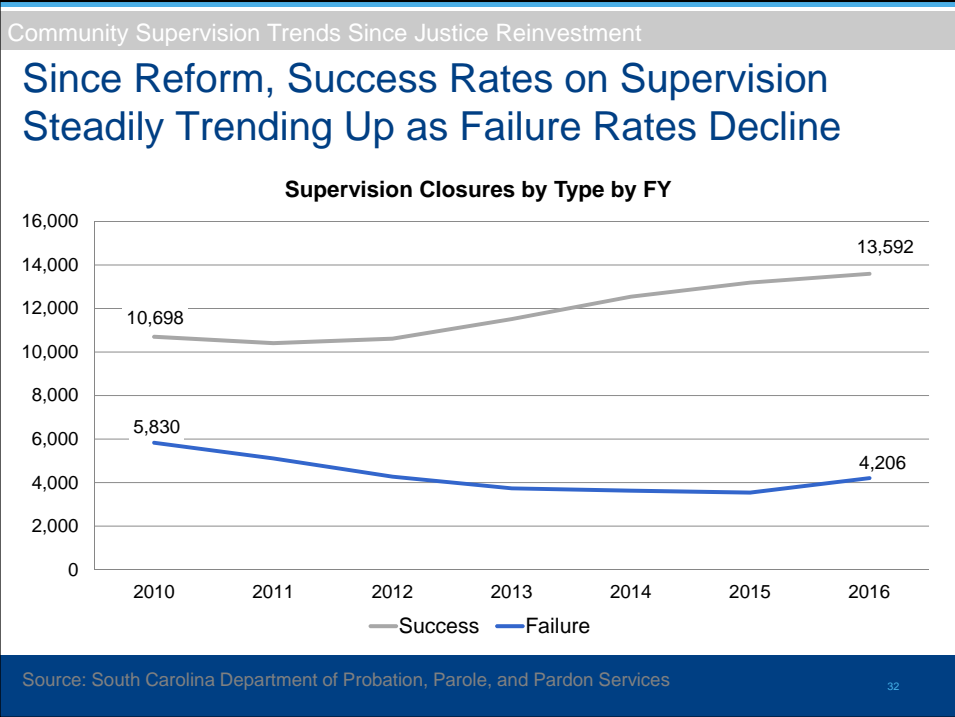


Community Supervision Trends Since Justice Reinvestment

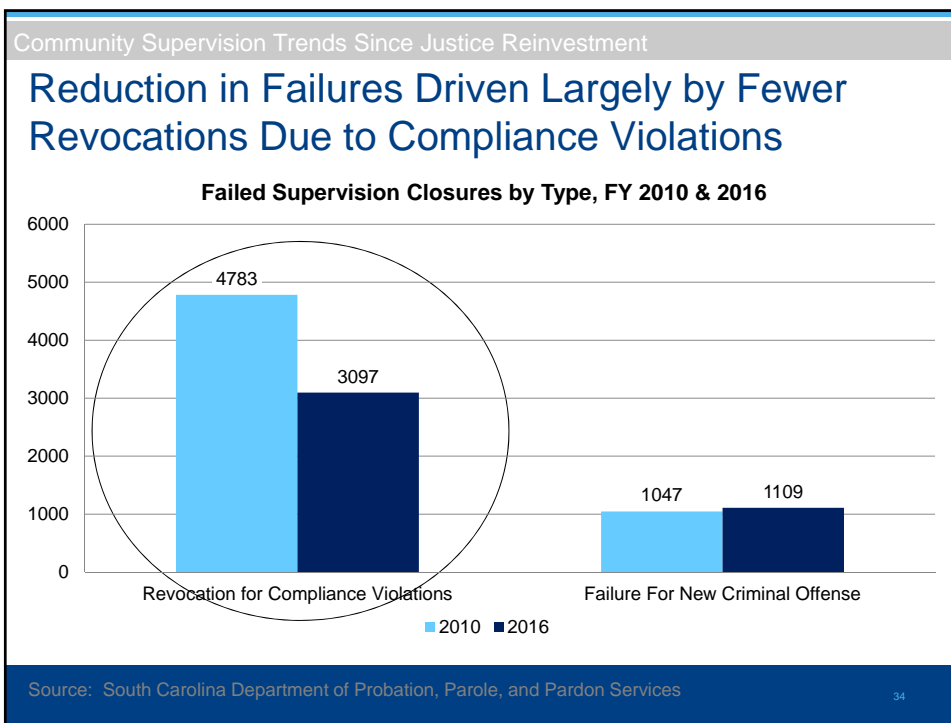
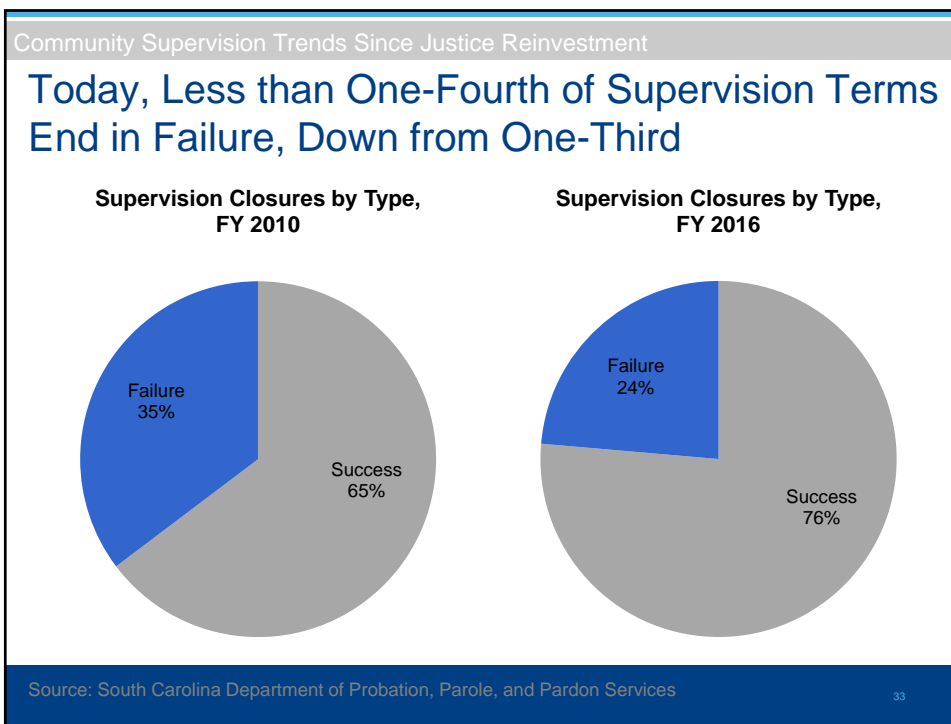
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## TAKING A SECOND LOOK: ISSUES WORTH EXAMINING

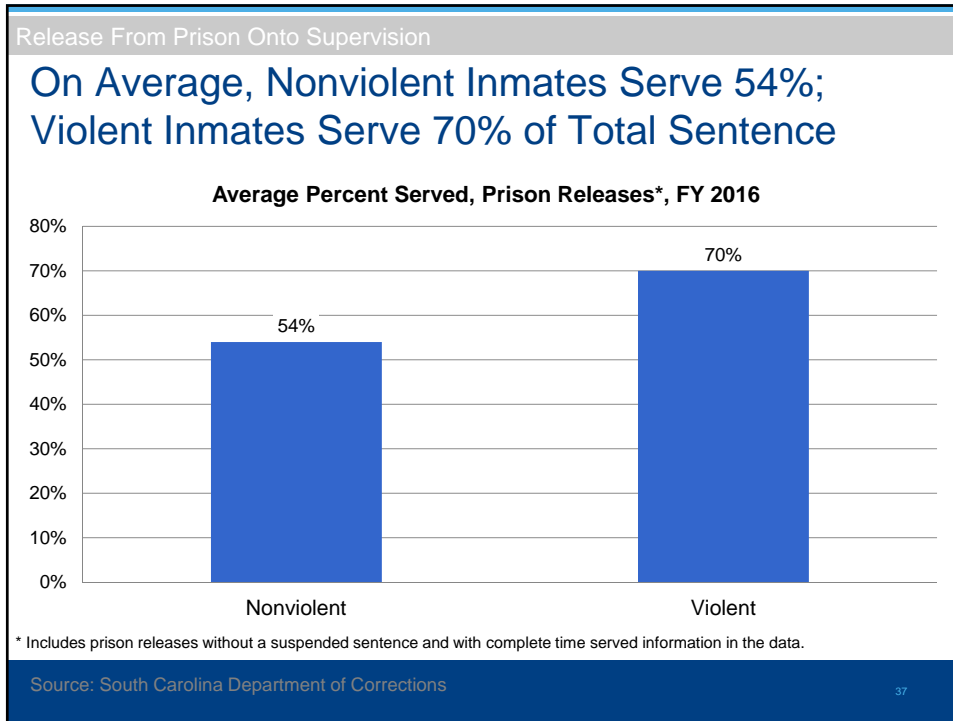
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### Release From Prison Onto Supervision

#### Outline

- Review of Drivers Analysis Part I and follow-up questions
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- Taking a second look: issues worth examining
  - Many inmates are staying in prison past their parole eligibility date
  - Despite passage of compliance credits, time served on supervision inching up
  - Just over half of revocations for compliance violations did not report public safety or absconding violations
  - Supervisees covered just over half of their financial obligations by the end of their supervision term
- Summary of takeaways and questions

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Release From Prison Onto Supervision

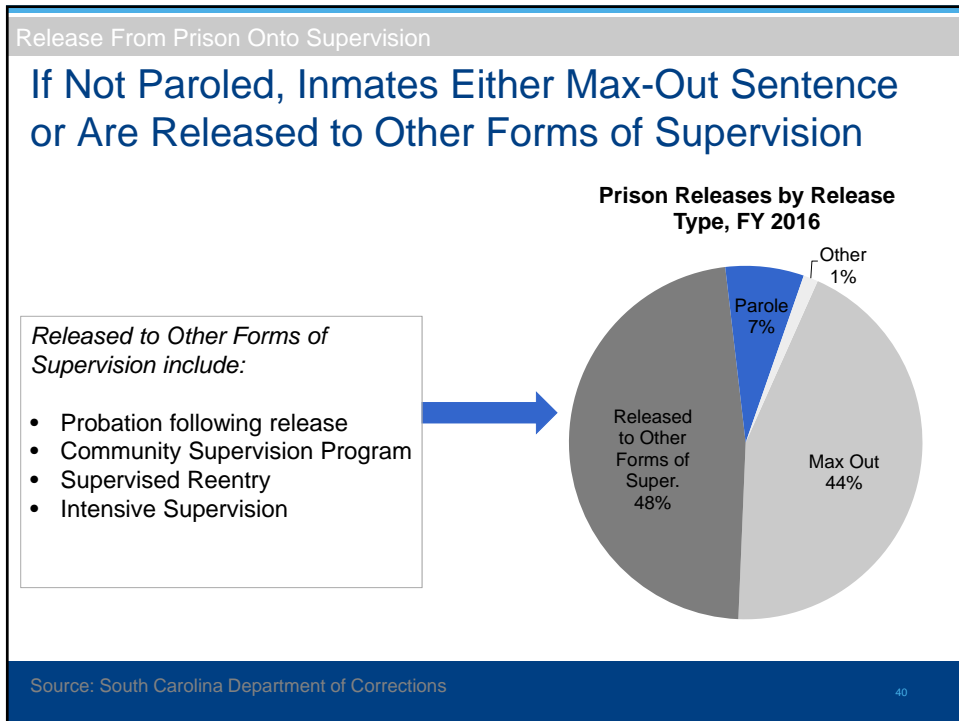
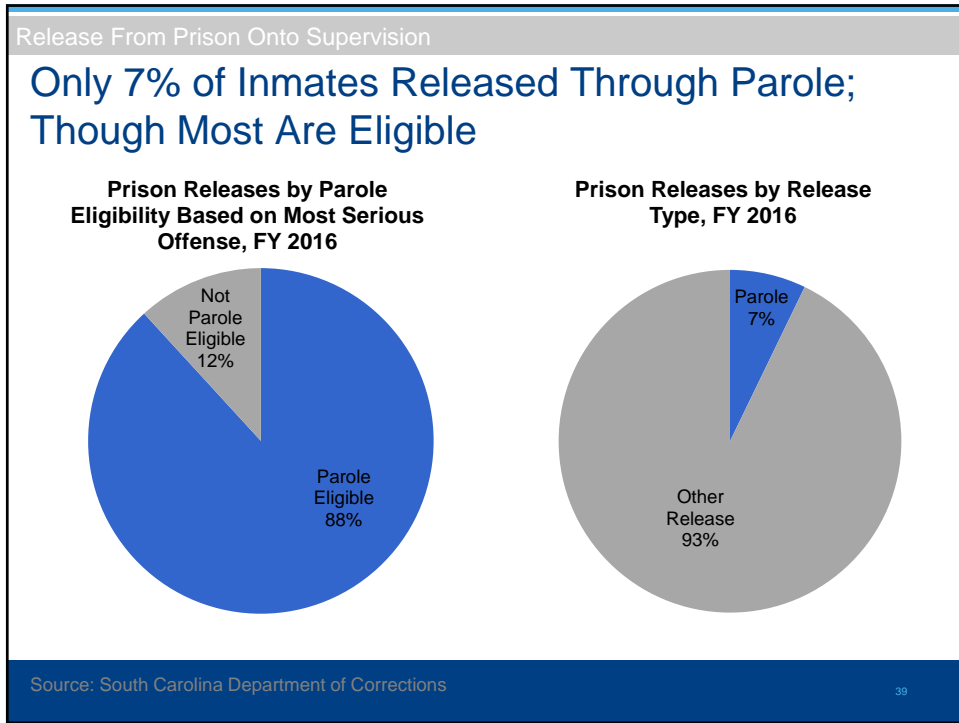
## Among Common Offenses, Inmates Serve Time Long Past Their Statutory Parole Eligibility

**Percent of Sentence Served at Prison Release vs. Statutory Parole Eligibility Based on Most Serious Offense, Example Common Offenses, FY 2016, Percent-Served Analysis Group\***

Offense	Percent of Sentence Served at Release	Statutory Parole Eligibility
Burglary (2 <sup>nd</sup> degree nonviolent and 3 <sup>rd</sup> degree)	48%	25%
Shoplifting	53%	
Possession drug offense	53%	
Forgery/fraud	51%	
Assault and battery – nonviolent	53%	
Common law robbery	54%	
Burglary (2 <sup>nd</sup> degree violent)	53%	33%
Manufacture methamphetamine	48%	

\* Includes parole eligible prison releases without a suspended sentence and with complete time served information in the data.

Source: South Carolina Department of Corrections 38

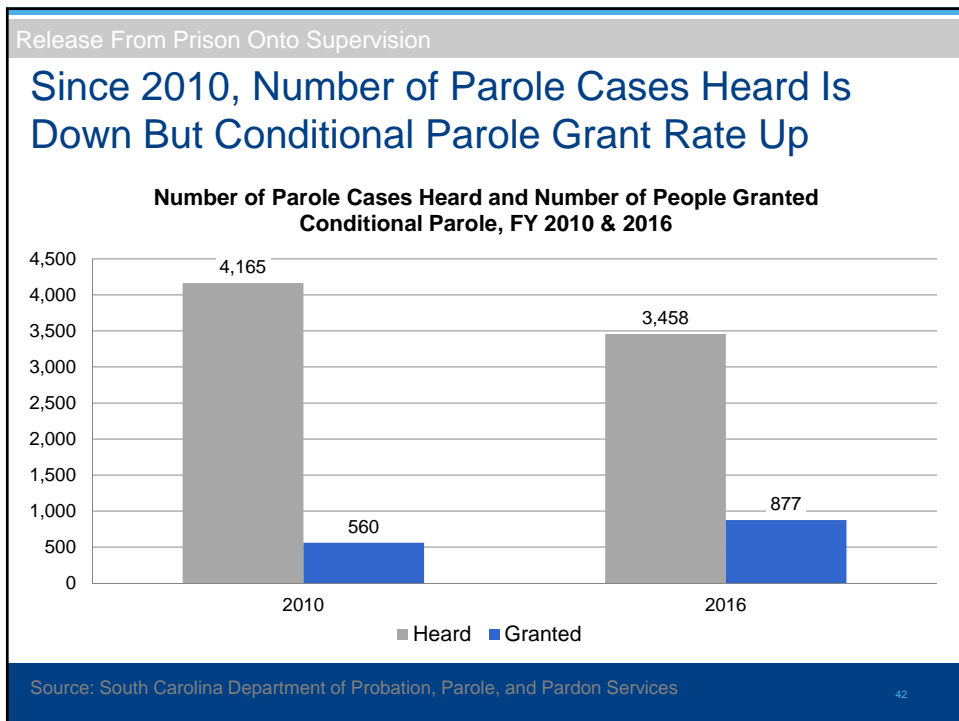


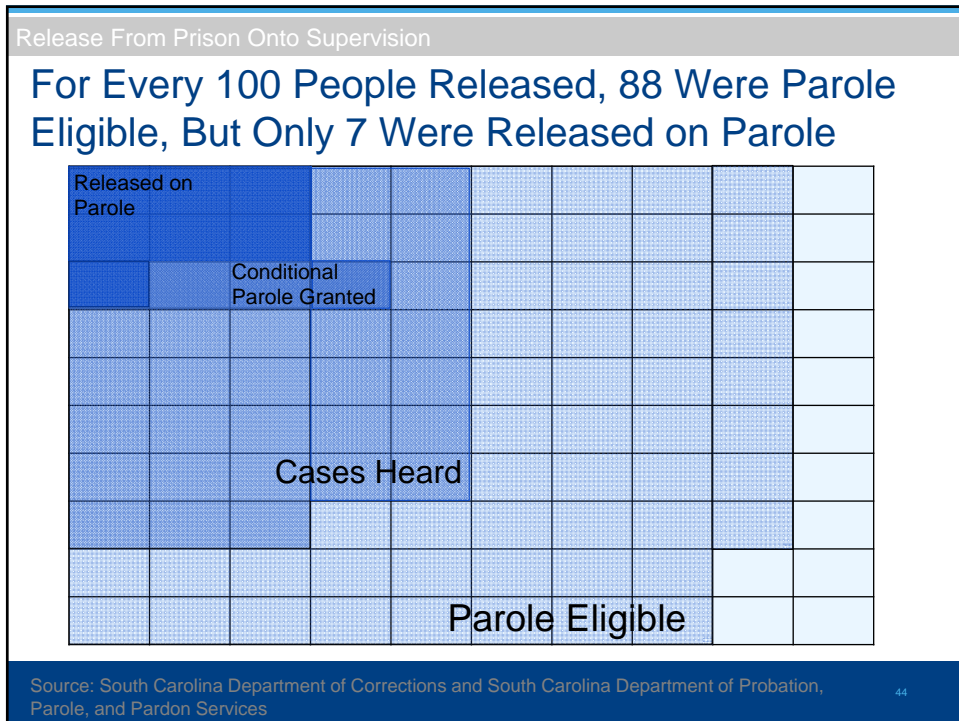
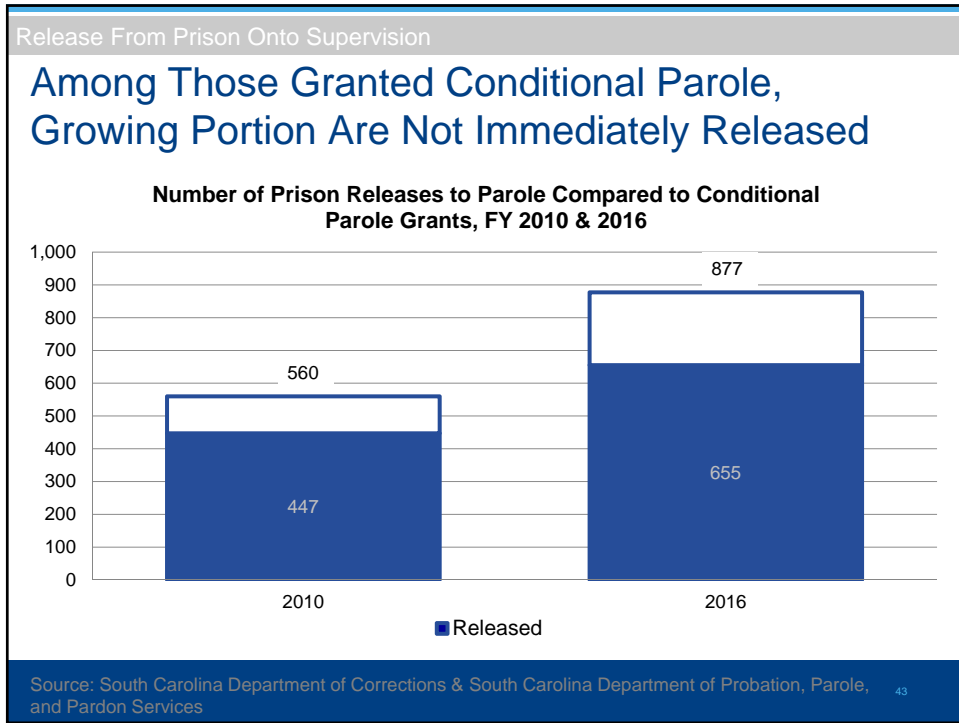
Release From Prison Onto Supervision

### Since 2010, Number of Parole Cases Heard Is Down But Conditional Parole Grant Rate Up

Year	Number of Parole Cases Heard	Number Conditionally Paroled	Conditional Parole Grant Rate
2010	4,165	560	13%
2016	3,458	877	25%

Source: South Carolina Department of Probation, Parole, and Pardon Services





## Time Served on Supervision

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  - Supervisees covered just over half of their financial obligations by the end of their supervision term
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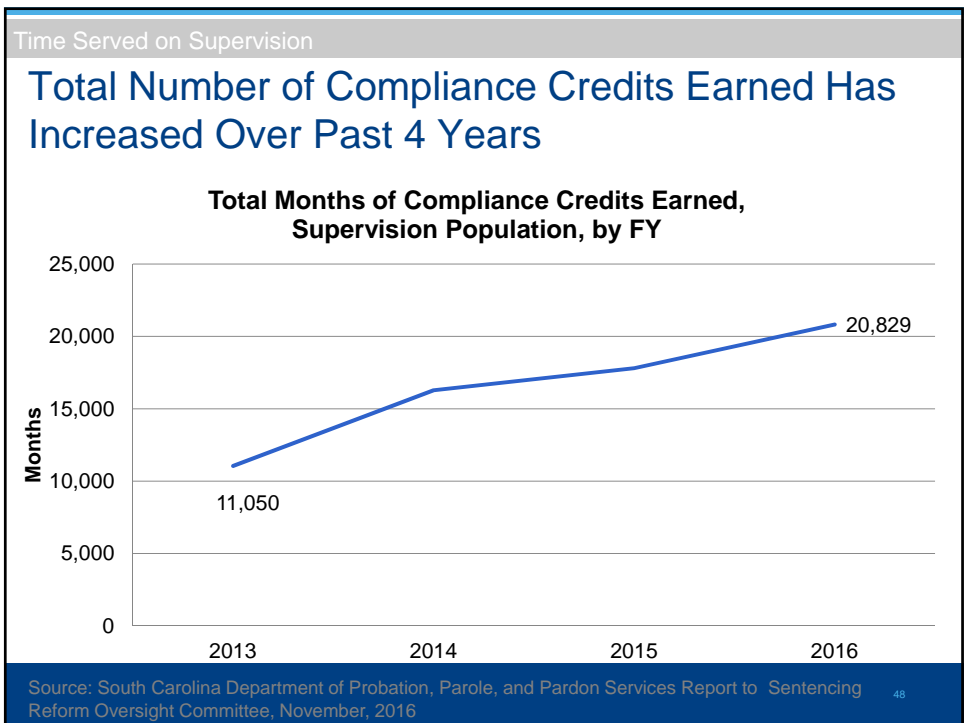
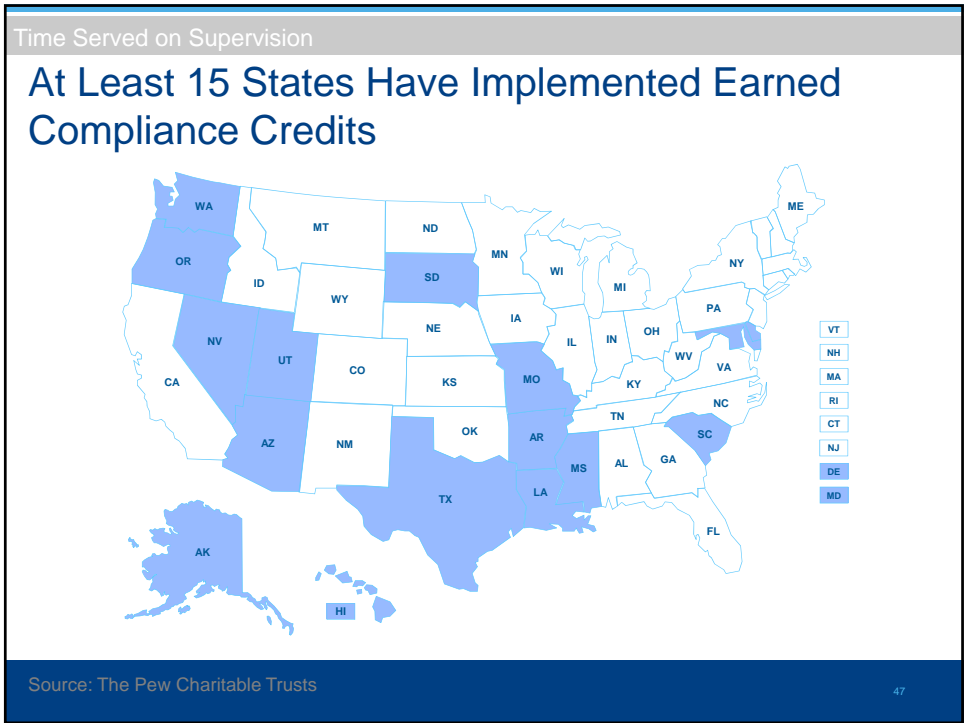
## Time Served on Supervision

## Compliance Credits, Provision of SB 1154, Proven To Safely Reduce Time Served on Supervision

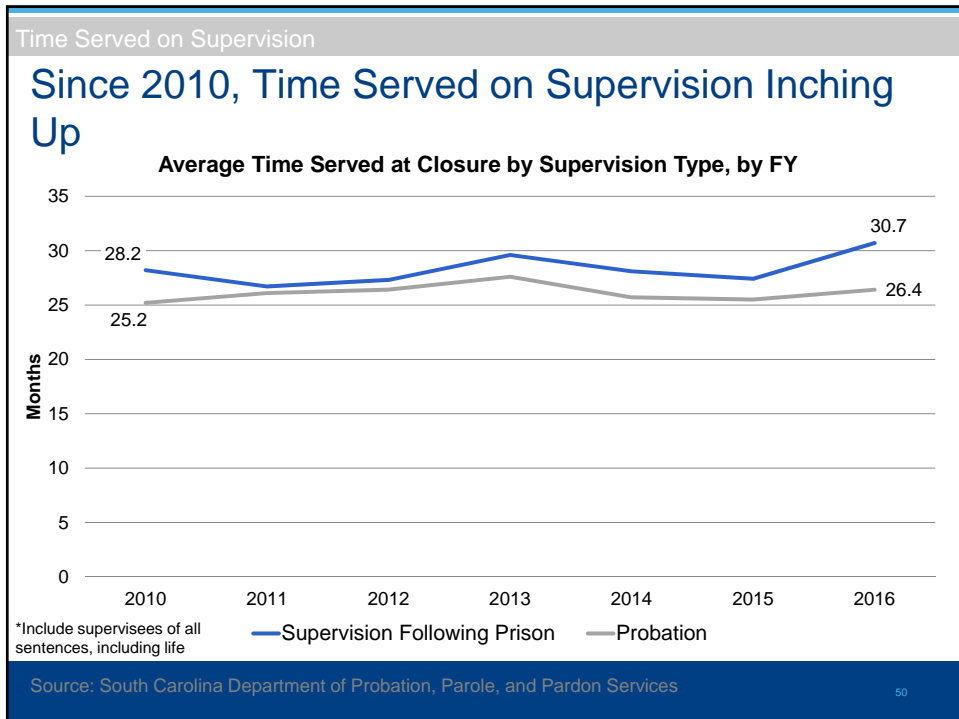
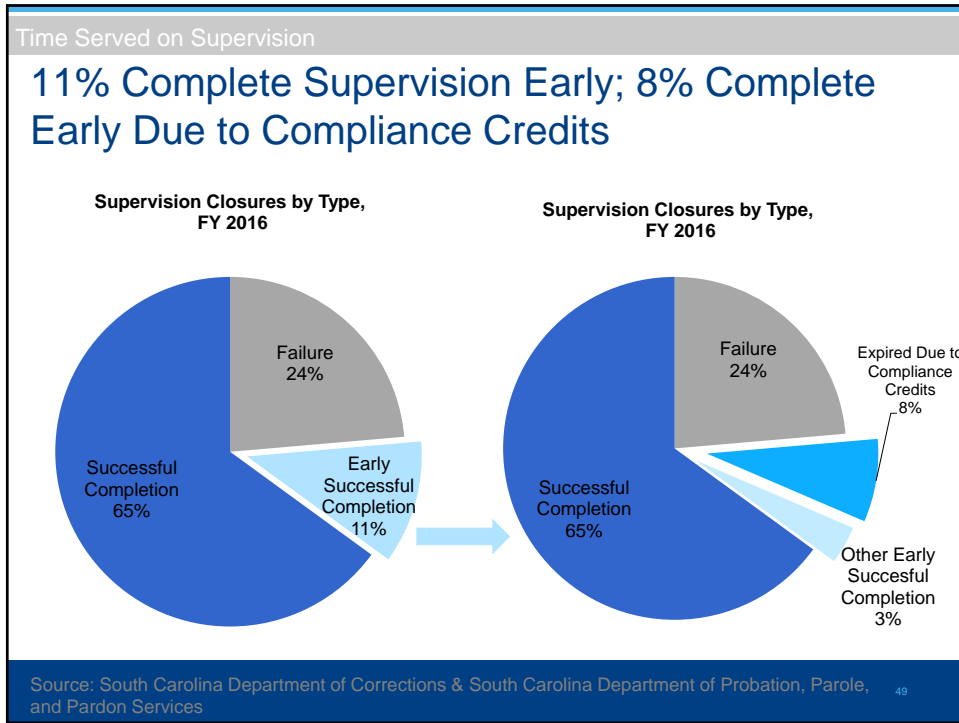
- Compliance credits permit supervisees to earn days off their sentence for complying with the terms of supervision
- SB 1154 established compliance credits (20 days off for every 30 days spent on supervision)
- Compliance credits have been demonstrated to reduce length of supervision, as well as officer caseloads, without affecting recidivism

Source: The Pew Charitable Trusts

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Revocations for Compliance Violations

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Revocations for Compliance Violations

### 1 in 4 Prison Admissions Are for Compliance Violations

**Admissions by Admission Type, FY 2016**

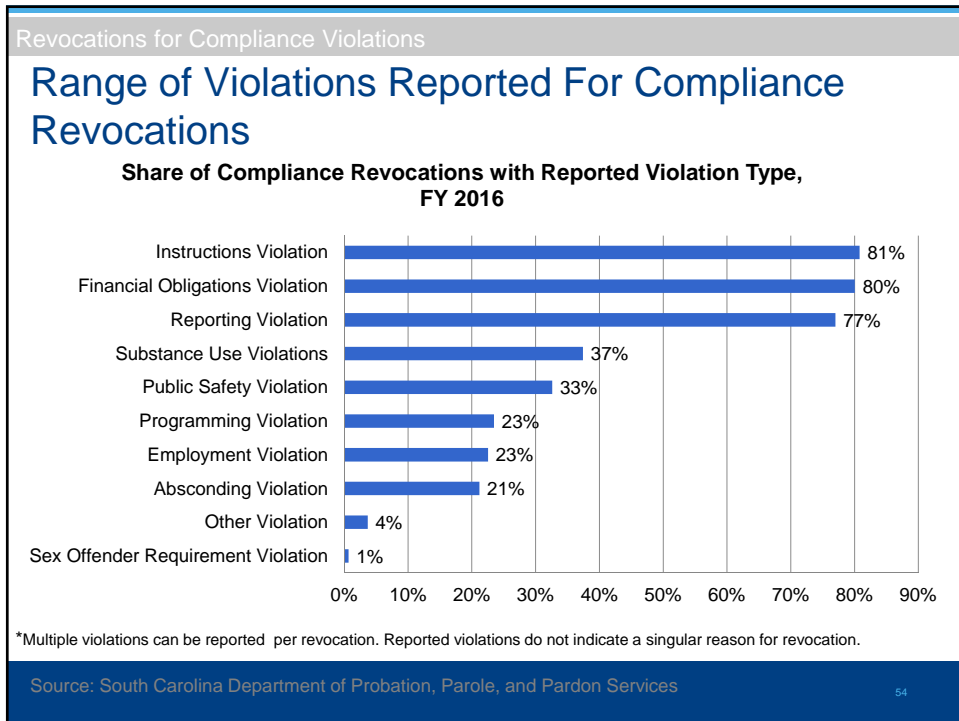
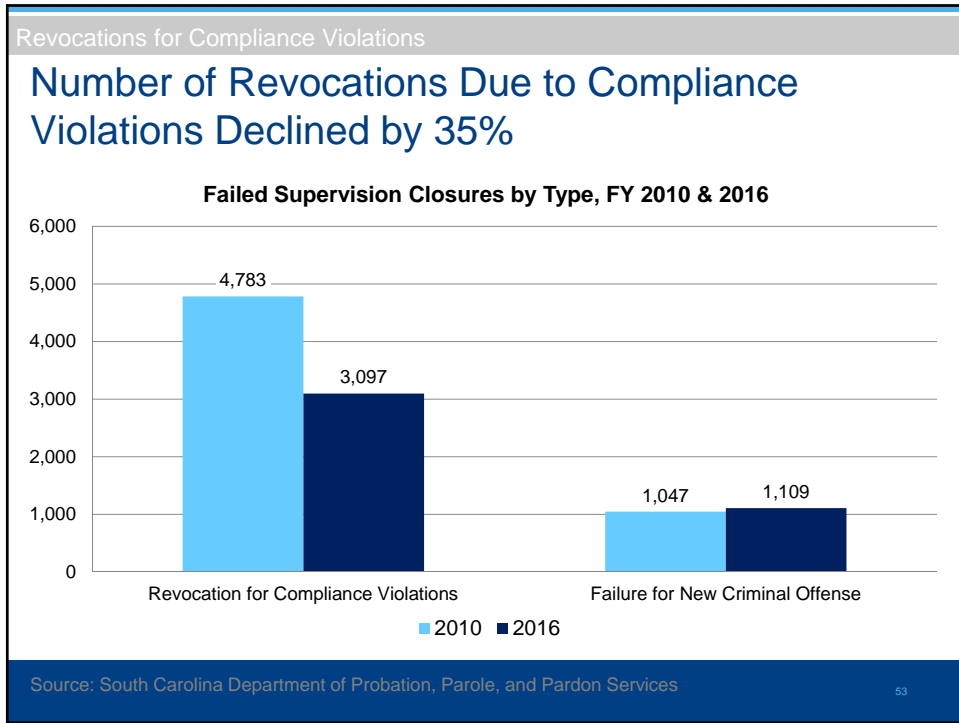
Admission Type	Percentage
Supervision Revocation	31%
Newly Sentenced Prisoner	69%

**Admissions by Admission Type and Violation Type, FY 2016**

Admission Type and Violation Type	Percentage
Newly Sentenced Prisoner	69%
Compliance Violation Revocation	25%
New Crime Revocation	6%

Source: South Carolina Department of Corrections & South Carolina Department of Probation, Parole, and Pardon Services

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Revocations for Compliance Violations

## Public Safety Violations

- Public Safety Violations include:
  - Failure to report contact with law enforcement
  - Failure to report arrest in another state
  - Possession of weapons or associating with criminals
  - Probable cause of community safety violation
  - Contacting victim without permission

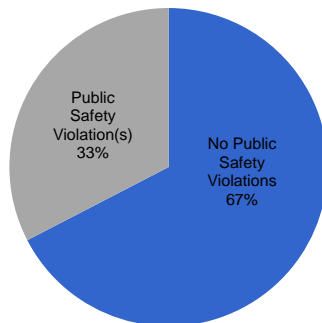
Source: South Carolina Department of Probation, Parole, and Pardon Services

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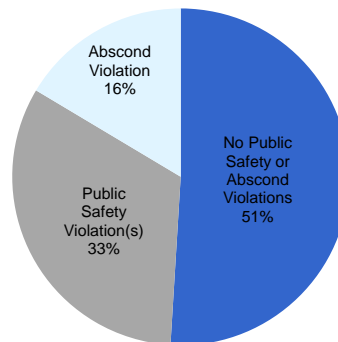
Revocations for Compliance Violations

## Over Half of Revocations for Compliance Violations Do Not Report Public Safety or Absconding Violations

Compliance Revocations by Public Safety Violation Status, Supervision Closures, FY 2016



Compliance Revocations by Public Safety and Absconding Violation Status, Supervision Closures, FY 2016



Source: South Carolina Department of Probation, Parole, and Pardon Services

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Criminal Justice Debt

### Outline

- Review of Drivers Analysis Part I and follow-up questions
- Community supervision trends since Justice Reinvestment
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Criminal Justice Debt

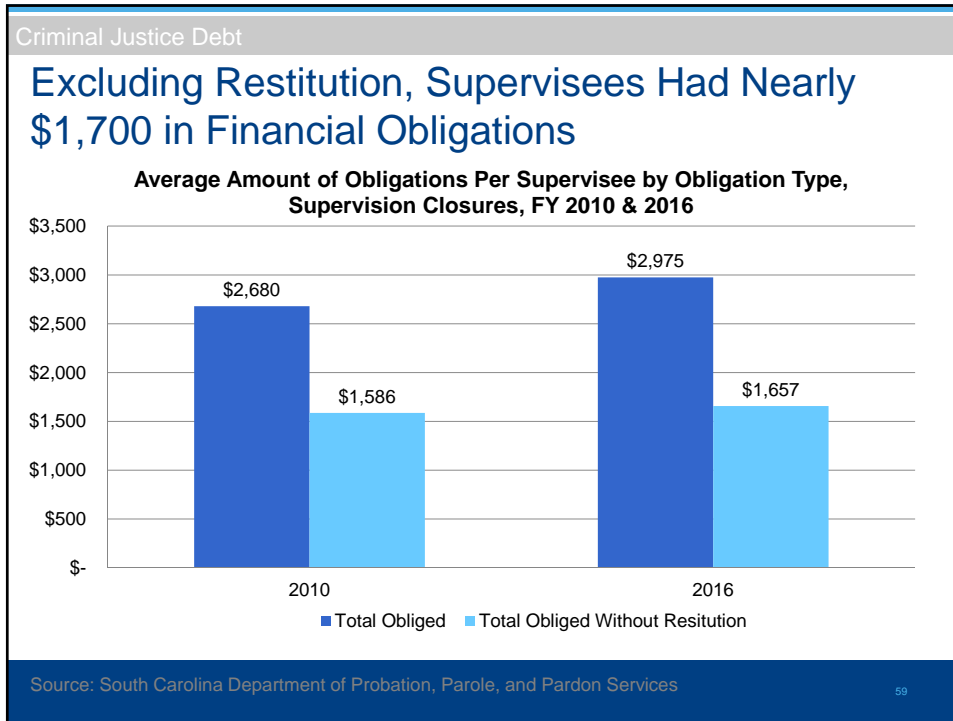
### On Average, Supervisees in 2016 Had Nearly \$3,000 in Financial Obligations

**Average Amount of Obligations Per Supervisee, Supervision Closures, FY 2010 & 2016**

Year	Average Amount of Obligations Per Supervisee
2010	\$2,680
2016	\$2,975

Source: South Carolina Department of Probation, Parole, and Pardon Services

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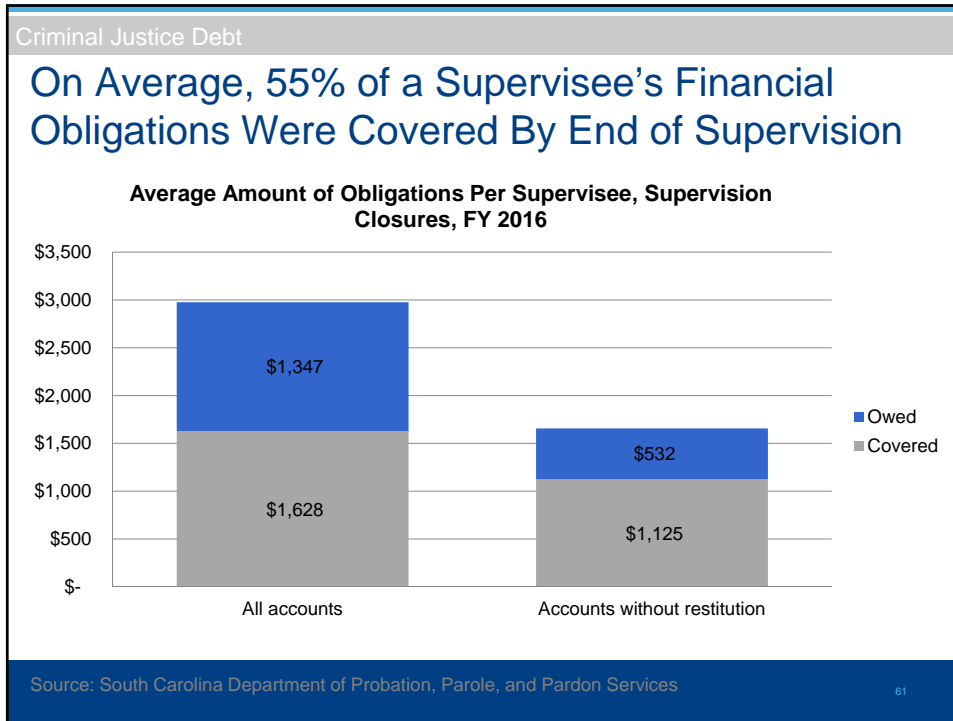
Criminal Justice Debt

### Financial Obligations Range in Amount and Prevalence

Obligation Type	Average Amount of Obligation Type *	% of Supervision Closures with Obligation Type
Supervision Fee	\$ 1,109	92%
Drug Test Fee	\$ 20	92%
Surcharge	\$ 410	39%
Court Fines	\$ 986	36%
DNA Collection Fee	\$ 250	27%
Restitution	\$ 5,353	23%
Public Defender Fee	\$ 700	11%
Public Service Employment Fee	\$ 25	9%
Other Fees	\$ 114	5%
Conditional Discharge Fee	\$ 373	5%
GPS/EM Fee	\$ 1,486	2%

\*Only includes those supervision closures who owe the given obligation type.

Source: South Carolina Department of Probation, Parole, and Pardon Services



- Summary of Takeaways and Questions
- ### Outline
- Review of Drivers Analysis Part I and follow-up questions
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## Summary of Takeaways and Questions

## Summary of Takeaways

- Community supervision trends since Justice Reinvestment in 2010:
  - Community supervision population declined by 8%.
  - Success rates on supervision are trending up as failure rates decline.
  - Today, less than one-fourth of supervision terms end in failure, down from one-third.
    - Decline in the number of failures on supervision driven in large part by fewer revocations due to compliance violations.

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## Summary of Takeaways and Questions

## Summary of Takeaways

- Many inmates are staying in prison past their parole eligibility date:
  - On average, people convicted of common offenses such as drug possession and shoplifting are staying in prison until serving over 50% of their sentence, despite being eligible for parole at 25%.
  - Though the majority of inmates were eligible, only 7% of inmates released in 2016 were paroled.
  - Since reform, the conditional grant rate has increased but the Parole Board has heard fewer cases.

\*Parole eligibility based on the inmate's most serious offense.

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## Summary of Takeaways and Questions

## Summary of Takeaways

- Despite passage of compliance credits, time served on supervision inching up:
  - Compliance credits, a provision of SB 1154, are proven to safely reduce time served on supervision.
  - Number of compliance credits earned has increased steadily since inception.
  - Successful early completions due to compliance credits encompass only 8% of all closures.

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## Summary of Takeaways and Questions

## Summary of Takeaways

- Over half of revocations for compliance violations did not report a public safety or absconding violation:
  - Since 2010, there has been a 35% reduction in revocations due to compliance violations.
  - Commonly reported violations include instructions violations, financial obligation violations, and reporting violations
  - 33% of revocations due to compliance violations cited a public safety reason. Of those who did not have a public safety violation, 16% cited absconding.

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## Summary of Takeaways and Questions

## Summary of Takeaways

- Supervisees covered just over half of their financial obligations by the end of their supervision term:
  - On average, supervisees in 2016 had nearly \$3,000 in criminal justice debt obligations.
  - Excluding restitution, supervisees had nearly \$1,700 in criminal justice debt obligations.

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## Questions?

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## Next Steps

## Next Steps

- Subgroups meeting throughout October, November
- Next full SROC meeting to report on progress of subgroups: Nov. 8<sup>th</sup>, 9<sup>th</sup>, or 10<sup>th</sup>

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## Next Steps

## Subgroup Information

- Sentencing
  - **Chair : Rep. Smith**
  - Members: Sen. Campbell; Rep. Rutherford; Mr. Taylor
  - Staff: Bob Maldonado; Emily Levett (Pew)
- Release
  - **Chair : Rep. Pitts**
  - Members: Sen. Martin; Dir. Stirling
  - Staff: Johanna Valenzuela; Lisa Dial; Connie Utada (Pew)
- Community Supervision
  - **Chair: Sen. Campsen**
  - Members: Ms. Davis; Rep. Murphy
  - Staff: Andy Fiffick; Nicole Roussel (Pew)

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## Contact Information

- Michelle Russell
  - Office: (202) 552-2270
  - Email: [mrussell@pewtrusts.org](mailto:mrussell@pewtrusts.org)
- Public Safety Performance Project
  - [www.pewtrusts.org/publicsafety](http://www.pewtrusts.org/publicsafety)