

Presentation to the S.C. House of
Representatives Equitable Justice System
and Law Enforcement Reform Committee



By Fourteenth Circuit Solicitor Duffie Stone

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RECOMMENDATION 1: Equip every law-enforcement officer with a body-worn camera.

Every officer issued a gun should also be given a camera, along with training on its proper use. Prosecutors depend on evidence to make tough decisions, including charging decisions in officer-involved shootings. It should not be left to a passerby with a cellphone to gather what will almost certainly be pivotal evidence guiding these decisions. Body cameras can provide a beginning-to-end record of an event from the officer's perspective, providing protection for both officers and the public and helping to instill public confidence in law enforcement agencies. The state should provide full funding for this statutory mandate and include a criminal penalty for the willful destruction or editing of body-worn camera footage.

RECOMMENDATION 2: Law enforcement should make evidence in all cases immediately available to prosecutors.

Officer-involved shootings and other high-profile cases pique the public's rightful desire for a timely response from prosecutors. However, an effective and just response can only be made if a prosecutor has immediate access to all available evidence. Further, the prosecutor is responsible for getting all exculpatory evidence to the defense in a timely fashion. This cannot be accomplished unless law enforcement provides the material to the prosecutor in a manner that allows for it.

In today's cyber world, most evidence can be transmitted electronically within a matter of moments. The General Assembly should authorize solicitors to develop plans requiring law enforcement to provide all evidence to the prosecutor immediately, whether that prosecutor be the circuit solicitor or the attorney general.

Proposed legislation for Recommendation 2 (Evidence-handling rules established by prosecutor):

Statement of Purpose: To protect the due process rights of South Carolina citizens by requiring disclosure, from law enforcement and investigative agencies, of any material and exculpatory evidence relevant to the guilt or punishment of the accused.

Proposed Language:

Section 23 Chapter 1 of the South Carolina Code of Laws is hereby amended by adding the following section following language immediately after “community-oriented initiatives.” in Section 23-1-245(D)(3):

SECTION 23-1-250. Evidence required to be transmitted to prosecuting agencies.

(A) For the purpose of this statute:

(1) “Promptly” shall be defined as within a reasonable time in view of all the facts and circumstances of the case.

(B) Any public investigative, law enforcement, or other public agency responsible for investigating any crime or participating in an investigation of any crime, that leads to an arrest, or involves an officer involved shooting, other than the defense investigators, shall provide to the prosecuting attorney of such case, all investigative material, reports, memoranda, and field notes within its possession or control pertaining to the investigation of the case, including but not limited to evidence that would tend to negate the guilt of the accused of the offense charged or reduce his or her punishment for the offense.

(C) The material described in subsection (B) shall be promptly disclosed to the Solicitor or Attorney General.

(D) The duty of disclosure required by this section is a continuing affirmative duty that exists despite how the information was recorded or documented.

(E) The Solicitor in every circuit in the State shall develop and publish policies and procedures that law enforcement shall follow to comply with the requirements of this section.

RECOMMENDATION 3: Pass an unnecessary-use-of-force statute.

Forty-one states have Use of Force statutes—laws to specify conditions under which law enforcement can use deadly force—but South Carolina does not. State prosecutors now must try to fit an unlawful deadly shooting into either a murder or manslaughter charge.

Proposed legislation for Recommendation 3 (Unnecessary use of physical force by law enforcement):

Statement of Purpose: To provide criminal penalties for a law enforcement officer's conduct when excessive physical force is used during the discharge of his/her duties.

Proposed Language:

Title 16 Chapter 3 of the South Carolina Code of Laws is hereby amended by adding the following section after "and attempted murder, as defined in Section 16-3-29." in 16-3-600(E)(3):

SECTION 16-3-605. Police Brutality.

(A) For purposes of this section:

- (1) "Great bodily injury" means bodily injury which causes a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of a bodily member or organ.*
- (2) "Moderate bodily injury" means physical injury that involves prolonged loss of consciousness, or that causes temporary or moderate disfigurement or temporary loss of the function of a bodily member or organ, or injury that requires medical treatment when the treatment requires the use of regional or general anesthesia or injury that results in a fracture or dislocation.*
- (3) "Excessive physical force" means physical force in excess of what a police officer reasonably believes is necessary.*
- (4) "Necessary" means that, given the totality of the circumstances, an objectively reasonable peace officer in the same situation would conclude that there was no reasonable alternative to the use of deadly force that would prevent death or serious bodily injury to the peace officer or to another person. The totality of the circumstances means all facts known to the peace officer at the time and includes the conduct of the subject and the tactical conduct and decisions of the officer leading up to the use of deadly force.*

(B)

- (1) A peace officer, or any person by his command in his aid and assistance, should not use deadly force unless:
 - a. The officer is acting in obedience to and in accordance with the judgment of a competent court in executing a penalty of death, or**

RECOMMENDATION 4: Repeal South Carolina’s citizen-arrest statute.

This statute justifies vigilantism and can be used as a defense to murder. It should be repealed.

Title 17 - Criminal Procedures
CHAPTER 13
Arrest, Process, Searches and Seizures

SECTION 17-13-10. *Circumstances when any person may arrest a felon or thief.*

Upon (a) view of a felony committed, (b) certain information that a felony has been committed or (c) view of a larceny committed, any person may arrest the felon or thief and take him to a judge or magistrate, to be dealt with according to law.

SECTION 17-13-20. *Additional circumstances when citizens may arrest; means to be used. A citizen may arrest a person in the nighttime by efficient means as the darkness and the probability of escape render necessary, even if the life of the person should be taken, when the person:*

- (a) has committed a felony;*
- (b) has entered a dwelling house without express or implied permission;*
- (c) has broken or is breaking into an outhouse with a view to plunder;*
- (d) has in his possession stolen property; or*
- (e) being under circumstances which raise just suspicion of his design to steal or to commit some felony, flees when he is hailed.*

RECOMMENDATION 5: Require all officer-involved shootings and in-custody deaths to be investigated by an independent agency.

Only an independent investigation can give the public confidence that a decision in any given case is proper.

RECOMMENDATION 6: Create a statewide database for police-misconduct information and authorize prosecutor access.

Prosecutors need to know before moving a case forward for trial if arresting officers have misconduct issues affecting their credibility. Additionally, prosecutors are required to disclose police misconduct information to the defense. Unfortunately, we have no means by which to compel access to internal affairs investigations, criminal complaints or related disciplinary actions against officers. Lawmakers should ensure that there is a repository of this information, mandate participation by all law enforcement agencies, and provide prosecutors access allowing us to meet our legal obligations. This can be accomplished with simple changes to the existing statutes requiring law enforcement agencies to turn over to the academy any information that calls into question their certification.

Proposed legislation for Recommendation 6 (Statewide database for police misconduct):

Statement of Purpose: To expressly require the Criminal Justice Academy to maintain an electronic database containing any law enforcement officer in the State's record of misconduct. This information should be maintained in a manner that facilitates access to prosecuting agencies throughout the State to provide prosecuting attorneys with adequate information to comply with their ethical and Constitutional obligations under Brady v. Maryland and United States v. Giglio.

Proposed Language:

Section 23-23-150 of the South Carolina Code of Laws is hereby amended by adding the following subsection after "within thirty days." in subsection (M):

"(N) Except as provided in subsection (M), the academy shall maintain an electronic database of all allegations of misconduct by any law enforcement officers in the State. This database should include any citizens' complaints, internal affairs investigations, and related disciplinary records of any applicable law enforcement officer that has been reported to the academy. The information contained within this database is not a public record and not subject to disclosure other than to a law enforcement or prosecution agency, or attorneys representing a law enforcement or prosecution agency, except by court order. This database shall be maintained in such a way as to provide access to prosecuting agencies throughout the State.

(O) In addition to the allegations of misconduct specified in this section, any citizen complaints regarding a law enforcement officer's conduct during the discharge of his or her duties, any disciplinary responses to allegations of misconduct, and documents related to internal affairs investigations related to misconduct of a law enforcement officer must be reported to the academy by the appropriate law enforcement agency or department. The information of which must be maintained by the academy."

RECOMMENDATION 7: Implement sentence reform.

Some criminals struggle with anti-social behavior, while others embrace it. True reform must recognize both of these type offenders and deal with them appropriately. Those that struggle with anti-social behavior need treatment and accountability. Those who embrace anti-social behavior should have to serve 85% of the sentence given regardless of the type of crime. The combination of adequately funded drug courts and truth in sentencing means fewer people go to prison, but those who do, serve a sentence that reflects the judge's intention and makes them less likely to reoffend. Changing the parole board to a re-entry board can further ensure that those who serve their sentence are better prepared to lead productive lives once they are released.

7(a): Adequately fund treatment courts

Most people are now convinced of the usefulness of drug, mental health and veterans court programs which provide alternatives to incarceration for offenders whose addictions or mental health underlie their criminal behavior. Requiring offenders to participate in treatment programs has proven effective in reducing recidivism at a fraction of the cost of incarceration. Yet the treatment element of these programs is so expensive, limited state funding has resulted in only the wealthiest counties participating by supplementing costs.

Currently, the second highest percentage of prisoners in the South Carolina Department of Corrections are those incarcerated for violating our drug laws. Yet this does not include the large number of people in prison for other crimes that they committed due to their drug addiction. Full funding by the General Assembly would allow each county to utilize treatment courts, thereby cutting inmate populations, saving state prison money, and, most importantly, helping those struggling with addiction to become productive citizens.

7(b): Provide for truth in sentencing.

Unfortunately, the term “sentencing reform” has become synonymous with sentence reduction. However, this approach does not work with those who embrace anti-social behavior. These people are repeatedly arrested for a myriad of offenses, some violent, some nonviolent. (See the chart from the S.C. Department of Corrections in the appendix of this report.) Public safety requires that we treat these offenders seriously, consistently and credibly. Currently, offenders who commit what we have labeled as non-violent offenders are eligible for a number of early release mechanisms from the sentence given by the presiding judge. The most that these offenders can serve is 51% of their sentence. Many will serve much less by getting parole. As a result, when one of these offenders is sentenced no one, not the victim, not the judge, not the attorneys know exactly what the sentence means. Plus, a judge handing down the sentence at the conclusion of a trial or a plea is in the best position to recognize the future dangerousness of the offender. Regardless, it is not the sentencing judge that determines the sentence. This is not fair to the victim nor is it safe for the community. SCDC statistics show that those sentenced to “non-violent” offenses are more likely to return to prison than “violent offenders.” This is due to the way we treat offenders. The least likely to reoffend of all prisoners are those who have served 85% of their sentence. The 2016 recidivism rates for Truth in Sentencing offenders prisoners was 12.4 percent. That was almost 10 percentage points lower than those serving non TIS sentences. Further, the average given sentence for these Truth in Sentencing offenders is 9.6 years which means they are serving an average of 8.16 years. This shows that providing truth in sentencing does not require an explosion in prison population. North Carolina has truth in sentencing and a lower incarceration rate than South Carolina. They also have a lower violent crime rate. This is not unusual. Seventeen states have determinate sentencing. Ten of these states have lower incarceration rates than South Carolina. All but one have lower violent crime rates.

3-Year Recidivism Rates of Inmates Released during FY 2012 - FY 2016

Attributes	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
TIS Inmates (Community Supervision*)	14.0%	14.7%	12.0%	12.9%	12.6%
Non-TIS Inmates	23.4%	24.3%	24.3%	23.6%	22.4%
Violent Inmates	18.9%	19.4%	18.2%	17.6%	17.8%
Non-Violent Inmates	23.1%	24.0%	23.9%	23.6%	22.2%

* Per statute TIS inmates are released to Community Supervision.

Sources:

https://bit.ly/USAToday_Dangerous_States

https://bit.ly/North_Carolina_Sentencing

States' Primary Sentencing System



Map definitions:

1. **Indeterminate:** In indeterminate systems, legislatures assign wide sentencing ranges to offenses. Courts have broad discretion to decide whether to impose community supervision or a prison term, and the sentence length that best fits the individual case and offender. A parole board determines when an offender has served sufficient time in prison and when he or she can safely be released on parole.
2. **Determinate:** Determinate sentencing is characterized by fixed sentence lengths. The amount of time served is primarily determined by the courts, and parole boards and discretionary release do not exist in determinate systems.

3. **Structured:** States can be characterized as primarily indeterminate or determinate. Half of states have added a structured component to their primary sentencing system to provide judges guidance, within broad sentencing ranges, on the type and length of sentence to order. Structured components are designed to increase certainty and consistency across jurisdictions for similar offenses and offenders.

Proposed legislation for Recommendation 7(b): (Truth in sentencing):

Statement of Purpose: The purpose of this amendment is to provide truth in sentencing. That is to provide a standard of calculating the time to be served on any sentence that is imposed following a criminal conviction by requiring every criminal defendant who is sentenced to a term of incarceration at the Department of Corrections to serve at least 85% of the sentence imposed before being eligible for release.

Proposed Language:

Section 24-13-150 of the South Carolina Code of Laws is hereby amended by striking the following language from subsection (A): “of a ‘no parole offense’ as defined in Section 24-13-100.” The amended subsection should read as follows:

“(A) Notwithstanding any other provision of law, except in a case in which the death penalty or a term of life imprisonment is imposed, an inmate convicted and sentenced to the custody of the Department of Corrections, including an inmate serving time in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20 or Section 24-3-30, is not eligible for early release, discharge, or community supervision as provided in Section 24-21-560, until the inmate has served at least eighty-five percent of the actual term of imprisonment imposed. This percentage must be calculated without the application of earned work credits, education credits, or good conduct credits, and is to be applied to the actual term of imprisonment imposed, not including any portion of the sentence which has been suspended. Nothing in this section may be construed to allow an inmate convicted of murder or an inmate prohibited from participating in work release, early release, discharge, or community supervision by another provision of law to be eligible for work release, early release, discharge, or community supervision.”

7(c): Replace the state parole board with a re-entry board.

In tandem with truth in sentencing, our state parole board should be re-purposed to help prisoners transition into society. The new board should oversee and coordinate programs during an inmate's incarceration—such as counseling, education and vocational training, substance abuse treatment—to create a pathway to productive citizenship upon release.

Proposed legislation for Recommendation 7(c): (Re-entry board in place of the parole board):

***Statement of Purpose:** A re-entry board would help ensure an offender's successful transition from incarceration to society. This re-entry program should identify the risk factors that cause offenders to violate the law and provide efficient and individualized treatment methods to assist their successful re-entry into society that is not only beneficial to the individual, but beneficial to the community as a whole.*

Proposed Language:

Section 24-21-10(B) of the South Carolina Code of Laws is hereby amended by replacing the words "The Board of Probation, Parole and Pardon Services" with "The re-entry board". Additionally, the words "At least one appointee" are replaced with "Each appointee". The amended subsection should read as follows:

(B) The re-entry board is composed of seven members. The terms of office of the members are for six years. Each appointee shall have at least five years of work or volunteer experience in one or more of the following fields: parole, probation, corrections, criminal justice, law, law enforcement, psychology, psychiatry, sociology, vocational rehabilitation or social work. Vacancies must be filled by gubernatorial appointment with the advice and consent of the Senate for the unexpired term. If a vacancy occurs during a recess of the Senate, the Governor may fill the vacancy by appointment for the unexpired term pending the consent of the Senate, provided the appointment is received for confirmation on the first day of the Senate's next meeting following a vacancy. A chairman must be elected annually by a majority of the membership of the board. The chairman may serve consecutive terms.

(C) The re-entry board should develop rules and regulations ensuring that prisoners make use of South Carolina Department of

Corrections programs intended to facilitate successful re-entry into society after prison. These programs include but are not limited to drug and alcohol treatment, education and vocational rehabilitation. Successful completion of these programs should be a precondition for release after the prisoner has served 85% of their sentence.

(D) The board, or its designees, should review all prisoner's records first to identify the risk factors that cause offenders to violate the law and then to provide effective and individualized treatment methods. The board or their designees should review all prisoner's records periodically, but at least once as soon as possible after they have served 50% of their given sentence and then once prior to release.

RECOMMENDATION 8: Pass a sentence-enhancement for hate crimes.

Hate crimes have been passed throughout the country as either stand-alone legislation or as sentence enhancements. A sentence enhancement for a hate crime accomplishes the goal of punishing someone for committing a crime on the basis of race, color, religion, national origin, sexual orientation, gender, gender identity, or disability. This can be accomplished by bifurcating the proceedings like is done in a death penalty case. A bifurcated hate crime proceeding would require the state to first prove the underlying charge and then, after conviction, the state would have to prove bias as motivation behind the crime.

This approach would be more effective than a stand-alone offense. A separate criminal offense would add an additional element to a currently existing crime therefore making it more difficult to prove. The result of this would be a statute that would not often be used and if used would rarely result in conviction.

A South Carolina hate crime statute should be a sentence enhancement. Murder on the basis of race, color, religion, national origin, sexual orientation, gender, gender identity, or disability racial, sexual or religious bias should mandate a life sentence. All other crimes committed on the basis of bias should mandate a higher sentencing class.

Proposed legislation for Recommendation 8: (Hate crimes):

A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 22 TO CHAPTER 3, TITLE 16 SO AS TO ENTITLE THE ARTICLE "PENALTY ENHANCEMENTS FOR CERTAIN CRIMES", TO PROVIDE ADDITIONAL PENALTIES FOR PERSONS WHO COMMIT CERTAIN DELINEATED CRIMES WHEN THE VICTIM WAS INTENTIONALLY SELECTED BASED ON CERTAIN FACTORS, TO PROVIDE VICTIMS OF A VIOLATION OF THE ARTICLE MAY BRING A CIVIL ACTION FOR DAMAGES SUSTAINED, AND TO CREATE A BIFURCATED PROCEEDING IN WHICH THE JURY OR THE PRESIDING JUDGE IF THE JURY IS WAIVED BY THE DEFENSE AND THE STATE, MUST FIRST DECIDE THE DEFENDANT'S GUILT OF THE UNDERLYING CRIME AND THEN DETERMINE IF THE UNDERLYING CRIME WAS COMMITTED ON THE BASIS OF RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEXUAL ORIENTATION, GENDER, GENDER IDENTITY, OR DISABILITY.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 3, Title 16 of the 1976 Code is amended by adding:

Article 22

Penalty Enhancements for Certain Crimes

Section 16-3-2410. *(A) When a person commits a violent crime as defined in Section 16-1-60, a harassment or stalking offense pursuant to Article 17, or a malicious injury offense as provided in Section 16-11-510 or 16-11-520, and the offense was committed against a victim who was intentionally selected, or the property of the victim was intentionally selected, in whole or in part because of the person's belief or perception regarding the victim's race, color, creed, religion, gender, age, national origin, ancestry, sexual orientation, or physical or mental disability, whether or not the perception is correct, the person is subject to additional penalties as provided in subsection (B).*

(B) A person who violates the provisions of subsection (A) and commits a:

- (1) with the exception of murder, violent crime as defined in Section 16-1-60, upon conviction, is subject to an additional fine of not more than ten thousand dollars and the maximum penalty for the underlying offense may be increased by an additional five years;*
- (2) murder, upon conviction, the sentence may be increased up to a life sentence;*
- (3) stalking or harassment offense as provided in Article 17, upon conviction, is subject to an additional fine of not more than five thousand dollars and the maximum penalty for the underlying offense may be increased by an additional three years;*
- (4) malicious injury offense as provided in Section 16-11-510 or 16-11-520, upon conviction, is subject to an additional fine of not more than one thousand dollars*

and the maximum penalty for the underlying offense may be increased by an additional one year.

(C) When the State seeks an enhanced sentence for a defendant whom the State alleges committed the underlying crime on the basis of race, color, religion, national origin, sexual orientation, gender, gender identity, or disability, the court shall conduct a separate sentencing proceeding. The determination shall be made on a special verdict form.

(D) If trial by jury has been waived by the defendant and the State, or if the defendant pleaded guilty, the sentencing proceeding must be conducted before the judge.

***Section 16-3-2420.** Independent of a criminal prosecution or the result of a criminal prosecution pursuant to the provisions of this article, any person suffering injury to his person or damage to his property as a result of a violation of this article may bring a civil action for damages, injunction, or other appropriate relief. The court may award actual damages, including damages for emotional distress, as well as punitive damages. The court may impose a civil penalty of not more than twenty-five thousand dollars for each violation of the provisions of this article. A judgment in favor of a person who brings a civil action pursuant to this article shall include attorney's fees and costs."*

***SECTION 2.** This act takes effect upon approval by the Governor.*

**MOST SERIOUS OFFENSE* DISTRIBUTION
OF SCDC TOTAL INMATE POPULATION AS OF JUNE 30, 2019**

OFFENSE CLASSIFICATION	BLACK MALES		BLACK FEMALES		WHITE MALES		WHITE FEMALES		OTHER MALES		OTHER FEMALES		TOTAL	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
HOMICIDE	2,708	24.6%	128	34.2%	1,074	17.0%	150	15.2%	83	15.5%	8	24.2%	4,151	21.6%
DANGEROUS DRUGS	1,704	15.5%	35	9.4%	1,012	16.0%	308	31.3%	149	27.9%	6	18.2%	3,214	16.7%
ROBBERY	1,782	16.2%	50	13.4%	468	7.4%	44	4.5%	27	5.1%	3	9.1%	2,374	12.3%
BURGLARY	1,250	11.4%	19	5.1%	962	15.2%	80	8.1%	43	8.1%	2	6.1%	2,356	12.2%
SEXUAL ASSAULT	677	6.2%	1	0.3%	837	13.2%	8	0.8%	99	18.5%	0	0.0%	1,622	8.4%
ASSAULT	842	7.7%	38	10.2%	388	6.1%	38	3.9%	37	6.9%	0	0.0%	1,343	7.0%
KIDNAPPING	820	7.5%	12	3.2%	266	4.2%	25	2.5%	15	2.8%	2	6.1%	1,140	5.9%
FAMILY OFFENSE	259	2.4%	17	4.5%	265	4.2%	70	7.1%	13	2.4%	4	12.1%	628	3.3%
TRAFFIC OFFENSE	153	1.4%	12	3.2%	246	3.9%	56	5.7%	33	6.2%	4	12.1%	504	2.6%
LARCENY	162	1.5%	22	5.9%	199	3.1%	70	7.1%	4	0.7%	0	0.0%	457	2.4%
WEAPON OFFENSE	170	1.5%	1	0.3%	73	1.2%	4	0.4%	1	0.2%	0	0.0%	249	1.3%
STOLEN VEHICLE	118	1.1%	3	0.8%	106	1.7%	19	1.9%	2	0.4%	0	0.0%	248	1.3%
SEX OFFENSES	81	0.7%	1	0.3%	111	1.8%	0	0.0%	17	3.2%	1	3.0%	211	1.1%
FRAUDULENT ACTIVITY	27	0.2%	10	2.7%	60	0.9%	42	4.3%	0	0.0%	2	6.1%	141	0.7%
FORGERY/COUNTERFEITING	33	0.3%	8	2.1%	41	0.6%	27	2.7%	1	0.2%	0	0.0%	110	0.6%
OBSTRUCTING POLICE	47	0.4%	4	1.1%	37	0.6%	7	0.7%	1	0.2%	0	0.0%	96	0.5%
ACCESSORY TO FELONY	39	0.4%	4	1.1%	15	0.2%	8	0.8%	1	0.2%	1	3.0%	68	0.4%
ARSON	26	0.2%	2	0.5%	27	0.4%	5	0.5%	2	0.4%	0	0.0%	62	0.3%
STOLEN PROPERTY	12	0.1%	0	0.0%	33	0.5%	3	0.3%	0	0.0%	0	0.0%	48	0.2%
FLIGHT/ESCAPE	18	0.2%	0	0.0%	21	0.3%	1	0.1%	0	0.0%	0	0.0%	40	0.2%
SMUGGLING	9	0.1%	0	0.0%	6	0.1%	9	0.9%	0	0.0%	0	0.0%	24	0.1%
INVASION	4	0.0%	0	0.0%	16	0.3%	0	0.0%	1	0.2%	0	0.0%	21	0.1%
PUBLIC PEACE	11	0.1%	0	0.0%	7	0.1%	0	0.0%	0	0.0%	0	0.0%	18	0.1%
CRIME AGAINST PERSON	0	0.0%	2	0.5%	10	0.2%	3	0.3%	0	0.0%	0	0.0%	15	0.1%
PROPERTY CRIME	7	0.1%	0	0.0%	8	0.1%	0	0.0%	0	0.0%	0	0.0%	15	0.1%
DAMAGED PROPERTY	6	0.1%	1	0.3%	7	0.1%	0	0.0%	0	0.0%	0	0.0%	14	0.1%
CRIMINAL CONSPIRACY	7	0.1%	1	0.3%	4	0.1%	1	0.1%	1	0.2%	0	0.0%	14	0.1%
MISPRISON TO FELONY	3	0.0%	1	0.3%	2	0.0%	0	0.0%	0	0.0%	0	0.0%	6	0.0%
OBSTRUCTING JUSTICE	1	0.0%	0	0.0%	3	0.0%	2	0.2%	0	0.0%	0	0.0%	6	0.0%
POSSESSION TOOLS	1	0.0%	0	0.0%	2	0.0%	0	0.0%	0	0.0%	0	0.0%	3	0.0%
CONSERVATION	0	0.0%	0	0.0%	1	0.0%	0	0.0%	1	0.2%	0	0.0%	2	0.0%
EXTORTION	0	0.0%	0	0.0%	1	0.0%	1	0.1%	0	0.0%	0	0.0%	2	0.0%
COMMERCIALIZED SEX	0	0.0%	0	0.0%	0	0.0%	2	0.2%	0	0.0%	0	0.0%	2	0.0%
OBSCENE MATERIAL	0	0.0%	0	0.0%	2	0.0%	0	0.0%	0	0.0%	0	0.0%	2	0.0%
GAMBLING	0	0.0%	0	0.0%	0	0.0%	1	0.1%	0	0.0%	0	0.0%	1	0.0%
COMPUTER CRIMES	0	0.0%	0	0.0%	1	0.0%	0	0.0%	0	0.0%	0	0.0%	1	0.0%
EMBEZZLEMENT	0	0.0%	0	0.0%	0	0.0%	1	0.1%	0	0.0%	0	0.0%	1	0.0%
Non-Jurisdictional Inmates**	18	0.2%	2	0.5%	17	0.2%	0	0.0%	3	0.6%	0	0.0%	34	0.2%
TOTAL	10,995	100.0%	374	100.0%	6,323	100.0%	985	100.0%	534	100.0%	33	100.0%	19,244	100.0%

*Highlighted areas indicate most common offenses for each demographic group. Inmates often are committed to SCDC with many offenses, with each carrying a specific sentence, county of commitment, etc. To facilitate statistical reporting, SCDC determines a single "most serious offense" (MSO) for each inmate. Before August 2005, the offense with the longest sentence determined MSO. Effective August 2005, inmates' MSO is the offense with the highest severity level (i.e. offenses are classified between severity level 1 and 5, with 5 as the most severe). In cases where an inmate has multiple offenses at the same severity level, SCDC considers the category of each offense, where homicide offenses take precedence, followed by sex offenses and violent offenses. If multiple offenses exist within the same category, the offense with the longest sentence then determines MSO. Because of this definitional change, post-2005 MSO data cannot be compared to pre-2005 MSO data.

**Includes Interstate Corrections Compact, county safekeepers, and pre-sentence observation.

Note: Percentages may not add up due to rounding.