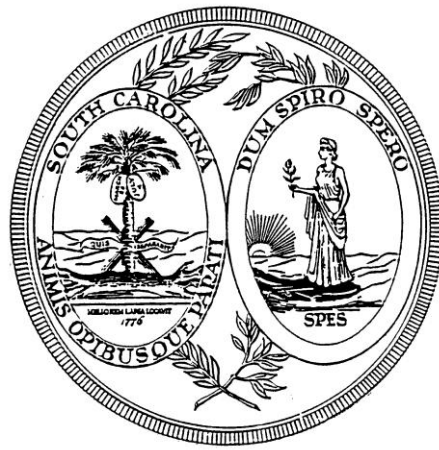


SENTENCING REFORM COMMISSION



Gerald Malloy, Chair
2009 presentation

Sentencing Reform Commission

Background:

- In 2006 the Senate Judiciary Criminal Justice System Task Force was created
- In January 2007 the Task Force made a report to the General Assembly
- The Task Force enacted legislation to reduce recidivism:
 - Anti-gang legislation
 - Statewide Public Defender System
 - DNA arrestee & Post-Conviction DNA testing
 - Sentencing Reform Commission

Sentencing Reform Commission

- The Task Force created the Sentencing Reform Commission because it realized more study was needed to understand:
 - Prison overcrowding
 - Alternative Sentencing
 - Ways to reduce recidivism and prison population
 - Evidence based ways to improve public safety
- Task Force originally introduced the Commission as the “Sentencing Guidelines Commission” — much resistance to the name so it was changed to the “Sentencing Reform Commission”

Sentencing Reform Commission

- Pursuant to Act 407 of the 2007-2008 Legislative Session, the primary duty of the South Carolina Sentencing Reform Commission is to prepare a comprehensive report that reviews the following 3 objectives and recommends action in the report:

Sentencing Reform Commission

- Objective #1: Determine appropriate changes to current sentencing guidelines for all offenses for which a term of imprisonment of more than one year is allowed
 - Classification of violent and non-violent offenses
 - Ensure fairness and certainty in sentencing
 - Ensure effective use of taxpayer dollars
 - Protect the public's safety and obtain justice for victims

Sentencing Reform Commission

- Objective #2: Determine whether South Carolina should maintain, amend, or abolish the current parole system
 - What really works to protect the public and promote community reintegration?
 - What works best for determining release eligibility?
 - What post-prison supervision best reduces recidivism?

Sentencing Reform Commission

- Objective #3: Develop guidelines for legislation for offenders for whom traditional imprisonment is not considered appropriate
 - How can we best use our prison beds for those who belong there?
 - How can we best use our community based resources?
 - For example, community service, treatment, appropriate programming, specialty courts, and GPS
 - What can we do to maximize public safety and reduce recidivism while being fiscally responsible?

Sentencing Reform Commission

Senate	House	Judiciary	Governor's Appointee
Sen. Gerald Malloy, Chair	Rep. Murrell Smith	Justice Don Beatty	Jon Ozmint, Director of SC Dept. of Corrections
Sen. Jake Knotts	Rep. Doug Jennings	Judge Aphrodite Konduros	
Sen. Chip Campsen	Rep. Keith Kelly	Judge William Keesley	

Sentencing Reform Commission

- Even with only 3 objectives, the Commission has to conduct research, determine data, decide which issues to include in the final report and tackle through legislation
- Fortunate to partner with:
 - The Pew Charitable Trust
 - Crime and Justice Institute
 - Applied Research Services, Inc.
- Because of this technical and research support, the Commission's final report will be based on evidence based principles

Sentencing Reform Commission

Timeline:

- Began meeting in February 2009
- Met 7 times since then, and held a 2-day conference
- Presentations from all meetings and conference are on the website:
www.scstatehouse.gov (under the Citizens' Interest button, and under the Sentencing Reform Commission line item)

Sentencing Reform Commission

- Presentations made by: DOC, DJJ, PPP, AG, Solicitors, Public Defenders, Court Administration, League of Women Voters, ACLU, SC Center for Fathers and Families, SC Re-Entry Initiative, National Center for State Courts, Crime and Justice Institute, and Applied Research Services
- Because of the involvement of the Pew Charitable Trust and their partners, an incredible amount of research and data is available to the Commission

Sentencing Reform Commission

- Through the financial and research assistance of the Pew Charitable Trust, the Commission held a 2 day conference in Charleston at the end of June
- Heard from nationally-known experts on topics geared toward the 3 objectives
- The Commission divided into 3 work groups:
 - Offense Re-Classification
 - Prison Release Mechanisms
 - Alternatives to Incarceration and Community Corrections

Sentencing Reform Commission

Next Steps:

- Each work group met through the summer to:
 - Determine what is needed to meet its objective and how it can be accomplished
 - Decide what the group will report back to the full Commission in the fall
- The Commission will meet several times beginning in October to:
 - Decide what to include in the report and what legislation needs to be introduced to accomplish these objectives

Sentencing Reform Commission

What has the Commission learned:

- Total Inmate Population
 - FY08: 24,600
 - FY09: 24,460
 - Even with a slight decrease, total population is more than **326%** the size it was 30 years ago. FY78- pop. @ 7,500

Sentencing Reform Commission

- FY09 Admissions: 13,198
- New Admissions: 54 % of the Total Population
 - 3 out of every 4 are new court commitments
 - 1 out of every 4 are revocations

Sentencing Reform Commission

Sentencing Trends = Increased Prison Population:

1) Drug Law Violations - more offenders sentenced to prison for drug-related offenses

In 1980, there were 473 inmates convicted of drug related offenses - 6% of the total population

- In FY08 there were 4,931 – 20% of the total population
- In FY09 there were 4,682 – 20% of the total population

Sentencing Reform Commission

2) Mandatory Minimum/Enhancement Sentences (e.g., Firearms – Consecutive 5 yr. sentence)

SCDOC estimates that year end count of inmates increased from **159 in FY 1992** to **1,417 in FY08**

- Estimates that they are housing almost 10 times the number of offenders with this sentence enhancement as in 1982

Sentencing Reform Commission

3) Truth in Sentencing Admissions and Year End Count

- From 1997 to 2008, 212% increase in number of inmates (from 540 to 1,684)
- In FY08 TIS inmate count: 10,328 – 42% of total population
- In FY09 TIS inmate count: 10,452 – 42% of total population (no significant change from FY08)

Sentencing Reform Commission

Top 10 New Court Commitments

- Burglary 2nd Degree Non-Violent
- Assault and Battery – High & Aggravated Nature
- Fraud/Insufficient Funds
- Driving Under Suspension
- Shoplifting
- Forgery
- Possession Meth/Cocaine Base 1st
- Crack Distribution
- Grand Larceny
- CDV 1/2/3 – Non-Mandatory

Sentencing Reform Commission

Ultimate Objectives:

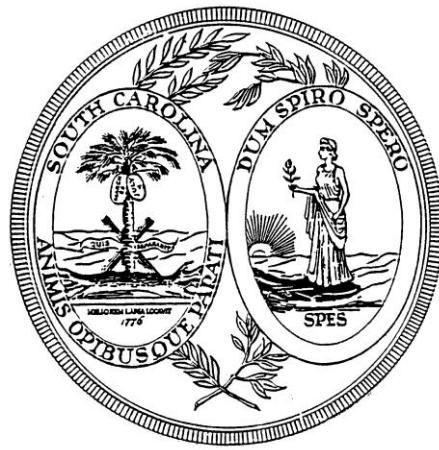
- For the Commission's report and the accompanying legislation to be determined by actual data from South Carolina
- For legislative decisions to result from evidence based data and practices

Sentencing Reform Commission

Ultimate Objectives:

- Make South Carolina a better place
 - Keep the public safe
 - Reduce recidivism and the revolving door
 - Provide fair and effective sentencing options
 - Use tax dollars wisely, so the prisons have room for those who should be there
 - Put the “system” back in the criminal justice system
 - Ensure victim restoration

SENTENCING REFORM COMMISSION



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