### lwvcolorlogo THE LEAGUE OF WOMEN VOTERS OF SOUTH CAROLINA

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# WHY THE LWVSC OPPOSES Bills to Abolish Parole and establish a middle court system in South Carolina

***BACKGROUND***

Nearly 50% of South Carolina inmates now serve no-parole sentences. These inmates include anyone convicted of a violent or non-violent offense for which the eligible sentence is 20 years or more, although not all current inmates have received sentences of that length. Current bills in the South Carolina General Assembly (H 3166 and S 206) propose completely abolishing parole, requiring all offenders to serve at least 85% of their sentences. This would include all offenders convicted of non-violent and violent felonies, and misdemeanors punishable by a sentence of one year’s imprisonment.

However, according to the bills, abolishing parole would first necessitate establishing a Middle Court system throughout the state. Middle Courts would require an unspecified number of non-violent offenders, after having been sentenced by Circuit Courts, to either participate in rehabilitation measures ordered by the Middle Court, or go to prison.

***HISTORY OF LWVSC ACTION***

At its 2007 convention, the League of Women Voters of South Carolina adopted prisoner rehabilitation as an action priority. The LWVSC believes that lengthening prison sentences will not ultimately make society as safe as using prison time to prepare offenders for their release. We support prison programs in basic education, substance abuse treatment, job training, and reentry assistance. We believe these programs to prepare offenders for their release should be started on the first day of every offender’s sentence *(LWVSC Agenda for Action, 2007-2009, p.)*

***The LWVSC opposes the BILLS to abolish parole for the following reasons***

**The present situation**

* Nearly 50% of South Carolina inmates already serve no-parole sentences. They cause a disproportionate share of problems in prison, and increased medical costs as they age.
* Nearly 50% of current South Carolina inmates are in prison for non-violent offenses and have no previous conviction for a violent crime.
* Drug offenses are the largest single category of convictions in South Carolina, and many non-violent drug crimes are already no-parole offenses. Even so, drug use and drug trafficking remain high, and arrests merely create job openings for new offenders.
* The Dept. of Probation, Parole and Pardons is seriously underfunded and understaffed, and released offenders who should be getting more supervision are getting less.
* South Carolina prisons are over-crowded, with no new prison built since 1992; thousands of inmates are triple-bunked. Despite having the lowest expenses per prisoner in the nation, the South Carolina General Assembly currently underfunds the state Dept. of Corrections to the point where crowded prisons and low staffing are causing serious safety concerns.
* The General Assembly currently funds minimal inmate rehabilitation (including addictions treatment) and little reentry assistance for state inmates, programs proven to help stem recidivism and

increase public safety.

**Abolishing parole is not a silver bullet that will stop crime.**

* 95% of prisoners eventually must be released into the community; no-parole means unconditional release, without any level of supervision and support after release.
* Parole makes release from prison a privilege that must be earned; abolition of parole makes release a right.
* Abolishing parole eliminates one of the toughest weapons we now have to target the most dangerous, violent offenders for longer incarceration, since even dangerous offenders are entitled to automatic release under no-parole.
* Under no-parole, serious criminals who have been incarcerated for decades would be released without any transitioning or oversight; these prisoners, having served longer sentences, are more likely to have become institutionalized and less likely to adapt successfully to life outside prison walls.
* No-parole inmates in prison are more dangerous because of little incentive to behave or rehabilitate.

**Abolishing parole can lead to unintended consequences.**

* U.S. federal no-parole has resulted in the fastest growing prison system in the world.
* States with no parole, like Virginia, have had to build and support new prisons every year since parole was abolished in 1995. The Pew Center on the States ranked Virginia in the top 20% nationally in 2007 prison growth. The Bureau of Justice Statistics ranked Virginia #6 nationally in the change of imprisonment rates from 2000 - 2007.
* The need to constantly build new prisons diverts funding from helpful prevention, rehabilitation and re-entry programs.
* Escalating prison costs deprive no-parole states of scarce resources needed for education, infrastructure, health costs, etc.

***The LWVSC opposes the BILLS to establish a middle court system for the following reasons***

* It violates the Constitutional separation of powers in the creation, oversight and administration of the Middle Court system. Law enforcement, via the Attorney General, would establish the Middle Court program in each judicial circuit. This should be a judicial function, instead. The Attorney General would appoint a person in his office to oversee the supervision and coordination of the program by the Dept. of Probation, Parole and Pardon Services. Usually, the Dept. of Probation, Parole and Pardon Services would do this independently.
* The bill’s proposed funding of the Middle Court probably would not work. It is unlikely that enough judges would volunteer to serve without salary. The courts also would require services by paid auxiliary personnel, including clerks, court reporters and bailiffs. Defendants, subject to their ability to pay, would be required to pay for the costs of rehabilitation services ordered by the Middle Court; experience has shown that most defendants do not have the ability to pay. So where would the money come from to cover those services?
* The Middle Court concept would place another layer of bureaucracy into a system that already works. It would replace cases that probably would be given probation by a judge, with a new Middle Court sentence of 18-24 months. Courts already place conditions on probation, with those conditions to be supervised by the Dept. of Probation, Parole and Pardon Services, and if the conditions are not fulfilled, offenders go to jail or prison. Since probationers do not go to prison if they fulfill the conditions, alternatively referring them to Middle Courts would not save money by reducing prison populations.
* We have not seen a financial impact statement for the proposed Middle Court system.
* The bill does not specify a minimum number of cases the Middle Courts must serve in each judicial district, making it easy or even likely that only a token number would be served.
* The General Assembly passed a resolution to establish a Sentencing Reform Commission during its last session. The Sentencing Reform Commission’s assigned task is to recommend changes in laws affecting non-violent felonies. The Commission has not yet made its report, and so the establishment of a Middle Court system is premature.

***LWVSC RECOMMENDATIONS***

To promote public safety and reduce recidivism, there is an alternative to abolishing parole:

* The General Assembly should increase support for crime prevention, prisoner rehabilitation (especially addictions treatment) and re-entry help.
* Preparation for re-entry should begin the first day an offender enters prison.
* The Dept. of Probation, Parole and Pardon Services is seriously underfunded and thus understaffed, and the General Assembly should adequately fund the agency.
* Re-entry supervision and assistance should be seen as a core mission for parole.

*The League of Women Voters, a nonpartisan political organization, encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. Membership in the League is open to men and women of all ages.*