

How Hypothetical Changes in State Facility Admission Sentencing Requirements Could Potentially Impact SCDC and Local Facilities

Included in the Department of Corrections' (SCDC) May 24, 2019 letter to the House Legislative Oversight Committee (LOC). This information was provided in response to the following questions in LOC's May 16, 2019 letter to the Department of Corrections: "22. Please provide, by county for each of the last three years, the number of inmates that would have remained in local facilities and total number of days they would have remained, if state law only allowed admission of inmates to SCDC who had each of the following: (a) At least 90 days remaining on their sentence; (b) Sentence length of six months; and (c) Sentence lengths of twelve months."

Calculation Method Explained

We have provided an estimate for the total number of days inmates would serve in local jails, but we cannot produce an exact figure without running a complex simulation for each of the last three years admissions. This simulation would involve extensive modifications to the release date calculation system to change the good time credit earning rate applied to the jail time credit for each conviction and eliminate mandatory service requirements for "no parole" offenses. Inmates often have multiple convictions with different sentence start dates, amounts of jail time credit awarded, parole eligibly/mandatory service requirements, etc. with some sentences running concurrently and others consecutively.

Per 24-13-210, the good time earning rate for inmates sentenced to the custody of SCDC is 20 days for each month served and the rate for inmates sentenced to the custody of local detention facilities is one day for every two days served. Per 24-13-150, the reduced good time earning rate and 85% mandatory service requirement for "no parole" offenses only applies to inmates sentenced to the custody of SCDC.

SECTION 24-13-150. Early release, discharge, and community supervision; limitations; forfeiture of credits.

(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 of a "no parole offense" as defined in Section 24-13-100 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.

(B) If an inmate sentenced to the custody of the Department of Corrections and confined in a facility of the department, confined in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20 or Section 24-3-30, or temporarily confined, held, detained, or placed in a facility which is not under the direct control of the department, to include an inmate on a labor crew or any other assigned detail or placement, or an inmate in transport status, commits an offense or violates one of the rules of the institution during his term of imprisonment, all or part of the credit he has earned may be forfeited in the discretion of the Director of the Department of Corrections. If an inmate sentenced to a local detention facility or upon the public works of any county in this State, even when temporarily confined, held, detained, or placed in any facility which is not under the direct control of the local detention facility, to include an inmate on a labor crew or any other assigned detail or placement, or an inmate in transport status, commits an offense or violates one of the rules of the institution during his term of imprisonment, all or part of the credit he has earned may be forfeited in the discretion of the local official having charge of the inmate. The decision to withhold credits is solely the responsibility of officials named in this subsection.

SECTION 24-13-210. Credit given inmates for good behavior.

(A) An inmate convicted of an offense against this State, except a "no parole offense" as defined in Section 24-13-100, 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, whose record of conduct shows that he has faithfully observed all the rules of the institution where he is confined and has not been subjected to punishment for misbehavior, is entitled to a deduction from the term of his sentence beginning with the day on which the service of his sentence commences to run, computed at the rate of twenty days for each month served. When two or more consecutive sentences are to be served, the aggregate of the several sentences is the basis upon which the good conduct credit is computed.

(B) An inmate convicted of a "no parole offense" against this State as defined in Section 24-13-100 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, whose record of conduct shows that he has faithfully observed all the rules of the institution where he is confined and has not been subjected to punishment for misbehavior, is entitled to a deduction from the term of his sentence beginning with the day on which the service of his sentence commences to run, computed at the rate of three days for each month served. However, no inmate serving a sentence for life imprisonment or a mandatory minimum term of imprisonment for thirty years pursuant to Section 16-3-20 is entitled to credits under this provision. No inmate convicted of a "no parole offense" is entitled to a reduction below the minimum term of incarceration provided in Section 24-13-125 or 24-13-150. When two or more consecutive sentences are to be served, the aggregate of the several sentences is the basis upon which the good conduct credit is computed.

(C) An inmate convicted of an offense against this State and sentenced to a local detention facility, or upon the public works of any county in this State, whose record of conduct shows that he has faithfully observed all the rules of the institution where he is confined, and has not been subjected to punishment for misbehavior, is entitled to a deduction from the term of his sentence beginning with the day on which the service of his sentence commences to run, computed at the rate of one day for every two days served. When two or more consecutive sentences are to be served, the aggregate of the several sentences is the basis upon which good conduct credits must be computed.

(D) If an inmate sentenced to the custody of the Department of Corrections and confined in a facility of the department, confined in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20 or Section 24-3-30, or temporarily confined, held, detained, or placed in any facility which is not under the direct control of the department, to include an inmate on a labor crew or any other assigned detail or placement, or an inmate in transport status, commits an offense or violates one of the rules of the facility during his term of imprisonment, all or part of the good conduct credit he has earned may be forfeited in the discretion of the Director of the Department of Corrections. If an inmate sentenced to a local detention facility or upon the public works of any county in this State, even when temporarily confined, held, detained, or placed in any facility that is not under the direct control of the local detention facility, to include a prisoner on a labor crew or any other assigned detail or placement, or a prisoner in transport status, commits an offense or violates one of the rules of the institution during

his term of imprisonment, all or part of the good conduct credit he has earned may be forfeited in the discretion of the local official having charge of the inmate. The decision to withhold forfeited good conduct time is solely the responsibility of officials named in this subsection.

(E) Any person who has served the term of imprisonment for which he has been sentenced less deductions allowed for good conduct is considered upon release to have served the entire term for which he was sentenced unless the person is required to complete a community supervision program pursuant to Section 24-21-560. If the person is required to complete a community supervision program, he must complete his sentence as provided in Section 24-21-560 prior to discharge from the criminal justice system.

(F) No credits earned pursuant to this section may be applied in a manner which would prevent full participation in the Department of Probation, Parole and Pardon Services' prerelease or community supervision program as provided in Section 24-21-560.

Inmates Remaining in Location Facilities and Total Days Remaining if State Law Only Allowed Admission of Inmate:
to SCDC with At Least 90 Days Remaining on Sentence, FY 2016 through FY 2018**

COUNTY	FY 2016		FY 2017		FY 2018	
	# INMATES KEPT IN LOCAL JAIL	DAYS INMATES WILL SERVE IN LOCAL JAIL	# INMATES KEPT IN LOCAL JAIL	DAYS INMATES WILL SERVE IN LOCAL JAIL	# INMATES KEPT IN LOCAL JAIL	DAYS INMATES WILL SERVE IN LOCAL JAIL
ABBEVILLE	2	45	0	0	0	0
AIKEN	12	377	15	533	10	231
ALLEDALE	1	60	0	0	0	0
ANDERSON	17	589	23	1,016	14	584
BAMBERG	0	0	0	0	0	0
BARNWELL	3	133	1	38	1	12
BEAUFORT	13	551	11	337	14	462
BERKELEY	12	492	11	350	15	764
CALHOUN	0	0	1	76	1	0
CHARLESTON	35	1,095	30	771	17	642
CHEROKEE	8	245	6	201	6	172
CHESTER	2	75	4	107	2	52
CHESTERFIELD	2	60	0	0	1	59
CLARENDON	0	0	2	151	4	168
COLLETON	1	28	0	0	4	160
DARLINGTON	2	0	3	30	1	29
DILLON	1	22	2	111	2	123
DORCHESTER	13	352	10	411	7	195
EDGEFIELD	3	60	0	0	1	28
FAIRFIELD	1	65	2	129	0	0
FLORENCE	9	379	8	329	13	463
GEORGETOWN	4	127	4	181	6	366
GREENVILLE	43	1,866	62	1,855	62	2,177
GREENWOOD	2	96	5	382	4	129
HAMPTON	0	0	0	0	0	0
HORRY	60	1,858	45	1,601	32	929
JASPER	2	120	1	45	6	149
KERSHAW	2	189	5	223	8	301
LANCASTER	3	120	5	255	8	275
LAURENS	9	233	6	367	9	302
LEE	2	41	1	19	3	101
LEXINGTON	28	894	51	1,770	28	839
MARION	7	308	2	50	6	199
MARLBORO	1	48	1	58	1	38
MCCORMICK	1	45	0	0	1	66
NEWBERRY	1	16	6	235	4	118
OCONEE	5	281	4	99	11	315
ORANGEBURG	6	194	13	301	8	215
PICKENS	9	312	15	377	11	391
RICHLAND	42	1,072	33	1,063	29	665
SALUDA	3	149	2	61	6	143
SPARTANBURG	30	1,310	39	1,251	47	1,875
SUMTER	17	297	15	427	13	471
UNION	1	8	5	248	2	106
WILLIAMSBURG	3	59	1	39	2	74
YORK	16	557	17	548	28	863
TOTAL	434	14,828	467	16,045	448	15,251

* New admissions to SCDC only. Excludes Safekeepers, Shock Evaluation, Juvenile offenders, offenders sentenced under the Youthful Offender Act (YOA), and YOA 5B.

** Days are estimated using earned goodtime specifications for local jails from SC Code 24-13-210.

**Inmates Remaining in Location Facilities and Total Days Remaining if State Law Only Allowed Admission of Inmates
to SCDC Who Had Sentence Lengths of More than Six Months, FY 2016 through FY 2018**

COUNTY	FY 2016		FY 2017		FY 2018	
	# INMATES KEPT IN LOCAL JAIL	DAYS INMATES WILL SERVE IN LOCAL JAIL	# INMATES KEPT IN LOCAL JAIL	DAYS INMATES WILL SERVE IN LOCAL JAIL	# INMATES KEPT IN LOCAL JAIL	DAYS INMATES WILL SERVE IN LOCAL JAIL
ABBEVILLE	4	246	1	92	0	0
AIKEN	46	3,956	45	3,728	24	1,804
ALLENDALE	3	260	2	180	0	0
ANDERSON	39	2,870	26	2,047	13	866
BAMBERG	0	0	1	78	0	0
BARNWELL	8	612	6	531	1	73
BEAUFORT	23	1,725	17	1,287	10	474
BERKELEY	37	2,907	38	2,849	20	1,529
CALHOUN	1	118	2	228	1	117
CHARLESTON	49	3,466	30	1,960	10	774
CHEROKEE	11	837	9	878	3	129
CHESTER	4	225	3	107	2	52
CHESTERFIELD	12	1,005	7	697	4	358
CLARENDON	9	862	19	1,633	10	855
COLLETON	5	520	3	269	6	624
DARLINGTON	7	698	7	491	2	145
DILLON	10	791	7	610	7	533
DORCHESTER	12	828	13	988	7	346
EDGEFIELD	4	127	1	120	1	28
FAIRFIELD	3	293	4	381	2	228
FLORENCE	28	2,320	10	810	11	950
GEORGETOWN	5	282	10	746	1	118
GREENVILLE	124	10,103	118	9,223	87	6,287
GREENWOOD	13	1,119	6	376	10	795
HAMPTON	0	0	1	120	2	181
HORRY	100	6,857	71	5,110	45	3,225
JASPER	2	120	4	317	6	206
KERSHAW	9	876	10	789	7	381
LANCASTER	14	1,150	7	474	10	623
LAURENS	17	1,326	10	853	6	311
LEE	6	500	5	397	4	217
LEXINGTON	74	5,845	81	5,887	35	2,342
MARION	8	482	2	122	3	255
MARLBORO	3	260	4	409	2	158
MCCORMICK	3	258	0	0	0	0
NEWBERRY	4	387	11	790	6	417
OCONEE	9	684	6	519	15	694
ORANGEBURG	11	711	18	1,201	10	690
PICKENS	19	1,581	29	2,277	22	1,635
RICHLAND	48	3,489	33	2,147	25	1,950
SALUDA	8	727	7	632	7	411
SPARTANBURG	61	5,295	58	4,289	50	3,120
SUMTER	32	2,137	38	2,660	24	1,873
UNION	4	364	6	449	5	486
WILLIAMSBURG	4	297	0	0	3	194
YORK	31	2,594	28	2,213	41	3,102
TOTAL	924	72,110	814	61,964	560	39,556

* New admissions to SCDC only. Excludes Safekeepers, Shock Evaluation, Juvenile offenders, offenders sentenced under the Youthful Offender Act (YOA), and YOA 5B.

** Days are estimated using earned goodtime specifications for local jails from SC Code 24-13-210.

**Inmates Remaining in Location Facilities and Total Days Remaining if State Law Only Allowed Admission of Inmates
to SCDC Who Had Sentence Lengths of More than Twelve Months, FY 2016 through FY 2018**

COUNTY	FY 2016		FY 2017		FY 2018	
	# INMATES KEPT IN LOCAL JAIL	DAYS INMATES WILL SERVE IN LOCAL JAIL	# INMATES KEPT IN LOCAL JAIL	DAYS INMATES WILL SERVE IN LOCAL JAIL	# INMATES KEPT IN LOCAL JAIL	DAYS INMATES WILL SERVE IN LOCAL JAIL
ABBEVILLE	14	2,273	2	324	3	498
AIKEN	72	8,524	75	8,162	43	5,035
ALLEDALE	5	592	4	500	0	0
ANDERSON	68	7,854	60	6,542	38	4,400
BAMBERG	3	515	1	78	1	235
BARNWELL	12	1,271	9	1,074	5	564
BEAUFORT	47	5,481	37	4,202	23	2,111
BERKELEY	47	4,640	56	5,936	39	4,129
CALHOUN	2	294	5	746	7	1,388
CHARLESTON	92	9,937	66	6,864	36	4,688
CHEROKEE	40	6,055	28	4,011	22	3,124
CHESTER	8	921	9	1,048	4	462
CHESTERFIELD	20	2,410	11	1,308	7	898
CLARENDON	12	1,367	31	3,873	18	2,294
COLLETON	14	2,086	12	2,034	16	2,033
DARLINGTON	21	2,656	19	2,427	7	1,048
DILLON	21	2,907	17	2,322	11	1,013
DORCHESTER	30	3,128	33	3,829	19	2,212
EDGEFIELD	5	302	5	868	4	523
FAIRFIELD	5	505	11	1,729	8	1,324
FLORENCE	59	7,317	48	7,218	38	5,233
GEORGETOWN	19	2,663	18	2,242	4	505
GREENVILLE	248	30,114	241	27,746	188	20,088
GREENWOOD	27	3,599	20	2,656	21	2,655
HAMPTON	2	367	6	1,082	2	181
HORRY	213	24,190	158	19,032	111	13,012
JASPER	6	605	7	745	9	513
KERSHAW	22	3,335	16	1,648	20	2,440
LANCASTER	25	3,306	28	4,280	25	3,327
LAURENS	34	3,686	22	2,638	17	1,717
LEE	8	874	12	1,562	6	618
LEXINGTON	125	13,659	155	16,016	74	7,269
MARION	25	3,161	20	3,304	21	2,699
MARLBORO	7	1,023	7	857	7	1,031
MCCORMICK	4	348	1	209	4	485
NEWBERRY	12	1,701	21	2,457	12	1,591
OCONEE	25	3,295	23	3,305	29	2,957
ORANGEBURG	30	4,458	34	4,143	30	3,379
PICKENS	47	6,022	68	8,255	75	10,101
RICHLAND	100	11,500	71	7,599	60	6,248
SALUDA	11	1,092	10	1,076	10	695
SPARTANBURG	186	26,788	162	20,039	136	15,326
SUMTER	50	4,948	67	7,747	47	5,406
UNION	25	4,304	24	3,588	23	3,533
WILLIAMSBURG	15	2,420	5	892	5	554
YORK	85	10,886	69	7,908	96	10,242
TOTAL	1,948	239,379	1,804	216,121	1,381	159,784

* New admissions to SCDC only. Excludes Safekeepers, Shock Evaluation, Juvenile offenders, offenders sentenced under the Youthful Offender Act (YOA), and YOA 5B.

** Days are estimated using earned goodtime specifications for local jails from SC Code 24-13-210.