

Law Enforcement and Criminal Justice Subcommittee Meeting

Thursday, August 26, 2021

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AGENDA

South Carolina
House of Representatives



Legislative Oversight Committee

LAW ENFORCEMENT AND CRIMINAL JUSTICE SUBCOMMITTEE

The Honorable Chris Wooten, Chairman

The Honorable Kimberly O. Johnson

The Honorable Josiah Magnuson

The Honorable John R. McCravy, III

Thursday, August 26, 2021

10:00 a.m.

Room 321, Blatt Building

Pursuant to Committee Rule 6.8, S.C. ETV shall be allowed access for internet streaming whenever technologically feasible.

AGENDA

- I. Approval of Subcommittee Meeting Minutes**
- II. Discussion of the study of the Department of Probation, Parole, and Pardon Services**
- III. Adjournment**

MEETING MINUTES

Chair Wm. Weston J. Newton

*First Vice-Chair:
Joseph H. Jefferson, Jr.*

Legislative Oversight Committee

*Kambrell H. Garvin
Rosalyn D. Henderson-Myers
Jeffrey E. "Jeff" Johnson
John R. McCravy, III
Adam M. Morgan
Melissa Lackey Oremus
Marvin R. Pendarvis
Tommy M. Stringer
Chris Wooten*



South Carolina House of Representatives

*Gil Gatch
William M. "Bill" Hixon
Kimberly O. Johnson
Josiah Magnuson
Timothy A. "Tim" McGinnis
Travis A. Moore
Russell L. Ott
Michael F. Rivers, Sr.
John Taliaferro (Jay) West, IV*

*Jennifer L. Dobson
Research Director*

*Cathy A. Greer
Administration
Coordinator*

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Room 228 Blatt Building

*Charles L. Appleby, IV
Legal Counsel*

*Lewis Carter
Research Analyst/Auditor*

*Riley E. McCullough
Research Analyst*

Legislative Oversight Committee

**Tuesday, July 27, 2021
Blatt Room 321**

Archived Video Available

- I. Pursuant to House Legislative Oversight Committee Rule 6.7, South Carolina ETV was allowed access for streaming the meeting. You may access an archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and clicking on *Committee Postings and Reports*, then under *House Standing Committees* click on *Legislative Oversight*. Then, click on *Video Archives* for a listing of archived videos for the Committee.

Attendance

- I. The Law Enforcement and Criminal Justice Subcommittee meeting was called to order by Chair Chris Wooten on Tuesday, July 27, 2021, in Room 321 of the Blatt Building. All other members (Rep. Kimberly O. Johnson; Rep. Josiah Magnuson; and Rep. John R. McCravy, III) were present for all or a portion of the meeting. Rep. McCravy participated virtually.

Minutes

- I. House Rule 4.5 requires standing committees to prepare and make available to the public the minutes of committee meetings, but the minutes do not have to be verbatim accounts of meetings.

Approval of Minutes

- I. Representative makes a motion to approve the meeting minutes from the June 22, 2021, meeting. A roll call vote was held, and the motion passed.

Rep. McCravy's motion to approve the meeting minutes.	Yea	Nay	Not Voting
Rep. K. Johnson	✓		
Rep. McCravy	✓		
Rep. Magnuson			✓ (NP)
Rep. Wooten	✓		

Discussion of Department of Probation, Parole and Pardon Services (PPP)

- I. Chair Wooten reminds all others placed under oath at prior meetings that they remain under oath.
- II. Chair Wooten places the following board members under oath:
 - a. Reno Boyd;
 - b. Henry Eldridge;
 - c. Kim Fredrick;
 - d. Mollie DuPriest Taylor;
 - e. Frank Dan Wideman; and
 - f. Dr. Ronnie Landolf Jr.
- III. Mr. Ben Aplin, Deputy Director for Legals and Policy Management, continues discussion of the agency's field operations.

Topics discussed include:

- a. Agency's recommendations for law revisions (e.g., modernization);
and
- b. Unestablished deliverables.

Ms. Valerie Suber, Associate Deputy Director for Paroles, Pardons, and Release Services presents about the board.

- c. Agency personnel;
- d. Board of Paroles and Pardons;

- e. Board demographics and terms;
- f. Board appointments and removals;
- g. Board powers, responsibilities, and duties;
- h. Criteria for parole consideration;
- i. Board hearings – vote requirements and case scheduling;
- j. Board member training (initial and annual);
- k. Pardon eligibility, application, certificate of pardon and civil rights;
- l. Parole eligibility, case scheduling; investigations/examinations;

IV. Subcommittee members ask questions relating to the following:

- a. GPS with offenders;
- b. Inter-agency collaboration among corrections agencies for shared services;
- c. Implementation of laws;
- d. Court decisions declaring certain statutory provisions unconstitutional;
- e. Offender restrictions on possessing and purchasing firearms;
- f. Police Officer Retirement System participation and eligibility;
- g. Home detention;
- h. GED Learn and Earn Program;
- i. Restitution centers;
- j. Day reporting systems;
- k. Submission of material by an attorney about an offender;
- l. Video conferencing with offenders;
- m. Board demographics and terms;
- n. Board training and suggestions for improvement;
- o. Availability of board decisions online;
- p. Quasi-judicial status of the board;
- q. Criteria in consideration of pardons and paroles;
- r. Submission of material by an attorney about an offender;
- s. Costs for storage of data about hearings;
- t. Equipment assigned to a board member;
- u. Board member occupation and knowledge of board vacancy;
- v. Board member review of cases;
- w. Board member case scheduling suggestions for improvement;
- x. Training for pardon;
- y. Recommendations by agency about parole;
- z. Investigation/examination process, risk assessment; hearing facilitation; special parole considerations; and parole release;
- aa. Mandatory release
- bb. Per diem and imbursements;

Agency personnel and board members respond to the questions.

Adjournment

- I. There being no further business, the meeting is adjourned.

STUDY TIMELINE

The House Legislative Oversight Committee's (Committee) process for studying the Department of Probation, Parole, and Pardon Services (agency) includes actions by the full Committee; Law Enforcement and Criminal Justice Subcommittee (Subcommittee); the agency; and the public. Key dates and actions are listed below in Figure 1.

Legislative Oversight Committee Actions

- December 5, 2018 – Holds **Meeting #1** and prioritizes the agency for study
- January 9, 2019 – Provides the agency notice about the oversight process
- February 27 – April 1, 2019 - Solicits input about the agency in the form of an online public survey
- August 13, 2019 – Holds **Meeting #2** to receive public testimony about the agency

Law Enforcement and Criminal Justice Subcommittee Actions

- May 6, 2021 - Holds **Meeting #3** to discuss the agency's vision; mission; director responsibilities; organizational structure; history; and general information about finances and employees
- June 8, 2021 – Holds **Meeting #4** to discuss the agency's field operations divisions and services provided by that division
- June 22, 2021 – Holds **Meeting #5** to continue discussion of the agency's field operations divisions and services provided by that division
- July 27, 2021 - Holds **Meeting #6** to continue discussion of the agency's field operations divisions and services provided by that division and discuss the agency's paroles, pardons, and release services division
- August 26, 2021 - Holds **Meeting #7 (TODAY)** to discuss the agency's victim services division and additional services provided by its executive division

Department of Probation, Parole, and Pardon Services

- March 31, 2015 - Submits its **Annual Restructuring and Seven-Year Plan Report**
- January 12, 2016 - Submits its **2016 Annual Restructuring Report**
- September 2016 - Submits its **2015-16 Accountability Report**
- September 2017 - Submits its **2016-17 Accountability Report**
- September 2018 - Submits its **2017-18 Accountability Report**
- September 2019 - Submits its **2018-19 Accountability Report**
- June 12, 2019 - Submits its **Program Evaluation Report**
- September 2020 - Submits its **2019-20 Accountability Report**
- January 27, 2020 - Submits updates to its **Program Evaluation Report**
- December, 2018 - Present - Responds to Subcommittee's inquiries

Public's Actions

- February 27 – April 1, 2019 - Provides input about the agency via an **online public survey**
- Ongoing - Submits written comments on the Committee's webpage on the General Assembly's website (www.scstatehouse.gov)

Figure 1. Key dates in the study process.

AGENCY SNAPSHOT

Department of Probation, Parole and Pardon Services

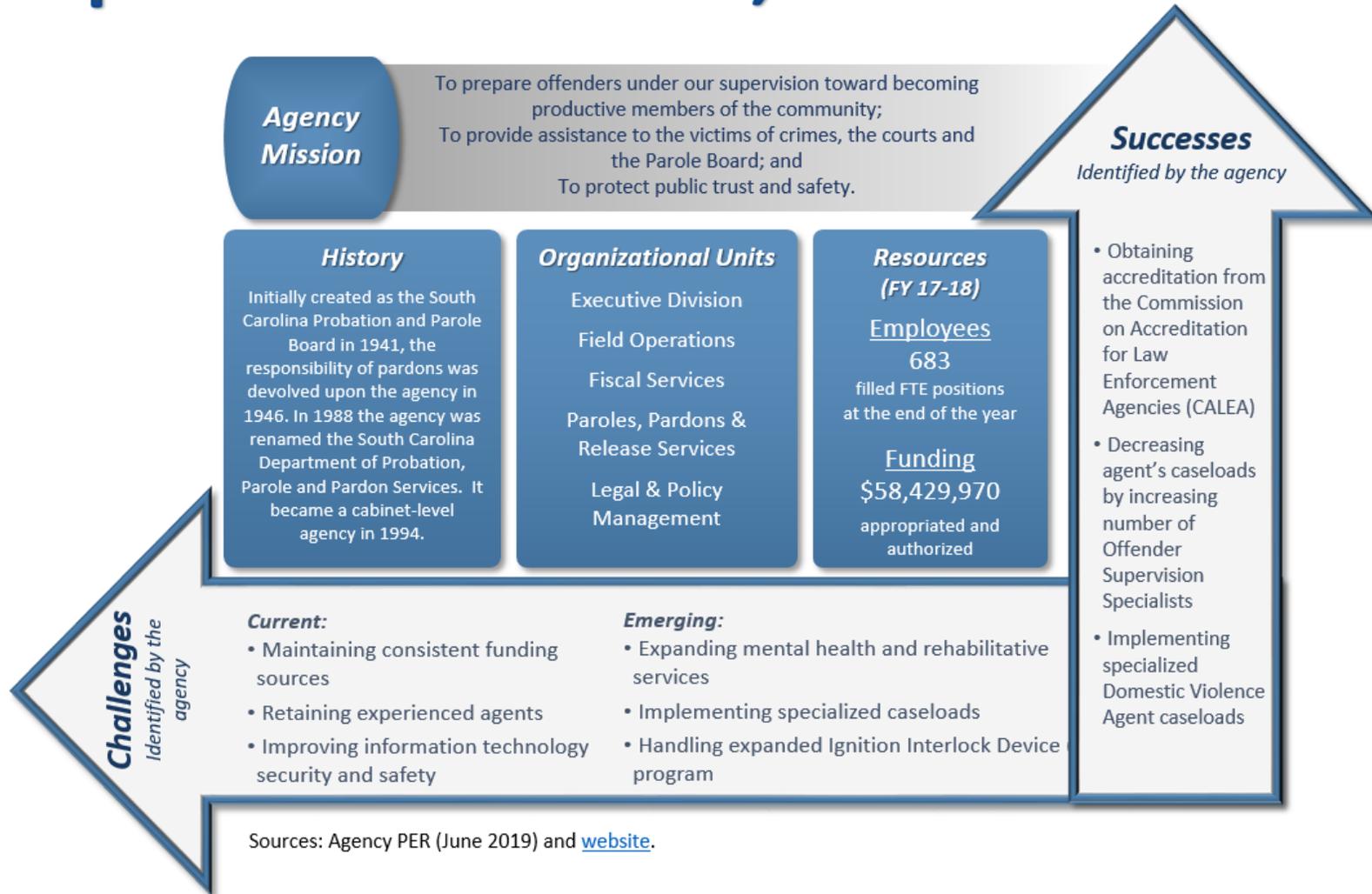


Figure 2. Snapshot of the agency's major organizational units, fiscal year 2017-18 resources (employees and funding), successes, and challenges.¹

AGENCY PRESENTATION – VICTIM SERVICES AND EXECUTIVE DIVISIONS

EXECUTIVE DIVISION & OFFICE OF VICTIM SERVICES

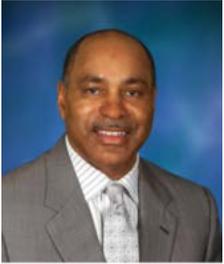


SOUTH CAROLINA DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES

2021 PRESENTATION TO THE HOUSE LEGISLATIVE OVERSIGHT LAW ENFORCEMENT AND CRIMINAL JUSTICE SUBCOMMITTEE



SPEAKER BIOGRAPHIES (INCLUDED IN PREVIOUS PRESENTATIONS)



- Executive Director – Jerry Adger



- Deputy Director for Administration – Virginia Camp

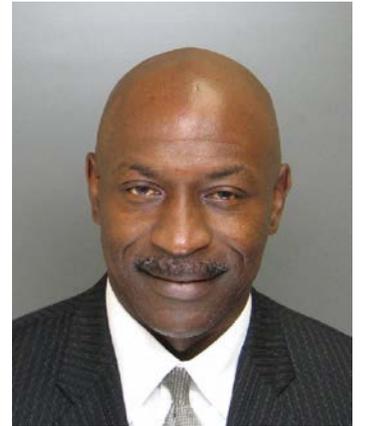


- Deputy Director for Legals and Policy Management - Ben Aplin

BIOGRAPHY

FOR ASSOCIATE DEPUTY DIRECTOR FOR LEGALS AND POLICY MANAGEMENT

- **Heyward A. Hinton** was appointed to this position in 2017 with the responsibility of managing the Office of General Counsel and the Office of Accreditation Management.
- Has over 39 years in public service, and actively participates in many community organizations.
- Began his career with SCDPPPS as an Agent in Lexington County in 1982.
- Promoted to Supervisor of seven Agents in Lexington County in 1985.
- Served as the Management Specialist/Executive Programs Analyst conducting legal research for Chief Legal Counsel while serving as legislative liaison for SC Department of Corrections.
- Became an Administrative Hearing Officer in 1991.
- Promoted to Assistant Chief Hearing Officer in 1999.
- Appointed Chief Hearing Officer in 2004, overseeing the SCDPPPS administrative hearing process throughout the state. Gained national recognition for handling the violations process.
- Served as Director of Hearings and Parole Board Support from 2009 until 2012, before duties were split.



BIOGRAPHY

FOR ASSOCIATE DEPUTY DIRECTOR FOR LEGALS AND POLICY MANAGEMENT

- Serves as the Department's representative on the Multi-Disciplinary Team for the Sexually Violent Predator Act.
- Named the Director of Administrative Hearings in 2012.
- Earned a B.S. in Business Administration from Presbyterian College in 1981.
- 2005 Graduate of the SC Certified Public Manager (CPM) Program.
- 2006 Graduate of the SC Criminal Justice Academy's Executive Leadership Program.
- 2016 Certified Hearing Official from the National Association of Hearings Officials.
- Former president and active member of the South Carolina Probation and Parole Association.
- Member of the National Association of Hearing Officials.
- Serves on the Presbyterian College Board of African American Alumni Association and the Presbyterian College Annual Fund.

BIOGRAPHY

FOR CHIEF INFORMATION OFFICER

- **Marsha Lester** has over 30 years of experience in information technology.
- Received MBA from The Wharton School of the University of Pennsylvania in 1991, and a B.S. in Computer Science in 1986 from the University of South Carolina.
- Became the SCDPPPS Chief Information Officer in 2017.
- Assistant IT Director for the SC Treasurer's Office 2015 – 2017.
- Has held several positions within the public and private sectors including: Reed Technology & Information Services (Senior Manager, PMO); Lincoln University (Adjunct Professor); City of Philadelphia (Deputy Director, Development Services); Delaware River Port Authority (Director, Development); Information Resources (Director, Software Delivery).
- Member of the Department of Administration's Agency Relationship Management Board.



BIOGRAPHY

FOR DIRECTOR OF VICTIM SERVICES

Debbie Depra Curtis has worked in the Victim Services field for over 20 years. She received her bachelor's degree from New York University, and her paralegal degree from Columbia Junior College.



PROFESSIONAL EXPERIENCE:

- Paralegal, Fifth Judicial Circuit Solicitor's Office (1990 – 1992);
- Victim Advocate, Richland County Sheriff's Department (1992 – 1996);
- Victim Advocate/Paralegal, Child Abuse Unit, Fifth Judicial Circuit Solicitor's Office (1996 – 1999);
- Victim Advocate, South Carolina Commission on Prosecution Coordination (1999 – 2000);
- Crime Victims' Ombudsman, SC Governor's Office (2000 – 2004, 2011 – 2013);
- Expungement Processor, Third Judicial Circuit Solicitor's Office (2007 – 2011);
- Director of Victim Services, South Carolina Department of Probation, Parole and Pardon Services (2013 – Present)



OFFICE OF VICTIM SERVICES

BACKGROUND

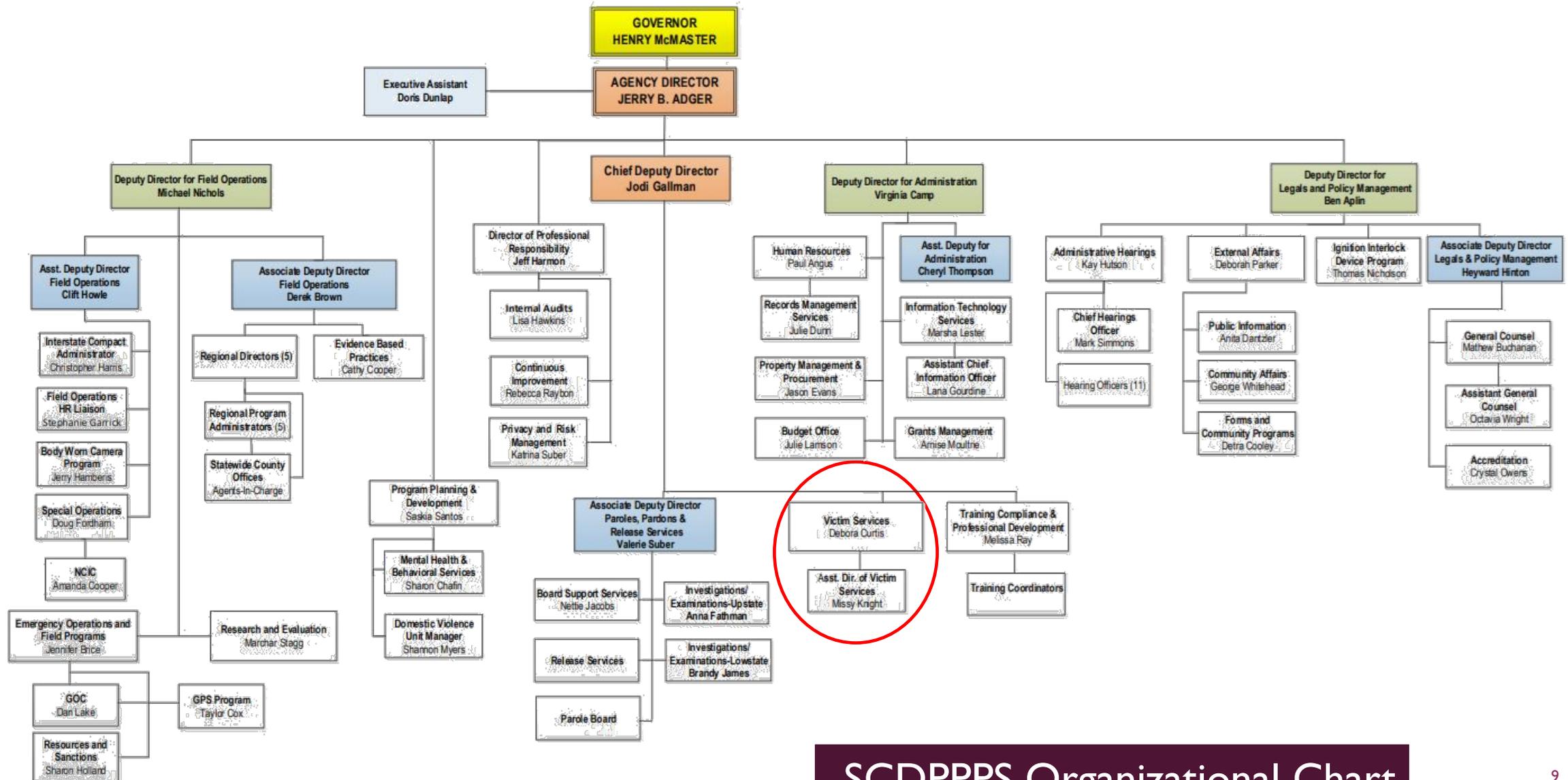
DEPARTMENT MISSION STATEMENT

To **PREPARE** offenders under our supervision toward becoming productive members of the community;



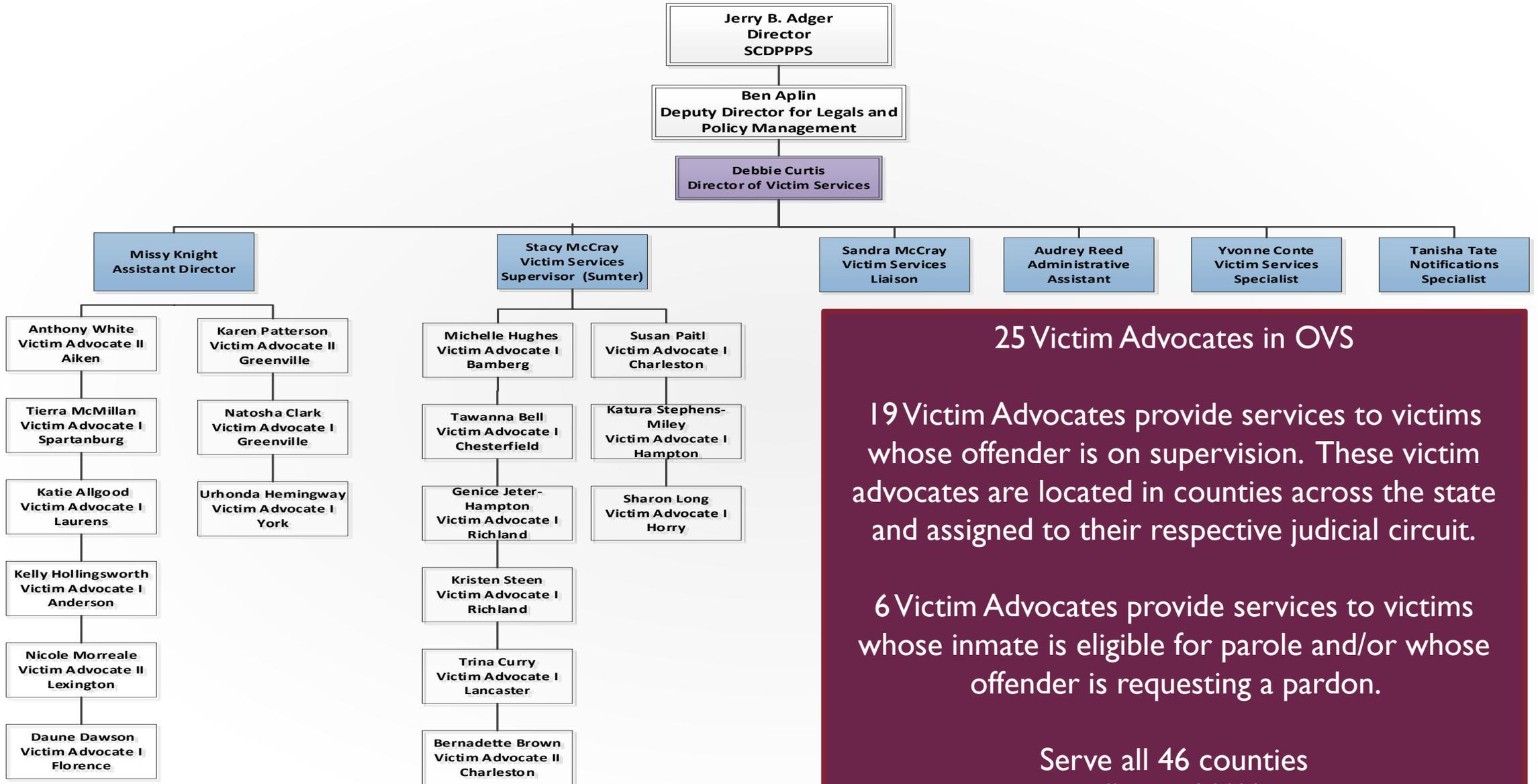
To **PROVIDE assistance to the victims of crime,**
the courts and the Parole Board; and

To **PROTECT** public trust and safety.



SCDPPPS Organizational Chart
 Effective 11.23.20

Office of Victim Services



25 Victim Advocates in OVS

19 Victim Advocates provide services to victims whose offender is on supervision. These victim advocates are located in counties across the state and assigned to their respective judicial circuit.

6 Victim Advocates provide services to victims whose inmate is eligible for parole and/or whose offender is requesting a pardon.

Serve all 46 counties
Effective 7.1.2021

VICTIM POPULATION

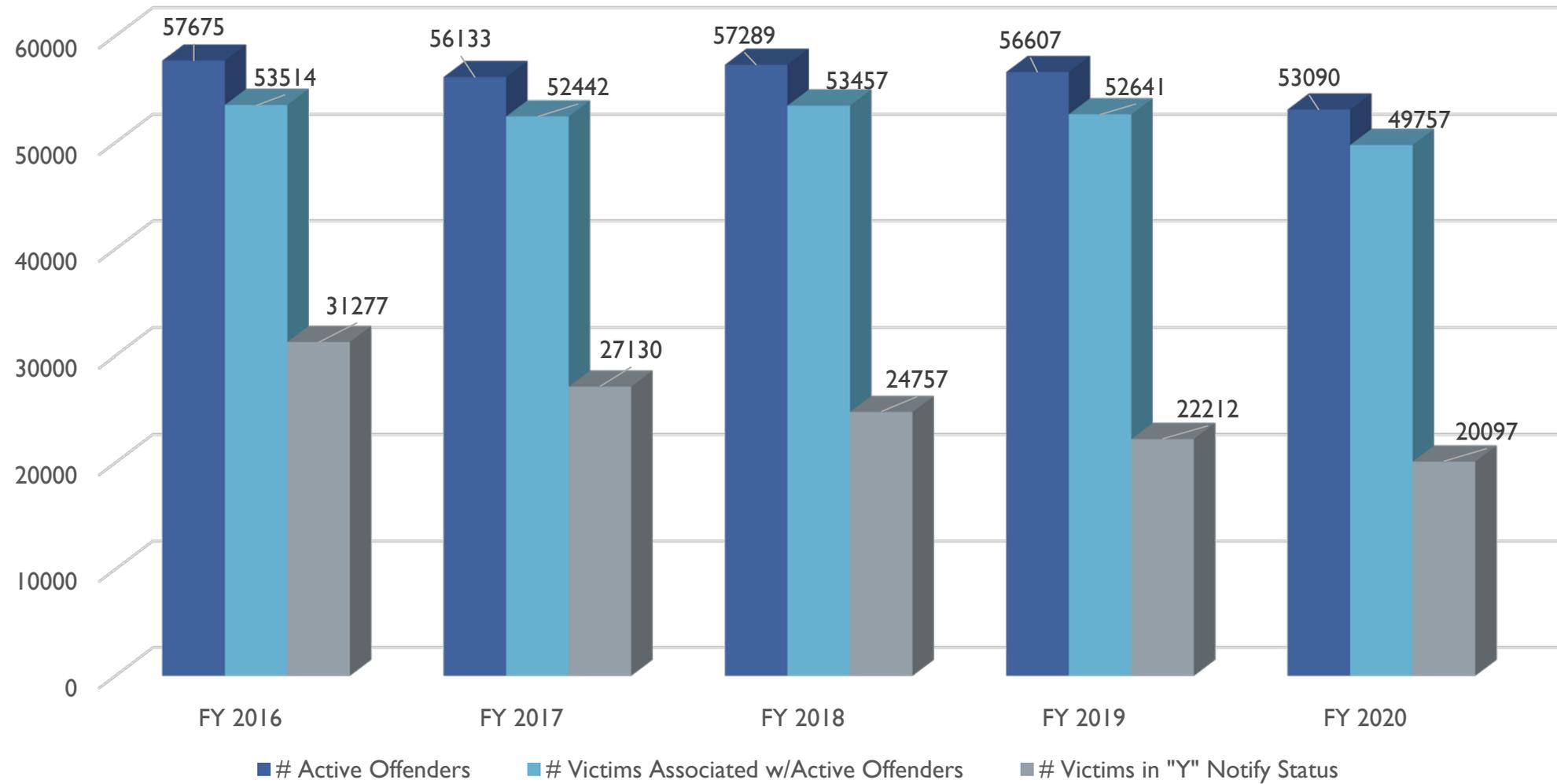
In FY 2020 there were

- 53,090 active offenders during all of FY 2020.
- **30,012** offenders committed crimes with **49,757** associated victims.

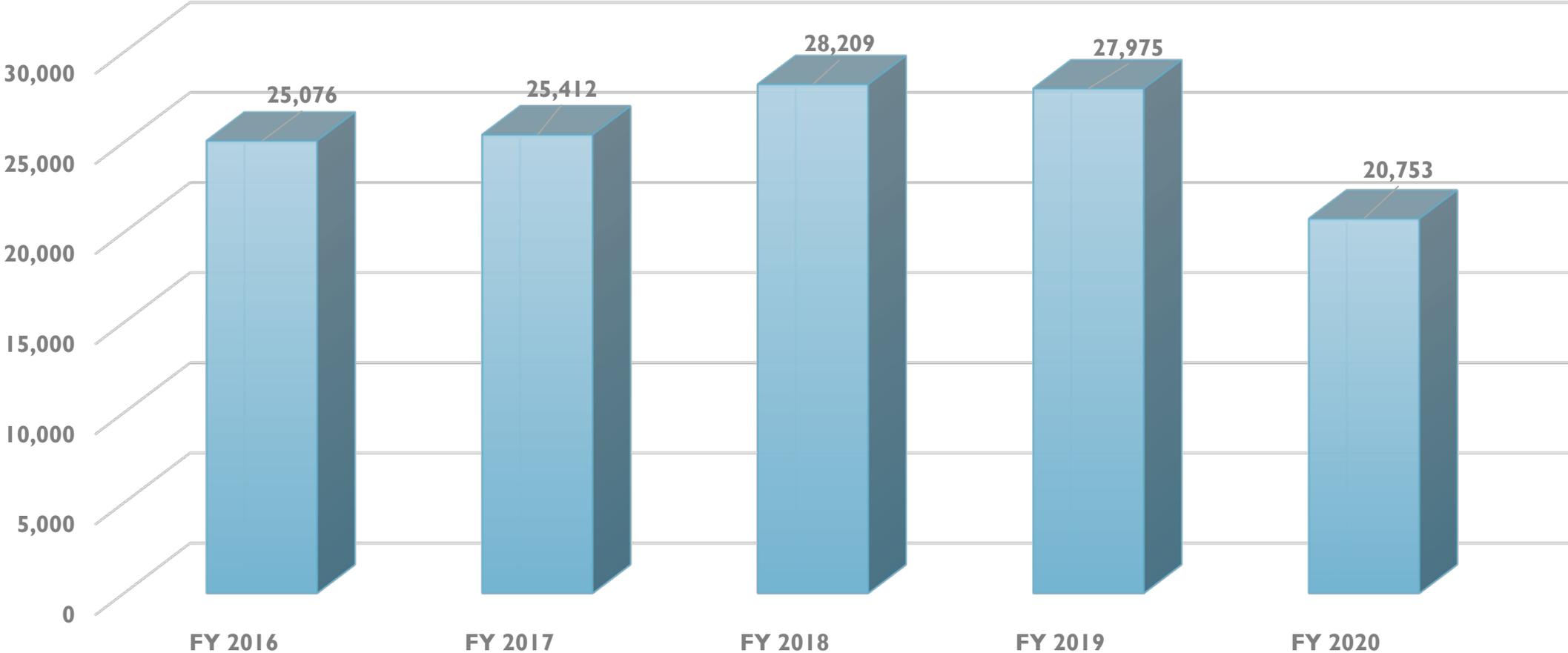
NOTE:

*The SCDPPPS Field Operations presentation reported that there were 25,950 active offenders under SCDPPPS supervision specifically on 6/30/20. That number serves as a “snapshot” of the number of active offenders on agency supervision on one particular day. The number reported above, 53,090 - is the number of offenders who were on active supervision **at any given time throughout all of FY 2020.***

Number of Victims Associated w/Active Offenders



Number of Victims Associated with Parole Eligible Inmates



OFFICE OF VICTIM SERVICES (OVS) DUTIES

All OVS staff have the following duties:

- provide victim/witness advocacy
- collect/route victim impact statements/victim contact information
- provide referrals for specialized services
- make referrals to other criminal justice agencies
- conduct training and public awareness

Serve as the
Main Point of Contact
for victims who have
questions or concerns
regarding their cases.

OVS is committed to offering the best support and services to victims and their families.

OFFICE OF VICTIM SERVICES DUTIES (OVS)

OVS Central Staff provides information and assistance to victims of...

Inmates who are eligible for parole or early release.

- Send notification letters for parole hearings, parole releases, SRP releases, CSP releases.
- Assist and facilitate victims/witnesses appearing before the Parole Board.

Applicants applying for a pardon.

- Send notification letters for pardon hearings.
- Assist and facilitate victims/witnesses appearing before the Pardon Board.

VIRTUAL PAROLE/ PARDON HEARINGS

The screenshot displays a Cisco Webex virtual meeting interface for a hearing. At the top, the title bar shows "Cisco Webex Meetings | Meeting Info | Hide Menu Bar ^" and a "Connected" status. Below this is a menu with "File", "Edit", "Share", "View", "Audio & Video", "Participant", "Meeting", and "Help". A status bar indicates "Speaking: Parole Hearings (Host)".

The main area is a grid of 20 video thumbnails. The central thumbnail, labeled "Parole Hearin... (Host)", is highlighted with a blue border. Other thumbnails include "Board Member ...", "Board Member Fred...", "board member ...", "candi cannon", "PPP OVS ... (Me)", "OVS PPP Stacy ...", "Parole ... (Cohost)", "PPP Chief Heari...", "PPP ITS - Kevin ...", "PPP OBSS Crowley", "PPP OBSS Glover", "PPP OBSS Staff ...", "PPP OBSS Wing...", "PPP OVS Allgood", "PPP OVS Hamp...", "PPP OVS Knight", "PPP OVS Tate", "PPP-ITS Frost", "PPP-ITS Khuth", "PPRS - Scott Q...", "PPRS Director", and "PPRS Director".

At the bottom, a control bar contains icons for "Unmute", "Start video", "Share", a refresh icon, a menu icon, and a red "X" icon. On the right side of the control bar are icons for "Participants", "Chat", and "More options".

PAROLE / PARDON REMOTE HEARING SITES

Charleston County Remote Site



Two 5-year grant projects to implement teleconferencing technology to enhance victim participation in hearings. Original Remote Sites for victims were in partnership with the National Guard at \$85/ hour.

Determined SCDPPPS had the ability to absorb the initial costs to bring the remote site technology in-house.

In September 2017 SCDPPPS moved from the National Guard Sites to the Charleston County and Spartanburg County probation offices.

Spartanburg County Remote Site



VICTIMS OF CRIME ACT GRANT (VOCA) 2007-20117
TOTAL AWARDED: \$33,915

PAROLE / PARDON REMOTE HEARING SITES

Anderson County Remote Site



Established January 10, 2018

To date, 65 victims have attended hearings from the Anderson site.



PAROLE / PARDON REMOTE HEARING SITES

In September 2020, SCDPPPS was awarded a grant in the amount of \$32,745 through the State Victim Assistance Program (SVAP) from the SC Department of Crime Victims Grants to establish additional remote sites in the following SCDPPPS county offices.

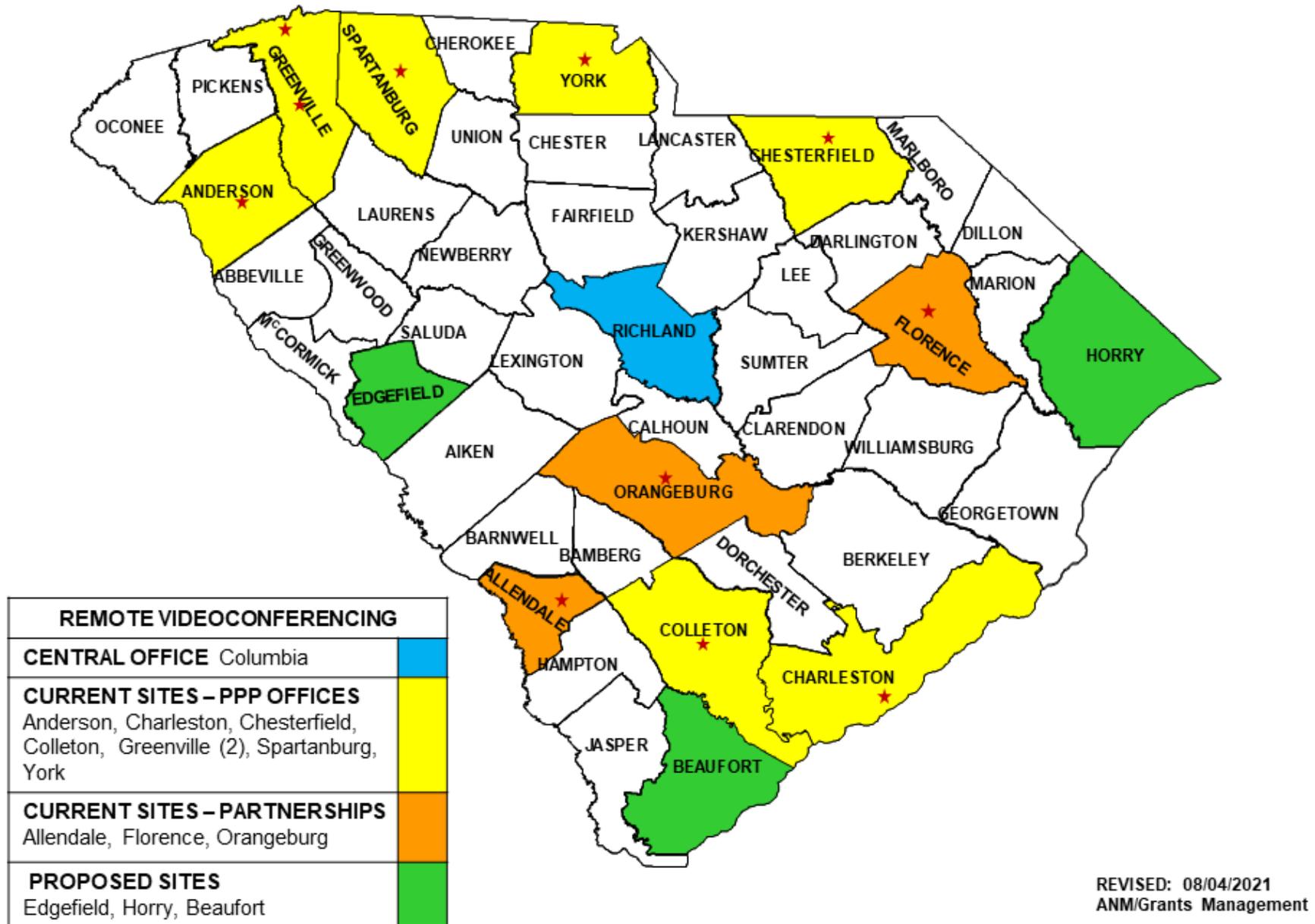
- Chesterfield
 - Colleton
 - Greenville
 - York

SCDPPPS also has partnerships with the following agencies to help facilitate the appearance of victims who wish to attend hearings remotely:

- Florence County Sheriff's Office
 - Greenville County (Marietta)
 - Allendale County Clerk of Court
- Orangeburg Department of Public Safety

During the COVID-19 pandemic, **Chester County Sheriff Max Dorsey** and **Kershaw County Sheriff Lee Boan** helped with providing a location for victims to participate virtually.

South Carolina Department of Probation, Parole and Pardon Services Current and Proposed Remote Videoconferencing Sites



REVISED: 08/04/2021
ANM/Grants Management

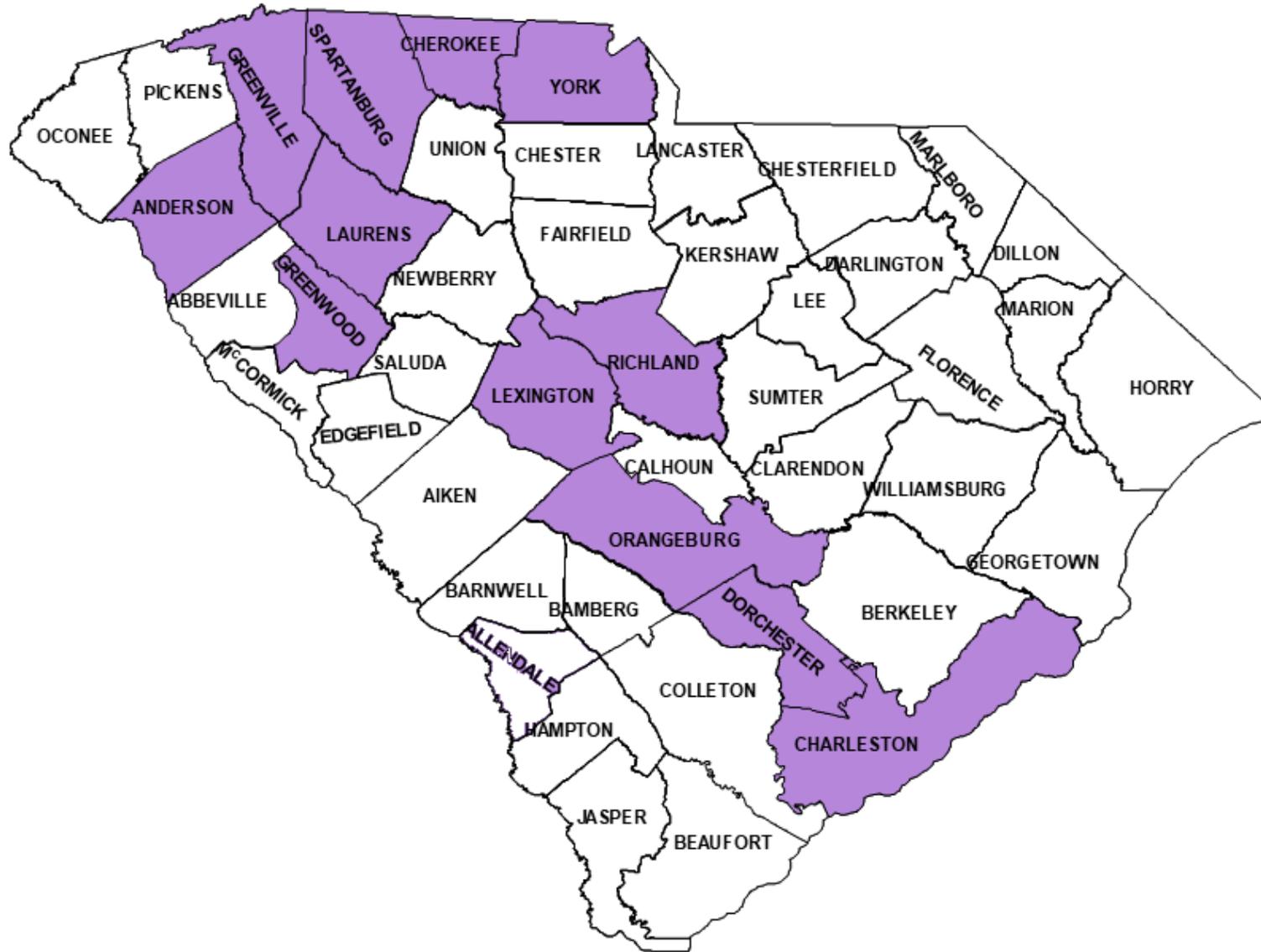
OFFICE OF VICTIM SERVICES DUTIES (OVS)

OVS Field Victim Advocates provide information and assistance to victims of...

Offenders who are on supervision (probation, parole and mandatory release programs) in the community.

- Notification and information about offender's supervision to include, but not limited to, violation hearings, if an offender absconds, case closure and status updates.
- Monitor restitution payments, if applicable.
- Accompaniment to administrative and/or general sessions court hearings.
- 12 of the 19 field victim advocates are a part of the agency's domestic violence program.

SCDPPPS Domestic Violence Specialized Caseload Counties



REVISED: 08/05/2021
ANM/Grants Management

DIVISION STAFF TRAINING

SCDPPPS Office of Victim Services staff are certified through
**The Department of Crime Victim Services Training,
Provider Certification and Statistical Analysis (CVST)**

New Victim Advocates must attend and complete 15 hours
of Basic Core Training within 1 year of the hire date.

Upon certification, victim advocates must attend and complete 12 training hours on an annual basis.

Basic Core Certification includes the following topics:

- SC Victims' Bill of Rights and Statutes
- Ethics
- Criminal Justice System/ Court Procedures
- Communication
- Multidisciplinary Collaboration
- Self-Care
- Specialized Training

Note: DCVST is located in the Crime Victim Services Division of the SC Attorney General's Office

COMMUNITY OUTREACH

All OVS Staff are encouraged to collaborate and communicate with community partners by participating in events, coordinating councils and conferences, hosting and facilitating trainings or providing training upon request.

Events, Conferences and Trainings include but are not limited to:

Walk A Mile In Her Shoes

SC Victims' Rights Week

SC LEVA Conference

Clemson National Night Out

Judicial Circuit Regional Trainings

Tri County Victim Services Council

Orangeburg County Sheriff's Office/SCVAN Core Training

SC Attorney General's Silent Witness

OVS also applies for the National Crime Victims' Rights Week grant every year. If awarded, total funding available each year is \$5,000. OVS has received funding 7 times since 2011 for a total of \$35,000.





DELIVERABLES

OFFICE OF VICTIM SERVICES

Victims' Bill Of Rights

To preserve and protect victims' rights to justice and due process regardless of race, sex, age, religion, or economic status, victims of crime have the right to:

- 1) be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal and juvenile justice process, and informed of the victim's constitutional rights, provided by statute;*
- 2) be reasonably informed when the accused or convicted person is arrested, released from custody, or has escaped;*
- 3) be informed of and present at any criminal proceedings which are dispositive of the charges where the defendant has the right to be present;*
- 4) be reasonably informed of and be allowed to submit either a written or oral statement at all hearings affecting bond or bail;*

Victims' Bill Of Rights

- 5) *be heard at any proceeding involving a post-arrest release decision, a plea, or sentencing;*
- 6) *be reasonably protected from the accused or persons acting on his behalf throughout the criminal justice process;*
- 7) *confer with the prosecution, after the crime against the victim has been charged, before the trial or before any disposition and informed of the disposition;*
- 8) *have reasonable access after the conclusion of the criminal investigation to all documents relating to the crime against the victim before trial;*

Victims' Bill Of Rights

- 9) receive prompt and full restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury, including both adult and juvenile offenders;
- 10) be informed of any proceeding when any post-conviction action is being considered, and be present at any post-conviction hearing involving a post-conviction release decision;
- 11) a reasonable disposition and prompt and final conclusion of the case;
- 12) have all rules governing criminal procedure and the admissibility of evidence in all criminal proceedings protect victims' rights and have these rules subject to amendment or repeal by the legislature to ensure protection of these rights.

VICTIM INFORMATION AND NOTIFICATION

Legislative Intent:

“...to implement the rights guaranteed to victims in the Constitution of this State, the General Assembly declares its intent, in this article, to ensure that all victims of and witnesses to a crime are treated with dignity, respect, courtesy, and sensitivity; that the rights and services extended in this article to victims of and witnesses to a crime are honored and protected by law enforcement agencies, prosecutors, and judges in a manner no less vigorous than the protections afforded criminal defendants...

DELIVERABLE 6

Sections 16-3-1505; 16-3-1515; 16-3-1545; 16-3-1555; 16-3-1560; 16-3-1910; 24-21-221; 24-21-560(G); S.C. Constitutional article 1, § 24.

VICTIM INFORMATION AND NOTIFICATION

The prosecuting agency (or summary court if summary court retains jurisdiction) has a legal duty to...

- Send SCDPPPS, within 15 days of sentencing, where 90 days or more incarceration was ordered;
 - copy of each victim's impact statement, or
 - name, mailing address, and telephone number of each victim, or
 - both
- Inform the victim of:
 - Victim's responsibility to provide their legal name, address and phone number to prosecuting agency, SCDC, SCDPPPS, Board of Juvenile Parole, or Attorney General, as appropriate
 - How to contact SCDC, SCDPPPS, Board of Juvenile Parole, or Attorney General, as appropriate
 - About collection of restitution, fees, and expenses

DELIVERABLE 6
and
DELIVERABLE 16

*Sections 16-3-1515;
-1535; -1545;
-1555; -1560;
-1910; 24-21-221;
24-21-560(G); S.C.
Constitutional article
1, § 24.*

VICTIM INFORMATION AND NOTIFICATION

Victims have a duty to...

- provide SCDPPPS their name, current mailing address, and current telephone number upon which SCDPPPS must rely, if they want to be contacted.

SCDPPPS has a duty to...

- reasonably attempt to notify each victim, who has indicated a desire to be notified, of post-conviction proceedings affecting probation, parole, or release of the offender.

DELIVERABLE 6

*Sections 16-3-1515;
16-3-1545; 16-3-
1555; 16-3-1560;
16-3-1910; 24-21-
221; 24-21-560(G);
S.C. Constitutional
article 1, § 24.*

VICTIM INFORMATION AND NOTIFICATION

- Upon receiving a new probation case, the Field Victim Advocate will send a notification to the victim, provided SCDPPPS receives the victim's address.
- Included in the letter will be the sentence the offender received, the conditions of supervision to include any special conditions and the contact information for the Victim Advocate.

DELIVERABLE 6

*Sections 16-3-1515;
16-3-1545; 16-3-
1555; 16-3-1560;
16-3-1910; 24-21-
221; 24-21-560(G);
S.C. Constitutional
article I, § 24.*

VICTIM INFORMATION AND NOTIFICATION

When an inmate enters SCDPPPS' Supervised Reentry Program (SRP)...

- SCDPPPS notifies registered victims of the inmate's pending release and the contact information for the county of supervision.

When an inmate enters SCDPPPS' Community Supervision Program (CSP)...

- SCDPPPS notifies the sheriff's office in the county where the inmate is to be released, and the victim.
- SCDC notifies SCDPPPS 180 days prior to the inmate being released to CSP (or immediately if inmate sentenced to 180 days or less)

DELIVERABLE 6

*Sections 16-3-1515;
16-3-1545; 16-3-
1555; 16-3-1560;
16-3-1910; 24-21-
221; 24-21-560(G);
S.C. Constitutional
article 1, § 24.*

VICTIM INFORMATION AND NOTIFICATION

If the victim has indicated a desire to receive continued notification while the offender is under SCDPPPS supervision, they will be notified...

- When a violation hearing is scheduled and advised of their right to participate in the hearing.

Depending on whether the individual is on probation, parole, CSP, or SRP, violation hearings can be heard before an Administrative Hearing officer, Circuit Court Judge or the Parole Board.

- When a case is being considered for early termination and advised of their right to participate in any hearing.
- When an offender absconds from supervision; and
- When a case is closed and the offender is no longer under the jurisdiction of SCDPPPS.

DELIVERABLE 6

*Sections 16-3-1515;
16-3-1545; 16-3-
1555; 16-3-1560;
16-3-1910; 24-21-
221; 24-21-560(G);
S.C. Constitutional
article I, § 24.*

VICTIM INFORMATION AND NOTIFICATION

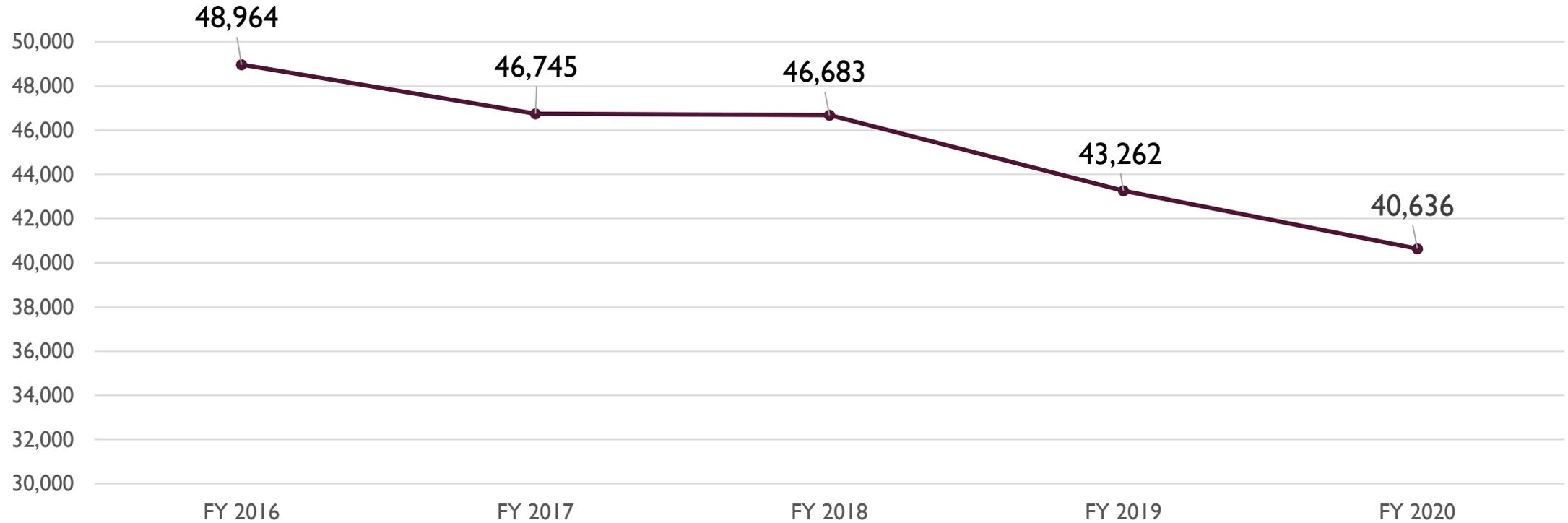
30 days prior to a parole hearing, SCDPPPS notifies the following:

- any victim who suffered damage to his person, or, if such victim is deceased, to members of his immediate family to the extent practicable,
- solicitor who prosecuted the prisoner, and
- law enforcement agency responsible for the arrest.

DELIVERABLE 6

Sections 16-3-1515; 16-3-1545; 16-3-1555; 16-3-1560; 16-3-1910; 24-21-221; 24-21-560(G); S.C. Constitutional article I, § 24.

Notification Letters Sent to Victims in a Fiscal Year



Cost per customer	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
	\$10.65	\$33.73	\$31.67	\$31.72	\$38.65

FY 2020 Cost to Department: \$62,816

Customer description: Victims of Crime, Law Enforcement Agencies, Solicitor's Offices and the Attorney General's Office

Note: The number of notifications mailed to victims decreased as a result of the decrease in the overall number of offenders supervised and victims serviced by the department.

VICTIM INFORMATION AND NOTIFICATION

Permanent Restraining Orders

- SCDPPPS allows an individual requesting a permanent restraining order against someone confined in an SCDC facility to come to SCDPPPS's Richland County office to have the hearing on the restraining order conducted via closed circuit television.

DELIVERABLE 6

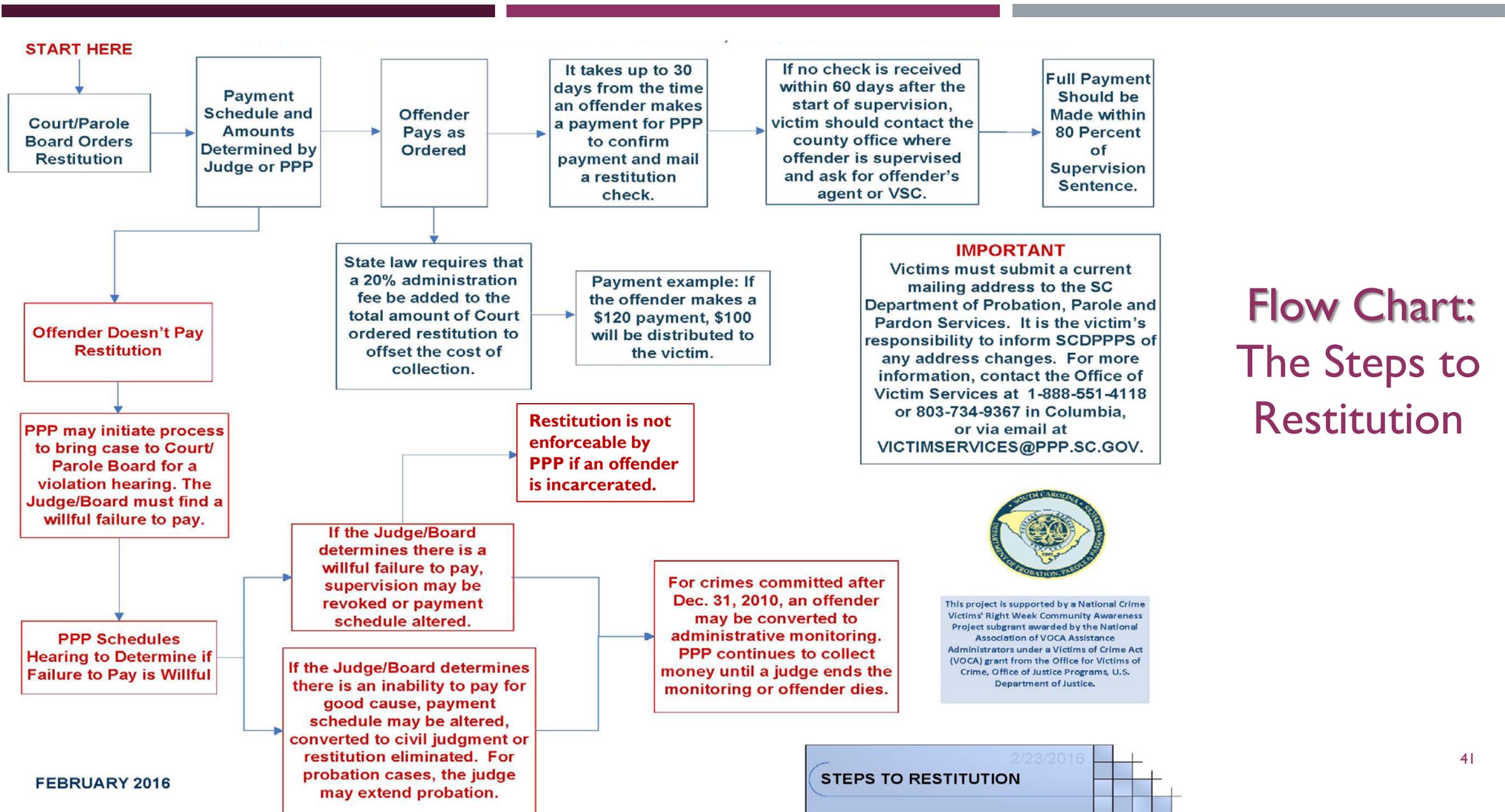
*Sections 16-3-1515;
16-3-1545; 16-3-
1555; 16-3-1560;
16-3-1910; 24-21-
221; 24-21-560(G);
S.C. Constitutional
article I, § 24.*

MONITORING RESTITUTION PAYMENTS

23,110 victims had active restitution accounts in FY 2020

- SCDPPPS enforces restitution ordered by a judge or by the parole board.
- Offenders' restitution payments are scheduled on a monthly basis and the Department makes every effort to ensure the offender fulfills this obligation.

7,058
victims
received at
least one
restitution
payment in
FY 2020



Flow Chart: The Steps to Restitution



This project is supported by a National Crime Victims' Right Week Community Awareness Project subgrant awarded by the National Association of VOCA Assistance Administrators under a Victims of Crime Act (VOCA) grant from the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice.



South Carolina Department of Probation, Parole & Pardon Services
Office of Victim Services - Register for Notification of Hearings

Inmate's Name _____ SCDC # (if known) _____

Offense(s) _____

County _____ Date of Sentence _____

Sentence _____

Name of Person Requesting Notification _____

Your Relationship to Victim _____

Address _____ Home Phone # _____

_____ Work Phone # _____

_____ Cell Phone # _____

I request to be notified of any parole hearing regarding the above named inmate. I understand that if my address and/or phone number changes, I am responsible for notifying the Office of Victim Services, SCDCPPPS.

WARNING

_____ Date _____ Signature

Mail this form to:
Office of Victim Services
S.C. Department of Probation, Parole & Pardon Services
293 Greystone Blvd., Columbia, SC 29210
P.O. Box 207, Columbia, SC 29202

If you have questions, call toll free:
1-888-551-4118 or
(803) 734-9367 (in Columbia)

**The S.C. Department of Corrections, a separate agency, will notify you in the event of escape or release on a community program, provided they have your notification request on file. Please contact SCDC Victim Services, at (803) 896-1733 or 1-800-835-0304 if you live outside the Columbia area, for more information or to answer questions concerning this matter.*

Form for Victim Registration for Notification of Hearings

Form may be used to register for any of the notifications provided by the Office of Victim Services and County Victim Advocates.

Form has also been provided to the Solicitor's offices for use.

Form is available on our website in a fillable, printable PDF. Anyone wishing to request notification may download and complete the form then mail it to our Central Office Victim Services.

South Carolina Department of Probation, Parole and Pardon Services
Victim Information For Probation Cases



South Carolina Department of Probation, Parole and Pardon Services
VICTIM INFORMATION FOR PROBATION CASES
PLEASE FORWARD THIS FORM TO YOUR LOCAL PROBATION OFFICE

Offender's Name _____ County _____
 Offense(s) _____
 Indictment # _____ Count # _____

Victim's Name _____
 Victim's Mailing Address _____

 Victim's Home Phone # _____ Work# _____
 Other Contact # _____
 Restitution Ordered: (check one) YES NO
 If yes, list amount ordered: _____
 Judge Ordered Restitution Hearing To Be Held Later
(To be scheduled by the Solicitor's Office) YES NO

USE SEPARATE FORM FOR EACH VICTIM
 Please attach victim impact statement to this form, if available.

Form 1373 (Template)

Form for Victim Registration (Probation Cases)

Form may be used to register for any of the notifications provided by the Office of Victim Services and County Victim Advocates.

This forms has also been provided to the Solicitor's offices for use.

Form is available on our website in a fillable, printable PDF. Anyone wishing to request notification may download and complete the form then mail it to our Central Office Victim Services.

ADMINISTRATIVE RECOMMENDATIONS

SCDPPPS Director may appoint an administrative hearing officer to review cases involving nonviolent crimes. If this occurs...

- officer must provide written findings of fact and recommendations to the full parole board, which shall be the basis for a determination by the board; and
- recommendations must be made available to the victim prior to the offender's parole hearing.

BUT, the Department currently does not make administrative recommendations regarding offenders' opportunity to be granted parole*

*

DELIVERABLE 7

*Sections 24-21-35;
Section 24-21-620*

ADMINISTRATIVE RECOMMENDATIONS- RECOMMENDED LAW CHANGE #4

Wording of Current Law:

The Department of Probation, Parole and Pardon Services Board shall make its administrative recommendations available to a victim of a crime before it conducts a parole hearing for the perpetrator of the crime.

Proposed revision to law's wording:

The Department ~~Board~~ of Probation, Parole and Pardon Services ~~Board~~ shall make ~~its~~ any administrative recommendations which are submitted by an administrative hearing officer pursuant to Article 7 of this Chapter, available to a victim of a crime before it conducts a parole hearing for the perpetrator of the crime.

DELIVERABLE 7

*Sections 24-21-35;
Section 24-21-620*

VICTIM SERVICES COORDINATING COUNCIL

SCDPPPS Director or his designee serves as one of twenty-two members of the Victim Services Coordinating Council and carries out the Council's authorized powers and duties to solicit input on issues affecting relevant stakeholders when those stakeholders are not explicitly represented.

The Victim Services Coordinating Council shall meet at least four times per year.

Customer description:

SC Victims and agencies that serve victims

DELIVERABLE 13

*Section 16-3-1430
(B)(2)*

OFFICE OF VICTIM SERVICES FUTURE PROGRAMS

Victim Offender Dialogue Program

“VOD is a victim-centered, offender-sensitive facilitated preparation and dialogue process typically involving a victim, his/her/their offender and a trained volunteer mediator.”

National Crime Victim Law Institution 2017



Victim Impact Classes

12-week curriculum designed to facilitate changes in an offender’s thinking, feeling and behavior.





OTHER EXECUTIVE DELIVERABLES



DATA SECURITY BREACH RESPONSE

Must disclose a breach of the Department's security system or a breach in the security of data to each South Carolina resident where his or her unencrypted and unredacted personal identifying information was, or is reasonably believed to have been, acquired by an unauthorized person, and an illegal use of the information has occurred or is likely to occur, or use of the information creates a material risk of harm to the resident.

DELIVERABLE 9

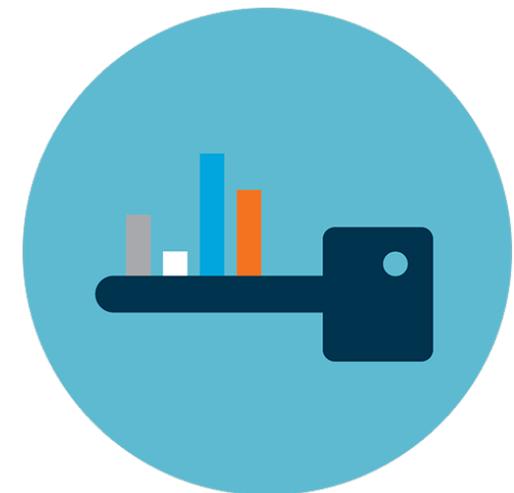
Sections 1-11-490 (A); 16-13-510 (D)

DATA SECURITY BREACH RESPONSE

The disclosure must be made in the **most expedient time possible and without unreasonable delay**, consistent with the legitimate needs of law enforcement, or with measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

DELIVERABLE 9

*Sections 1-11-490 (A);
16-13-510 (D)*



DATA SECURITY BREACH RESPONSE

DELIVERABLE 9
Sections 1-11-490 (A); 16-13-510 (D)

Personal Identifying Information (as defined by S.C. Law)

- social security numbers
- driver's license numbers or state identification card numbers issued instead of a driver's license
- checking account numbers
- savings account numbers
- credit card numbers
- debit card numbers
- personal identification (PIN) numbers
- electronic identification numbers
- digital signatures
- dates of birth
- current or former names
- current or former addresses
- other numbers, passwords, or information which may be used to access a person's financial resources

DATA SECURITY BREACH RESPONSE

DELIVERABLE 9
Sections 1-11-490 (A); 16-13-510 (D)

Legislative Intent:

- To provide a means for state agency disclosure of unauthorized access to or acquisition of the personal identifying information of a resident whose information the agency owns or licenses
- To provide for civil damages, attorney's fees, and injunctive relief . . . and to further define “personal identifying information.”

1-11-490; 16-13-510(D); (2008 Act No. 190).

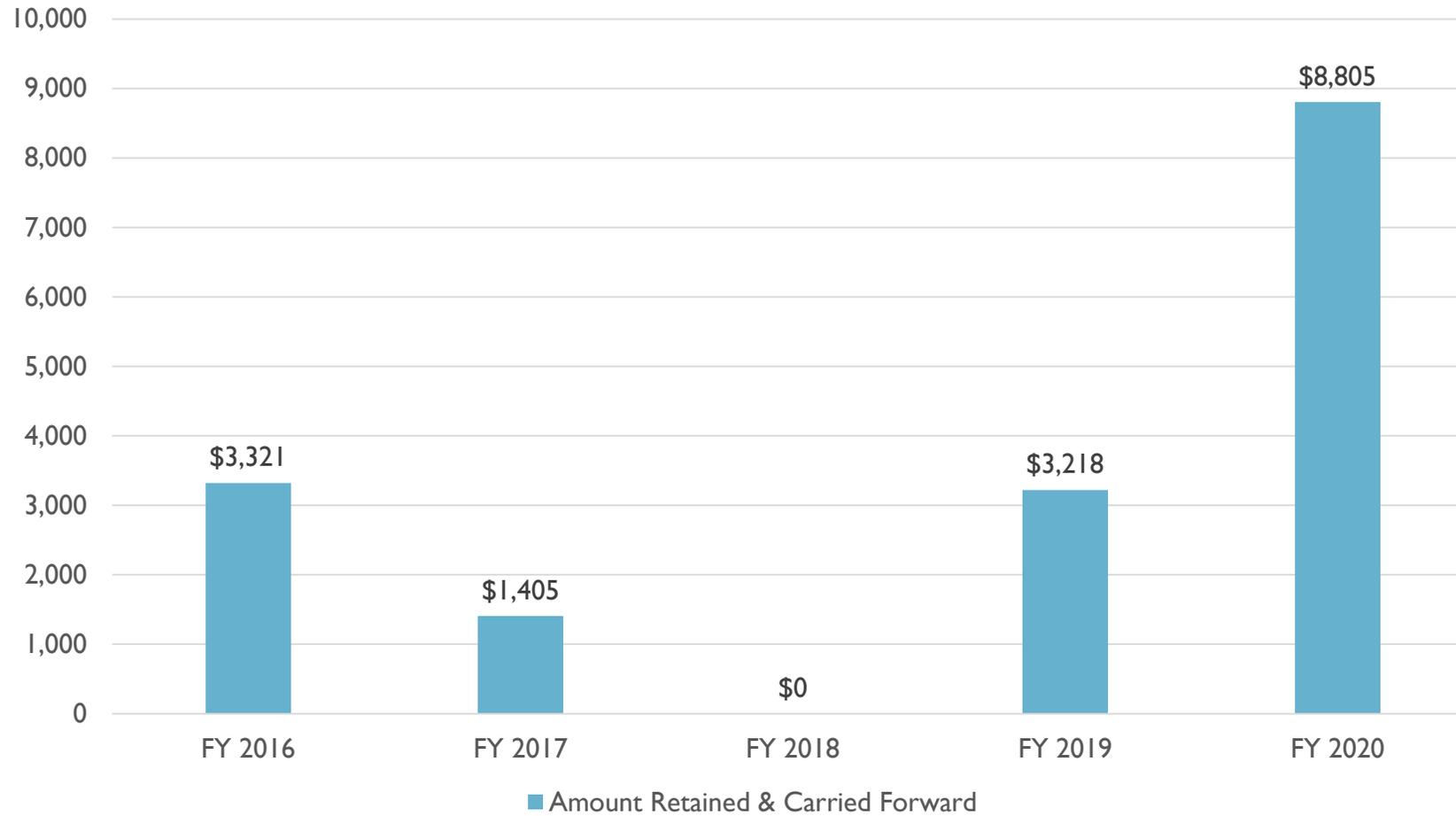
SALE OF EQUIPMENT

All revenue generated by the department from the sale of various equipment in excess of \$575 (less the cost of disposition incurred by the Department of Administration) may be retained and carried forward into the current fiscal year and expended for the purpose of purchasing like items.

DELIVERABLE 10

Proviso 66.1

Amount from Sale of Equipment Retained by SCDPPPS



Note: Amounts are strictly based on sales at State Surplus.



COMMISSIONS AND COLLABORATIONS

EXECUTIVE DELIVERABLES

SEXUALLY VIOLENT PREDATOR REVIEW TEAM

Director of SCDC must appoint a multidisciplinary sexually violent predator review team

Membership of the team must include:

- representative from
 - Department of Corrections;
 - Department of Probation, Parole and Pardon Services;
 - Department of Mental Health who is a trained, qualified mental health clinician with expertise in treating sexually violent offenders;
- retired judge appointed by the Chief Justice who is eligible for continued judicial service pursuant to Section 2-19-100; and
- attorney with substantial experience in the practice of criminal defense law to be appointed by the Chief Justice to serve a term of one year.

DELIVERABLE 15

*Sections 44-48-30;
44-48-40; 44-48-50*

SEXUALLY VIOLENT PREDATOR REVIEW TEAM

The team is notified, along with the victim, and the Attorney General, if...

- a person has been convicted of a sexually violent offense, or
- agency with jurisdiction must give written notice
- Parole Board grants the offender conditional parole
- Parole Board immediately must send notice

DELIVERABLE 15

*Sections 44-48-30;
44-48-40; 44-48-50*

SEXUALLY VIOLENT PREDATOR REVIEW TEAM

Within 30 days of receiving notice in Section 44-48-40...

- Team must assess whether the person satisfies the definition of a sexually violent predator.
 - Records reviewed may include, but are not limited to, the person's criminal offense record, any relevant medical and psychological records, treatment records, victim's impact statement, and any disciplinary or other records formulated during confinement or supervision.
- If team determines person satisfies the definition,
 - team must forward a report of the assessment to the prosecutor's review committee and notify the victim.

DELIVERABLE 15

*Sections 44-48-30;
44-48-40; 44-48-50*

SEXUALLY VIOLENT PREDATOR REVIEW TEAM

Legislative Intent:

The General Assembly finds...

- mentally abnormal and extremely dangerous group of sexually violent predators exists who require involuntary civil commitment in a secure facility for long term control, care, and treatment.
- likelihood these sexually violent predators will engage in repeated acts of sexual violence if not treated for their mental conditions is significant.
- Because the existing civil commitment process is inadequate to address the special needs of sexually violent predators and the risks that they present to society, a separate, involuntary civil commitment process for the long term control, care, and treatment of sexually violent predators is necessary.
- Due to the nature of the mental conditions from which sexually violent predators suffer and the dangers they present, it is necessary to house involuntarily committed sexually violent predators in secure facilities separate from persons involuntarily committed under traditional civil commitment statutes.”

DELIVERABLE 15

*Sections 44-48-30;
44-48-40; 44-48-50*

SEXUALLY VIOLENT PREDATOR REVIEW - OFFENSES

SECTION 44-48-30.

"Sexually violent offense" means:

- (a) criminal sexual conduct in the first degree, as provided in Section 16-3-652;
- (b) criminal sexual conduct in the second degree, as provided in Section 16-3-653;
- (c) criminal sexual conduct in the third degree, as provided in Section 16-3-654;
- (d) criminal sexual conduct with minors in the first degree, as provided in Section 16-3-655(A);
- (e) criminal sexual conduct with minors in the second degree, as provided in Section 16-3-655(B);
- (f) criminal sexual conduct with minors in the third degree, as provided in Section 16-3-655(C);
- (g) engaging a child for a sexual performance, as provided in Section 16-3-810;
- (h) producing, directing, or promoting sexual performance by a child, as provided in Section 16-3-820;
- (i) assault with intent to commit criminal sexual conduct, as provided in Section 16-3-656;
- (j) incest, as provided in Section 16-15-20;
- (k) buggery, as provided in Section 16-15-120;
- (l) violations of Article 3, Chapter 15, Title 16 involving a minor when the violations are felonies;
- (m) accessory before the fact to commit an offense enumerated in this item and as provided for in Section 16-1-40;
- (n) attempt to commit an offense enumerated in this item as provided by Section 16-1-80;
- (o) any offense for which the judge makes a specific finding on the record that based on the circumstances of the case, the person's offense should be considered a sexually violent offense; or
- (p) criminal solicitation of a minor, as provided in Section 16-15-342, if the purpose or intent of the solicitation or attempted solicitation was to:
 - (i) persuade, induce, entice, or coerce the person solicited to engage or participate in sexual activity as defined in Section 16-15-375(5); or
 - (ii) perform a sexual activity in the presence of the person solicited.

SEXUALLY VIOLENT PREDATOR OFFENDER REVIEW PROCESS

- 1) The multidisciplinary team reviews the records of each offender referred to the team.
- 2) If the offender meets the criteria to be classified as a sexual predator, the team refers the case to the next stage, prosecution review.
- 3) If the Prosecutor Review Team finds probable cause, then a probable cause hearing is scheduled.
- 4) If probable cause is found in the hearing, an offender evaluation is performed by an examiner appointed by the state.
- 5) The offender's case goes to trial by a court or jury, where a final determination is made whether or not to commit the offender.

SEXUALLY VIOLENT PREDATOR MULTI-DISCIPLINARY TEAM DATA

(AS OF 7-15-21)

Total number of cases reviewed	10,331
Total number of cases referred	1,644
Total number of cases not referred	8,256

Total number of males reviewed	9,806
Total number of females reviewed	80
Total adult males committed	365
Total adult females committed	0

DELIVERABLE 15

*Sections 44-48-30;
44-48-40; 44-48-50*

Total number of adults reviewed	9,886
Total number of juveniles reviewed	445
Total number of adults referred	1,573
Total number of juveniles referred	71
Total juveniles committed	0

Total number of offenders released	145
Total number of offenders that have died in program	21
Total number of offenders currently in the program	199
Total number of offenders committed <i>(all adult males*)</i>	365

SC SENTENCING GUIDELINES COMMISSION (DISSOLVED)

Membership included:

- Chairman of the Board of the SCDPPPS, or his designee who must be a member of that board or who must be the Commissioner or Executive Director of SCDPPPS + 12 other voting members and 4 nonvoting members

Required to submit annual report

- To Governor, General Assembly, and Chief Justice of the Supreme Court
- Included a comprehensive state criminal justice ten-year, five-year, and one-year plan for preventing prison and jail overcrowding

Commission dissolved in 2004

DELIVERABLE I I

*Sections 24-26-10;
24-26-20*

SC SENTENCING GUIDELINES COMMISSION (DISSOLVED)

Other Duties and Responsibilities

- Research and gather relevant statistical data and other information concerning the impact of efforts to prevent prison and jail overcrowding and make the information available to criminal justice agencies and members of the General Assembly;
- Serve as a clearing house and information center for the collection, preparation, analysis, and dissemination of information on state and local sentencing practices and conduct ongoing research regarding sentencing guidelines, use of imprisonment and alternatives to imprisonment, plea bargaining, and other matters relating to the improvement of the criminal justice system;
- Make recommendations to the General Assembly regarding changes in the criminal code, criminal procedures, and other aspects of sentencing.

DELIVERABLE I I

*Sections 24-26-10;
24-26-20*

PILOT PROGRAMS TO CREATE INNOVATION

- SCDPPPS is to enter into pilot programs with the Budget and Control Board and other agencies to create innovations in state government.
- Budget and Control Board
 - authorized to enter into pilot programs with individual agencies or groups of agencies to create innovations in State Government.
 - will monitor the findings and results of pilot programs to determine if legislative recommendations should be provided to the General Assembly.

DELIVERABLE 12

Section 8-1-190

Note: Code Commissioner's Note to Section 8-1-190 states: "At the direction of the Code Commissioner, reference in this section to the former Budget and Control Board has not been changed pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), until further action by the General Assembly."

PILOT PROGRAMS TO CREATE INNOVATION

Legislative Intent:

“...ensure that the heads of state agencies, departments, and institutions are held accountable for the effective and efficient use of the public resources entrusted to them annually in the appropriation process.”

“Each agency, department, or institution head is expected to have in place an effective system of management controls to prevent and detect improper conduct by their employees. In the event of mismanagement, waste, or abuse allowed by an agency, department, or institution head, the Governor, constitutional officer, or governing board is expected to take swift and appropriate action to correct the matter and regain the public trust.”

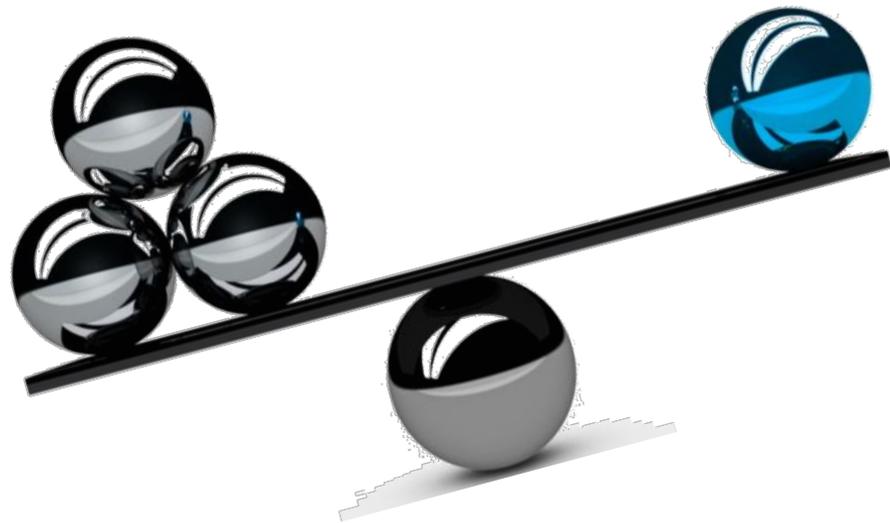
8-1-190. (1993 Act No. 178)

DELIVERABLE 12

Section 8-1-190

A BALANCING ACT

To prepare **offenders** under our supervision toward becoming productive members of the community;



To provide assistance to the **victims** of crimes, the courts and the Parole Board; and

To protect **public** trust and safety.

Jerry B. Adger

Director

Jerry.Adger@ppp.sc.gov

803-734-9220



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COMMITTEE CONTACT INFORMATION AND UPCOMING MEETINGS

Legislative Oversight Committee



South Carolina House of Representatives

Committee Mission

Determine if agency laws and programs are being implemented and carried out in accordance with the intent of the General Assembly and whether they should be continued, curtailed or eliminated. Inform the public about state agencies.

Website: <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php>

Phone Number: 803-212-6810

Email Address: HCommLegOv@schouse.gov

Location: Blatt Building, Room 228

UPCOMING MEETINGS

Law Enforcement and Criminal Justice Subcommittee

TBD

END NOTES

¹ Visual Summary Figure 2 is compiled from information in the Department of Probation, Parole, and Pardon Services study materials available online under “Citizens’ Interest,” under “House Legislative Oversight Committee Postings and Reports,” and then under “Probation, Parole, and Pardon Services, Department of” <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyPHPFiles/ProbationParoleandPardon.php> (accessed April 22, 2021).