

Parole Information Provided to Inmate and Inmate's Family

31. Please provide a copy of information an inmate or inmate's family would receive regarding the parole process, eligibility, criteria, etc.

Please see the attached documents provided to inmates by the agency prior to a parole hearing:

- **“Question 31- 1212 Criteria for Parole Consideration”**
- **“Question 31- Inmate Hearing Notification Letter”**
- **“Question 31- Hearing Witness Portal Statement”**

Please note, the inmate's family may also obtain information from the Department's website at <https://www.dppps.sc.gov/index.php>

South Carolina Department of Probation, Parole and Pardon Services
Criteria For Parole Consideration

SC Board of Probation, Parole and Pardon Services
 P.O. Box 50666
 Columbia, SC 29250

Inmate Name	SCDC#
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Criteria for Parole Consideration

The South Carolina parole law creates no right to be released on parole. Parole in South Carolina is strictly a matter of privilege or grace. The South Carolina Board of Probation, Parole and Pardon Services has absolute discretion to grant or deny parole. As such, the publication of these parole criteria in no way creates an expectancy of release; nor does it bind the Parole Board in any way to favorable parole decision or establish any presumptions of entitlement to parole.

In deciding whether or not to grant parole, the Parole Board considers, among other things, the inmate’s record before incarceration as well as during incarceration. The record itself is prepared through investigations conducted for the Parole Board, and it becomes a part of the inmate’s parole file. The files are maintained by the Department of Probation, Parole and Pardon Services and are, by the statute, privileged and confidential. The confidentiality of the parole file is far reaching; inmates themselves have no right to inspect the contents of their files. If the inmate thinks his/her file is somehow incomplete or contains some errors or other inaccuracy, he/she must notify the Board of the specific error or inaccuracy. The Board will investigate the inquiry and notify the inmate of the action taken.

Inmates do, however, enjoy certain rights in the parole process. The inmate has the right to appear at his parole hearing. If the inmate fails to appear, the Board may decide his/her case in absence. The inmate has the right to be represented by an attorney; however, he/she has no right to have an attorney appointed if he/she cannot afford one. At the hearing, the inmate has the right to present witnesses and evidence on his/her own behalf, but an inmate does not have a right to confront witnesses.

In deciding whether or not an inmate should be granted parole, the Board or Panel of the Board exercises its absolute discretion to the limits allowed by state and federal law. The discretion of the Board or panel aims at protecting the best interest of both society and the inmate being considered for parole. In its concern for the protection of society’s and the inmate’s best interests, the Board or Panel deliberates upon the “reasonable probability” that an inmate will not again violate the law, if parole is granted. When deliberating that an inmate will not again violate the law, the Board or Panel weighs the factors listed below. The Board or Panel, in its absolute discretion, also considers any other factors not listed below which it considers relevant in a particular case.

1. The risk the inmate poses to the community;
2. The nature and seriousness of the inmate’s offense, the circumstances surrounding the offense, and the inmate’s attitude toward it;
3. The inmate’s prior criminal records and his/her adjustment under any previous programs or supervision;
4. The inmate’s attitude toward his/her family, the victim, and authority in general;
5. The inmate’s adjustment while in confinement, including his/her progress in counseling, therapy, and other similar programs designed to encourage the inmate to improve himself/herself;
6. The inmate’s employment history, including his/her job training and skills and his/her stability in the work place’
7. The inmate’s physical, mental and emotional health;
8. The inmate’s understanding of the cause of his/her past criminal conduct;
9. The inmate’s efforts to solve his/her problems such as seeking treatment for substance abuse, enrolling in academic and vocational education courses, and in general using whatever resources the Department of corrections has made available to inmates to help with their problems;
10. The adequacy of the inmate’s overall parole plan. This includes inmates living arrangements, where he/she will live and who he will live with; the character of those with whom the inmate plans to associate in both his/her working hours and his/her off-work hours; the inmate’s plans for gainful employment;
11. The willingness of the Community into which the inmate will be released to receive the inmate;
12. The willingness of the inmate’s family to allow his/her to return to the family circle;
13. The attitudes of the sentencing judge, the solicitor, and local law enforcement officers respecting the inmates; parole;
14. The feelings of the victim’s family, and any witnesses to the crime about the release of the inmate
15. The actuarial risk and needs assessment outlined in section 24-21-10 (F)(1) of the S.C. Code of laws; which evaluates based on Criminal Involvement, Relationships/Lifestyle, Personality/Attitudes, Family, Social Exclusion and Mental Health.
16. Other factors considered relevant in a particular case by the Board.

Reservation of Discretionary Power of the Parole Board

These criteria in no way limit the absolute discretion of the Parole Board or Panel to make parole decisions on a case-by case basis and to grant or deny parole as it determines to be in the best interest of society and the inmate under review.

In some cases, the Board may decide that inmate should be granted parole if the inmate completes one or more stated conditions. When this is the case, the Board may grant a parole that becomes effective when the inmate completes on or more stated conditions. Should the inmate fail to complete any one of these conditions or disobey any rule or regulation of the South Carolina Department of Corrections before satisfying the stated conditions to make his parole effective, the Board may rescind the inmate’s parole and treat the case as though parole had been rejected. In other cases, the Board may feel it needs more time to form its decision. In such cases, the Board may simply take the parole consideration under advisement and reschedule it at a later date. Similarly, the Board may postpone a parole hearing in order to dispose of detainees or pending charges. If the Board rejects an inmate for parole, the inmate will be given written notice of rejection stating the reasons for rejection. Decisions of the Board have no precedential effect whatever and in no way limit the Board’s absolute discretion at later parole hearings.

After rejection for parole, the procedure of scheduling of rehearing is as follows:

1. An individual serving time for a violent offense defined in §16-1-60 of the South Carolina Code of Laws 1976 will be reheard for parole two years following the date of parole rejections. Applicable legal exceptions may allow for a one year hearing.
2. An individual serving time for a nonviolent offense defined in §16-1-70 of the South Carolina Code of Laws 1976 will be reheard for parole one year following the date of parole rejections.

I certify that the above material has been explained to me, and I have received a copy.

Inmate’s Signature	Date	Witness	Date
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HEARING PROTOCOL AS OF MARCH 13, 2020

UNTIL FURTHER NOTICE

In an effort to protect the inmate population, during the current global pandemic surrounding Coronavirus-19, the state is taking measures to prevent the spread of disease to the residents of correctional facilities. The SC Department of Corrections has limited access to their correctional institutions by suspending all visitation at their facilities until further notice. No supporters or family members will be allowed to attend parole hearings until such time as this ban has been lifted.

Note: At this time, there is no change regarding attorney attendance. Attorneys will be allowed to attend the hearings, per the normal procedure.

In an effort to ensure that every inmate has the right to present witnesses/evidence on his/her own behalf, the SC Department of Probation, Parole and Pardon Services is creating a **Hearing Witness Portal** that will allow supporters or family members who would have attended the parole hearing along with the inmate to submit a written statement of support via e-mail or US Postal Service at the addresses listed below. Please be reminded that the instructions received from SCDC limit the number of attendees to five. See below.

The inmate who is being considered for parole by the Parole Board may have up to five (5) total persons appear with him/her. Of the five, one (1) can be a minister/spiritual adviser, one (1) can be an attorney, and no more than three (3) can be family, friends, employers, etc.

Due to this normal restriction, only five statements per inmate from the **Hearing Witness Portal** will be presented to the Board. Any other statements received will be listed as Supporters, per the normal procedure.

In order to submit written Witness Testimony, use the link

HearingWitnessPortal@ppp.sc.gov

OR submit your statement in writing to

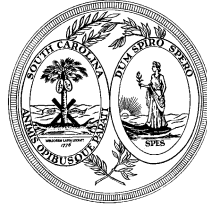
SCPPPS Hearing Witness Portal
PO Box 207
Columbia, SC 29202

Statements must be received at least 48 hours prior to the actual hearing date.

INMATE NAME
INSTITUTION
ADDRESS
CITY, SC

State of South Carolina
Department of Probation, Parole and Pardon Services

HENRY McMASTER
Governor



JERRY B. ADGER
Director

293 Greystone Boulevard
Post Office Box 207
Columbia, South Carolina 29202
Telephone: (803) 734-9220
Fax: (803) 734-9440
www.dppps.sc.gov

DATE1

INMATE NAME
INSTITUTION
ADDRESS
CITY, SC

RE: NOTICE OF HEARING

Hearing Date: WEEK DAY, MONTH AND DATE, YEAR Arrival Time: 7:45 AM
Location:

Dear INMATE:

This is to inform you that your parole hearing is scheduled for the above date. Your hearing will be held at the above location. Family members or supporters should report at the above noted time. Your hearing will be by way of videoconference, which means that the Board will review your case on a television monitor.

You can have a total of three (3) visitors or family members appear with you and you may retain an attorney at your own expense. It is your responsibility to notify visitors or family members of the date and time they will need to be at your hearing. Also, you must notify your attorney if he or she has not requested in writing such notifications from this agency.

Please find enclosed parole hearing information sheet. It may be necessary to provide your family members or visitors a copy.

Sincerely,

Nettie C. Jacobs
Board Support Services