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September 10, 2021

VIA EMAIL

Tonnya K. Kohn, Director
South Carolina Court Administration
1220 Senate Street, Suite 200
Columbia, South Carolina 29201-3739
tkohn@sccourts.org

RE: Sentencing Sheets

Dear Director Kohn:

The House Legislative Oversight Committee's Law Enforcement and Criminal Justice Subcommittee is currently performing an oversight study of the Department of Probation, Parole, and Pardon Services (PPP). The purpose of legislative oversight is to 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 even eliminated. Any House Member may file legislation to implement the committee's recommendations.

The purpose of this letter is to seek input from your office about information that may assist the subcommittee in its review of government agencies that routinely interact with the judicial branch. Please find attached flow charts that provide an overview of agency interaction with the criminal justice system at different levels. As the committee continues its review of PPP input on from your office on these questions is appreciated.

Database

1. Please explain the process that is planned, or already in motion, for determining the needs of the new data system. In particular, please indicate whether the following are part of the plan:
 - a) Will flow charts, like those attached, be created to obtain a full picture of how information flows into and out of the court system and the entities upon which the courts rely and those that rely upon the courts?
 - b) Will a survey be conducted of personnel in the court system to create a list of information they receive from government entities that they must manually re-enter into the court data system and amount of time that could be saved if the information was transferred electronically between the data systems at the government entities and the court?
 - c) Will a list of all government entities that utilize information from court forms/orders be created with a list of the information they utilize, and method through which they receive it?
 - d) Will focus groups be held with personnel from each of the entities that contribute to and/or utilize information from court forms/orders to determine issues and pain points they see that may be addressed with the new system (e.g., preventing judges from having the capability of inadvertently including information that may be in violation of statutes like denying a defendant credit for time served; or ability of PPP to read the special conditions of probation and have this information electronically transferred to PPP's data system to avoid the time, and potential errors, that can occur with manual re-entry)?

Electronic Sentencing Sheet Pilot Program

2. Please list the entities participating in the pilot program for electronic sentencing sheets.
3. How will the pilot program be evaluated to determine whether to implement the program statewide?

Time Served

4. Will part of the pilot program include enabling the court to include a breakdown of locations where time was served and amount of time served in each?
5. In what situations would a judge handwrite the number of days for time served on a sentence sheet, when the box they check states time served is to be calculated by the Department of Corrections, as outlined in S.C. Code Section 24-13-40?¹

¹ SECTION 24-13-40. Computation of time served by prisoners.

The computation of the time served by prisoners under sentences imposed by the courts of this State must be calculated from the date of the imposition of the sentence. However, when (a) a prisoner shall have given notice of intention to appeal, (b) the commencement of the service of the sentence follows the revocation of probation, or (c) the court shall have designated a specific time for the commencement of the service of the sentence, the computation of the time served must be calculated from the date of the commencement of the service of the sentence. In every case in computing the time served by a prisoner, full credit against the sentence must be given for time served prior to trial and sentencing, and may be given for any time spent under monitored house arrest. Provided, however, that credit for time served prior to trial and sentencing shall not be given: (1) when the prisoner at the time he was imprisoned prior to trial was an escapee from another penal institution; or (2) when the prisoner is serving a sentence for one offense and is awaiting trial and sentence for a second offense in which case he shall not receive credit for time served prior to trial in a reduction of his sentence for the second offense.

6. In light of S.C. Code Section 24-13-40, and other applicable statutes, in what scenarios, if any, may a court award time served prior to the date of offense?

Central Source of Information

7. Does part of a plan with a statewide electronic sentencing sheet program or the new court data system include the ability to view all charges, total sentence, and total time served, for a single offender when an offender is incarcerated on multiple charges from multiple counties? If not, why?

Electronic Form 9

8. What is the plan for creating and utilizing an electronic Form 9 that would allow transfer of information between applicable parties to improve accuracy of information and prevent manual entry by multiple personnel at various agencies?

If your office would like to provide input, please do so before Monday, September 27, 2021. Additionally, the subcommittee welcomes any other input or feedback your office would like to provide.

Thank you and your team for your service to the citizens of South Carolina.

Sincerely,

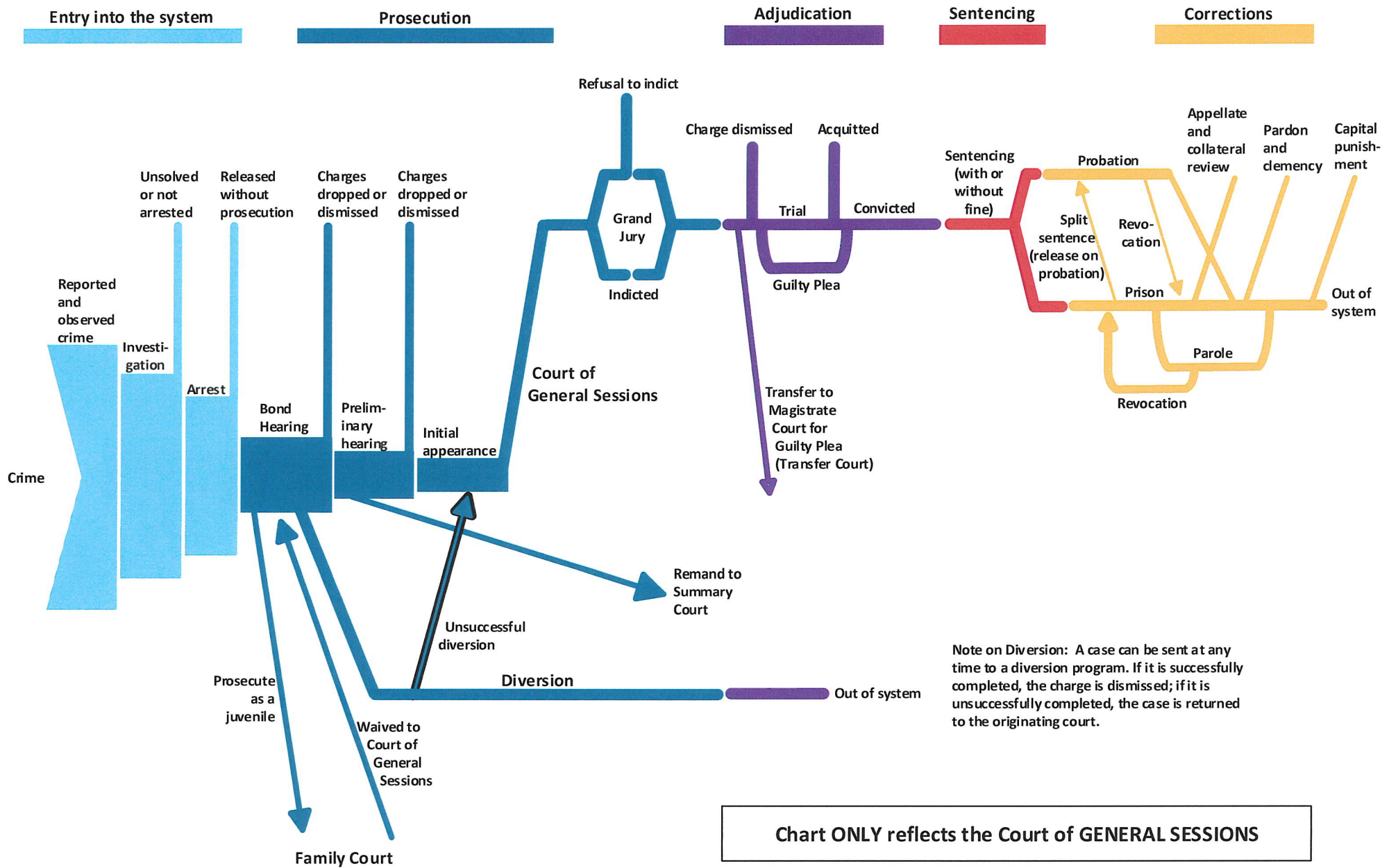


Chris Wooten
Subcommittee Chair

cc: The Honorable Wm. Weston J. Newton
Law Enforcement and Criminal Justice Subcommittee

Criminal Justice Flow Charts

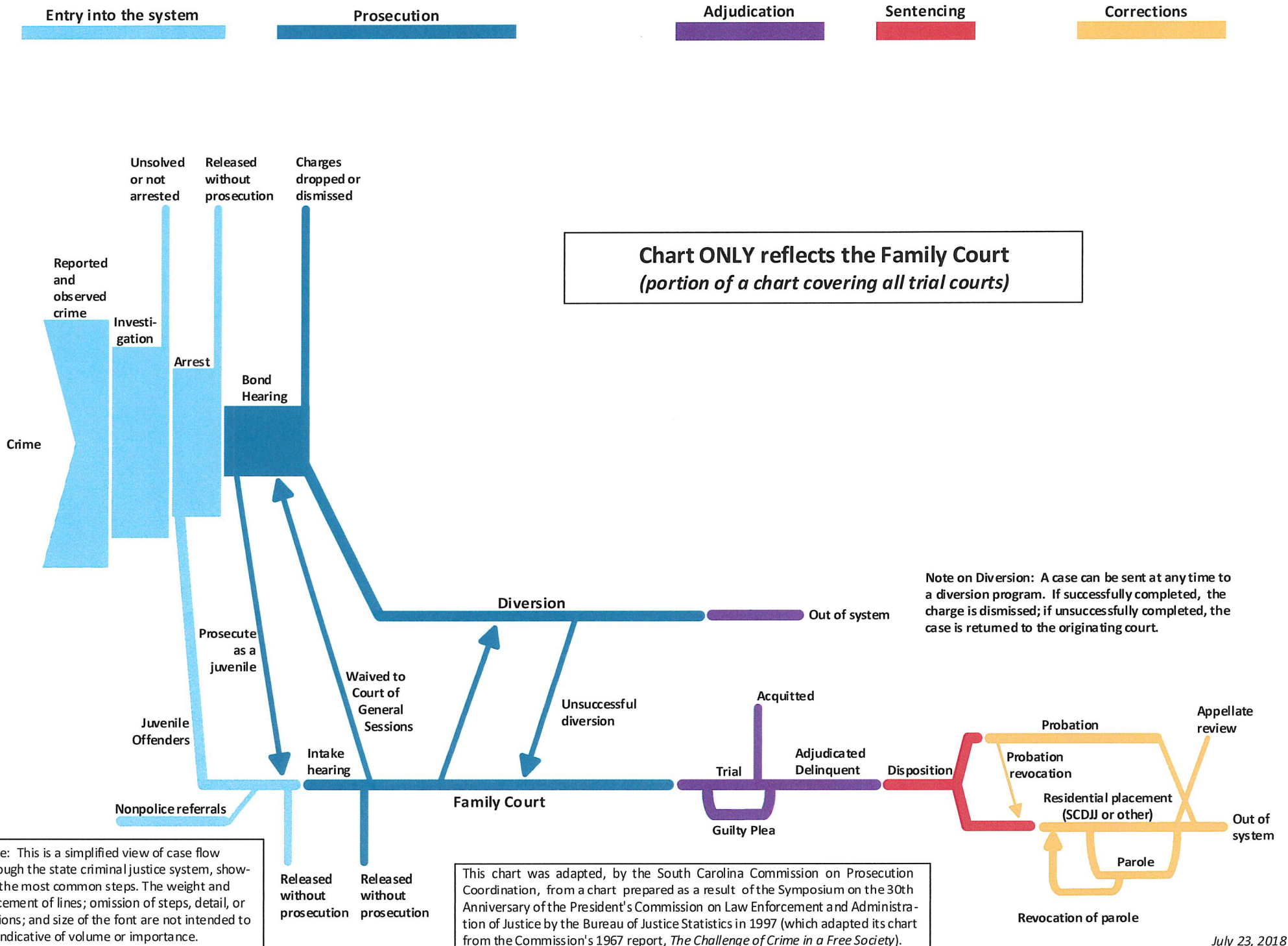
What is the sequence of events in the state criminal justice system in South Carolina?



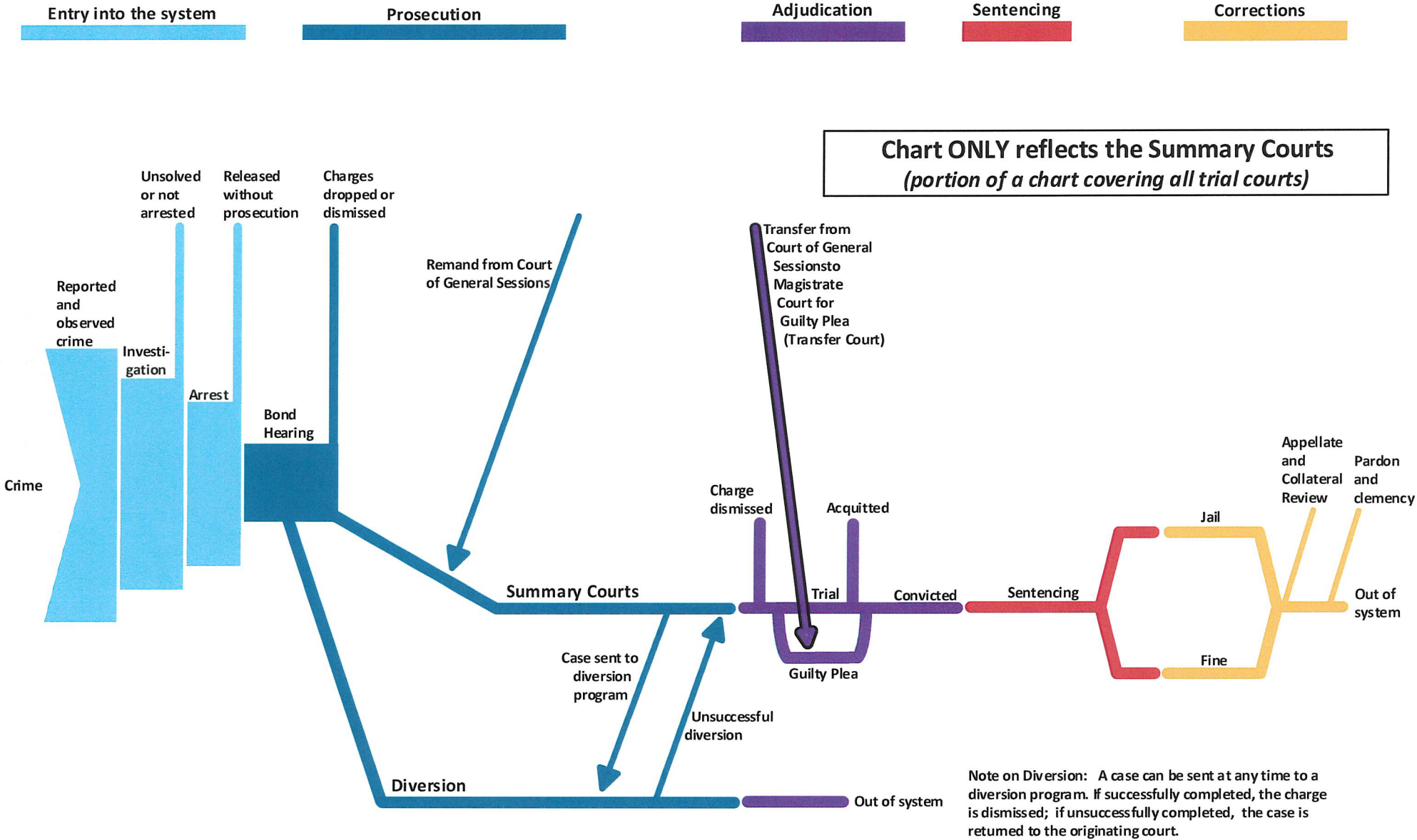
Note: This is a simplified view of case flow through the state criminal justice system, showing the most common steps. The weight and placement of lines; omission of steps, detail, or options; and size of the font are not intended to be indicative of volume or importance.

This chart was adapted, by the South Carolina Commission on Prosecution Coordination, from a chart prepared as a result of the Symposium on the 30th Anniversary of the President's Commission on Law Enforcement and Administration of Justice by the Bureau of Justice Statistics in 1997 (which adapted its chart from the Commission's 1967 report, *The Challenge of Crime in a Free Society*).

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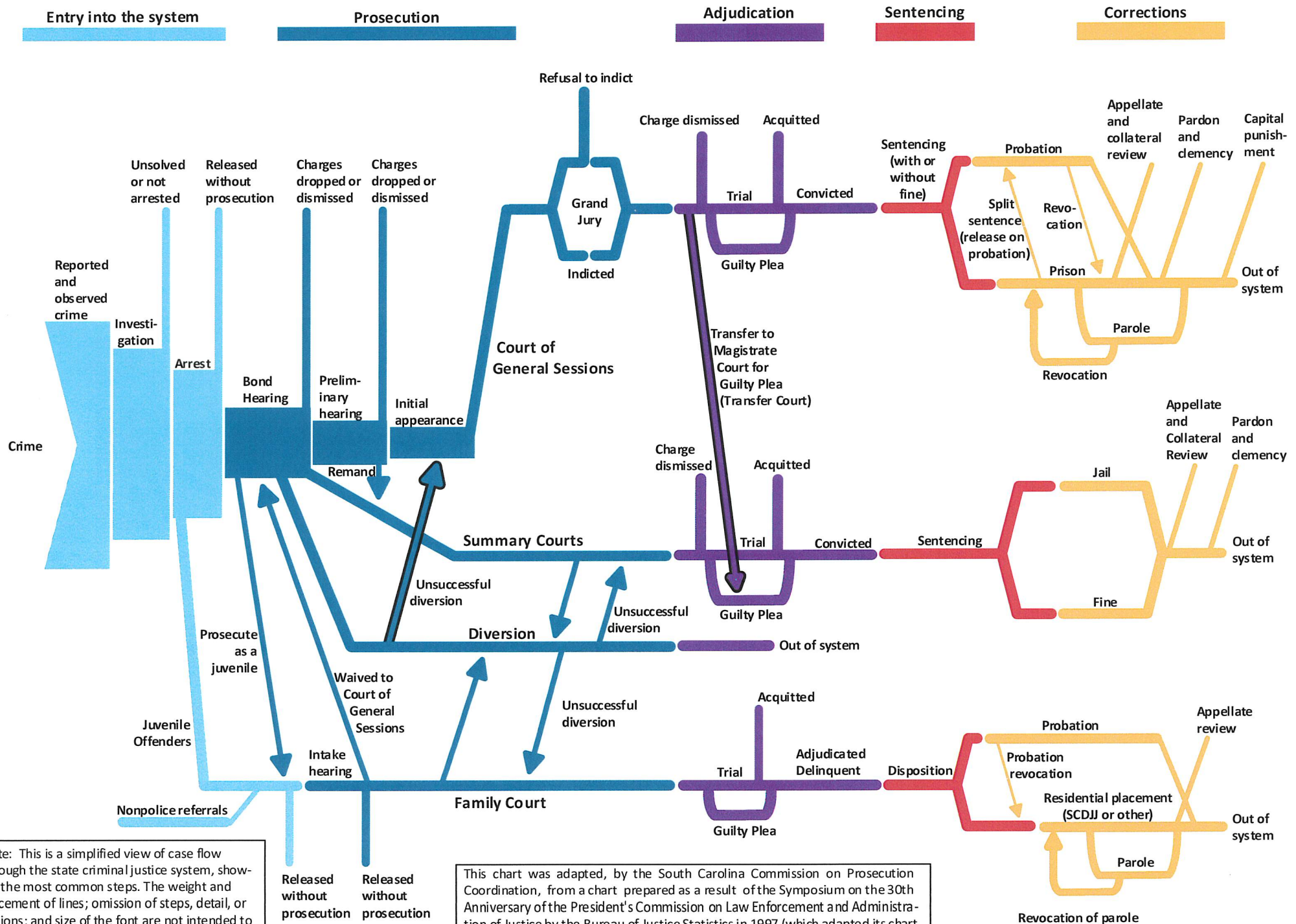
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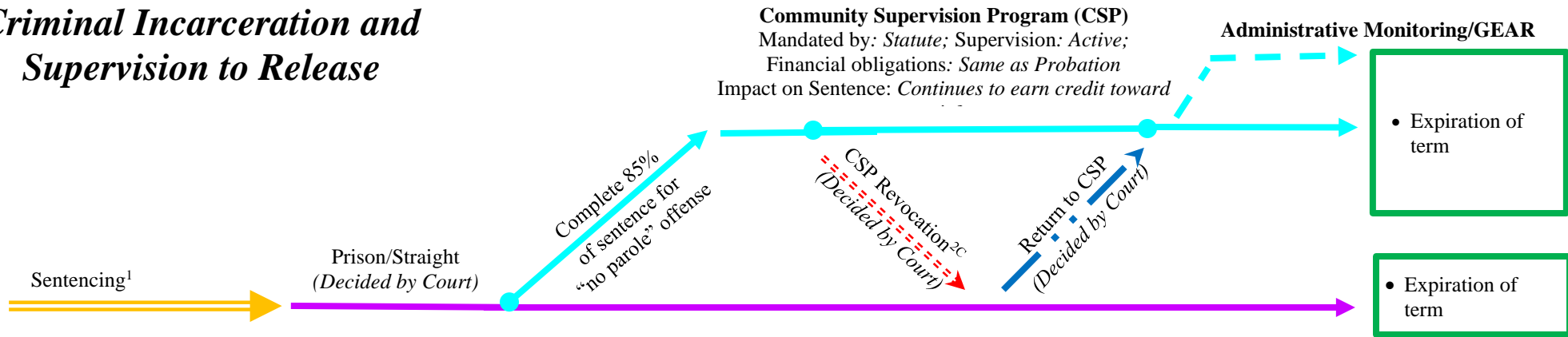
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Criminal Incarceration and Supervision to Release

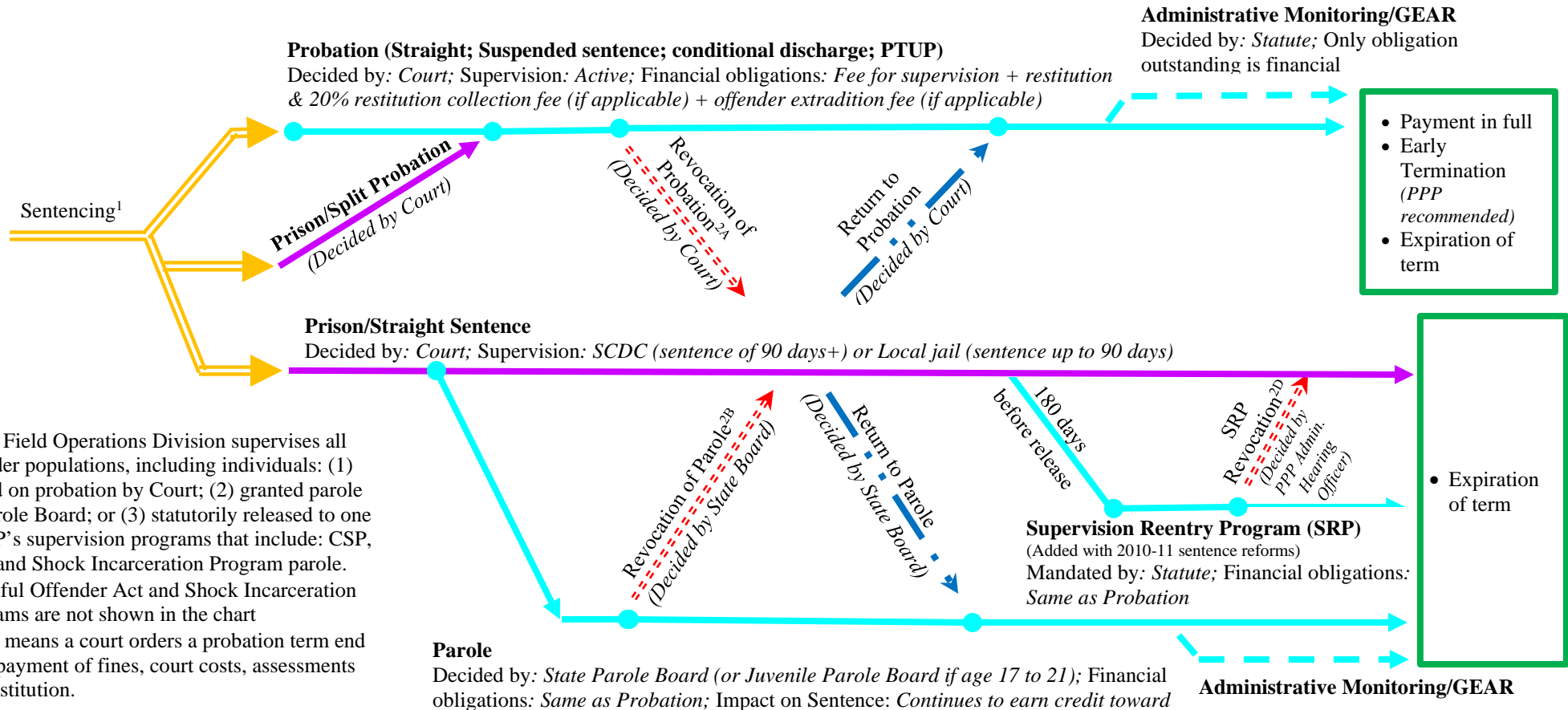


Key:

Non-Parole Offenses ↑
Parole Offenses ↓

- == Sentencing
- Incarceration*
- PPP Active Supervision
- PPP Inactive Supervision
- Revocation (leaving PPP jurisdiction)
- Return to PPP jurisdiction
- Out of System
- Offender entering or leaving PPP jurisdiction

1. Sentencing Sheet; 2. Revocation Orders: A. Probation (Form 9); B. Parole (Form 1160); C. CSP (Form 1152); D. SRP (Form 1455)



Notes:

- PPP's Field Operations Division supervises all offender populations, including individuals: (1) placed on probation by Court; (2) granted parole by Parole Board; or (3) statutorily released to one of PPP's supervision programs that include: CSP, SRP, and Shock Incarceration Program parole.
- Youthful Offender Act and Shock Incarceration Programs are not shown in the chart
- PTUP means a court orders a probation term end upon payment of fines, court costs, assessments and restitution.

Victim Information Shared

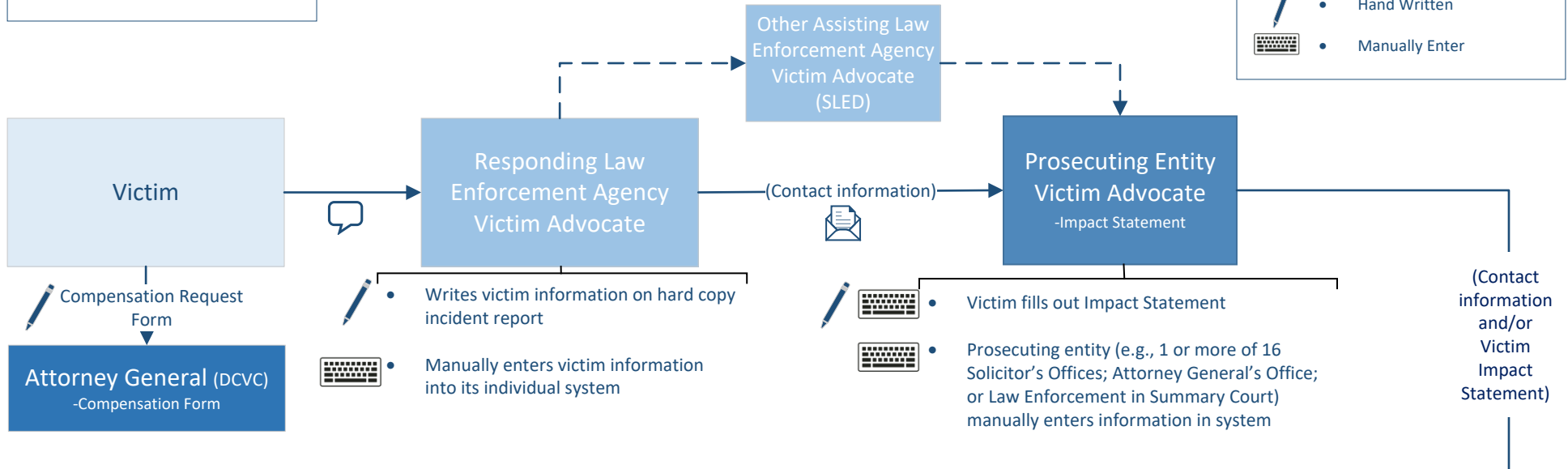
- Name
- Mailing Address
- Telephone Number
- Email Address

Process by which Government Entities Share Victim Information

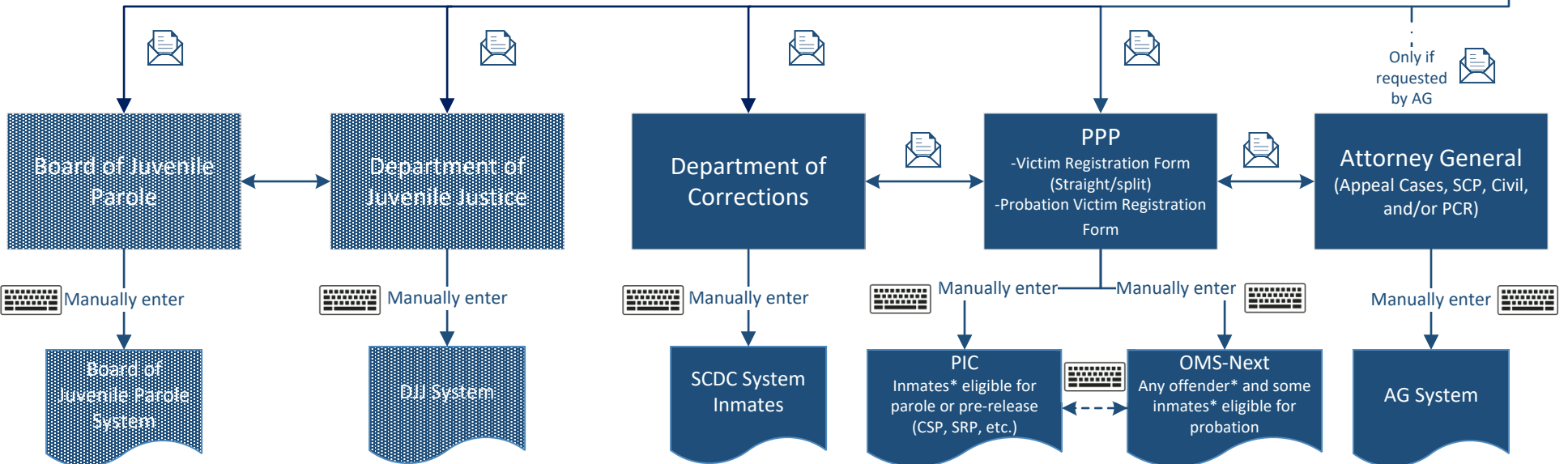
(To ensure victims receive notifications required in state constitution)

Ways information is transferred

- Verbally
- Email scanned document or mail hard copy
- Hand Written
- Manually Enter



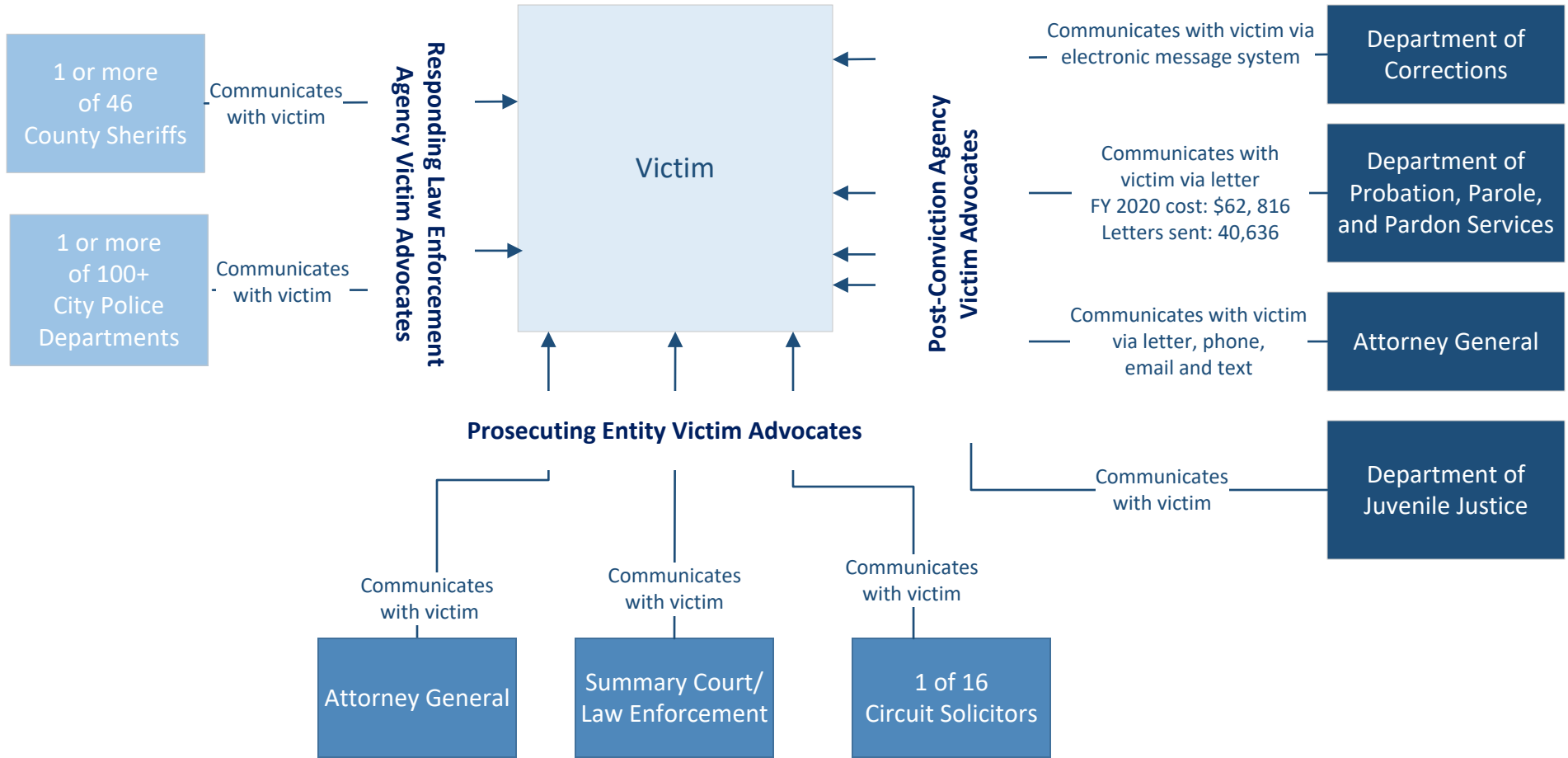
Juvenile ----- Post-Conviction Agency Victim Advocates ----- Adult



Systems do not interact

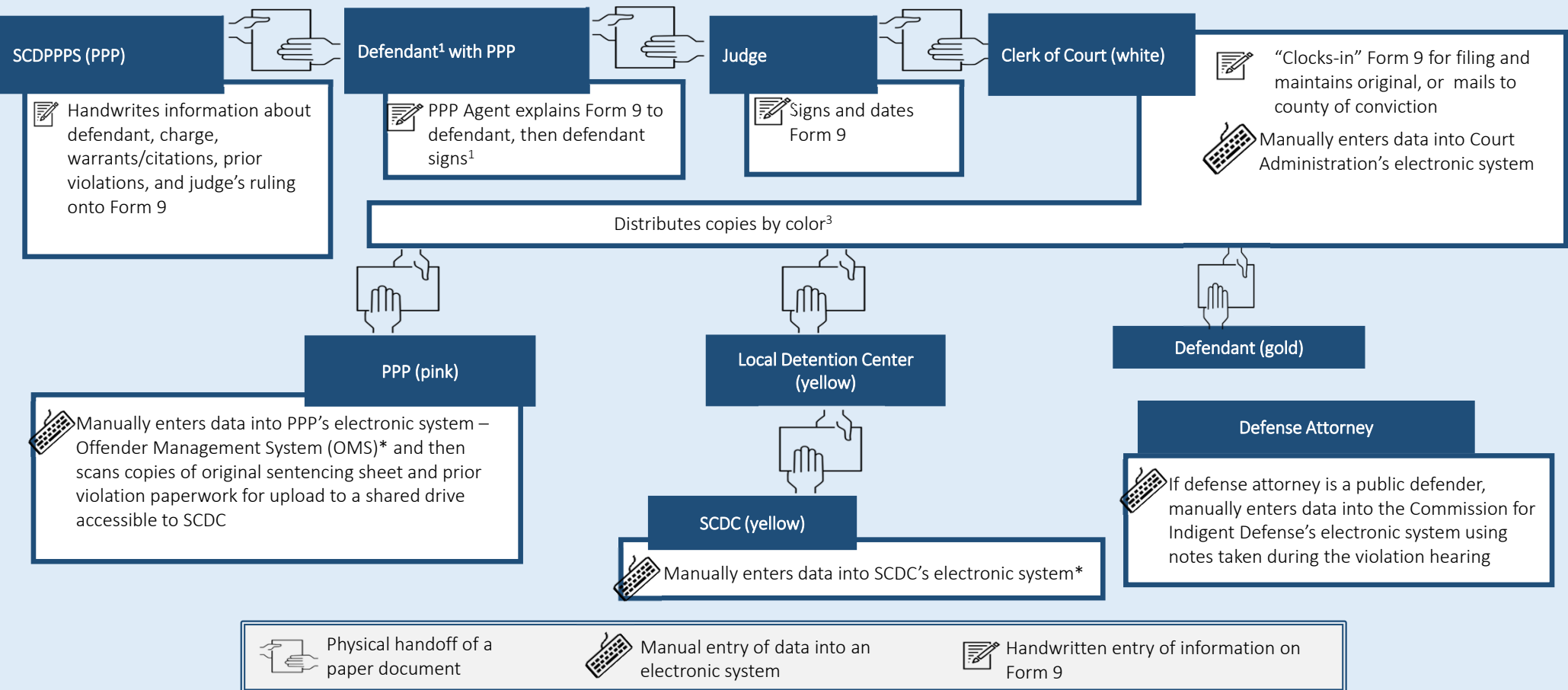
- *Offenders have been released
- *Inmates are still in SCDC

Government Entities that Contact the Victim of a Crime



The Journey of a Probation Violation Order (Form 9): 4-ply carbon paper

A separate Form 9 is completed for each conviction and a single individual may have multiple convictions. Also, there may be additional forms (e.g., civil judgment imposed for restitution, fines, and/or fees).



¹Sometimes counsel is present, but according to Commission on Indigent Defense, this is usually not a step that requires counsel's presence.

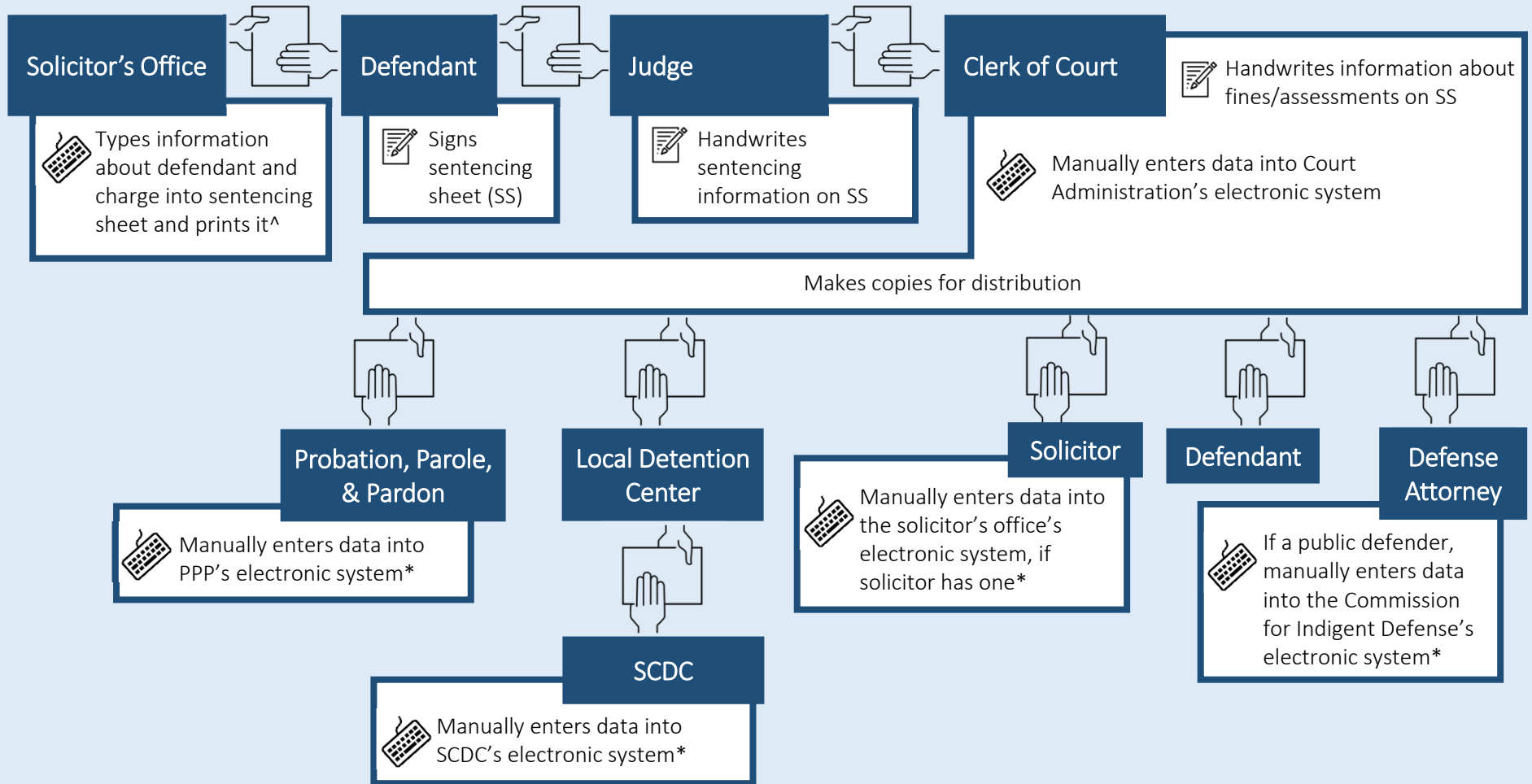
²No signature if probation is terminated. ³Distribution of copies is handled by PPP rather than the clerk of court in some counties.




*Data entry may involve calling the clerk of court, judge, etc. to clarify inconsistent information or illegible handwriting.

The Journey of a Sentencing Sheet

A **separate sheet** is completed **for each charge** and a **single individual may have multiple charges**.

Also, there may be additional forms (e.g., restitution sheets, plea waiver, driver license suspension forms, etc.).



 Physical handoff of a paper document	 Manual entry of data into an electronic system	 Handwritten entry of information on sentencing sheet
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^Information may be inserted automatically by the solicitor's case management system, if solicitor has one (some do not have one).

*Data entry may involve calling the clerk of court, judge, etc. to clarify inconsistent information or illegible handwriting.