

“Justice Reinvestment in South Carolina”



National Conference of State Legislatures
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South Carolina's Sentencing Reform Commission

In 2008, rising recidivism rates, increasing prison populations, and mounting correctional costs led the SC Legislature to establish the SC Sentencing Reform Commission.

SC's prison population had soared from approximately 9,000 inmates in 1983, to more than 25,000 inmates in 2009.

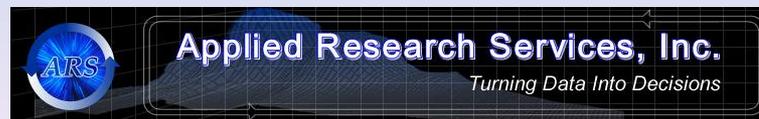
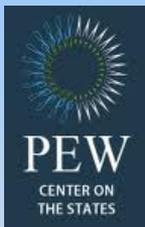
SC's correctional costs had soared from approximately \$64 million in 1983, to more than \$394 million in 2009.

The Sentencing Reform Commission consisted of leadership from SC's legislative, executive, and judicial branches of government, and involved input from all outside stakeholders.

The Sentencing Reform Commission was given the responsibility of reviewing SC's sentencing practices and developing policy options to generate savings and increase public safety.

Analysis of South Carolina's Criminal Justice Trends

The PEW Center on the States, the Crime and Justice Institute, and Applied Research Services, Inc., assisted the Sentencing Reform Commission in analyzing SC's criminal justice trends to understand factors driving prison population growth.



Factors Driving South Carolina's Prison Population Growth

Analysis of SC's criminal justice trends identified the following key factors driving prison population growth:

- (1) a significant number of prisoners had been incarcerated for low-level offenses and for short periods of time;
- (2) a significant number of prisoners had been incarcerated for non-violent offenses, mostly drug and property crimes;
- (3) a significant number of prisoners had been incarcerated for technical violations of their probation or parole, not for committing new crimes; and
- (4) SC's Parole Board had substantially cut the rate at which the Board released prisoners who were eligible for parole.



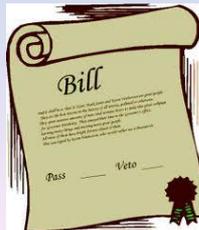
“Omnibus Crime Reduction and Sentencing Reform Act of 2010”

In 2010, the Sentencing Reform Commission issued a report to the SC Legislature, including data analysis and policy options to generate savings and increase public safety.

As a result of the report, the SC Legislature passed the “Omnibus Crime Reduction and Sentencing Reform Act of 2010.”

The overall purpose of the Act is to:

- (1) ensure there is prison space for high-risk, violent offenders;
- (2) require supervision for offenders leaving prison;
- (3) provide incentives for offenders to stay crime free and drug free; and
- (4) get smart on crime, reduce recidivism, provide fair and effective sentencing options, employ evidence-based practices, and improve public safety.



South Carolina Sentencing Reform Oversight Committee

The “Omnibus Crime Reduction and Sentencing Reform Act of 2010” established the SC Sentencing Reform Oversight Committee to oversee implementation of the Act.

The Oversight Committee is given the responsibility of calculating:

- (1) any expenditures that have been avoided by reductions in the revocation rate; and
- (2) any expenditures that have been avoided by reductions in the offense conviction rate.



South Carolina Sentencing Reform Oversight Committee's Justice Reinvestment Report

Each year the Oversight Committee is responsible for reporting expenditures that are avoided to the SC Legislature, the Governor, and the Chief Justice of the SC Supreme Court.

In the report, the Oversight Committee shall recommend whether to appropriate up to 35% of any expenditures that are avoided from the DOC to PPP for justice reinvestment.

Any appropriated funds must be used by PPP for the following purposes:

- (1) implementation of evidence-based practices;
- (2) increasing the availability of risk reduction programs for supervised individuals; or
- (3) providing grants to nonprofit victim services organizations to partner with PPP and courts to assist victims.



South Carolina Sentencing Reform Oversight Committee's 2011 Justice Reinvestment Report

In 2011, the Oversight Committee reported that since implementation of the “Omnibus Crime Reduction and Sentencing Reform Act of 2010”:

SC’s prison population has been reduced from approximately 24,600 inmates to 23,200 inmates, and continues to decrease. This population reduction has resulted in South Carolina’s ability to close at least one prison;

Parole and probation compliance revocations have been reduced approximately 36%, and continue to decrease. The reduction in revocations has resulted in an approximately 39% decrease in the number of persons on parole or probation being re-incarcerated for technical violations;

South Carolina’s violent crime rate has decreased approximately 9.8%, and continues to decrease.



South Carolina Sentencing Reform Oversight Committee's 2011 Justice Reinvestment Report

The Oversight Committee calculated the total cost avoidance for the DOC, based on SC's annual cost per inmate (\$13,534), to be \$4,229,456. [$\$37.08$ (SC's total daily cost per inmate) x 114,063 (Inmate Bed Days for Year)]

The Oversight Committee calculated the marginal cost avoidance for the DOC, based on marginal daily costs and total bed days, to be \$1,067,630. [A marginal rate is used to account for the variable costs averted such as food, medical expenses, and fixed expenditures.]



South Carolina Sentencing Reform Oversight Committee's 2011 Justice Reinvestment Report

The Oversight Committee recommended to the SC Legislature that they appropriate \$1,067,630 from the DOC to PPP for reinvestment in the following sentencing reform measures:

- (1) \$50,000 in a violation and incentives matrix;
- (2) \$695,000 in a “Young Offender Supervision Program;”
- (3) \$266,000 in a “Service Provider Model;”
- (4) \$57,000 in programs to build collaborative relationships with victim services organizations.



South Carolina's FY2012/2013 Appropriations Act

Due to the fact that the “Omnibus Crime Reduction and Sentencing Reform Act of 2010” was not fully implemented until late in 2011, the SC Legislature requested more time to measure and evaluate the impact of the policy changes.

Thus, the SC Legislature did not include the Oversight Committee’s recommended appropriation in the FY2012/2013 Appropriations Act.

The Oversight Committee will make another report to the SC Legislature prior to the 2013 Legislative Session.



Justice Reinvestment Initiative

In 2012, SC was selected by the US Department of Justice's Bureau of Justice Assistance and the Justice Reinvestment Steering Committee for "Justice Reinvestment Initiative" funding.

The Crime and Justice Institute assisted SC in developing a joint strategic plan designed to guide a collaborative effort to implement a justice reinvestment initiative in SC.

In consultation with the Vera Institute of Justice, funding and technical assistance will be applied

To:

- (1) implement a graduated sanctions matrix;
- (2) align assessment of offender risks and needs between agencies;
- (3) develop agency capacity for implementing evidence-based practices;
- (4) develop a stakeholder evidence-based practices curriculum and outreach strategy;
- (5) develop and implement a quality assurance tool;
- (6) assess agency data systems and evaluation capacity; and
- (7) measure cost avoidance.



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