

# South Carolina

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In the past 25 years South Carolina's corrections population had tripled and its corrections spending had increased 500 percent. The drivers of the state's growing prison population were an increasing number of offenders incarcerated for nonviolent offenses, increasing parole and probation revocations for technical offenses, and declining use of probation and parole. To address these challenges, South Carolina integrated staff trainings on evidence-based practices, risk assessment tools, and graduated response matrices into its probation and parole practices. Since implementing JRI reforms, South Carolina has saved more than \$7 million and prevented the return of more than 1,000 probationers and parolees to prison.

## Impetus for Justice Reinvestment

Rising public safety costs and prison populations brought South Carolina to JRI in February 2009. In the 25 years before 2009, the state's corrections population had tripled to 24,612 individuals. Since 1983, state spending on prisons had increased by more than 500 percent to \$394 million. The prison population was expected to grow by more than 3,200 inmates by 2014, adding \$141 million in South Carolina Department of Corrections (SCDC) operating costs and requiring \$317 million for the construction of a new prison. Yet, despite increasing public safety expenditures, South Carolina recidivism rates were increasing, and from 2002 to 2008 the state had the highest reported violent crime rate in the country. In February 2009, the Sentencing Reform Commission (SRC) requested assistance from the Pew Charitable Trusts (Pew) to analyze sentencing and correction trends and to develop policy options to maintain public safety while controlling spending and holding offenders accountable.<sup>1</sup>

## Establish an Interbranch Bipartisan Working Group

The legislature created the SRC during the 2008 legislative session. The SRC included three state senators, three state representatives, three members of the judiciary, and the director of the SCDC. The commission's role was to investigate and devise solutions for South Carolina's rising criminal justice costs and populations.<sup>2</sup>

### HIGHLIGHTS

- Corrections spending increased 500 percent and corrections population increased 300 percent.
- JRI reforms integrated risk assessments, graduated response matrices, and other evidence-based practices into parole and probation supervision.
- South Carolina saved \$4.2 million in 2011 and \$3.0 million in 2012.
- Prison population has declined below projected levels, and more than 1,000 parolees and probationers have not been revoked due to new practices.
- Up to 35 percent of savings can be reinvested in probation and parole, but South Carolina has not made any reinvestments to date.

## Engage Stakeholders

To engage stakeholders, the SRC held more than 14 hearings, as well as numerous working group meetings, and obtained input from law enforcement, victims' advocates, prosecutors, and defense attorneys to help develop ideas and strategies; stakeholder approval was solicited for every recommendation that eventually went into the state's JRI legislation.<sup>3</sup>

## Analyze Data and Identify Drivers

To identify the drivers of South Carolina's prison population, Pew and its partners—Applied Research Services (ARS) and the Crime and Justice Institute (CJI)—developed a database

with information from SCDC, the Department of Probation, Parole and Pardon Services (PPP), South Carolina Court Administration, South Carolina Law Enforcement Division, and the Statistical Analysis Center of the South Carolina Department of Public Safety. This database was used to identify the key prison growth drivers: significant increases in the number of offenders in prison for nonviolent crimes, primarily drug and property crimes (49 percent of the population in 2010); increases in prison admission (up 26 percent since 2000), a large portion of which was for low-level offenders admitted for short sentences; increasing numbers of parolees and probationers returned to jail for technical violations (66 percent of all revoked offenders in 2009); and declining use of parole (from a 63 percent grant rate in 1980 to a 10 percent grant rate in 2008).<sup>4</sup>

## Develop Policy Options

On the basis of the data analysis, the SRC began soliciting input from stakeholders on strategies to address these drivers. Prosecutors, crime victims, law enforcement, and other key members of the criminal justice community were consulted in the development of recommendations. Pew informed these discussions by providing research on how the policy options under discussion would affect population and cost drivers and, if applicable, how such policies had worked in other states. After nearly a year of deliberation, the SRC submitted a set of 24 recommendations to the legislature in February 2010.<sup>5</sup>

## Codify and Document Changes

Recommendations from the SRC were codified in Senate Bill (SB) 1154, the Omnibus Crime Reduction and Sentencing Reform Act of 2010. The legislation, co-sponsored by 26 senators, was signed by the governor on June 2, 2010. The Act restructures the penalties for violent, property, and controlled substances offenses, orienting the criminal code to focus prison space on the most serious offenders. The bill also strengthens parole and probation by authorizing the use of administrative sanctions for technical violations of terms of supervision and requires the use of risk assessments to guide parole and probation release, supervision, and services decisions. To supply oversight for the implementation of these activities, the bill established the Sentencing Reform Oversight Committee (SROC) to oversee reports generated about SB 1154 activities and to conduct additional research and evaluations of sentencing reform issues.<sup>6</sup>

Finally, SB 1154 created a system of performance incentive funding that gives the legislature the option to reallocate resources from SCDC to PPP. The Oversight Committee is required to report savings generated by reductions in revocations and new felony convictions by those under supervision. The Oversight Committee can recommend to the legislature that up to 35 percent of the savings be reallocated from SCDC to PPP.<sup>7</sup>

## Implement Policy Changes

To implement the requirements of SB 1154, PPP has begun training probation officers on evidence-based practices (EBPs), including administering the agency's risk and needs assessment instrument, the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS)<sup>TM</sup> tool. PPP has also trained the Parole Board on the risk and needs assessment. The EBP training will include the Effective Practices in Correctional Settings II curriculum and will be provided to 200 agents, 10–20 peer coaches, and 10–25 trainers. The training effort is supported by Core Correction Solutions and the Center for Effective Public Policy (CEPP).<sup>8</sup>

PPP will also implement a graduated response matrix for probation and parole, the development of which began in July 2013 with technical assistance from CEPP. Additionally, CEPP is working with PPP to develop a framework for implementing EBPs, a stakeholder curriculum for internal and external trainings on EBPs to support outreach to community-based service providers, and a quality assurance tool to assess adherence to EBPs among those providers.<sup>9</sup>

Bureau of Justice Assistance subaward funding in South Carolina has supported the implementation of a graduated sanctions matrix; training on EBPs for PPP; development of an EBP curriculum, an outreach strategy, and a quality assurance tool for stakeholders; and a review of PPP and SCDC's approaches to measuring cost savings.<sup>10</sup>

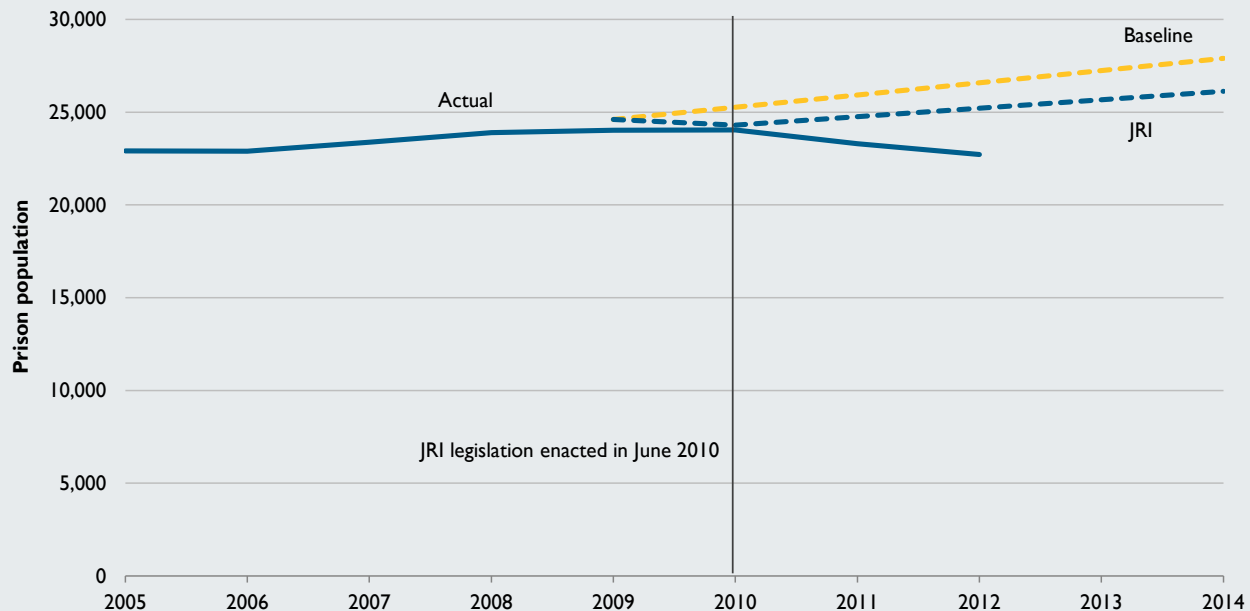
## Reinvest Savings

SB 1154 requires the SROC to annually calculate the savings generated through reduced revocations of probation and parole and to recommend that the legislature reinvest up to 35 percent of those savings from SCDC to PPP. Thus far, the savings calculation has been completed twice—for 2011 and 2012—and it demonstrated that PPP saved money in both years.<sup>11</sup>

In 2011, PPP and SCDC developed a cost-calculation

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**FIGURE I**  
South Carolina Prison Population



Sources: JRI and baseline population projections were extrapolated from available data from Pew Center on the States (2010b). Actual population data are from South Carolina Department of Corrections (2012).  
Note: Dotted lines represent projections.

methodology and used it to determine that SB 1154 policies generated \$4,229,456 in savings. The SROC recommended \$1,067,630 for reinvestment to PPP.<sup>12</sup>

In 2012, the SROC requested technical assistance from Vera Institute of Justice (Vera) to develop a revised cost-calculation methodology in which the calculation is based on the reduction of technical and new crime revocations to SCDC from probation and parole compared with the statutory baseline year of 2010. The methodology calculates the number of avoided bed days by the marginal daily cost of a bed day, \$8.93 in 2012. This marginal cost includes daily variable costs of inmate food and health care, as well as stepped fixed costs for corrections officers that are avoided if a certain service threshold reduction in the inmate population is reached. In 2012, PPP and SCDC identified \$2,993,340 in avoided costs, with up to 35 percent of this (\$1,047,669) available for reinvestment. However, the state legislature has not made reinvestments for either year.<sup>13</sup>

## Measure Outcomes

To track the impact of SB 1154, Vera helped PPP develop a dashboard of key performance measures. The dashboard

displays five years of quarterly trends, aligning with the life-time of the SROC, which is scheduled to disband in 2015, five years after its first meeting.<sup>14</sup> Key performance measures include the total number of individuals in prison or on supervision, the number of new prison admissions and new parolees and probationers, the number of revocations for new crimes and technical offenses, and the percentage change in each of these statistics since 2010. PPP also developed an evaluation plan for tracking the impact of SB 1154 that includes more comprehensive measurements.<sup>15</sup>

After JRI legislation went into effect, the state's average daily prison population declined below levels predicted in the forecast, which had predicted a slowing growth rate rather than the actual population decline the state experienced (figure 1).<sup>16</sup> Reductions in parole revocations resulted in a total of more than \$7 million in cost savings in 2011 and 2012 as a result of more than 1000 probationers and parolees not being returned to prison in those two years.<sup>17</sup> Due to population decreases, South Carolina was able to close one and a half prisons.<sup>18</sup>

## Notes

1. Pew Center on the States. 2010. *South Carolina's Public Safety Reform: Legislation Enacts Research-Based Strategies to Cut Prison Growth and Costs*. Washington, DC: Pew Charitable Trusts.
2. Ibid.
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4. Ibid.
5. Ibid.
6. Ibid.
7. Ibid.
8. Vera Institute of Justice Center on Sentencing and Corrections. "JRI Grant Amendment 2 – SCDPPPS," June 21, 2013.
9. Ibid.
10. Ibid.
11. South Carolina Senate Bill 1154, 2010.
12. South Carolina Department of Probation, Parole, and Pardon Services. 2011. *Report to the Sentencing Reform Oversight Committee*. Columbia: South Carolina Department of Probation, Parole, and Pardon Services.
13. Henrichson, Christian (Vera Institute of Justice). "FY12 Cost Avoidance Calculation." December 18, 2012.
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15. Pew Center on the States (2010).
16. South Carolina Department of Corrections. 2012. *Average Daily Inmate Population Fiscal Year 1970 – 2012*. Columbia: South Carolina Department of Corrections.
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