

2012

May

REPORT TO THE SENTENCING REFORM OVERSIGHT COMMITTEE



**SOUTH CAROLINA DEPARTMENT OF
PROBATION, PAROLE AND PARDON SERVICES**

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Major Accomplishments

Evidence-Based Practices and the Sentencing Reform Act (SRA)

The Department continues to fully embrace the concepts of Evidence-Based Practices (EBP) and stays committed towards the integration of EBP into all aspects of the Department's operations.

- Continue to use data analysis and evaluation measurement in alignment with EBPs to assess and monitor outcomes of critical programs and supervision strategies to reduce recidivism.
- Continue to explore external funding sources to implement EBP supervision strategies to reduce recidivism and improve community correctional supervision outcomes through training and quality assurance methods.

Enhancements to Administrative Sanctions

The Department continues to target its administrative sanction practices through the use of best practice strategies to enhance outcomes. These strategies include:

- A continuous review of the Department's administrative sanctions policies and the implementation of strategies to ensure practices are consistent with policies;
- Continued use of the Data Analysis for Reduction of Recidivism (DARR) model which has been used to increase the use of administrative sanctions to reduce the issuance of legal process, compliance revocations and new offense revocations.

A full overview of the administrative sanctions accomplishments is provided in Section 53 (page 16).

Sentencing Reform – Phase II

The Department, in coordination with the South Carolina Department of Corrections (SCDC) and consultants from Vera Institute, championed efforts to develop a comprehensive plan to utilize justice reinvestment funding to sustain the implementation efforts of SRA.

- The Department, in coordination with SCDC and Vera, consulted with designated goal group members of the Joint Strategic Plan to finalize the provisions of the technical assistance request in three key areas to improve supervision outcomes and evaluation plan measurements.

The final proposal is projected to be submitted to the Bureau of Justice Assistance (BJA) for approval in May 2012.

Risk / Need Assessment Instruments

The Department recently fully implemented the use of the COMPAS tool in designated county offices. In preparation for state-wide implementation, the following was completed:

- COMPAS Basic training sessions for agent staff and Introduction to COMPAS for support staff.

A full overview of the Risk/Need Assessment Instrument accomplishments is provided in Sections 45, 46, & 50 (page 9).

SUMMARY

The Department implemented supervision strategies that resulted in the reduction of recidivism, the reduction in the financial impact to SCDC and maintained public safety. For FY 2012 the following reductions from the FY 2010 baseline data are projected:

- 39% Reduction of compliance revocation admissions to SCDC
- 31% Overall reduction in supervision revocation rates
- 36% Reduction in compliance revocation rates
- 4% Reduction in new offense revocation rates
- 36% Overall reduction in the issuance of legal process (warrants/citations)
- 42% Overall reduction of administrative hearings

Population

- 7% increase in active population from FY 2010 to FY 2012 (2,009 offenders)
- 31,262 active population as of June 30, 2010
- 33,361 projected active population as of June 30, 2012

Section 24-28-30 Report Data

Administrative Sanctions

- 23,107 – Projected number of offenders with at least one violation during FY 2012.
- 56,293 – Projected number of administrative sanctions used in response to violations for FY 2012.
- This is an average of 2.4 administrative sanctions per offender with a violation.
- This represents a 32% increase in the use of administrative sanctions from FY 2010.
- A full overview of the administrative sanctions is provided in Section 53 (page 16).

Compliance Credits

- 4,474 offenders have been eligible to earn compliance credits during FY 2012.
- This represents 14% of our active population as of March 31, 2012.
- 63,683 credits have been earned during FY 2012 through March 31, 2012.
- 287,132 credits denied during FY 2012 through March 31, 2012.
- Primary denial reason – Financial fee arrearages.
- Secondary denial reason – Financial restitution arrearages.
- A full overview of the Compliance Credits program is provided in Section 50 (page 11)

Revocation Actions

- 3,890 – Projected number of total revocations for FY 2012. This is a reduction of 1,773 (31%) revocations from FY 2010.
- 3,045 – Projected number of compliance revocations for FY 2012. A reduction of 1,738 (36%) compliance revocations from FY 2010.
- 845 – Projected number of new offense revocations for FY 2012. A reduction of 35 (4%) new offense revocations from FY 2010.
- 1,996 – Projected number PPP offenders admitted to SCDC as the result of compliance revocations. This represents a reduction of 1,297 (39%) PPP offenders admitted to SCDC as the result of a compliance revocation from FY 2010.

Reinvestment Recommendations

Purpose

The comprehensive evidence-based approach the Department will employ through community correctional strategies will continue to focus on the risk-need-responsivity principle to reduce offender recidivism and remedy criminal thinking errors. Through the appropriation of funds pursuant to Section 24-28-30 of the SC Code, the Department intends to continue development of programs and initiatives which use evidence-based behavioral modification strategies and interventions. These programs will promote offender accountability, ensure public safety, and minimize the costs to the Department of Corrections attributed to technical revocations by providing targeted offenders with essential competencies and appropriate treatment interventions considered necessary for successful reintegration into society.

The following implementations are recommended based on cost avoidance appropriations:

Priority 1 - Violations and Incentives Matrix

The violation and incentives matrix will be used in conjunction with the actuarial risk/need instrument to identify swift and certain responses to designated and ranked violations. In addition, this matrix will also identify positive reinforcement strategies in support of evidence-based practices to reduce the rate of recidivism. The six counties with highest revocation rates to SCDC will be targeted to utilize initially. These counties contributed to 3,293 offenders revoked in FY10.

- Modification to the Offender Management System (OMS) will need to be made to fully operate a violations and incentives matrix and to ensure quality assurance mechanisms are functional to measure outcomes.
- \$50,000 – Estimated cost.

Priority 2 - Young Offender Supervision Program

The Young Offender Supervision Program (YSP) will be developed and implemented in the 10 counties with the highest impact to SCDC incarceration rates. The YSP program is inspired by Intensive Supervision Officers Program (ISOP) operated by the by S.C. Department of Juvenile Justice. The ISOP program is widely recognized for its effectiveness at reducing recidivism among a similar population and reducing the incarceration costs of that Agency. Young Offender Supervision Specialists will supervise a caseload with a ratio of 1:50. The smaller caseload will promote structured supervision to include individualized case management, a continuum of treatment services to address criminogenic needs, allow for offender accountability and the use of an evidence-based violation and incentives matrix in response to supervision compliance issues. The estimated population for this program is approximately 750 young adult offenders annually.

- 15 – Number of FTE's needed for Young Offender Supervision Specialists.
- Specialized training and operational expenses to address the unique pathways to criminality for offenders 17-24 years of age.
- \$695,000 – Estimated cost.

Priority 3 - Service Provider Model

A Service Provider Model will be implemented into the OMS to allow for a continuum of evidence-based treatment options from the agent to the treatment service provider in a collaborative, treatment team approach to address criminogenic needs in the community and reduce recidivism. This continuum of evidence-based treatment options will reduce the barriers offenders face associated with program treatment participation and completion, such as transportation issues, lack of available and/or suitable resources, and the inability to pay for necessary treatment services. Counselors would be hired within the agency to provide individual and/or group counseling to supplement or reinforce treatment provided from external community/organizational partnerships. An internal behavioral management treatment team would provide oversight functions of case management support to the agent and provide supportive counseling in a multi-systemic team approach to treatment between the supervising agent, the offender and external treatment/services providers.

Through the use of Therapeutic Behavioral Specialists, the role of these regional treatment coordinators will be to:

1. Use the results of assessments to align programming options with offender risk and needs;
 2. Ensure offenders are being referred to the services they need, and that the programs are purposefully addressing their needs and mitigating their risk through quality assurance mechanisms;
 3. Collaborate with community partners at the state and local levels to provide education and put into place the continuum of internal and external interventions that address the drivers of criminality and reduce the risk of recidivism; and
 4. Use evidence acquired through assessments and quality assurance mechanisms to demonstrate services needed and acquire grants or reinvestment monies to fund initiatives.
- Modification to the OMS to create a service provider model with quality assurance mechanism to measure outcomes and internal/external program effectiveness.
 - 4 – Number of FTE's needed for Therapeutic Behavioral Specialists (TBS) throughout the state to provide services with PPP offices to assure communication with agent and the appropriate level of services are achieved and measured to conform to evidence-based practices and Sentencing Reform guidelines.
 - \$266,000 - Estimated cost.

Priority 4 - Victim Services and Community Partnerships

Programs and initiatives will be developed in coordinated efforts to build collaborative relationships with victim services organizations and the courts. The aim of these victim-related programs would be to provide funding to:

- Assist victims through educational opportunities about the criminal justice system with emphasis on community corrections and restorative justice initiatives.
- Provide a forum for criminal justice professionals to bring about change and improvement in efforts to collect restitution from offenders on the behalf of crime victims.
- 1 – Number of FTE's needed for Victim Services Education Specialists
- \$57,000 - Estimated cost.

Combined reinvestment costs (estimated) = \$1,068,000

Section 18

Driving Under Suspension

§ 56-1-460(A)(c)

- Statutory eligibility – DUS 3rd offense or greater.
- Offense date of June 2, 2010, or later.
- Statute mandates fees be charged to cover full costs of monitoring, must have landline phone, and must agree to have electronic monitoring equipment installed.

FY 12 Highlights

- There have been no recommendations or admissions as of March 31, 2012.

Section 31

Youthful Offenders

§ 24-19-10

- Expands Youthful Offender Act (YOA) eligible offenses to allow for designated violent and sex offenses.
- Mandates a minimum three years incarceration prior to release for the expanded offense classifications.
- Population impact expected in 2013.
- Statutory eligibility – Offense date of June 2, 2010, or later.

Status

- Department will utilize and support SCDC strategies/policies for this population.
- Department staff working with the SCDC (YOIP Section) on any identified issues.
- Policy, procedure, forms and MOA language are being updated in conjunction with SCDC strategies/policies.

Section 38

Drug Offenses

§ 44-53-375

- Ten drug offenses are eligible.
- Sentence date must be on or after June 2, 2010.
- Non-violent offenders are eligible after serving 25% of their sentence.
- Violent offenders are eligible after serving 33% of their sentence.

Data through March 31, 2012

- 300 inmates are currently eligible by statute.
- 134 (45%) of the eligible inmates are currently scheduled for a parole hearing.
- 54 offenders have been heard for parole.
- 12 (22%) offenders have been granted conditional parole.
- 91 offenders have been placed on probation by the Courts in lieu of incarceration.

Section 40

Conditional Discharge

§ 44-53-450

- Allows for a conditional discharge if: (1) the Defendant has not previously been convicted of any offense under this article or any offense under any State or Federal statute relating to marijuana, or stimulant, depressant, or hallucinogenic drugs, and (2) the current offense is possession of a controlled substance under either Sections 44-53-370 (c) and (d), or Section 44-53-375 (A) of the Code of Laws of South Carolina 1976, as amended.
- Defendant is placed on probation.
- Upon fulfillment of the terms and conditions and payment of a \$350 fee, the Court shall discharge the Defendant and dismiss the proceedings.

Highlights for FY 12 (All information as March 31, 2012)

- There have been 519 offenders admitted to the program in FY 2012 (788 since inception).
- Currently there are 564 offenders active on Conditional Discharge.
- There have been a total of 168 closures in FY 2012.
- 125 (74%) of offenders closed in FY 2012, were closed successfully.
- This is a 24% increase in successfully closures since FY 2011.

Sections 45 & 52

Administrative Monitoring

§ 24-21-100

- Administrative Monitoring upon the completion of traditional supervision, prior to full payment of required financial obligations IF all obligations other than financial have been met.
- New program with “monitor only” authority.
- Statutory eligibility – Offense date of January 1, 2011, or later.

Highlights for FY 12 (All information as March 31, 2012)

- 43 placements to the program have been made.
- 12 (28%) offenders placed in the program have successfully completed.
- 6,347 offenders are currently eligible.
- 8,288 cases are currently eligible.
- \$24,181 – amount of monies owed.
- \$809 – amount of monies collected.

Sections 45, 46 & 50

Supervision Risk/Need Assessment and Parole Risk Assessment

Summary

- The Department is currently using COMPAS for offender risk and need assessments
- The Department has recently concluded training for COMPAS users in all county offices.
- The Department will utilize COMPAS for parole release consideration.

Implementation/Action

- April 2012 – The Department fully implemented the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) risk/needs assessment in 24 of the largest county offices.
- May 2012 – The remaining 22 county offices will “go-live” with COMPAS and begin conducting assessments.
- June 2012 – The Department will work with the vendor to develop initial plan of the COMPAS norm study.

Timeline of Next Six Months

- May 2012 – Requirements finalized to begin software integration for OMS and PIC interface.
- July 2012 – Training plan and curriculum will be finalized for the Parole Board Introduction to COMPAS training.
- August 2012 – Introduction to COMPAS training to be completed by the Parole Board.
- September 2012 – The Department will work with the vendor to incorporate a service provider module and violation matrix into OMS that works in conjunction with the risk instrument.

Section 46

Parole Board Member Training

§ 24-21-10

- Requires new members of the parole board to complete a comprehensive training course developed by PPP using training components consistent with those offered by the National Institute of Corrections or the American Probation and Parole Association.
- Requires each member of the parole board to complete eight hours of annual training.

Data

- Two new members placed on the Board during calendar year 2011. Both have completed the 16 hour orientation training.
- Each of the five existing Parole Board members have completed the annual eight hours of training.

Orientation Training:

- Evidence-Based Practices in Corrections
- National and State Crime Trends
- Criminal Justice Collaboration
- Offender Success and Public Safety
- An Overview of Illegal Drugs in South Carolina
- Parole and the Media
- SPICE (Self Paced in Class Education) Program
- The Role of a Risk and Needs Assessment Instrument in the Decision-Making Process for Paroling Authorities

Section 48

Supervised Reentry

§ 24-21-32

- Inmates meeting requirements shall be placed on community supervision up to 180 days prior to max-out.
- Estimate up to 1,150 eligible inmates annually.
- Statutory eligibility – Offense date of January 1, 2011, or later.
- Minimum two years incarceration must be served to be eligible.

Implementation/Action

- Program design, policies, practices have been finalized
- New OMS flag has been developed.
- First inmates eligible are expected to be released in Spring 2013.
- SCDC has developed the population criteria in their system and is in the testing phase.

Section 50

Compliance Credits

§ 24-21-280

- Department must identify, calculate and award compliance credits (CC) to eligible offenders.
- The purpose is to reduce the supervision period for compliant offenders, thereby reducing workload for PPP staff and less technical revocations returned to prison.
- Statutory eligibility – Offense date of January 1, 2011, or later and
- An aggregate of 366 days or more of supervision with no break in supervision.

Highlights for FY12 (All information as March 31, 2012)

- 4,474 – Offenders currently eligible to earn compliance credits.
- This represents 14% of the Department's active population.
- 356,952 – Potential credits to be earned in FY 2012.
- 63,683 – Credits have been earned in FY 2012.
- 1,437 – Offenders who have earned compliance credits in FY 2012.
- 287,132 – Total number of compliance credits denied in FY 2012.
- 61% (175,452) of the denials were for supervision fee arrearages.
- 23% (65,940) of the denials were for financial restitution arrearages.
- 16% (45,740) of the denials were for violations, supervision status and case status.

Section 53

Administrative Sanctions

§ 24-21-110

- Department will identify, develop and implement alternative sanctions to address technical and compliance violations.

Highlights:

- 31% decrease in total revocations comparing FY 10 and projections for FY 12.
- 36% decrease in number of legal process documents issued comparing FY 10 and projections for FY 12.
- 32% increase in the use of lower level sanctions comparing in FY 12.
- DARR (Data Analysis to Reduce Recidivism) meetings continue to be conducted to address county performance.

	FY 2010	FY 2011	Projected FY 2012	Change FY10 to FY12	% Increase / Decrease
Active Offenders	31,262	30,977	33,361	2,099	7%
Offenders w/ at Least One Violation	23,288	20,758	23,107	-181	-1%
Administrative Sanctions					
PSE Conversions	1,312	1,652	2,732	1,420	108%
PSE Accounts	160	140	157	-3	-2%
Financial Assessment Restructures	14,168	14,615	16,663	2,495	18%
Fee Exemptions	7,381	6,341	7,880	499	7%
Home Visits *	11,754	11,911	13,188	1,434	12%
Other Administrative Sanctions	2,535	2,516	2,673	138	5%
Verbal / Written Reprimands	5,367	5,645	13,000	7,633	142%
Total Admin Sanctions	42,667	42,820	56,293	13,616	32%
Legal Process					
Warrants Issued	11,163	9,302	7,100	-4,063	-36%
Citations Issued	16,052	13,082	10,304	-5,748	-36%
Total Legal Process	27,215	22,384	17,404	-9,811	-36%

	FY 2010		FY 2011		Projected FY 2012		Change FY10 to FY12	% Increase / Decrease
	No.	% of Total Closures	No.	% of Total Closures	No.	% of Total Closures		
Revocations								
Compliance Revocations	4,783	29%	4,141	27%	3,045	22%	-1,738	-36%
New Offense Revocations	880	5%	825	5%	845	6%	-35	-4%
Total Revocations	5,663	34%	4,966	32%	3,890	28%	-1,773	-31%

* Home Visits to address violations are home visits that occur 30 days after the start of supervision.

Section 55

Parole for Terminally Ill, Geriatric, or Permanently Disabled Inmates

§ 24-21-715(A)

- PPP to provide supervision for inmates' parole from incarceration due to designated status (medical, etc.).

Highlights for FY12 (All information as March 31, 2012)

- Two referrals received from SCDC.
- One inmate was not eligible due to being a no parole offense.
- One was heard for Parole and rejected.